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## #1

## COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Friday, May 07, 2021 11:42:52 AM

 Last Modified:
 Friday, May 07, 2021 11:51:58 AM

 Time Spent:
 00:09:06

 IP Address:
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Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

No funds allocated to any improvements at the Brierly Recereation Reserve. Club rooms in urgent need of replacement, asbestos stickers dominate the interior. \$1650k allocated to Recreation Facilities Upgrade, whilst there is no breakdown, would be safe to asssume \$0 budgeted for Brierly.

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

## #2

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Friday, May 07, 2021 1:05:45 PM

 Last Modified:
 Friday, May 07, 2021 1:25:40 PM

Time Spent: 00:19:54 IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

Absolute waste of money to repair outdated sale yards. The amount of cattle and profits are decreasing each year. Only 3 agents use it. There are not many farms in city of Warrnambool. The story given is that whole families come to town and shop on sale day. Tis might have been case 50 years ago but not now.

Majority of residents in town dont want it anymore.

Sale yards would realise 10 million if sold for development. Then there is the ongoing annual rates that will come from such a sale. The saleyards will be a white elephant in a few years. More farmers are sending their stock to Mortlake now because of better facilities (with more upgrades soon) and better prices. Mortlake and Wodonga are now the top selling centres in Victoria. And will continue to be so.

#### Q2

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No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Don Evans

Post code 3280

## #3

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Friday, May 07, 2021 6:34:12 PM

 Last Modified:
 Friday, May 07, 2021 6:43:48 PM

 Time Spent:
 00:09:35

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

With the hardships of Covid it really is time for the council to give the ratepayers a break. No to any increase for this year! With a surplus it's time to stop the increase for 1 year. People are hurting! Don't let arrogance rule here!

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Davena
Post code 3280
Email Address XXXX

## #4

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Saturday, May 08, 2021 2:12:40 PM

 Last Modified:
 Saturday, May 08, 2021 2:36:50 PM

Time Spent: 00:24:09

IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

Re - Commercial rates for airbnb

Its great the council have found a backbone in order to support genuine accommodation providers, but believe this policy should go a step further

Not only should they pay the commercial rate, in my opinion they should also be regulated & undergo the council inspections, along with CFA regulations & fire extinguisher checks etc.

After all, they are making an income out of accommodation but without the overheads of registered & regulated providers. In saying that, this is a first step in the right direction

I should make it clear too, that I am not an accommodation provider

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

## #5

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 09, 2021 7:23:30 PM

 Last Modified:
 Sunday, May 09, 2021 7:24:55 PM

Time Spent: 00:01:25 IP Address: XXXX

Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

Nothing included about fixing the lack of baby change/feeding facilities in the cbd

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

## #6

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 09, 2021 8:17:55 PM

 Last Modified:
 Sunday, May 09, 2021 8:20:08 PM

 Time Spent:
 00:02:13

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

How can you justify raising rates when you've elected for the "highest pay rate".

The rates are already ABOVE the national CAP! THE CAP!!!!.

How about you actually PUT THE COMMUNITY first and take your pay that Fits into the budget you already have! Not increasing fees to cover more money in your pockets.

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

## **#7**

#### COMPLETE

Collector: Web Link 1 (Web Link)

**Started:** Monday, May 10, 2021 9:10:09 AM **Last Modified:** Monday, May 10, 2021 9:20:40 AM

Time Spent: 00:10:30 IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

The idea that airbnb's should be charged more for their rates his a half baked money grab. I brought my property on pertobe rd as a holiday house for myself and family and for an investment. it was rented out for the first 12 months I had it but I couldn't enjoy it myself. So it's listed on airbnb 12 months of the year, but I block out the days we stay down there so they cant be booked by visitors. It makes me around the same money as when I rented it. So your basically doubling my rates so I can enjoy my holiday house when I want to. I'd say 99% of all houses listed on airbnb and stays sited would be run by mum and dad investors trying to make a small bit of cash. You are doing them all a great disservice.

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Casey O'Keefe

Post code 3280

Email Address XXXX XXXX

Phone Number

## #8

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Monday, May 10, 2021 4:28:34 PM

 Last Modified:
 Monday, May 10, 2021 4:33:51 PM

 Time Spent:
 00:05:16

 IP Address:
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Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

3 years ago I was in a fortunate situation to be able to buy an investment property and purchased one of the apartments on pertobe rd across from the army barracks.

I love the location with all the beach walks and how vibrant the area is over summer.

I leased it out for the first 12 months to help pay off some debt on the property but didn't like that, as I couldn't actually use my apartment.

After the lease was up, I tried Airbnb as an option, as I could still draw some income off the property and use it as I wished.

I have it listed 12 months a year on Airbnb and block off the days I wish to use it myself.

I have several days in the next few months I've given to friends of mine for use for their up coming weddings free of charge which I will draw no income.

With my property listed 12 months of the year on the site, by the story in the paper on Saturday, I will be charged a commercial rate on my rates notice.

I feel I'm being unfairly treated because I want to draw a small income on the property while still wanting to use the property myself.

I'm sure 90% of all the Airbnb property's listed will be just mum and dad investors trying to make a small extra dollar on their property's. I think perhaps you should be looking at the larger holiday short term rental businesses like the langley's houses dotted around the beach area.

So question is, although its listed on airbnb for 12 months of the year, but unavailable 12 months of the year due to my personal use, how will the council know the property is being used by myself and my family, or being used buy airbnb guests, when it's always visible on the site?

### Q2

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No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name casey okeefe

Post code 3280

Email Address XXXX XXXX

Phone Number

## #9

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 11, 2021 9:47:40 AM

 Last Modified:
 Tuesday, May 11, 2021 9:59:51 AM

Time Spent: 00:12:10 IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

Re rate increase for short term rentals.

I read with interest Mr Curry from Stayz comments. He seem to be misguided & miising the point - he fails to note a level playing

His & other companies have been parasites on the accommodation industry for years & now a council/s have found a backbone to stand up to them, they come back with a very poor argument indeed.

The only thinh I take from his comments is that maybe the increase isnt high enough as council may not have factored in what he thought the charges were for.

Ita a typical sook CEO response, something youd expect from a 4yo not allowed a lolly in a lolly shop

NB, I am not an accommodation provider, but believe in fairness to regulated businesses

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

## #10

## COMPLETE

Collector: Web Link 1 (Web Link)

Started: Saturday, May 15, 2021 7:08:12 PM Last Modified: Saturday, May 15, 2021 7:11:42 PM

 Time Spent:
 00:03:29

 IP Address:
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Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

Are you people taking into account the hardship many ratepayers have faced due to covid? Freeze rates this year and defer some projects. Don't give me the "if you're experiencing hardship" line either. Deferring rate payment does nothing

### Q2

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No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Email Address XXXX@yahoo.com.au

Phone Number XXXX

## #11

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 16, 2021 5:32:39 PM

 Last Modified:
 Sunday, May 16, 2021 5:34:13 PM

Time Spent: 00:01:34 IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

Disagree with rate increase

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Melissa Johnstone

Post code 3280
Email Address XXXX
Phone Number XXXX

## #12

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Monday, May 17, 2021 8:24:17 PM

 Last Modified:
 Monday, May 17, 2021 8:31:49 PM

 Time Spent:
 00:07:31

 IP Address:
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Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

From first glance the budget looks to cover a wide range of community projects and facilities.

I love the upgrade of the Reid oval and how this will serve our community from visitors from other shires and hosting significant sporting events. Council now needs to reflect on the standard of all its Football/ Netball facilities.

Some of the facilities are down right embarrassing for the council. There needs to be money invested in the Bushfield Ival to bring it up to the high standard of the Hampson League. We have ex-AFL players recalling from Melbourne to very sub-standard facilities. One game there were 4 ex AFL players playing in the Hampden Game and there was no hot water for a shower after the game.

This is not a reflection on the club, but on the council.

The Hampden Football Netball League is a premier league and its facilities should match. The Moyne Shite and Corrangamite Shire have ensure their Hampden League facilities are of a high standard. Now it's time for the Warrnambool City Council to bring the Bushfield Recreation Reserve up to match the rest of the league.

They are a club that needs your help. The youngest club of the league with the smallest community, but the biggest of hearts.

## Q2

Yes, I wish to speak in support of my submission.

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#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

NameKim WinesPost code3281Email AddressXXXXPhone NumberXXXX

## #13

## COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, June 01, 2021 2:42:33 PM

 Last Modified:
 Tuesday, June 01, 2021 3:06:28 PM

Time Spent: 00:23:54
IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

A rate rise is not justified especially in these uncertain and difficult times. Council budget shows a surplus. Stop pouring money into Flagstaff Hill it is just a complete waste. Flagstaff Hill is not an appropriate site for a shipwreck museum as it is not accessible to all ages or abilities due to the steep site along with uneven cobblestones, etc.

A more appropriate site for a comprehensive shipwreck coast museum would be at the Worm Bay site which could display majority of the artefacts in Warrnambool City Council's possession. You could then use a slogan for it such as "Finish the shipwreck story at the SHIPWRECK MUSEUM IN WARRNAMBOOL and see the artefacts recovered from these shipwrecks ". This could be in the form of pamphlets or signs along the Great Ocean Road and encouraging tourists to extend their stay in Warrnambool.

I'm not suggesting that this museum be built immediately but WCC need to stop putting money into Flagstaff Hill now.

#### Q2

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No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Christine Thompson

Post code 3280

Email Address XXXX XXXX

Phone Number

## #14

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, June 01, 2021 5:03:14 PM

 Last Modified:
 Tuesday, June 01, 2021 5:04:41 PM

 Time Spent:
 00:01:27

 IP Address:
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Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

The Warrnambool Ratepayer Association are asking our newly elected Councillors to give the ratepayers a break by not increasing rates for the financial year 21-22. The previous council hit ratepayers with a 2.5% increase during the Covid pandemic, many other Councils opted to hold rates to soften the impact on residents. Residents are still recovering from the financial effects of the pandemic and now with a new lockdown and no job keeper, rent rebates, leniency on housing loans the impact is only going to increase. The association sees a rate freeze as a great opportunity for the new Councillors to show they are really listening to residents and what they need.

The Councils Financial report at March 31st. states a financial favorable position of \$982,000 and at the end of the financial year it is expecting a surplus of \$1.68 million, this shows that a rate freeze would certainly be achievable. This position would have been even more favorable if our caravan parks were able to operate at full capacity the same as Port Fairy over the Christmas – New Year period.

It is disappointing to see increases in parking fees of 42% for 1P, 2P & 4P and 33% for all day parking when 70% of our retail workers drive to work and a further 10% are passengers in a car.

Wages are budgeted to be \$37.689 million an increase of 12%, when Ratepayers are being asked to dig a bit deeper into their pockets it is reasonable to expect Council also do their bit.

We understand that rate increases are inevitable, however it is certainly possible for ratepayers to be spared the impost of a rate rise this year.

The Warrnambool Ratepayers Association are concerned that a budget model with a zero percent increase was not presented to Councillors, it would appear that despite requesting community feedback the only option presented was a 1.5% increase. Residents have to budget for their expenses and living costs from the income they have coming into the household, this at times is difficult for many with just enough money to buy food and certainly nothing leftover to spend on going to the movies or perhaps out for dinner. With the high cost of housing rental and the financial impact from Covid that is being felt, WRA would expect to see election campaign promises upheld and not broken.

## Q2

Yes, I wish to speak in support of my submission.

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Joan Kelson

Post code 3280
Email Address XXXX
Phone Number XXXX

## #15

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, June 01, 2021 9:41:56 PM

 Last Modified:
 Tuesday, June 01, 2021 10:39:24 PM

 Time Spent:
 00:57:28

 IP Address:
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Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

#### WCC Budget 2021/2022

Hello, the 1,2,4 hr parking fees should not be increased, it is unfair and unjust due to covid and trying to get visitors and shoppers to return to the city,

This will drive people away from shopping in Warrnambool, parking fees should not be changed until the parking review is completed, so the best outcome for the city is achieved, Parking meters are there for traffic management and to cover the costs of the traffic management, the council uses the fees as low lying fruit to prop up revenue, for every increase in fees there's a decrease in customers to the city, so to increase the hourly parking fees by 42.5% is absurd, the all-day parking should be increased to \$4, it should have never been reduced from \$4 to \$3, 3 years ago,

An increase of 5% to all users' fees should be considered to help make up the short fall, or cover the increasing costs, I see in the budget that some areas are unfairly targeted and other areas have no fee increases, Lighthouse Theatre, approx. %5 increase overall, shows and performances bring people to Warmambool, but on the other side there is no increases for the Caravan Parks, why is this, costs go up so the rates should go up, so the load and costs need to be spread to all users across Warmambool. The biggest cost is Staff, this needs to be Reviewed, we as rate payers can't just hand over money to top up other people's wages and super funds, at present you will have to have a rate increase of %3 every year just to cover the Wage increases, this is the biggest issue to the budget, 14 years ago the wages bill was 17 million with 360 staff, now 400 staff and 37 million per year, what has happened, bad management or greed, so at this rate in 5 years' time the wages bill will be 45 million, what a monster, some consideration is required in this area as well. Reduce Staff numbers or reduce wages, the average wage for a council staff member is 85k, the average Warmambool residents wage is 55k, so why the disconnect in wages?

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Willy Benter

Post code 3277

Email Address XXXX XXXX

Phone Number

## #16

## COMPLETE

Collector: Web Link 1 (Web Link)

Started: Wednesday, June 02, 2021 10:59:07 AM Last Modified: Wednesday, June 02, 2021 11:05:41 AM

 Time Spent:
 00:06:34

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

I strongly appose the rise to rates some people are not doing well money wise due to lost jobs and so forth a rate rise see more people forced to sell or go broke, when is enough enough? Its ok if you have plenty of spare money i hope you reliese that you are making people homeless with these rises

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

## #17

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Wednesday, June 02, 2021 12:12:03 PM

 Last Modified:
 Wednesday, June 02, 2021 12:17:34 PM

Time Spent: 00:05:31 IP Address: X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

### Q1

Please provide your feedback on the Draft Budget in the space below.

Parking increases of up to 42.8% when all councilors lobbied for no increase during the election process is not justified.

Wages budgeted at \$37.689 Million – increase of 12% not justified when ratepayers are being asked to pay more.

I hope for budget monies to be made available for the Foreshore Precinct Development inclusive of - Boat Ramp, much needed Dredging, Breakwater Wall maintenance / Fix

Steve Tippett Warrnambool

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Steve Tippett

Post code 3280
Email Address XXXX
Phone Number XXXXX

## #18

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Wednesday, June 02, 2021 12:14:23 PM Last Modified: Wednesday, June 02, 2021 12:18:22 PM

Time Spent: 00:03:58 IP Address: XXXX

Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

The people of Warrnambool need a break. If there is a surplus it should be used to avoid the rate increase.

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Davena Edwards

## #19

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Wednesday, June 02, 2021 12:18:20 PM Last Modified: Wednesday, June 02, 2021 12:20:44 PM

 Time Spent:
 00:02:24

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

very disappointed in the new councillors. This goes against all their bellyaching about the previous council. The parking fees are a disgrace. Max Taylor what do you think?

### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Robert Stephen

Post code 3280
Email Address XXXX
Phone Number XXXXX

## #20

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started:Wednesday, June 02, 2021 4:38:46 PMLast Modified:Wednesday, June 02, 2021 4:40:52 PM

 Time Spent:
 00:02:06

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

## Q1

Please provide your feedback on the Draft Budget in the space below.

Putting up parking fees again will definately stop people from shopping in the CBD.

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

## Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name E. Sparrow

## #21

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Wednesday, June 02, 2021 4:39:27 PM

 Last Modified:
 Wednesday, June 02, 2021 4:42:12 PM

 Time Spent:
 00:02:44

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Budget 2021-2022

#### Q1

Please provide your feedback on the Draft Budget in the space below.

Rates rise is not justified Given the rate rise in 2020 Parking increase will ruin the CBD Make cut backs in other areas to cover shortfalls

#### Q2

The consultation process for the Council Budget provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name BARBARA PORTER

Post code 3280
Email Address XXXX
Phone Number XXXX

#### Draft Council Plan 2021-2025

## #1

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 09, 2021 11:32:08 AM

 Last Modified:
 Sunday, May 09, 2021 11:33:16 AM

Time Spent: 00:01:07 IP Address: X X X X

Page 1: Have your say on the Draft Council Plan 2021-2025

### Q1

Please provide your feedback on the Council Plan in the comment box below?

Most Airbnb properties are owned by families trying to raise an extra dollar to pay for already exorbitant rates and associated costs. Business is not always highly profitable, it is seasonal, it is unreliable and sometimes a very great deal.

Of work. To raise the rates on these properties is preposterous. How on earth do you think you will be able to accurately gauge the viability and hence rate ability of these properties? Via social

Media... really? Our current council is inept at the best of times and you think this is going to be fair and equitable? Seek your revenue elsewhere and stop pandering to a minority. If you take this path then I also expect to see every pop up bar and shop heavily, and I mean heavily rated/taxed too. Your cheerfully support such ventures without nary a thought for the hotels and restaurants that pay rates, fees, taxes etc ALL year long yet watch their lucrative Summer trade sip and munch away at the pop up lane way bar across the road... virtually free, gratis of all your requirements imposed on the fixed venues. Leave the Mums and Dads alone to earn an extra dollar with their little side kick income stream- renting out a room or a house. Shame on you. This is not the Gold Coast, they are not offering multiple properties and high rise digs, just houses and remember folks, we are recovering from a pandemic and No International tourism at all!!

## Q2

The consultation process for the Council Plan provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm, Monday June 7, 2021 at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

#### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name Alison bonjer

Post code 3280

Email Address XXXX XXXX

Phone Number

#### Draft Council Plan 2021-2025

## #2

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Saturday, May 15, 2021 4:20:53 PM Last Modified: Saturday, May 15, 2021 4:27:10 PM

Time Spent: 00:06:17 IP Address: XXXX

Page 1: Have your say on the Draft Council Plan 2021-2025

## Q1

Please provide your feedback on the Council Plan in the comment box below?

Has anyone considered making Flagstaff Hill more active? By,

- a) Having a market, opening the shops and selling items.
- b) Having live music with local performers.

Bringing Fun 4 Kids back. Not with big, (expensive) names but using local talent.

## Q2

The consultation process for the Council Plan provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm, Monday June 7, 2021 at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

Name N. Miller
Email Address XXXX

#### Draft Council Plan 2021-2025

## #3

## COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 23, 2021 10:05:11 PM

 Last Modified:
 Sunday, May 23, 2021 10:07:07 PM

 Time Spent:
 00:01:56

 IP Address:
 X X X X

Page 1: Have your say on the Draft Council Plan 2021-2025

#### Q1

Please provide your feedback on the Council Plan in the comment box below?

Great aspirations.

Appreciate the ease in which we can comment/provide feedback

## Q2

The consultation process for the Council Plan provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm, Monday June 7, 2021 at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

#### Long-Term Financial Plan 2021-2031

## #1

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Thursday, May 13, 2021 8:50:24 PM

 Last Modified:
 Thursday, May 13, 2021 8:52:27 PM

 Time Spent:
 00:02:03

 IP Address:
 X X X X

Page 1: Have your say on the Long-Term Financial Plan 2021-2031

#### Q1

Please provide your feedback on the Long-Term Financial Plan in the space below.

It would be a great first step if people with no relevant skills and experience refrained from standing for Council.

### Q2

The consultation process for the Long-Term Financial Plan provides an opportunity for people to speak in support of their submission at a Council Meeting to be held at 5.45pm on Monday, June 7, 2021, at the Lighthouse Theatre Studio. Those wishing to speak will have up to five minutes to address the Council. If you wish to speak in support of your submission please indicate this below by choosing yes.

No, I do not wish to speak in support of my submission.

### Q3

Please provide your contact details. Those who wish to speak in support of their submission, or have someone speak on their behalf, must provide contact details.

 Name
 Steve

 Post code
 3280

 Email Address
 XXXX

 Phone Number
 XXXXX

## #1

### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 04, 2021 10:36:00 PM

 Last Modified:
 Tuesday, May 04, 2021 10:44:59 PM

Time Spent: 00:08:58 IP Address: XXXX

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

## Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Glad that your putting a commercial tax on rates for Airbnb properties. Should they also follow the same health and safety measures with health inspectors inspecting the property. I believe it would fall back on the council if an individual was to stay at one of these properties and the business does not meet the health and safety standards?

## Q2

Please provide your contact details.

Post code 3280

## #2

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Saturday, May 08, 2021 10:48:47 AM

 Last Modified:
 Saturday, May 08, 2021 10:55:33 AM

 Time Spent:
 00:06:46

 IP Address:
 X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

## Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

To hear the WCC is considering charging AirBnB owners through trolling social media is gob smacking. Your ability to police those that let their homes on the likes of AirBnB or Stayz for the likes of May race Weekend or Port Fairy Folk Festival - how are you going to manage that? How are you going to confirm the house was booked out? Are you also going to target all local real estate agents who manage local holiday bookings as well? You want a level playing field, well seriously think about the uproar and reputation damage this will bring to the city. Lets hope Uber brings in a house option. Seriously, I do not have an airBnB but fundamental this policy is flaunt with danger, which no doubt see you incur legal reprisal.

How about you look within and send a razor gang through your own departments or start charging correctly for 'gifted' properties to ex employees and former Councillors.

#### Q2

Please provide your contact details.

Name John Graham

## #3

## COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 09, 2021 11:28:32 AM

 Last Modified:
 Sunday, May 09, 2021 11:29:27 AM

 Time Spent:
 00:00:55

 IP Address:
 X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

Q1 Respondent skipped this question

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Q2

Please provide your contact details.

Name Alison Bonjer

## #4

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 09, 2021 11:34:55 AM

 Last Modified:
 Sunday, May 09, 2021 11:35:40 AM

Time Spent: 00:00:44

IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Most Airbnb properties are owned by families trying to raise an extra dollar to pay for already exorbitant rates and associated costs. Business is not always highly profitable, it is seasonal, it is unreliable and sometimes a very great deal.

Of work. To raise the rates on these properties is preposterous. How on earth do you think you will be able to accurately gauge the viability and hence rate ability of these properties? Via social

Media... really? Our current council is inept at the best of times and you think this is going to be fair and equitable? Seek your revenue elsewhere and stop pandering to a minority. If you take this path then I also expect to see every pop up bar and shop heavily, and I mean heavily rated/taxed too. Your cheerfully support such ventures without nary a thought for the hotels and restaurants that pay rates, fees, taxes etc ALL year long yet watch their lucrative Summer trade sip and munch away at the pop up lane way bar across the road... virtually free, gratis of all your requirements imposed on the fixed venues. Leave the Mums and Dads alone to earn an extra dollar with their little side kick income stream- renting out a room or a house. Shame on you. This is not the Gold Coast, they are not offering multiple properties and high rise digs, just houses and remember folks, we are recovering from a pandemic and No International tourism at all!!

## Q2

Please provide your contact details.

Name Alison Bonjer

## #5

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 09, 2021 11:35:44 AM

 Last Modified:
 Sunday, May 09, 2021 7:17:59 PM

Time Spent: 07:42:14 IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Most Airbnb properties are owned by families trying to raise an extra dollar to pay for already exorbitant rates and associated costs. Business is not always highly profitable, it is seasonal, it is unreliable and sometimes a very great deal.

Of work. To raise the rates on these properties is preposterous. How on earth do you think you will be able to accurately gauge the viability and hence rate ability of these properties? Via social

Media... really? Our current council is inept at the best of times and you think this is going to be fair and equitable? Seek your revenue elsewhere and stop pandering to a minority. If you take this path then I also expect to see every pop up bar and shop heavily, and I mean heavily rated/taxed too. Your cheerfully support such ventures without nary a thought for the hotels and restaurants that pay rates, fees, taxes etc ALL year long yet watch their lucrative Summer trade sip and munch away at the pop up lane way bar across the road... virtually free, gratis of all your requirements imposed on the fixed venues. Leave the Mums and Dads alone to earn an extra dollar with their little side kick income stream- renting out a room or a house. Shame on you. This is not the Gold Coast, they are not offering multiple properties and high rise digs, just houses and remember folks, we are recovering from a pandemic and No International tourism at all!!

## Q2

Please provide your contact details.

Name Alison Bonjer

# #6

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 11, 2021 9:06:10 AM

 Last Modified:
 Tuesday, May 11, 2021 9:09:12 AM

 Time Spent:
 00:03:01

 IP Address:
 X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Buisness is still finding it tough to recover after covid, now we head into winter and with lack of tourists, events, the growth number in air bnb and still paying off last years rates we cannot afford to pay a rate increase this year.

#### Q2

Please provide your contact details.

Name steve moore

#### **#7**

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 11, 2021 9:37:11 AM

 Last Modified:
 Tuesday, May 11, 2021 11:10:37 AM

Time Spent: 01:33:26 IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

#### I Re 1.4.4 Rating differentials.

I wish to comment on the issue of how to get a more equitable system for charging accommodation providers. Hotels, motels, caravan parks and hostels are purpose-built to serve a specific commercial purpose whereas "short-term" accommodation is usually provided in houses specifically built for domestic use. Therein lies the loophole which allows paid holiday accommodation to be provided in domestic properties without the operators paying commercial rates or having to comply with health and safety regulations and relevant fees.

Several years of experience as an accommodation provider has given me some insight into the issue. We ran our former family home in central Warrnambool as a official rooming house for some years before we changed it to an airbnb listing. As a rooming house where we hosted overseas Midfield workers on a per person weekly rate we had to register with Consumer Affairs and the City Council health department. This involved annual fees, inspection and compliance with strict health and safety standards. However, when we de-listed it as a rooming house there were no such controls or fees required to run it as "short-term" bed and breakfast accommodation. This seems strange because the risk of accidents or sickness is just as likely in a domestic setting as in a commercial setting.

Considering airbnb type accommodation is generally provided in whole house and part-house arrangements, some all-year and some part year it may prove difficult and complicated for council to apply commercial rates to domestic properties except for those where paid accommodation is the only use of the property long-term.

May I suggest a registration system which all accommodation operators large and small have to comply with. The subsequent property inspections and compliance regulations would improve the overall standard of accommodation across the city and provide a new revenue stream for council.

On the issue of regulation, the issue still exists where there are several properties around Warmambool and nearby where Midfield workers are charged a per person rate in share houses which should be regulated as a Rooming House. But that's another story. Cheers

#### Q2

Please provide your contact details.

Name Peter Collins

### #8

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 11, 2021 7:13:16 PM

 Last Modified:
 Tuesday, May 11, 2021 7:24:52 PM

 Time Spent:
 00:11:36

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

In relation to proposal to chargeAirBnb and Stays commercial rates, we would like to provide the following...

AirBnB properties in our town and region have been floating on the coat tails of all the regulated accommodation businesses.

These registered businesses have multiple compliance regulations to ensure compliance such as council compliance with Pools, Food handling, land rates along with the most important compliance which is CFA and many more. The average registered accommodation is paying out upwards of \$10k per annum just to ensure their business is registered with council and they meet all regulatory compliance issues, along with higher rates, insurance premiums etc. AirBnb and Stays are asked to ensure they meet all government regulations, yet the hosts of these homes/rooms/garages!!! Just laugh and take trouser money without a care in the world. Council needs to put processes in place to ensure AirBnb and Stays listings pay a levy to firstly register as a commercial operation and secondly, they then have to comply with the latest pool regulation for water testing, fencing! CFA requirements etc. Th either major concern is As these are unregistered businesses, they are not using the Government approved QR code for all guests to checkin...with COVID still well out of control, we need to protect our residents and our region. Registered accommodation providers face huge fines if they do not ensure all guests register via QR code yet AirBnb listings do not have the same safety and tracing mechanisms in place..... It's time for the council to provide an even playing field for all accommodation providers to ensure the safety of everyone in our region....

#### Q2

Please provide your contact details.

Name Lisa
Post code 3280
Email Address XXXX

### #9

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Thursday, May 13, 2021 9:23:42 AM Last Modified: Thursday, May 13, 2021 9:24:56 AM

Time Spent: 00:01:14

IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

The recent article in The Standard (Saturday May 8) has reported on this matter without any representation from the short term accommodation providers.

I respectfully request the Warrnambool City Council extend an invitation to short term accommodation providers to discuss the matter of the proposed increased rate charge.

The WCC should provide context and perimeters to fairly adopt this proposed rate change. If we are comparing short term accommodation providers with Motel operators then it is only fair that revenue and rates of both types of these services be provided and assessed.

Further consideration should be discussed about:

- the key criteria the WCC will use to determine which short term accommodation provider does or does not pay commercial rates
- · the ratio of short term accommodation providers in context of the entire housing stock in Warmambool
- the exclusion of other service providers creating income from properties with residential rates (manufacturing, construction, hospitality, fitness, medical and professional services)
- · the key differences of services between motel operators and short term accommodation providers
- the onflow of financial benefit by providing diversity of accommodation services to a regional city promoting tourism
- · the risk of loss of diverse accommodation services due to rate increases
- the direct benefit to local employment with laundry services and cleaning services
- justification of rates for long term rental income versus short term rental income
- justification of the WCC employing staff to assess these properties vs the fiscal benefit
- · the types of buildings used as short term accommodation compared to motel accommodation
- the freedom of choice by the property owner and holiday maker

As Cr Ben Blain has raised (and I agree), it is unclear how this proposed rate increase can be fairly enforced. A meeting to provide feedback from the short term accommodation providers should assist the WCC with a making a balanced decision about this matter and make it clear to rate payers how this rate increase would be managed and legislated.

I look forward to hearing from you about this.

Sincerely,

Donna Monaghan

#### Q2

Please provide your contact details.

Name donna monaghan

7 June 2021

Page | 42

#### Revenue and Rating Plan 2021-2022

# #10

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Thursday, May 13, 2021 8:46:50 PM Last Modified: Thursday, May 13, 2021 8:50:03 PM

 Time Spent:
 00:03:12

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

The new Council all stated no rate rises.

They need to stop with the populist nonsense for example about free parking and just focus on the basics without the need to personal grandstand

#### Q2

Please provide your contact details.

Name Lynn Hudson

#### #11

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Friday, May 14, 2021 6:14:50 AM

 Last Modified:
 Friday, May 14, 2021 6:22:49 AM

 Time Spent:
 00:07:59

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I am concerned about Air B n Bs coming under commercial rates. We have only a small room In our family home that is used on an irregular basis for an Air B n B. It was originally set up for family to stay however due to covid they have not been able to stay. Having this zoned commercially would be out of proportion for the area that is used by the guests. The rates would be more than the income we are generating. It should be a bed tax based on a per night stay. Or alternatively the whole house should not be deemed commercial - just the room that is used for the Air b n b. We also do not wish to have someone permanent stay in the room so this would not solve the rental crisis.

#### Q2

Please provide your contact details.

Name Monique Jeffries

#### #12

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Friday, May 14, 2021 1:22:58 PM

 Last Modified:
 Friday, May 14, 2021 1:38:18 PM

 Time Spent:
 00:15:20

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Local AirBnB owners are still trying to recover from the effects on tourism caused by the COVID pandemic. To hit them with a massive rate rise is unfair. These are not commercial premises with many beds such as motels and hotels. They can only take one booking at a time and are not making the tens of thousands of dollars suggested by some councilors. To force Airbnbs out of business would mean flow on effects to Warrnambool businesses as tourists will go elsewhere. Many travellers choose AirBnB over motels because of the hard work of hosts to provide great holiday experiences. If traditional accommodation providers are suffering from the competition it's because many don't have the level of commitment to guest comfort and enjoyment that AirBNB hosts have.

#### Q2

Please provide your contact details.

Name Annette Sedgley

# #13

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Friday, May 14, 2021 6:00:30 PM

 Last Modified:
 Friday, May 14, 2021 6:27:27 PM

 Time Spent:
 00:26:57

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I write to voice our opinion on the proposed increase to landowners who use their property for Airbnb purposes and the Council's proposal to increase rates as such by 80%. Council needs to be aware that we use our property as a holiday place for our family and for ourselves and the house is used to rent out through the Airbnb platform on a part time basis. Consequently to increase rates by 80% would be an unfair increase due to our property being used only a part time basis. Due to this dramatic change in rate collection for 2021-2025, landowners in similar situations to us need to be given at least a 12 month notice of intention to increase rates by a certain percentage so us landowners can be adequately informed to make a decision about whether to continue operating their Airbnb properties as at present, albeit on a part time basis. Council needs to be aware that landowners do pay council rates at present and land tax to State Revenue. An increase in rates would logically have to be passed on the prospective tenant of Airbnb. Logically people who rent their houses or units on a permanent basis must also be subject to an increase in rates. This will lead to an increase in rents to tenants of both permanent rentals and those who use their properties for Airbnb purposes. Motels and hotels do not provide accomodation that Airbnb tenants are after, the ability to find a place to be able to cook themselves in a private setting, consequently providing accomodation that families in particular can afford. Recently we rented out our 3 bedroom town house for 2 days over the Warrnambool Carnival, charging \$140 per night for 2 people and an extra \$15 per night for the third person plus a \$40 cleaning fee. The 3 people overall paid \$350 for the two nights, an average of about \$60 per person per night, they were able to do their own washing, cook their own meals and were provided with breakfast by us. This service is not provided by hotels and motels in the Warrnambool precinct. So we are providing a service affordable by family and tourists alike, something that is not offered and provided by hotels and motels. Our prices do not change due to holiday periods and Warrnambool May Carnival type events. I believe a drop in tourist numbers will result if the Council were to increase rates, this will effect the tourist dollar and give Warrnambool the reputation that it is too costly to stay.

#### Q2

Please provide your contact details.

Name Justin and Margaret STAUNTON

# #14

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Sunday, May 16, 2021 5:30:19 PM

 Last Modified:
 Sunday, May 16, 2021 5:32:00 PM

 Time Spent:
 00:01:40

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

Council rates should not increase

#### Q2

Please provide your contact details.

Name Melissa Johnstone

# #15

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 18, 2021 10:27:15 AM

 Last Modified:
 Tuesday, May 18, 2021 10:37:07 AM

Time Spent: 00:09:51 IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I object strongly to the proposal to Airbnb properties being moved from residential to commercial rating category. Here we go again where Warrnambool council is going out on its own to reclassify rating categories. Fair enough if this was legislated state or federal wide. Council shows it is listening to the squeaky wheel that was often voiced by one member of the ratepayers association who owned a motel. Has council surveyed motels to see what their occupancy rates have been alongside Airbnb's over the same time frames and busy tourist times? What will happen is that many people operating Airbnb's will go out of operation and clients will go to Port Fairy, Koroit or elsewhere to stay in unique accommodation that these small operators provide. The council can't see the Forrest for the trees in this instance and it will be to the detriment of Warrnambool if they pursue this. I was hoping for some common sense from the new council

#### Q2

Please provide your contact details.

Name Liza McCosh

# #16

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Thursday, May 20, 2021 8:39:48 AM Last Modified: Thursday, May 20, 2021 8:52:05 AM

 Time Spent:
 00:12:17

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I object to another rate increase proposal for 2020- 2021 financial yr I know council has stated it is required for the various projects but I think ratepayers should of had the opportunity to select what they want as the most important things to do and the ones that could be held over until the following year/years

#### Q2

Please provide your contact details.

Name Glenda Thompson

# #17

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Thursday, May 20, 2021 8:52:26 AM Last Modified: Thursday, May 20, 2021 8:52:35 AM

 Time Spent:
 00:00:09

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I object to another rate increase proposal for 2020- 2021 financial yr I know council has stated it is required for the various projects but I think ratepayers should of had the opportunity to select what they want as the most important things to do and the ones that could be held over until the following year/years

#### Q2

Please provide your contact details.

Name Glenda Thompson

# #18

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Thursday, May 20, 2021 8:54:55 AM
Last Modified: Thursday, May 20, 2021 8:55:48 AM

 Time Spent:
 00:00:52

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I object to another rate increase proposal for 2021 -2022 yr I know council has stated it is required for the various projects but I think ratepayers should of had the opportunity to select what they want as the most important things to do and the ones that could be held over until the following year/years

#### Q2

Please provide your contact details.

Name Glenda Thompson

# #19

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Monday, May 24, 2021 11:27:21 AM

 Last Modified:
 Monday, May 24, 2021 11:31:25 AM

 Time Spent:
 00:04:04

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

WCC: Proposal to rate single premises B&B accommodation as commercial property

This proposal is ill-conceived, inequitable and more likely to cost more than it earns.

We do not compete with motels and we provide an important alternative form of accommodation to attract tourists to Warrnambool

Increasing tourism is listed in Council Plan 2017-2021 as a key strategy for Warrnambool and it is an important industry employer. Any action that may be detrimental to that industry would be a retrograde decision.

Warrnambool promotes itself as a premium tourist destination, and tourists (especially families) now require a different "home-away-from-home" experience. This is the service that we provide and these clients tend to stay longer and spend more money in the region.

If taxes are increased this will have one of two effects. It will either cause some properties to discontinue providing short-term accommodation (loss of tourist income), or an increase in the price of accommodation will discourage tourists (loss of tourist income).

Increasing rates to commercial would breach the rule of equity in taxation.

WCC argues that it is a matter of equity that single premises holiday accommodation providers are rated as a commercial property, and WCC Draft Revenue and Rating Plan 2021 1.4.4 justifies the higher rate for commercial properties on the provision of additional services.

On this basis there is no justification for rating a residential property that offers short term accommodation at commercial rates, because WCC does not provide these properties with additional services. Single residential properties are only provided the same services as every over residential property. If we moved into the property and used it as our private home the level of services provided would not change.

It would be inequitable to tax residential property as commercial as we already pay for extra services such as signage.

Breaches Australian Valuation Property Classification Code (AVPCC)

Item 23 includes in commercial classification only "accommodation in serviced rooms". Our property does not provide accommodation in serviced rooms.

Item 232 "Unit/s within a development used to provide short term accommodation as serviced apartments". Our property does not provide accommodation in a serviced apartment.

Item 233 Bed and Breakfast "Land developed with short-term accommodation, permitted in serviced rooms for persons away from their normal place of residence". We do not provide meals and our property does not provide accommodation in serviced rooms.

Item 235 – we are not a guest house.

Breaches the rule of efficiency in taxation

It is estimated that there are 87 properties in Warrnambool that may be converted from rating as residential to rating as commercial. At an average increase of \$1,200 per property this would raise \$104,400. However, in the Draft Revenue and Rating Plan 2021 there is no estimate of the additional cost of classifying these properties and maintaining the classification over the years. Given it will cost extra to administer this scheme the additional funds raised are likely to be minimal with the other consequence of lost tourist income.

#### Q2

Please provide your contact details.

Name Wesley and Deirdre OBST

# #20

#### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, May 25, 2021 2:09:52 PM

 Last Modified:
 Tuesday, May 25, 2021 2:10:31 PM

Time Spent: 00:00:39

IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I've been looking for where to make a comment on the idea of air bnb hosts being charged commercial instead of residential rates. I would be happy to hear from you if there is some kind of format you prefer, but meanwhile, here is my feedback.

I am an air bnb host, renting out my second bedroom for a maximum or three or four nights at a time, but usually for one or two nights: it has two single beds, and as you will see from my reviews (Seashells) I make a bit of an effort to promote Warmambool and provide a real bnb experience, so my guests get a good brekkie.

By contrast with motels, my costs are minimal. In principle I agree that a higher Council rate should apply to air bnbs than for a purely residential property.

However, I have made about \$3000 in six months, (gross, minus extra linen, food and power costs, etc.) It is unlikely I will make more than this, as my Melbourne family and friends are coming down more often, and I have blocked out the most popular holiday periods in hopes my grandchildren will be here.

The main reason I started air bnb is financial, so obviously I would not continue if I had to pay a full commercial rate.

I write in the hope that Council will find a way to make the system fair. Properties that are totally (or even mostly) devoted to air bnb obviously should pay commercial rates.

In my case, there have been months when I have no guests, sometimes I will have two people for three nights (such as the races) and even if I got very busy over summer, I would still be living here alone most of the time, so I don't think I should be required to pay a full commercial rate. I'd be happy to discuss this issue with anyone.

#### Q2

Please provide your contact details.

Name Jo Thomson

# #21

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Wednesday, May 26, 2021 2:54:24 PM Last Modified: Wednesday, May 26, 2021 2:55:48 PM

 Time Spent:
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 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

The Revenue and Rating plan section 1.4.8 - Collection and Administration of Rates and Charges

There is no reference to the Council ability to waive rate charges, in a recent report by ombudsman Deborah Glass it was stated that Councils should make clear all options available to ratepayers experiencing hardship including waivers.

The ombudsman also stated: "The public sector is expected to act in the public interest more than the private sector – but in dealing with hardship, local councils lag behind utility and other companies, including banks."

#### Q2

Please provide your contact details.

Name Joan Kelson

# #22

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Thursday, May 27, 2021 9:16:14 PM Last Modified: Thursday, May 27, 2021 9:26:55 PM

 Time Spent:
 00:10:41

 IP Address:
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Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

No commercial rates on air bnb property, where multiple units exist on 1 title for example, merri street apartments near the rsl. Already has multiple lots of rate payers on 1 title of land. Where as a motel can have multiple units on single land title but but only pays 1 set of rates, no where near the same amount of revenue.

#### Q2

Please provide your contact details.

NameTanyaPost code3265Email AddressXXXX

# #23

#### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Tuesday, June 01, 2021 10:43:20 AM 
 Last Modified:
 Tuesday, June 01, 2021 10:48:31 AM

 Time Spent:
 00:05:11

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IP Address: X X X X

Page 1: Have your say on the Draft Revenue and Rating Plan 2021-2022

#### Q1

Please provide your feedback on the Revenue and Rating Plan in the comment box below?

I don't believe rates should reflect income from an airbnb situation at a residence that is not commercial. i pay rates the same as my neighbours and any income and costs for that mater relating to my own property is nothing to do with revenue needed by WCC.

#### Q2

Please provide your contact details.

Name Fiona Hill Post code 3277 XXXX Email Address



# Warrnambool City Council Audit and Risk Committee

2021 Biannual Report of Activities January to June

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#### 1. Introduction

The Audit and Risk Committee (the Committee) is an independent advisory committee to Council established under section 54 of the Local Government Act 2020.

The purpose of *the Committee* is to advise Council on the effectiveness of the organisation's systems, processes and culture for complying with its legal and financial obligations and the management of risk. In fulfilling this role, *the Committee* is to aid in the implementation of the Council Plan.

The Committee is accountable to and reports directly to Council.

The Committee's work is to be informed by the requirements of *the Act* and best practice in audit, risk and governance principles and processes.

#### 2. Authority

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to this Charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

The Committee has the authority to:

- Seek resolution on any disagreements between management and the external auditors on financial reports;
- Review all auditing, planning and outcomes;
- Seek any information it requires from Council members, officers and external parties via the Chief Executive.
- Formally meet with Council officers, internal and external auditors as necessary.
- Address issues brought to the attention of the Committee, including responding to requests from Council for advice which is within the parameters of the Committee's terms of reference.
- The Chair has no executive authority on behalf of Council but can be consulted as required, as
  a sounding board by the Chief Executive or his/her delegate on matters that arise regarding
  audit, risk management or governance related issues.

#### 3. Key Activities and Recommendations

To achieve its objectives, the key activities undertaken by the Committee in the first half of the year included:

 Approve the annual work plan to assist the committee in discharging its responsibilities set out in the Charter.

- Reviewed and endorsed the asset valuation methodology which will be used to revalue assets as part of the 2020/21 financial statements.
- Provided oversight of the CCTV system annual reporting.
- Noted changes in significant accounting policies and the Local Government Performance Reporting Framework.
- Review and approval of the annual external Audit Strategy provided by the Agent of the Auditor General identifying the audit approach, deliverables and audit plan.
- Reviewed and endorsed the Councillor gifts policy.
- Received updates on Council's Workplace Health and Safety, including specific reports on relevant issues as they arose.
- Review of the Annual Risk Management Report analysing claims and premium history for all classes of insurance including Workcover as part of the regular Risk Adherence Report.
- Tabled and noted quarterly financial reports in accordance with statutory requirements.
- Noted CEO expenditure on a quarterly basis.
- Noted Councillor reimbursements on a biannual basis.
- Reviewed the findings of examinations by regulatory agencies (e.g. VAGO, IBAC), and any auditor (internal or external auditors) observations
- Noted it was to oversee adherence of Council to the CEO Employment and Remuneration Policy
- Received updates from the VAGO Acting sector director

#### 4. Audit and Risk Committee Membership

The composition of the Committee according to its charter is three independent members and two Council representatives.

The membership of the Committee is set out below:

#### 4.1 Independent Members

Mr Rob Wallis (Chairman)

Mr Dennis Farley

Mr Ashwin Kumar

#### 4.2 Council Respresentatives

Cr Angie Paspaliaris

Cr Ben Blain

#### 5. Meetings and Attendance

There are a minimum of four scheduled meetings of the Audit and Risk which occur in March, May, August and November. If required special meetings will be conducted in addition to the scheduled quarterly meetings. At the August meeting the Committee will consider the Annual Financial Report and the Annual Performance Statement.

A summary of meeting dates and attendance is shown in the table below.

Attendee	Role	9/3/2021	18/5/2021	24/8/2021	16/11/2021
		Quarterly	Quarterly	Quarterly	Quarterly
Mr Rob Wallis	Chair	Attended	Attended		
Mr Dennis Farley	Member	Attended	Did Not		
			Attend		
Mr Ashwin Kumar	Member	Attended	Attended		
Cr Angie Paspaliaris	Councillor	Attended	Attended		
Cr Ben Blain	Councillor	Attended	Attended		

#### 6. Internal Audit

#### 6.1 Internal Audit Service Provider

The internal audit service providers, Crowe, continued to provide such services to Council in the 2021 calendar year. The current internal audit contract will conclude its initial three year term at the 31st December 2021 with options to extend the contract.

Representatives from Crowe attend the Committee meetings and present the outcomes of the audits they had undertaken, engaging fully with the Committee in discussions arising from those audits.

The Internal Auditors also met out of session with the Chair to discuss matters relevant to the Committee's activities.

#### 6.2 Strategic Internal Audit Plan

The 2021 strategic internal audit plan was presented to the Audit and Risk committee at the February meeting. The table below sets out the planned internal reviews for the year.

				Recommendations		
Internal Review Area	Planned Presentation	Completed	High	Medium	Low Risk	
	to Audit Committee		Risks	Risks		
Assurance Mapping	August 2021					
Tree Management	May 2021	Yes	TBC	TBC	TBC	
Essential Safety Measures	August 2021					
Payroll Management	November 2021					
Human Resources –	November 2021					
Workforce Development						
Project Management	November 2021					

Final internal audit reports are reviewed and discussed by the Committee at each of the scheduled meetings. The status of Internal Audit recommendations are reported to the Committee on a quarterly basis and the Committee discuss management progress in closing out open recommendations.

#### 6.3 Oversight of Internal Audit Performance

A new assessment tool has been established to enable Council officers to provide feedback on the performance of the internal audit function. Once the results of this assessment has been collated, it will be presented to a future Committee meeting for oversight.

#### 6.4 Implementation of Audit Recommendations

The Committee continued to encourage management to implement Internal Audit recommendations in a timely manner to ensure that better practices and controls in council's services are achieved.

A session was organised between Council managers and Crowe which set out the expectations of both parties in relation to the internal audit function. There was discussion and guidance on how to respond to audit recommendations with the target audience in mind.

#### 7. External Audit

The Victorian Auditor General's Office (VAGO) has appointed a representative to conduct the external audit of Warrnambool City Council which is McLaren Hunt, with Chris Kol as a the lead partner.

McLaren Hunt presented the VAGO audit strategy at the February meeting which highlighted the areas of audit focus including COVID19 impacts and the Local Government Act 2020 implementation.

The interim audit was conducted during April 2021 with the interim management letter being presented to the May meeting. The interim management letter had no new management issues with one issue being resolved and two issues progressing.

The Chair also met with McLaren Hunt's two audit partners to discuss matters relevant to the Committee's activities.

#### 8. Duties and Responsibilities

The Committee's activities are focussed on discharging its responsibilities set out in its Charter. To ensure that the Committee completes its work, the Committee prepares an Annual Work Plan setting out the activities it needs to complete and the timing of each.

#### 9. Audit and Risk Committee Performance Review

The Audit & Risk Committee has adopted the newly created Local Government Victoria template for the self-assessment of the committee's performance. The template is very detailed and over time will allow for some benchmarking within the sector.

The self-assessment was completed by the 3 independent members of the Committee that had been there for the full 2020 calendar year.

Overall, the responses showed that the committee was performing to a high standard and there was a good working relationship between the Committee and Council with support from the internal and external audit functions. The average score for the survey was 185 (out of 210) which equates to an 88% performance score. The survey did highlight a number of areas for future improvement and these include:

- Availability of training/professional development for the members
- Council's identification and management of risks
- The timing of the agenda's

Council officers are working with the Committee to resolve improve these areas.

#### 10. Conclusion

In closing I am satisfied that the Audit and Risk Committee has met its obligations in line with its charter of assisting Council through independent review of financial, risk and system controls that facilitate the organisation's maintenance of management controls and further ethics development.

The high level of co- operative and detailed support from Council officers and our Internal Auditors, Crowe, in assisting the independent members and the Councillors on this Committee to complete their important task is noteworthy and very much appreciated. The Committee is satisfied that the systems and processes in place, do and will ensure ongoing compliance with accepted quality business practices that are expected of local government. Both Internal and External Auditors have informed the Chair they are very satisfied with the sound working relationships they have with management.

Mr Rob Wallis

Audit and Risk Committee Chair

Warrnambool City Council

# **Appendix 1: Road Management Plan Proposed Minor Amendments** (Administrative)

Section	Description	Proposed Change/s	Impact on RMP
3.4.4	The plan to remove "keep safe" from "Obligation to Maintain and Keep Safe."	Remove "keep safe" from heading "Obligation to Maintain." Advice from MAV Insurance to ensure assets area maintained to a reasonable standard.	Minor
3.4.4	The plan does not show a diagram of who is responsible for crossover and footpath	Diagram added from MAV Insurance website to show who is responsible for footpath, crossover, nature strip and road.	Minor
4.2.2	"Condition surveys are not intended to identify individual hazards/defects, rather their primary purpose is to establish the long-term asset life expectancy and suitability for traffic use, and inform future upgrade/re-construction priorities."	Added to "Road Condition Surveys" with my clarification on the definition. To distinguish that condition surveys are not intended to identify individual hazards/defects.	Minor
4.2.3	The plan does not provide a definition for "Reactive Inspections."	"A customer request made by a member of the public or internal council staff member, including reference to response and timeframe being dependant on the nature of the defect and its location relative to the asset hierarchy classification."	Minor

Section	Description	Proposed Change/s	Impact
			on RMP
4.2.3	Remove term and definition "Intensive Defect Inspection."	Remove "Intensive Defect Inspections" should fall within the definition of Routine Defect Inspections.	Minor
5.1.2	The plan to remove "made safe."	Remove "made safe" to "temporary measures implemented." Advice from MAV Insurance to prevent ambiguity in relation to the intention of implementing temporary measures until permanent repairs are implemented.	Minor

# **Appendix 2: Road Management Plan Proposed Intervention Level Amendments**

Section	Description	Proposed Change/s	Impact on RMP
Road Network	"Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road."  Link – 5 Collector – 5	Change timeframe response times (working days) It is not uncommon for many other councils to have a response timeframe for such defects of between 1-2 days, particular for higher category roads. Link- 2 Collector – 2 Access – 2 Lane - 2	Major
Road Network	"Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Ponding of water >300mm deep, fallen trees, oil spills, stray livestock."  Link – 5 Collector – 5 Access – 5	Removed and merged with "Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road."  Change timeframe response times (working days) It is not uncommon for many other councils to have a response timeframe for such defects of between 1-2 days, particular for higher category roads.  Link- 2 Collector – 2 Access – 2 Lane - 2	Major
Road Network	"Pothole in the traffic lane, shoulder or designated bike path of a sealed road depth >100mm and diameter >300mm."	Removal of "at worst locations." This will ensure a consistent application of repairs for potholes regardless of the defects location on the road and improve councils ability to demonstrate compliance should a related claim be received.	Minor
Road Network	"Pothole in the traffic lane of unsealed road depth >150mm and diameter >500mm"	Removal of "at worst locations." This will ensure a consistent application of repairs for potholes regardless of the defects location on the road and improve councils ability to demonstrate compliance should a related claim be received.	Minor
Road Network	"Pothole in the bike lane in designated marked on road bike path of a sealed road depth >100mm and diameter >300mm"	Added to Road Management Plan, Councils have smaller intervention level or timeframe for potholes identified within marked bike lanes. This approach is seen as reasonable, as it is clear when each respective intervention level	Major

		and/or timeframe is actually to be applied, and cyclist may be more vulnerable to potholes than other vehicles types.  Link- 5  Collector – 5  Access – 10  Lane - 20	
Road Network	"Tree limbs or trees that are in immediate danger of falling and causing danger to the public"	Removed from Road Management Plan. This is considered outside the scope of road/footpath related defects, and would require a specific tree inspection to identify/confirm the risk posed, an inspection which is likely outside the skillset of roads/footpath asset inspector.	Major
Road Network	"Bridges or major culverts including traffic lanes, shoulders and footpaths. With defective with a step >30mm and hole or gap >40mm in length and width. Pooling of water in bridges and culverts greater than 100mm"	Adopting intervention level that are measurable.	Moderate
Emergency Callout	"Emergency callout - when any call is received which reports an immediate and significant threat to the health and safety of the public, the relevant service team will inspect and assess the issue within 6 hours."	Changed emergency callout time from 1 hour to 6 hours. If there are multiple callouts during emergency periods ie, flooding, the time to respond could be greater than 1 hour.	Moderate
Third Party Asset Defects In Pathways	"Implementing temporary measures to mitigate the risk within 5 working days of the defect being identified by Council staff."	Remove "make safe" to "Implementing temporary measures to mitigate the risk." Advice from MAV Insurance to prevent ambiguity in relation to the intention of implementing temporary measures until permanent repairs are implemented.	Minor
Defects From Intensive	"Defects from Intensive Defect Inspections."	Removed from Road Management Plan. "Intensive Defect Inspections" should fall within the definition of Routine Defect Inspections.	Major

# **Appendix 3: Road Management Plan Proposed Inspection Frequencies Amendments**

Section	Description	Proposed Change/s	Impact on RMP
Bridges and		Removed type of "hierarchy	Minor
Major	Hierarchy Category	category". Bridge inspections are	
Culverts		determined by what level of	
		inspection is being undertaken and it	
		various from how many years is	
		required for what level of service	
		inspection is required.	

**Warrnambool City Council** 

**Municipal Road Management Plan** 

Appendix 4: Road Management Plan (April 2017)



# Municipal Road Management Plan 2017

**Warrnambool City Council** 

Municipal Road Management Plan

#### **Schedule of Changes & Amendments**

Version	Date	Changes/Amendments
V.01	04/10/04	Endorsed by Council at its meeting 4 October 2004, Notice in Government Gazette 14 October 2004
V2.00	June 2008	This document and its support documents have been reviewed to address the experience since V1.00 was adopted that a number of documented service levels were not achievable with the available funding. Refer to note in Executive Summary. Version 2.00 addresses this. Notice in Government Gazette 10 April 2008. Adopted by Council at its meeting 23 June 2008
v2.01  March 2009  experience since V2.00 was adopted. It is a requirement under Management Act 2004 to update and present Council's Municip Management Plan to any newly elected Council. Version 2.01 a		This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council. Version 2.01 addresses this. Notice in Government Gazette 2 April 2009. Adopted by Council at its meeting in June 2009.
V3.00	28 May 2012	This document and its support documents have been reviewed to address the experience since V2.01 was adopted. The document takes into account matters raised in audits over the intervening period. The plan was adopted by Council at its meeting 28 May 2012
V4.00	June 2013	This document was reviewed with no amendments made.
V5.00 June 2017		This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council.

NB: Version numbering changes (eg V1.00 to V2.00) will be made when the document undergoes its regular review and when significant changes are made to standards and guidelines for inspections, intervention levels or work. Point number changes (V1.00 to V1.01) will apply to minor amendments that do not materially impact the document and are intended only to clarify or update issues.

# Municipal Road Management Plan

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**Warrnambool City Council** 

**Municipal Road Management Plan** 

#### 1. Executive Summary

Version 1.00 of the Road Management Plan was developed during 2004 to establish a management system for the public road functions that are the responsibility of the Council to meet the needs of the community. The management system is based on policy and operational objectives and at the same time recognises resource limitations in undertaking the necessary levels of service and performance standards outlined in the Plan.

This Plan encompasses road user needs and expectations within an economic framework based on meeting "reasonable" maintenance operation targets and asset management programs relative to the road network function.

To be effective, the Road Management Plan requires implementation of systemised records management so that details of inspections and remedial works can be readily recorded and retrieved. In the event of litigation, Council's defence shall rely on its ability to demonstrate that it had adhered to the requirements of the Plan.

This Plan clearly establishes the management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standards in relation to discharge of duties in the performance of those road management functions.

**Municipal Road Management Plan** 

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# 2. Introduction

### 2.1 Legislative Basis for the Plan

This Municipal Road Management Plan (referred to hereafter as the 'Plan') has been prepared in accordance with the Road Management Act, 2004, one of the key purposes of which is to reform the law relating to road management in Victoria. The Plan reflects the purposes and objectives of the Council as required by the Local Government Act, 1989.

The Warrnambool City Council is the designated 'Co-ordinating Road Authority' for municipal roads within the City and is responsible for their care and management.

As the Co-ordinating Road Authority, Council must ensure that if a road is reasonably required for public use that it is kept open for public use and may, at its discretion, carry out work on the road. Council is under no obligation to do any specific work on any road and, in particular, is not obliged to carry out any surface or drainage work on any road other than specified in the Road Management Plan.

# 2.2 Purpose of the Plan

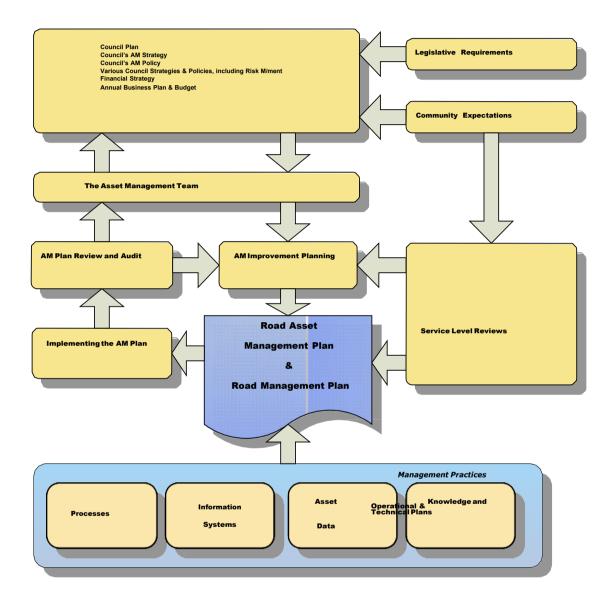
The purpose of the Plan is to establish a management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standard in relation to discharge of duties in the performance of those road management functions.

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# 2.3 Strategic Planning Process

The Road Management Plan has been developed to accord with other Council plans and strategies and is a component of Council's overall strategic planning process as shown in the following diagram.



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# 3. Public Roads, User Rights and Responsibilities

### 3.1 Public Roads

"Public roads" are freeways, arterial roads and other roads that Council has decided are reasonably required for general public use. Note that not all roads or pathways are "public roads" under the Act and are thus exempt from the standards prescribed in the Plan.

The Road Management Act imposes specific duties on Council with respect to the inspection, repair and maintenance of its public roads.

### 3.2 Definitions

"Act" is the Road Management Act 2004.

- "Ancillary Area" is any area designated by Council used by motor vehicles connecting to a roadway. E.g. car park, rest stop or scenic lookout.
- "Appropriate Warning" means to adequately alert the user to a hazard, or to temporarily mitigate a hazard.
- "Arterial Roads" are Freeways, Highways & Declared Main Roads, which are managed by the State Government through VicRoads.
- **"Bridge and Major Culverts"** means a structure having a clear span greater than 1.80 metres or a pipe culvert having a waterway area greater than 3 sq m.
- "The Council" refers to the Warrnambool City Council.
- "Intervention Level" is the extent of a road or pathway defect above which poses an unacceptable risk to users.
- **"Level of Service"** is the defined service quality for the road or pathway against which performance may be measured. Generally this related to quality, quantity, reliability, responsiveness and cost.
- "Pathway" refers to both formed areas located within the road reserve which are used by pedestrians and shared paths which may or may not be within the road reserve and are designed for use by both pedestrians and cyclists. These areas may be formed by concrete, pavers, asphalt, stone or a similar material.
- **"Municipal Roads"** are roads for which the municipal council is the responsible Road Authority. The Road Management Act imposes specific duties on a Council with respect to the inspection, repair and maintenance of its Municipal public roads, which are those that are reasonably required for general public use.

#### **Municipal Road Management Plan**

- **"Non-Road Infrastructure"** means infrastructure in, on, under or over a road which is not road infrastructure and includes gas pipes, water and sewerage pipes, cables, electricity poles and street lights, rail crossings, bus shelters, vegetation and the like.
- "Other Roads" include roads in State forests & reserves, and roads on private property. The municipal council is not responsible for the care and maintenance of these roads.
- "Register of Public Roads" refers to the register specifying the public roads in respect of which Council is Co-ordinating Road Authority under the Road Management Act (2004)
- "Response Time" is the timeframe afforded to Council to respond to a hazard or defect measured from when a hazard or defect is identified by or notified to Council.
- "Respond" means to mitigate a defect by returning the asset to, or as close as reasonably possible, its original standard.
- "Road" by definition in the Local Government Act 1989 includes a street; right of way; cul de sac; by-pass; bridge or ford; footpath, bicycle path or nature strip; any culvert or kerbing or other land or works forming part of the road.
- "Road Infrastructure" means that infrastructure which forms part of a roadway, pathway or shoulder including-
  - (i) Structures forming part of the roadway, pathway or shoulder;
- (ii) Materials from which a roadway, pathway or shoulder is made. and includes bridges, culverts and fords plus materials such as asphalt, bitumen, gravel, line marking, guideposts, signs, traffic lights etc.
- "Traffic Lane" is the part of the roadway which is designated for use by a single line of vehicles.
- **"Working Day"** means any day of the week excluding Saturdays, Sundays and public holidays (within the meaning of the Public Holidays Act 1993) applying in the municipal district.

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# 3.3 Key Stakeholders

The key stakeholder groups of the community who are both users of the road network and/or are affected by it include:

The community in general (for recreation, sport, leisure & business); Residents & businesses adjoining the road network; Pedestrians (including the very young, those with disabilities, and the elderly with somewhat limited mobility); Users of a range of miscellaneous smaller, lightweight vehicles such as pedal cyclists, motorised buggies, wheel chairs, prams, etc; Vehicle users using motorised vehicles such as trucks, buses, commercial vehicles, cars and motor cyclists; Tourists & visitors to the area; Emergency agencies (Police, Fire, Ambulance, VICSES); Military (special use in times of conflict & emergency); Traffic & Transportation managers; Managers of the asset that is the road network; Construction & maintenance personnel who build and maintain asset components; Contractors & suppliers for the road network; Land Developers; Utility agencies that utilise the road reserve for their infrastructure (Water, sewerage, gas, electricity, telecommunications); Council as custodian of the asset;

# 3.4 Obligations of road users

### 3.4.1 Duty of the Road User

management of the network

The Road Safety Act (1986) - Section 17A stipulates the obligations of road users as follows:

(1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the —

State & Federal Government that periodically provide support funding to assist with

- physical characteristics of the road;
- prevailing weather conditions;
- level of visibility;
- condition of the motor vehicle;
- relevant road laws and advisory signs;
- physical and mental condition of the driver.
- (2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.

#### **Municipal Road Management Plan**

# (3) A road user must—

- have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
- have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve:
- have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve

### 3.4.2 Incident Claims

If a person proposes to commence a proceeding in a court based on a claim in relation to an incident arising out of the condition of a public road or infrastructure, the person must give written notice of the incident to the responsible road authority within the prescribed period of the incident occurring [clause 115(1) of the Road Management Act].

### 3.4.3 Council Local Laws

Council has local laws that require permits to be sought from Council where a member of the public or organisation proposes to undertake activities within the road reserve that may in any way impede access by the public or interfere with road infrastructure.

### 3.4.4 Obligation to Maintain & Keep Safe

In relation to provision of access to the road reserve from adjoining properties, there are several assets within the road reserve that council does not have an obligation to maintain. These include:

- (1) Vehicle crossings (driveways) where the portion of a vehicle crossing located between the carriageway and the pathway is the responsibility of the adjoining property owner to maintain. If there is no pathway present, the crossing runs from the carriageway to the property boundary and is the responsibility of the adjoining property owner to maintain.
- (2) Private roads which are constructed as part of a subdivision are not the responsibility of Council to maintain until statement of compliance has been achieved and the subsequent titles are issued. At which point the roads vest in Council as public roads. In addition, Council has no obligations regarding roads which are not available for access by the public and are thus privately owned and managed.
- (3) **Single property stormwater drains** that are constructed within the reserve from the property boundary to a discharge outlet in the kerb or into the drain. They are there to benefit the property and as such are the responsibility of the owner of the property being served to maintain.
- (4) Non-road infrastructure which is owned by utilities and public transport authorities are the responsibility of the relevant owner to maintain. Council has no obligations in regards to these assets pursuant to clause 6 of schedule 7 of the Road Management Act 2004.

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# 3.4.5 Nature Strips and Infill Areas

The residual areas between the edge of the road or back of the kerb and the property boundary (which are not occupied by a pathway or private road crossing) are the responsibility of the property owner to maintain. Street trees within this area, however, are controlled and maintained by Council.

Attachment 7.4.4

### 3.5 Delegations

The Chief Executive Officer through an "Instrument of Sub-Delegation" has delegated the various functions under the Road Management Act to the respective officers of Council detailed in the Instrument of Sub-Delegation.

# 3.6 Exceptional Circumstances

Council will make every endeavour to meet all aspects of its Road Management Plan, (RMP).

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts and the like, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of Section 83 of the Victorian Wrongs Act, 1958, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the Chief Executive Officer (CEO) of Council, has to, pursuant to Section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning Council's Plan cannot be met, they will write to Council's Officer in charge of its Road Management Plan and inform them that some, or all, of the timeframes and response times are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will write to Council's Officer responsible for Council's Plan and inform them which parts of Council's Plan are to be reactivated, stating the time this is to occur and other relevant particulars.

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# 4. Municipal Asset Management

### 4.1 Asset Hierarchies - Road Network

All roads and pathways within the municipal road network are classified according to a hierarchy that takes into account their specific function, types of users and user numbers.

The hierarchy classification is used to assist in prioritising works programs and also intervention responses to remedy defects.

The Council has developed two separate hierarchies for its transport network to recognise the variances in usage within them. These are:

- Road network
- Pathway network

### **Road Hierarchy**

Category	Function
Link	Carry the heaviest volumes of traffic including commercial vehicles and provide the principal routes for traffic flows in and around the municipality.
Collector	Carry significant volumes of traffic and provide access by connecting residential areas to the link roads. They also provide links between the various arterial roads.
Access	Carrying moderate volumes of traffic and primarily serve as property access roads for the local community.
Lane	Roads carrying local traffic, typically providing secondary access to properties with more than one road frontage.

Note: Bridges, culverts, traffic facilities and kerb & channel have their hierarchies based on the road hierarchy with vehicular traffic. For the pathway hierarchy pedestrian traffic is the basis of usage volume.

# **Pathway Hierarchy:**

Category	Function
Category 1	CBD, and those pathways within the vicinity of schools, hospitals and aged care facilities.
Category 2	Selected medium use pathways in prominent areas other than described above
Category 3	Pathways in residential, commercial & industrial areas other than as described above.

### 4.2 Maintenance Management System

The Maintenance Management System for the municipal road network infrastructure within the Warrnambool City Council is a combination of standards, codes, guidelines and data management systems.

Key components are outlined as follows:

### 4.2.1 Functional Levels of Service

The functional levels of service outline the maintenance standards which the Council shall provide for the road and pathway network, including defect intervention standards, defect response times and inspection timeframes. The levels of service are provided in Attachments 2 and 3.

**Municipal Road Management Plan** 

### 4.2.2 Asset Maintenance - Levels of Service

The following matters are taken into account when developing maintenance standards:

- (a) Road condition surveys periodic surveys to monitor road pavement, road surfacing, structure, and roadside condition at specified intervals depending on the asset, its condition at the previous survey, the volume and nature of road usage (hierarchy classification), and any risk to safety.
- (b) Routine maintenance inspections regular inspections, as part of the day-to-day maintenance of the road network, to monitor asset condition against defect intervention levels (ie that point which takes the defect beyond the 'tolerable' level) and asset safety. Inspection intervals have been determined having regard to the particular road asset element, the type, volume and nature of road usage, and the resources available.
- (c) Routine maintenance standards routine maintenance and repair functions and standards that are based on agreed asset performance targets and defect intervention levels and response actions (based on risk assessment) for a particular asset element (eg. road, pathway, bridge) and road type. Standards vary across the road network in line with relevant risk factors such as traffic volumes, composition of traffic, operating speed, the susceptibility of assets to deterioration, the cost effectiveness of repairs, and competing priorities for funding.
- (d) Repair and maintenance works routine maintenance and repair works are undertaken within a specified reasonable period of time having regard to intervention action priorities, and to specified standards.
  - Response times have been determined by appropriate Council Staff from local knowledge and experience based upon past performance. Attachment 2 details defect intervention levels and response times.
- (e) **Temporary measures** temporary works to be undertaken to reduce the risk of an incident until such time as maintenance or repair works can be completed.
- (f) Emergency works works required to be undertaken immediately outside routine works programs to ensure the safety of road users and the public as a result of emergency incidents. Emergency works include traffic incident management, responses to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan & Municipal Emergency Management Plan.

The outcome of the assessment of the various maintenance factors results in the preparation of the annual program for road maintenance, setting out the level of activities and resources to be considered with the Annual Budget.

By developing long term maintenance programs, Council is better able to strategically plan its finances.

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### 4.2.3 Asset Inspection Process

To enable competent management of the road network, Council conducts regular inspections which cover incident response, defect identification and condition assessment. Attachment 3 lists the inspection details and frequencies.

### **Defect Inspections**

**Routine Defect Inspections** – determine if the road asset complies with the levels of service in terms of having defects above intervention levels. Programmed defect inspections are undertaken by way of a formal timetable regime by suitably trained officers.

**Intensive Defect Inspections** – as for routine defect inspections however a large number of assets are inspected in a short period of time by way of additional short term resources. i.e experienced contractors or suitably trained temporary staff.

**Incident Inspections** – conducted following an incident or other report that indicates a defect outside the tolerable level or otherwise likely to create danger to the community. As a result an incident condition report may be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and safety measures;

**Condition Inspections** - identify deficiencies in the structural integrity of road and pathway infrastructure which if left untreated are likely to adversely affect network condition.

### 4.3 Asset Management Principles and Financial Sustainability

Council may intervene with its road and pathway network for a multitude of reasons. To achieve a financially sustainable management solution for Council's assets, preventative maintenance or renewal programs may be utilised.

# 4.4 Community Expectations & Consultation

### 4.4.1 Future Consultation

Wherever practicable, input will be sought on appropriate aspects of the Plan by way of community consultation. However consultation will be governed by the ability to accommodate changes for reasons that include existing physical constraints as well as the affordability of resources to effect possible changes. By seeking community input into its service delivery, it is vital that Council does not create a false sense of expectation by the community that suggested changes will be implemented that simply cannot be achieved for reasons such as the affordability factor.

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# 5. Council Support Systems

### 5.1 Customer Service Systems & Procedures

### 5.1.1 Customer Request System

Customer requests and complaints are managed and tracked by way of Council's *Open Office – Customer Service Manager* computerised system. It enables Council staff to be able to input their own requests, be aware of requests pending and search completed requests.

### 5.1.2 Maintenance Responsiveness & Performance Targets

The Customer Request System records when a request is made, what the request is concerning and the date the request is actioned.

It should be noted that 'actioning' a request doesn't necessarily mean that the request has been fulfilled but simply that appropriate action has taken place.

Appropriate action may well mean that an asset defect, such as a damaged pathway has been inspected and:

- repairs are straight-forward and have been implemented as soon as a work crew is available - the appropriate action in this case is when the repair work has been completed; or
- repairs are significant and need to be undertaken on a special works program
  along with a number of similar works and the site has been made safe until
  such time as repairs are undertaken the appropriate action is when the repair
  work has been listed on the future works program not when it has been
  completed; or
- the defect was found not to warrant any remedial action at that stage as it was below specified intervention levels - the appropriate action in this case is to record the inspection and take no action.

Whatever the response, it is noted against the original request.

The Customer Request System enables the response times to be monitored to assess performance. This covers response times both for inspections and the interval until appropriate action is undertaken.

# 5.2 Asset Information System

Warrnambool City Council utilises the Conquest Asset Management System to manage its roads and pathways data. This database stores the relevant asset information including the Register of Public Roads and other information which is important in managing Council's road and pathway assets. Data recorded for an asset may include location by name, asset valuation, asset condition, defect histories, dimensions and more.

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# 6. Financial Management

# 6.1 Budget Provisions

The commitments and obligations specified within this Plan are matched to the financial resources available to deliver those commitments as set out in the Council Plan and Council Budget. To efficiently achieve and sustain the standards of service described within the Plan, Council is required to commit annual funding which is adequate in delivering appropriate and responsive maintenance, renewal and replacement programs for road and pathway infrastructure.

# 6.2 Budget Process

The budget process is conducted in a manner that ensures matters requiring consideration are taken into account prior to final adoption by Council. Community input is sought during the preparation of the Council Plan and annual budget. Submissions are invited via public notice advertisements. Any submissions by the community are considered prior to Council adopting its annual budget. This process ensures the community has every opportunity to participate in the budgetary process.

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# 7. Register of Public Roads

### 7.1 Council's Road Infrastructure

The Municipal Register of Public Roads is stored on Council's Road Asset Information System, the Conquest Asset Management System.

A hard-copy is available for inspection at the Warrnambool City Council's Customer Service Centre. The hard copy will be updated at least annually and update sheets will be inserted at other times when significant changes are made. (eg new subdivisions added)

### 7.2 Maintenance Demarcation Agreements

Where there are maintenance demarcation agreements defining limits of responsibility on municipal roads between Warrnambool City Council and VicRoads, Moyne Shire, Department of Sustainability & Environment or any other public body or private organisation, the schedule of roads affected by these agreements are listed in the Register of Public Roads.

Issues relating to VicRoads will be outlined in the Instrument of Delegation between VicRoads and Council. Typical demarcation issues where council is often thought to have sole responsibility are listed in the following table:

Issue	Agreement with	Responsibilities
Boundary Roads	Moyne Shire Council	Detailed in the Register of Public Roads.
Street Lighting	Electricity Supply Authority	Asset owned by the Authority; Council pays annual charge.
Rail Crossings	VicTrack	As set out in the Safety Interface Agreement

### 7.3 Non-Road Infrastructure

Non-road infrastructure within the road reserve (eg rail crossings, telecommunications structures, water & sewerage, street lighting, etc) are to be maintained by the body responsible for that infrastructure (refer to attachments 1 & 2).

# 8. Reviewing the Road Management Plan

The Road Management Plan is intended to be a dynamic document, and as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accord with responsible asset management, changing technology, and in particular, Council and community requirements and expectations.

It is proposed to undertake a review of this Plan at least every 4 years, or more frequently if circumstances require it. Any revised plan will be subject to the consultation and approval processes as detailed in Part 3 of the Road Management (General) Regulations 2016.

**Municipal Road Management Plan** 

# 9. Attachments

- 1- Summary of Non-Road Infrastructure in the Road Reserve
- 2- Typical Defect Intervention Levels
- 3- Road Asset Inspection Frequencies

**Municipal Road Management Plan** 

# Attachment 1 - Summary of Non-Road Infrastructure in the Road Reserve

Asset Type	Infrastructure Manager
Street Lights	Powercor
Traffic Signal Installations – VicRoads assets	VicRoads
Telecommunications infrastructure Assets	Telstra, NBN and Optus
Water & Sewerage infrastructure assets	Wannon Water
Electricity infrastructure assets	Powercor
Gas infrastructure assets	Tenix
Rail Crossings	VicTrack
Bus Stops/Shelters (Public Transport)	Department of Transport

**Municipal Road Management Plan** 

# Attachment 2 – Intervention Levels and Response Times Defects from Routine Defect Inspections

# **Road Network**

Defect Description Response Times by Hierarchy (working days		rking days)		
	Link	Collector	Access	Lane
Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road.	5	5	5	10
Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Ponding of water >300mm deep, fallen trees, oil spills, stray livestock.	5	5	5	10
Edge of seal drop off which is >100mm and is over 10m in length	10	15	20	30
Reduction in original sealed width ≥250mm	10	15	20	30
Pothole in the traffic lane, shoulder or designated bike path of a sealed road depth >100mm and diameter >300mm at the worst location	10	15	20	30
Pothole in the traffic lane of unsealed road depth >150mm and diameter >500mm at the worst location	10	15	20	30
Deformation >100mm under a 3m straight edge in the traffic lane, shoulder or designated bike path of sealed road.	20	40	60	90
Deformation >150mm under a 3m straight edge in the traffic lane of unsealed road.	20	40	60	90
Missing or substantially damaged drainage pit lids, surrounds, grates, in pedestrian areas or traffic lanes.	5	5	5	5
Tree limbs or trees that are in immediate danger of falling and causing danger to the public.	5	5	5	5
Trees, shrubs or grasses that restrict design sight distance to intersections or to safety signs.	60	60	60	60
Vegetation intruding within an envelope over roadways with a speed limit >70kmph from the back of shoulder and or kerb and a minimum of 4.3m height clearance for traffic lane and trafficable portion of shoulder.	20	40	60	_**
Regulatory Sign missing, illegible or damaged.	10	15	20	40
Guidepost missing or damaged at a critical location*.	10	15	20	40
Safety Barrier missing or damaged at a critical location*.	10	15	20	40
Pavement marking missing, illegible or confusing at a critical location*.	20	20	20	40
Traffic signal failure or malfunction	36 Hours	36 Hours	36 Hours	36 Hours
Bridges or major culverts with visible damage which is likely to impact public safety	20	20	20	20

# **Pathway Network**

Defect Description	Response Times by Hierarchy (working days)		
	1	2	3
Defective with a step >30mm	30	30	30
Hole or gap >40mm in length and width	30	60	90
Vegetation which presents a physical hazard to the public over pathways, intruding into a minimum of 2.1m height clearance above path	60	60	60

<sup>\*</sup>A critical location is a location where the road alignment and/or pavement width and/or geometry are identified by additional markings or furniture to guide the travelling public.

Emergency callout - when any call is received which reports public safety in jeopardy the relevant service team will inspect and assess the issue within 1 hour.

If for any reason it is not feasible to rectify a hazard within the response times detailed in this attachment, appropriate warning of the hazard is to be provided until a suitable repair or treatment may be completed.

Appropriate Warning may include, though is not limited to the following

- Provision of warning signs,
- Traffic control action,
- · Diverting traffic around the site,
- · Installation of a temporary speed limit,
- · Lane closure,
- · Restrict use (eg. load limit), or
- Full closure.

# Vegetation intrusion from a private property

Where a vegetation intrusion or hazard is resulting from a private property, Council shall send a request for contact to the property owner within 5 working days of the inspection. The request for contact shall allow the property owner 10 working days to reach contact with the Council. Following contact, Council shall provide the property owner 20 working days to respond to the vegetation intrusion. If the intrusion has not been responded to within this timeframe, or the property owner does not contact Council within the prescribed period of time, Council shall respond to the intrusion within 60 working days of the initial inspection at the cost of the property owner.

<sup>\*\* &</sup>quot;-" means that this asset condition is not considered a hazard within this hierarchy classification, or that the defect is not applicable to this classification.

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### Non-Road Infrastructure

Council does not owe a duty of care to perform any maintenance works on non-road infrastructure which is owned and managed by a third party (pursuant to clause 6 of schedule 7 of the Act). Furthermore, Council may not be held liable in any civil proceedings arising from a third party failing to discharge its duty of care in relation to its asset (section 104 of the Act).

Attachment 7.4.4

Council does, however, have a duty of care to cooperate in good faith with other infrastructure managers in coordinating the management and maintenance of infrastructure and related works on a road (clause 4 of schedule 7 of the Act). In the discharge of this duty, Council shall follow the process described in the table below when third party asset defects are identified by Council.

# Third-party asset defects in pathways

Risk Rating	Defect Description	Council Response
High Risk	Missing pit lid  Pit displaced, damaged or settled to create a trip hazard > 50mm  Pit lid which is severely cracked, brittle or otherwise damaged to create a high risk of collapse.	<ul> <li>Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff.</li> <li>Make the defect safe within 5 working days of the defect being identified by Council staff.</li> <li>If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time.</li> <li>The defect is closed provided Council has a recorded response from the asset owner regarding the defect.</li> </ul>
Moderate Risk	Pit displaced, damaged or settled to create a trip hazard > 30mm.	<ul> <li>Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff.</li> <li>If the defect has not been permanently rectified within</li> </ul>
moderate Hisk	Pit lid displaced or cracked creating a hole or gap > 40mm in width and length	<ul> <li>20 working days, notify the asset owner a second time.</li> <li>The defect is closed provided Council has a recorded response from the asset owner regarding the defect.</li> </ul>

Note: During the process of notification, Council shall record the relevant reference numbers, case notes, defect details and inspection details.

### **Defects from Intensive Defect Inspections**

Intensive defect inspections involve undertaking a large number of assets inspections in a short period of time, generally covering an entire group of assets within a period of less than 2 months. This method of inspection is undertaken in place of 'Routine Defect Inspections' in situations where it is assessed to be a more efficient use of Council resources.

As the Intensive Defect Inspection process would result in a large volume of defects being recorded during a short period of time the response times that apply to the individual defects are calculated using a different method than 'Routine Defect Inspections'.

The issues below are important to the application of response times for defects resulting from Intensive Defect Inspections;

- Date the defect information is provided to Council.
- The number and type of defects found.
- The operational capacity to respond.
- Available budget

The response times that will apply will meet the following conditions;

- If the corresponding "Routine Defect" response time is less than 10 working days, the response time will apply calculated from the date Council is notified of the defect.
- All other defect response times will be calculated commencing from the due date of the next routine inspection.

# **Attachment 3 - Road Asset Inspection Frequencies**

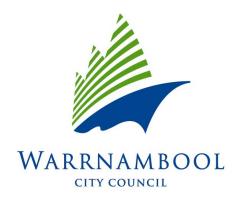
		Inspection Type, Inspections Per Calendar Year		
Asset Group	Hierarchy Category	Defect Inspection	Night Defect Inspection	
	Link	One	One	
Sealed Roads & Off Street	Collector	One	One	
Car Parks	Access	One	As required	
	Lane	As required	As required	
	Link	N/A	N/A	
Unsealed Roads	Collector	Two	One	
	Access	Two	As required	
	Lane	As required	N/A	
	Category 1	Two	N/A	
Pathways	Category 2	One	N/A	
	Category 3	One per three years	N/A	
Bridges and Major Culverts	Routine Maintenance Inspection (all structures)	One	N/A	

**As required:** When applied to Inspection frequency, 'As Required' indicates that an inspection will only be undertaken upon a request being submitted and an assessment made as to whether an inspection is warranted on the grounds of a risk to public safety.

**N/A:** This denotes that the issue is not applicable as that asset component does not exist in that category or an inspection is not warranted.

Municipal Road Management Plan [Draft]

Appendix 5: Road Management Plan (June 2021)



# Municipal Road Management Plan [Draft 2021]

Version 6.00 - June 2021

# **Schedule of Changes & Amendments**

Version	Date	Changes/Amendments
V.01	04/10/04	Endorsed by Council at its meeting 4 October 2004, Notice in Government Gazette 14 October 2004
V2.00	June 2008	This document and its support documents have been reviewed to address the experience since V1.00 was adopted that a number of documented service levels were not achievable with the available funding. Refer to note in Executive Summary. Version 2.00 addresses this. Notice in Government Gazette 10 April 2008. Adopted by Council at its meeting 23 June 2008
V2.01	March 2009	This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council. Version 2.01 addresses this. Notice in Government Gazette 2 April 2009. Adopted by Council at its meeting in June 2009.
V3.00	28 May 2012	This document and its support documents have been reviewed to address the experience since V2.01 was adopted. The document takes into account matters raised in audits over the intervening period. The plan was adopted by Council at its meeting 28 May 2012
V4.00	June 2013	This document was reviewed with no amendments made.
V5.00	April 2017	This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council.
V6.00	June 2021	This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council. MAV Insurance have review Road Management Plan 2017 and council have implemented accordingly.

NB: Version numbering changes (eg V1.00 to V2.00) will be made when the document undergoes its regular review and when significant changes are made to standards and guidelines for inspections, intervention levels or work. Point number changes (V1.00 to V1.01) will apply to minor amendments that do not materially impact the document and are intended only to clarify or update issues.

# **Municipal Road Management Plan**

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Municipal Road Management Plan [Draft]

# 1. Executive Summary

Version 1.00 of the Road Management Plan was developed during 2004 to establish a management system for the public road functions that are the responsibility of the Council to meet the needs of the community. The management system is based on policy and operational objectives and at the same time recognises resource limitations in undertaking the necessary levels of service and performance standards outlined in the Plan.

This Plan encompasses road user needs and expectations within an economic framework based on meeting "reasonable" maintenance operation targets and asset management programs relative to the road network function.

To be effective, the Road Management Plan requires implementation of systemised records management so that details of inspections and remedial works can be readily recorded and retrieved. In the event of litigation, Council's defence shall rely on its ability to demonstrate that it had adhered to the requirements of the Plan.

This Plan clearly establishes the management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standards in relation to discharge of duties in the performance of those road management functions.

Municipal Road Management Plan [Draft]

# 2. Introduction

# 2.1 Legislative Basis for the Plan

This Municipal Road Management Plan (referred to hereafter as the 'Plan') has been prepared in accordance with the Road Management Act, 2004, one of the key purposes of which is to reform the law relating to road management in Victoria. The Plan reflects the purposes and objectives of the Council as required by the Local Government Act, 1989.

The Warrnambool City Council is the designated 'Co-ordinating Road Authority' for municipal roads within the City and is responsible for their care and management.

As the Co-ordinating Road Authority, Council must ensure that if a road is reasonably required for public use that it is kept open for public use and may, at its discretion, carry out work on the road. Council is under no obligation to do any specific work on any road and, in particular, is not obliged to carry out any surface or drainage work on any road other than specified in the Road Management Plan.

### 2.2 Purpose of the Plan

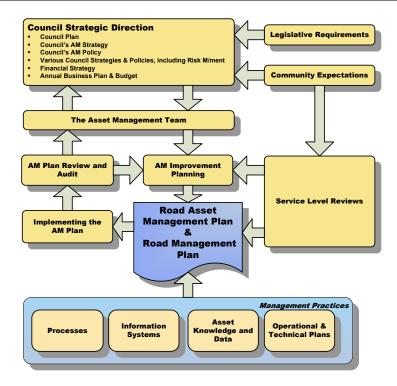
The purpose of the Plan is to establish a management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standard in relation to discharge of duties in the performance of those road management functions.

# 2.3 Strategic Planning Process

The Road Management Plan has been developed to accord with other Council plans and strategies and is a component of Council's overall strategic planning process as shown in the following diagram.

### Municipal Road Management Plan [Draft]



# 3. Public Roads, User Rights and Responsibilities

### 3.1 Public Roads

"Public roads" are freeways, arterial roads and other roads that Council has decided are reasonably required for general public use. Note that not all roads or pathways are "public roads" under the Act and are thus exempt from the standards prescribed in the Plan.

The Road Management Act imposes specific duties on Council with respect to the inspection, repair and maintenance of its public roads.

### 3.2 Definitions

"Act" is the Road Management Act 2004.

"Ancillary Area" is any area designated by Council used by motor vehicles connecting to a roadway. E.g. car park, rest stop or scenic lookout.

"Appropriate Warning" means to adequately alert the user to a hazard, or to temporarily mitigate a hazard.

"Arterial Roads" are Freeways, Highways & Declared Main Roads, which are managed by the State Government through VicRoads.

"Bridge and Major Culverts" means a structure having a clear span greater than 1.80 metres or a pipe culvert having a waterway area greater than 3 sq m.

"The Council" refers to the Warrnambool City Council.

### **Municipal Road Management Plan [Draft]**

- "Intervention Level" is the extent of a road or pathway defect above which poses an unacceptable risk to users.
- **"Level of Service"** is the defined service quality for the road or pathway against which performance may be measured. Generally this related to quality, quantity, reliability, responsiveness and cost.
- "Pathway" refers to both formed areas located within the road reserve which are used by pedestrians and shared paths which may or may not be within the road reserve and are designed for use by both pedestrians and cyclists. These areas may be formed by concrete, pavers, asphalt, stone or a similar material.
- **"Municipal Roads"** are roads for which the municipal council is the responsible Road Authority. The Road Management Act imposes specific duties on a Council with respect to the inspection, repair and maintenance of its Municipal public roads, which are those that are reasonably required for general public use.
- "Non-Road Infrastructure" means infrastructure in, on, under or over a road which is not road infrastructure and includes gas pipes, water and sewerage pipes, cables, electricity poles and street lights, rail crossings, bus shelters, vegetation and the like.
- "Other Roads" include roads in State forests & reserves, and roads on private property. The municipal council is not responsible for the care and maintenance of these roads.
- "Register of Public Roads" refers to the register specifying the public roads in respect of which Council is Co-ordinating Road Authority under the Road Management Act (2004).
- "Response Time" is the timeframe afforded to Council to respond to a hazard or defect measured from when a hazard or defect is identified by or notified to Council.
- "Respond" means to mitigate a defect by returning the asset to, or as close as reasonably possible, its original standard.
- "Road" by definition in the Local Government Act 1989 includes a street; right of way; cul de sac; by-pass; bridge or ford; footpath, bicycle path or nature strip; any culvert or kerbing or other land or works forming part of the road.
- "Road Infrastructure" means that infrastructure which forms part of a roadway, pathway or shoulder including-
  - (i) Structures forming part of the roadway, pathway or shoulder;
- (ii) Materials from which a roadway, pathway or shoulder is made. and includes bridges, culverts and fords plus materials such as asphalt, bitumen, gravel, line marking, guideposts, signs, traffic lights etc.
- "Traffic Lane" is the part of the roadway which is designated for use by a single line of vehicles.
- **"Working Day"** means any day of the week excluding Saturdays, Sundays and public holidays (within the meaning of the Public Holidays Act 1993) applying in the municipal district.

**Municipal Road Management Plan [Draft]** 

### 3.3 Key Stakeholders

The key stakeholder groups of the community who are both users of the road network and/or are affected by it include:

- The community in general (for recreation, sport, leisure & business);
- Residents & businesses adjoining the road network;
- Pedestrians (including the very young, those with disabilities, and the elderly with somewhat limited mobility);
- Users of a range of miscellaneous smaller, lightweight vehicles such as pedal cyclists, motorised buggies, wheel chairs, prams, etc;
- Vehicle users using motorised vehicles such as trucks, buses, commercial vehicles, cars and motor cyclists;
- Tourists & visitors to the area;
- Emergency agencies (Police, Fire, Ambulance, VICSES);
- Military (special use in times of conflict & emergency);
- Traffic & Transportation managers;
- Managers of the asset that is the road network;
- Construction & maintenance personnel who build and maintain asset components;
- Contractors & suppliers for the road network;
- Land Developers;
- Utility agencies that utilise the road reserve for their infrastructure (Water, sewerage, gas, electricity, telecommunications);
- Council as custodian of the asset;
- State & Federal Government that periodically provide support funding to assist with management of the network.

# 3.4 Obligations of road users

### 3.4.1 Duty of the Road User

The Road Safety Act (1986) – Section 17A stipulates the obligations of road users as follows:

- (1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the —
  - physical characteristics of the road;
  - prevailing weather conditions;
  - level of visibility;
  - condition of the motor vehicle;
  - relevant road laws and advisory signs;
  - physical and mental condition of the driver.
- (2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.

# (3) A road user must—

- have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
- have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;

### Municipal Road Management Plan [Draft]

 have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

### 3.4.2 Incident Claims

If a person proposes to commence a proceeding in a court based on a claim in relation to an incident arising out of the condition of a public road or infrastructure, the person must give written notice of the incident to the responsible road authority within the prescribed period of the incident occurring [clause 115(1) of the Road Management Act].

### 3.4.3 Council Local Laws

Council has local laws that require permits to be sought from Council where a member of the public or organisation proposes to undertake activities within the road reserve that may in any way impede access by the public or interfere with road infrastructure

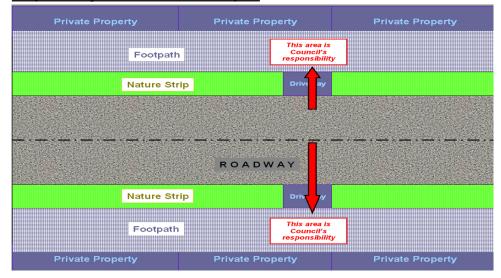
### 3.4.4 Obligation to Maintain

In relation to provision of access to the road reserve from adjoining properties, there are several assets within the road reserve that council does not have an obligation to maintain. These include:

- (1) Vehicle crossings (driveways) where the portion of a vehicle crossing located between the carriageway and the pathway is the responsibility of the adjoining property owner to maintain. If there is no pathway present, the crossing runs from the carriageway to the property boundary and is the responsibility of the adjoining property owner to maintain.
- (2) Private roads which are constructed as part of a subdivision are not the responsibility of Council to maintain until statement of compliance has been achieved and the subsequent titles are issued. At which point the roads vest in Council as public roads. In addition, Council has no obligations regarding roads which are not available for access by the public and are thus privately owned and managed.
- (3) Single property stormwater drains that are constructed within the reserve from the property boundary to a discharge outlet in the kerb or into the drain. They are there to benefit the property and as such are the responsibility of the owner of the property being served to maintain.
- (4) Non-road infrastructure which is owned by utilities and public transport authorities are the responsibility of the relevant owner to maintain. Council has no obligations in regards to these assets pursuant to clause 6 of schedule 7 of the Road Management Act 2004.

**Municipal Road Management Plan [Draft]** 

### Responsibility of Crossover and Footpath



### 3.4.5 Nature Strips and Infill Areas

The residual areas between the edge of the road or back of the kerb and the property boundary (which are not occupied by a pathway or private road crossing) are the responsibility of the property owner to maintain. Street trees within this area, however, are controlled and maintained by Council.

# 3.5 Delegations

The Chief Executive Officer through an "Instrument of Sub-Delegation" has delegated the various functions under the Road Management Act to the respective officers of Council detailed in the Instrument of Sub-Delegation.

### 3.6 Exceptional Circumstances

Council will make every endeavour to meet all aspects of its Road Management Plan, (RMP).

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts and the like, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of Section 83 of the Victorian Wrongs Act, 1958, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the Chief Executive Officer (CEO) of Council, has to, pursuant to Section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning Council's Plan cannot be met, they will write to Council's Officer in charge of its Road Management Plan and inform them that some, or all, of the timeframes and response times are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will write to Council's Officer responsible for Council's Plan and inform them which parts of Council's Plan are to be reactivated, stating the time this is to occur and other relevant particulars.

Municipal Road Management Plan [Draft]

# 4. <u>Municipal Asset Management</u>

### 4.1 Asset Hierarchies - Road Network

All roads and pathways within the municipal road network are classified according to a hierarchy that takes into account their specific function, types of users and user numbers.

The hierarchy classification is used to assist in prioritising works programs and also intervention responses to remedy defects.

The Council has developed two separate hierarchies for its transport network to recognise the variances in usage within them. These are:

- Road network
- · Pathway network

### **Road Hierarchy**

Category	Function
Link	Carry the heaviest volumes of traffic including commercial vehicles and provide the principal routes for traffic flows in and around the municipality.
Collector	Carry significant volumes of traffic and provide access by connecting residential areas to the link roads. They also provide links between the various arterial roads.
Access	Carrying moderate volumes of traffic and primarily serve as property access roads for the local community.
Lane	Roads carrying local traffic, typically providing secondary access to properties with more than one road frontage.

Note: Bridges, culverts, traffic facilities and kerb & channel have their hierarchies based on the road hierarchy with vehicular traffic. For the pathway hierarchy pedestrian traffic is the basis of usage volume.

### **Pathway Hierarchy:**

	<u> </u>	
Category	Function	
Category 1	CBD, and those pathways within the vicinity of schools, hospitals and aged care facilities.	
Category 2	Selected medium use pathways in prominent areas other than described above	
Category 3	Pathways in residential, commercial & industrial areas other than as described above.	

# 4.2 Maintenance Management System

The Maintenance Management System for the municipal road network infrastructure within the Warrnambool City Council is a combination of standards, codes, guidelines and data management systems.

Key components are outlined as follows:

# 4.2.1 Functional Levels of Service

The functional levels of service outline the maintenance standards which the Council shall provide for the road and pathway network, including defect intervention standards, defect response times and inspection timeframes. The levels of service are provided in Attachments 2 and 3.

### 4.2.2 Asset Maintenance - Levels of Service

The following matters are taken into account when developing maintenance standards:

- (a) Road condition surveys periodic surveys to monitor road pavement, road surfacing, structure, and roadside condition at specified intervals depending on the asset, its condition at the previous survey, the volume and nature of road usage (hierarchy classification), and any risk to safety. Condition surveys are not intended to identify individual hazards/defects, rather their primary purpose is to establish the long-term asset life expectancy and suitability for traffic use, and inform future upgrade/re-construction priorities.
- (b) Routine maintenance inspections regular inspections, as part of the day-to-day maintenance of the road network, to monitor asset condition against defect intervention levels (ie that point which takes the defect beyond the 'tolerable' level) and asset safety. Inspection intervals have been determined having regard to the particular road asset element, the type, volume and nature of road usage, and the resources available.
- (c) Routine maintenance standards routine maintenance and repair functions and standards that are based on agreed asset performance targets and defect intervention levels and response actions (based on risk assessment) for a particular asset element (eg. road, pathway, bridge) and road type. Standards vary across the road network in line with relevant risk factors such as traffic volumes, composition of traffic, operating speed, the susceptibility of assets to deterioration, the cost effectiveness of repairs, and competing priorities for funding.
- (d) Repair and maintenance works routine maintenance and repair works are undertaken within a specified reasonable period of time having regard to intervention action priorities, and to specified standards.
  - Response times have been determined by appropriate Council Staff from local knowledge and experience based upon past performance. Attachment 2 details defect intervention levels and response times.
- (e) **Temporary measures** temporary works to be undertaken to reduce the risk of an incident until such time as maintenance or repair works can be completed.
- (f) **Emergency works** works required to be undertaken immediately outside routine works programs to ensure the safety of road users and the public as a result of emergency incidents. Emergency works include traffic incident management, responses to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan & Municipal Emergency Management Plan.

The outcome of the assessment of the various maintenance factors results in the preparation of the annual program for road maintenance, setting out the level of activities and resources to be considered with the Annual Budget.

By developing long term maintenance programs, Council is better able to strategically plan its finances.

### 4.2.3 Asset Inspection Process

To enable competent management of the road network, Council conducts regular inspections which cover incident response, defect identification and condition assessment. Attachment 3 lists the inspection details and frequencies.

### **Defect Inspections**

**Reactive Inspections** – A customer request made by a member of the public or internal council staff member, including reference to response and timeframe being dependant on the nature of the defect and its location relative to the asset hierarchy classification.

**Routine Defect Inspections** – determine if the road asset complies with the levels of service in terms of having defects above intervention levels. Programmed defect inspections are undertaken by way of a formal timetable regime by suitably trained officers

**Incident Inspections** – conducted following an incident or other report that indicates a defect outside the tolerable level or otherwise likely to create danger to the community. As a result an incident condition report may be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and safety measures;

**Condition Inspections** - identify deficiencies in the structural integrity of road and pathway infrastructure which if left untreated are likely to adversely affect network condition.

# 4.3 Asset Management Principles and Financial Sustainability

Council may intervene with its road and pathway network for a multitude of reasons. To achieve a financially sustainable management solution for Council's assets, preventative maintenance or renewal programs may be utilised.

### 4.4 Community Expectations & Consultation

### 4.4.1 Future Consultation

Wherever practicable, input will be sought on appropriate aspects of the Plan by way of community consultation. However consultation will be governed by the ability to accommodate changes for reasons that include existing physical constraints as well as the affordability of resources to effect possible changes. By seeking community input into its service delivery, it is vital that Council does not create a false sense of expectation by the community that suggested changes will be implemented that simply cannot be achieved for reasons such as the affordability factor.

**Municipal Road Management Plan [Draft]** 

# 5. Council Support Systems

# 5.1 Customer Service Systems & Procedures

### 5.1.1 Customer Request System

Customer requests and complaints are managed and tracked by way of Council's *Open Office – Customer Service Manager* computerised system. It enables Council staff to be able to input their own requests, be aware of requests pending and search completed requests.

### 5.1.2 Maintenance Responsiveness & Performance Targets

The Customer Request System records when a request is made, what the request is concerning and the date the request is actioned.

It should be noted that 'actioning' a request doesn't necessarily mean that the request has been fulfilled but simply that appropriate action has taken place.

Appropriate action may well mean that an asset defect, such as a damaged pathway has been inspected and:

- repairs are straight-forward and have been implemented as soon as a work crew is available - the appropriate action in this case is when the repair work has been completed; or
- repairs are significant and need to be undertaken on a special works program along with a number of similar works and the site has had temporary measures implemented until such time as repairs are undertaken - the appropriate action is when the repair work has been listed on the future works program not when it has been completed; or
- the defect was found not to warrant any remedial action at that stage as it was below specified intervention levels - the appropriate action in this case is to record the inspection and take no action.

Whatever the response, it is noted against the original request.

The Customer Request System enables the response times to be monitored to assess performance. This covers response times both for inspections and the interval until appropriate action is undertaken.

# 5.2 Asset Information System

Warrnambool City Council utilises the Conquest Asset Management System to manage its roads and pathways data. This database stores the relevant asset information including the Register of Public Roads and other information which is important in managing Council's road and pathway assets. Data recorded for an asset may include location by name, asset valuation, asset condition, defect histories, dimensions and more.

Municipal Road Management Plan [Draft]

# 6. Financial Management

# 6.1 Budget Provisions

The commitments and obligations specified within this Plan are matched to the financial resources available to deliver those commitments as set out in the Council Plan and Council Budget. To efficiently achieve and sustain the standards of service described within the Plan, Council is required to commit annual funding which is adequate in delivering appropriate and responsive maintenance, renewal and replacement programs for road and pathway infrastructure.

# 6.2 Budget Process

The budget process is conducted in a manner that ensures matters requiring consideration are taken into account prior to final adoption by Council. Community input is sought during the preparation of the Council Plan and annual budget. Submissions are invited via public notice advertisements. Any submissions by the community are considered prior to Council adopting its annual budget. This process ensures the community has every opportunity to participate in the budgetary process.

**Warrnambool City Council** 

Municipal Road Management Plan [Draft]

# 7. Register of Public Roads

#### 7.1 Council's Road Infrastructure

The Municipal Register of Public Roads is stored on Council's Road Asset Information System, the Conquest Asset Management System.

A hard-copy is available for inspection at the Warrnambool City Council's Customer Service Centre. The hard copy will be updated at least annually and update sheets will be inserted at other times when significant changes are made. (eg new subdivisions added)

#### 7.2 Maintenance Demarcation Agreements

Where there are maintenance demarcation agreements defining limits of responsibility on municipal roads between Warrnambool City Council and VicRoads, Moyne Shire, Department of Sustainability & Environment or any other public body or private organisation, the schedule of roads affected by these agreements are listed in the Register of Public Roads.

Issues relating to VicRoads will be outlined in the Instrument of Delegation between VicRoads and Council. Typical demarcation issues where council is often thought to have sole responsibility are listed in the following table:

Issue	Agreement with	Responsibilities
Boundary Roads	Moyne Shire Council	Detailed in the Register of Public Roads.
Street Lighting	Electricity Supply Authority	Asset owned by the Authority; Council pays annual charge.
Rail Crossings	VicTrack	As set out in the Safety Interface Agreement

#### 7.3 Non-Road Infrastructure

Non-road infrastructure within the road reserve (eg rail crossings, telecommunications structures, water & sewerage, street lighting, etc) are to be maintained by the body responsible for that infrastructure (refer to attachments 1 & 2).

# 8. Reviewing the Road Management Plan

The Road Management Plan is intended to be a dynamic document, and as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accord with responsible asset management, changing technology, and in particular, Council and community requirements and expectations.

It is proposed to undertake a review of this Plan at least every 4 years, or more frequently if circumstances require it. Any revised plan will be subject to the consultation and approval processes as detailed in Part 3 of the Road Management (General) Regulations 2016.

**Warrnambool City Council** 

Municipal Road Management Plan [Draft]

# 9. Attachments

- 1- Summary of Non-Road Infrastructure in the Road Reserve
- 2- Typical Defect Intervention Levels
- 3- Road Asset Inspection Frequencies

**Warrnambool City Council** 

Municipal Road Management Plan [Draft]

# Attachment 1 – Summary of Non-Road Infrastructure in the Road Reserve

Asset Type	Infrastructure Manager
Street Lights	Powercor
Traffic Signal Installations – VicRoads assets	VicRoads
Telecommunications infrastructure Assets	Telstra, NBN and Optus
Water & Sewerage infrastructure assets	Wannon Water
Electricity infrastructure assets	Powercor
Gas infrastructure assets	Tenix
Rail Crossings	VicTrack
Bus Stops/Shelters (Public Transport)	Department of Transport

# Attachment 2 – Intervention Levels and Response Times Defects from Routine Defect Inspections

# **Road Network**

Defect Description	Response Times by Hierarchy (working days)			
•	Link	Collector	Access	Lane
Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road, ponding of water >300mm deep, fallen trees, oil spills, stray livestock.	2	2	2	2
Edge of seal drop off which is >100mm and is over 10m in length	10	15	20	30
Reduction in original sealed width ≥250mm	10	15	20	30
Pothole in the traffic lane, shoulder or designated bike path of a sealed road depth >100mm and diameter >300mm	10	15	20	30
Pothole in the traffic lane of unsealed road depth >150mm and diameter >500mm	10	15	20	30
Pothole in the bike lane in designated marked on road bike path of a sealed road depth >100mm and diameter >300mm	5	5	10	20
Deformation >100mm under a 3m straight edge in the traffic lane, shoulder or designated bike path of sealed road.	20	40	60	90
Deformation >150mm under a 3m straight edge in the traffic lane of unsealed road.	20	40	60	90
Missing or substantially damaged drainage pit lids, surrounds, grates, in pedestrian areas or traffic lanes.	5	5	5	5
Trees, shrubs or grasses that restrict design sight distance to intersections or to safety signs.	60	60	60	60
Vegetation intruding within an envelope over roadways with a speed limit >70kmph from the back of shoulder and or kerb and a minimum of 4.3m height clearance for traffic lane and trafficable portion of shoulder.	20	40	60	_**
Regulatory Sign missing, illegible or damaged.	10	15	20	40
Guidepost missing or damaged at a critical location*.	10	15	20	40
Safety Barrier missing or damaged at a critical location*.	10	15	20	40
Pavement marking missing, illegible or confusing at a critical location*.	20	20	20	40
Traffic signal failure or malfunction	36 Hours	36 Hours	36 Hours	36 Hours
Bridges or major culverts including traffic lanes, shoulders and footpaths, with defective with a step >30mm and hole or gap >40mm in length and width. Pooling of water in bridges and culverts greater than 100mm	30	30	30	30

# Pathway Network (Discuss timeframe does not reflect risk based approach 1.11)

Defect Description	Response Times by Hierarchy (working days)		
	1	2	3
Defective with a step >30mm (discuss about hierarchy approach)	30	30	30
Hole or gap >40mm in length and width (discuss about hierarchy approach)	30	60	90
Vegetation which presents a physical hazard to the public over pathways, intruding into a minimum of 2.1m height clearance above path	60	60	60

- \*A critical location is a location where the road alignment and/or pavement width and/or geometry are identified by additional markings or furniture to guide the travelling public.
- \*\* "-" means that this asset condition is not considered a hazard within this hierarchy classification, or that the defect is not applicable to this classification.

Emergency callout - when any call is received which reports an immediate and significant threat to the health and safety of the public, the relevant service team will inspect and assess the issue within 6 hours.

If for any reason it is not feasible to rectify a hazard within the response times detailed in this attachment, appropriate warning of the hazard is to be provided until a suitable repair or treatment may be completed.

Appropriate Warning may include, though is not limited to the following

- Provision of warning signs,
- Traffic control action,
- Diverting traffic around the site,
- Installation of a temporary speed limit,
- Lane closure,
- Restrict use (eg. load limit), or
- Full closure.

#### Vegetation intrusion from a private property

Where a vegetation intrusion or hazard is resulting from a private property, Council shall send a request for contact to the property owner within 5 working days of the inspection. The request for contact shall allow the property owner 10 working days to reach contact with the Council. Following contact, Council shall provide the property owner 20 working days to respond to the vegetation intrusion. If the intrusion has not been responded to within this timeframe, or the property owner does not contact Council within the prescribed period of time, Council shall respond to the intrusion within 60 working days of the initial inspection at the coast of the property owner.

#### **Non-Road Infrastructure**

Council does not owe a duty of care to perform any maintenance works on non-road infrastructure which is owned and managed by a third party (pursuant to clause 6 of schedule 7 of the Act). Furthermore, Council may not be held liable in any civil proceedings arising from a third party failing to discharge its duty of care in relation to its asset (section 104 of the Act).

Council does, however, have a duty of care to cooperate in good faith with other infrastructure managers in coordinating the management and maintenance of infrastructure and related works on a road (clause 4 of schedule 7 of the Act). In the discharge of this duty, Council shall follow the process described in the table below when third party asset defects are identified by Council.

#### Third-party asset defects in pathways

Risk Rating	Defect Description	Council Response
High Risk	Missing pit lid  Pit displaced, damaged or settled to create a trip hazard > 50mm  Pit lid which is severely cracked, brittle or otherwise damaged to create a high risk of collapse.	<ul> <li>Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff.</li> <li>Implementing temporary measures to mitigate the risk within 5 working days of the defect being identified by Council staff.</li> <li>If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time.</li> <li>The defect is closed provided Council has a recorded response from the asset owner regarding the defect.</li> </ul>
Moderate Risk	Pit displaced, damaged or settled to create a trip hazard > 30mm.  Pit lid displaced or cracked creating a hole or gap > 40mm in width and length	Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff.     If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time.     The defect is closed provided Council has a recorded response from the asset owner regarding the defect.

Note: During the process of notification, Council shall record the relevant reference numbers, case notes, defect details and inspection details

# **Attachment 3 - Road Asset Inspection Frequencies**

		Inspection Type, Inspections Per Calendar Year		
Asset Group	Hierarchy Category	Defect Inspection	Night Defect Inspection	
	Link	One	One	
Sealed Roads & Off Street	Collector	One	One	
Car Parks	Access	One	As required	
	Lane	As required	As required	
	Link	N/A	N/A	
Unsealed Roads	Collector	Two	One	
	Access	Two	As required	
	Lane	As required	N/A	
	Category 1	Two	N/A	
Pathways	Category 2	One	N/A	
	Category 3	One per three calendar years	N/A	
Bridges and Major Culverts		One	N/A	

**As required:** When applied to Inspection frequency, 'As Required' indicates that an inspection will only be undertaken upon a request being submitted and an assessment made as to whether an inspection is warranted on the grounds of a risk to public safety.

**N/A:** This denotes that the issue is not applicable as that asset component does not exist in that category or an inspection is not warranted.



# **Planning Assessment Report**

# **Application Details:**

Application Dota			
Application is for:	Construction of three (3) double storey dwellings		
Applicant's/Owner's Name:	Merri Designs Pty Ltd 23 Banyan St WARRNAMBOOL VIC 3280		
Received date	Received: 19 Dec 2019 Fees paid: 6 Jan 2020 57A Amendments: 13 July 2020 & 24 February 2021	Further Info Req: 14/1/2020 Further Info Rec: 29/1/2020	
Public notice	Notice Period: 31/1/2020 – 14/02/2020	57B Notice Period: 7/8/2020 – 21/8/2020	
Application Number:	PP2019-0236		
Land/Address:	Lot 44 LP 20061 PSH WAN 62 Bostock St WARRNAMBO		
Zoning:	General Residential Zone (G	RZ1)	
Overlays:	Nil		
Under what clause(s) is a permit required?	Clause 32.08-6 – to construct two or more dwellings on a lot.		
Restrictive covenants on the title?	Nil		
Current use and development:	Residential – One existing dv	velling	

# **Proposal**

The proposal is for the construction of three, double storey dwellings following the removal of the existing dwelling. Plans considered in the assessment are those referred to as Sheets 1-6 #19-043 Revision E dated February 2021 and received 24 February 2021.

The following is a summary of the key components of the proposal:

Townhouse 1 (closest to Bostock Street)

#### **Ground floor**

- Dwelling setback 6.0m from Bostock St, 3m from western boundary and 3.3m from eastern boundary.
- Porch and entry facing Bostock St.
- Bedroom 2, bathroom, open plan kitchen/ living and dining area.
- Single garage (Finished Level 23.78) set back 1m from western boundary. Access from shared driveway to Bostock St. Internal access provided to dwelling.
- Laundry is located within dwelling footprint but accessed from the garage.
- 6.0m<sup>3</sup> of storage area within a shed on the patio (26.5m<sup>2</sup>).

- Stairway to first floor.
- Floor area of ground floor is 99.25m<sup>2</sup> which includes garage and porch.
- Fencing extending within the front setback to provide for Secluded Private Open Space (SPOS) to the western side of the dwelling (26.5m²). The SPOS has access from the living area.

#### First floor

- Bedroom 1 with access to ensuite and WIR.
- Lounge room area.
- South facing balcony with 1m high handrail.
- Floor area of first floor is 59.82m<sup>2</sup> and includes the balcony (10.9m<sup>2</sup>).

#### Townhouse 2

#### **Ground floor**

- Dwelling setback approximately 21m from Bostock Street. Western side setback 3m, eastern side setback approximately 4.4m.
- Porch and entry with access from shared driveway.
- Bedroom 2, open plan kitchen, living and dining area. Separate bathroom.
- Access to 31.8m<sup>2</sup> of SPOS from living room.
- Stairway to first floor.
- Single garage (Finished Level 23.78) set back 1m from western boundary. Access from shared driveway to Bostock St. Internal access to dwelling.
- Floor area of ground floor is 90.76m<sup>2</sup> which includes garage and porch.
- Laundry is located with access from the garage.
- 6.0m³ of storage is located on the patio in a shed.

#### First floor

- Bedroom 1 with access to WIR and ensuite.
- Lounge room area.
- South facing balcony.
- Floor area of first floor is 52.77m<sup>2</sup> and includes the balcony (8.0m<sup>2</sup>).

Setback between townhouse 1 & 2 of 7m.

#### Unit 3

#### **Ground floor**

- Dwelling setback approximately 33m from Bostock St, 3.5m from western boundary and nil setback to eastern boundary.
- Porch and entry with access from shared driveway.
- Open plan kitchen, living and dining area. Separate WC and laundry.
- Access to 25.1m<sup>2</sup> of SPOS from living room.
- Stairwell to first floor.

- Single garage with nil side setback to east and approximately 1.8m rear setback. Access from shared driveway to Bostock St. Internal access to dwelling.
- Floor area of ground floor is 77.22m<sup>2</sup> which includes garage and porch.
- 6.0m³ of storage space is located in a storage shed in the back yard.

#### First floor

- First floor setback approximately 2.7m to eastern side setback approximately 1.8m rear setback.
- Bedroom 1 with access to WIR and ensuite.
- Bedroom 2 with access to WIR.
- North facing windows to have a sill level at 1.7m.
- Separate bathroom.
- Lounge room area.
- South facing balcony with horizontal batten screen to prevent direct overlooking of SPOS to townhouse 2.
- Floor area of first floor is 68.86m<sup>2</sup> and includes the balcony (4.7m<sup>2</sup>).

Setback between townhouse 2 & 3 a minimum of 4m.

#### Height

The land slopes from north to the south with a fall of approximately 3.0 metres (northeast corner to southwest corner). The land is proposed to be cut and filled in order to provide flat building pads for each dwelling. At the northern end of the site there will be a retaining wall installed at a maximum height of 1.8 metres above *proposed* ground level (northeast corner) and a new 1.8 metre high fence erected above the retaining wall.

Plans (sheet 4/6) indicate the rear dwelling to have an overall height of 6.35 metres from finished ground level, which is the highest point of all dwellings on the site. The balance of dwellings are indicated to be below this height. The plans indicate townhouse 3 at approximately 4.5m above 'natural' ground level at 1m from the northern boundary.

#### Design and materials

The design of the dwellings are proposed to be contemporary and comprise box form (with parapet), flat roofs and a skillion section to provide for articulation. The upper floors are proposed to be recessed.

Mixed materials and colours are proposed throughout the development including the following:

- Smooth acrylic render on face brickwork.
- James Hardy Scyon Linea Board cladding.
- Stainless steel handrails and balustrades.
- Corrugated iron roofing.
- Panel lift garage doors.
- Face stone feature column.
- Aluminium windows and door frames.

#### Landscaping

A landscape plan has been submitted that proposes lawn areas and the following species to be planted throughout the site:

- Burgandy Agon
- Phormiums
- Kangaroo paw
- Sedge

The application is accompanied by:

- Planning application form
- Recent copy of title
- Full set of drawings
- Planning report, including Clause 55 (Rescode) assessment

Subdivision is not proposed in this application.

# Subject site & locality

An inspection of the site and the surrounding area has been undertaken 8/1/20 and also via the on-site meeting with Councillors.

The site is rectangular and has a total area of 670.62m<sup>2</sup> and currently contains a single storey weatherboard dwelling with a gable end roof. The site has a frontage of approximately 15.65m to Bostock Street.

The site slopes from north to south with a fall of approximately 3m. The existing dwelling has a driveway along the eastern boundary, is surrounded by low vegetation and includes a large open rear yard.

The site is located on the northern side of Bostock Street, 120 metres west of the intersection with Bell Street.

The site has relative proximity to the following:

- 1.8km to Warrnambool CBD.
- 300m to Raglan Pde.
- 350m to Flaxman St shops.
- 400m to Warrnambool East Primary School.
- 700m to Hopkins River and E J King Park.
- A childcare/kindergarten centre is within 800m.

The main site/locality characteristics are:

- The area predominantly consists of single storey dwellings generally dated within the 50's and 60's post war era.
- Dwellings generally consist of a combination of materials such as weatherboard and pitched roofs either in corrugated iron or tiles.
- Fencing is generally low and provides for an open garden character within the front sethacks
- Front setbacks are mixed but have an average of approximately 6m.

- Outbuildings are either to the side or rear, with rear yards generally being open and free of development.
- Existing double storey dwellings generally do not provide a recessed storey.
- Lot sizes within the area generally consistent except lots which are angled due to intersection of Bell St and Bostock Street.
- Overhead power lines on northern side of Bostock Street.
- A constructed pedestrian footpath directly abuts the site within the verge



Image 1: Aerial image of subject site (Exponare 2019)



Image 2: Subject site at 62 Bostock Street (Site inspection 8/1/20)

# **Permit/Site History**

There is no recent permit or site history for the subject site.

#### **Aboriginal Cultural Heritage**

- Is the site in an area of significance? Yes
- Is the proposed development exempt? Yes, under Regulation 10 3 or more dwellings on a small lot (less than 0.11ha).
- Has the site been significantly disturbed in the past? Only in part where the existing dwelling was constructed.
- Is a Cultural Heritage Management Plan required? No
- Has the applicant provided an approved Cultural Heritage Management Plan? N/a

#### **Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

Sending notices to the owners and occupiers of adjoining land.

#### And;

The display of a sign on site.

The notification has been carried out correctly. A statutory declaration was received 13/01/2020.

Six (6) objections during this process.

The applicant was provided the opportunity to respond to the concerns raised in the objections. The applicant lodged a written response to the objections and also amended the plans.

The application was been re-advertised pursuant to Section 57B of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners who had previously been given notice under Section 52.

An additional two (2) objections were received resulting in eight (8) objections received to date. The key issues that were raised in the objections are:

- 1) Neighbourhood character
- 2) View Sharing
- 3) Overlooking, Overshadowing, Bulk and Height
- 4) Car Parking and Traffic Safety
- 5) Noise.

#### Response

Assessment of the objections in relation to the subject site and application are as follows:

# **Existing Character:**

The area contains, generally, single storey dwellings from the post war period. The buildings are predominately constructed of a comibination of materials and painted in light tonings. The dominant front setbacks are 6.0 metres with front gardens with some well vegetated. Dwellings are detached (linked with garages) with 1 to 4 metre side setbacks.

One side to provide vehicle access is generally throughout the area. Garages and/or carports have been built to a side boundary and are visible from the street.

The proposed development is modern in design which is considered to be an emerging character within the existing neighbourhood where existing dwellings are being replaced with new, generally modern designed buildings<sup>1</sup>.

The proposal contains external materials and light colours which make reference to the existing weatherboard facades and the proposed garages are set back from view or at the rear of the lot, which reflects the general pattern of the street. The front dwelling is proposed to be setback 6.0 metres from the Bostock Street frontage providing for suitable landscaping to reflect the existing landscaping theme of the street.

The State Government provides various guidelines to assist assessment and Clause 55 (rescode) includes a number of standards intended to ensure development generally responds to its surrounds. The proposal is not replicating the existing 1950/60's housing stock although includes various design elements to contribute to integration within the streetscape. Consideration must also be given to an emerging character as a result of redevelopment occurring in the area that does not trigger a planning permit.

The design is considered to be an acceptable response to the character of the street.

#### View sharing:

The amended design endeavours to address the issue around loss of views by lowering townhouse 3 by an additional 1.0 metre (1.0 metre excavation) in order to provide views to the ocean. The land slopes from the north to Bostock Street with dwellings 1 and 2 lower than the Dwelling 3. This is intended to provide a view for those dwellings located on Emma Avenue (north of the site).

VCAT has provided commentary that there is 'no right to a view'. Council's policy framework however, acknowledges that 'view sharing is an emerging issue within the municipality'<sup>2</sup>. As such, planning decisions should have regard to the 'sharing of views, rather than necessarily retaining all existing views'.

The proposal is considered to be an appropriate compromise for all surrounding residents and future residents of the proposed development.

#### Overlooking, overshadowing, bulk and height:

The amended design has considered the issue of overlooking by including highlight windows (windows 1.7 metres above floor level) on all of the majority of first floor windows. Overlooking from the lower floors will not occur due to the new 1.8 metre high boundary fence being built along the boundaries.

Shadow diagrams demonstrate that some overshadowing will occur on the property at 64 Bostock Street (to the west). The time at which the shadow is at its most is at 9.00am, however after 11am the land at 64 Bostock Street will continue to receive natural light and would be unaffected by the proposal. Other adjoining properties will not be affected by any overshadowing.

The proposed height of the new dwellings are approximately 6.35 metres from ground level to top of parapet. The standard height provisions under the ResCode in the General Residential Zone is 11 metres. The proposed height of the buildings complies with the

<sup>&</sup>lt;sup>1</sup> The use and development of a single dwelling on a lot in excess of 300m<sup>2</sup> does not require a planning permit under the General Residential 1 Zone.

<sup>&</sup>lt;sup>2</sup> Clause 21.06-1 (Urban Environment) of the Warrnambool Planning Scheme

standard. The land currently slopes and with the cut and fill to provide level ground for each dwelling, Dwelling 3 will have a height of 4.5 metres above natural ground level.

Portions of the proposed garage walls are proposed to be located on boundaries, however, are not higher than 3.2 metres. The balance of the development is setback from side and rear boundaries within the requirements of the Standard.

The proposed development is considered to provide an acceptable outcome in regard to overlooking, overshadowing, bulk and height.

#### Car parking and traffic safety:

The proposal is for three, two bedroom dwellings. The relevant Standard<sup>3</sup> for each dwelling requires one (1) on-site car parking space. Each dwelling is proposed to be provided with one undercover car space in the garage. Vehicle movement to and from the site is in a forward direction with appropriate turning movements contained on the site. The fence height within 3m of the street has been reduced to 1.2m to address safety of pedestrians.

Council's City Infrastructure Branch have provided input into the movement of traffic within the site or on Bostock Street. Recommended conditions have been included in the officer's recommendation. There is also on street parking available if required.

#### Noise:

Generally, new development includes noise associated with construction. There are noise requirements that apply to construction works and they are contained under EPA guidelines and can be controlled by a condition of a permit requiring a construction management plan to be submitted to and approved by Council.

# Consultation

Consultation undertaken, in summary:-

- Council requested further information on 14/1/2020 which requested the following information:
  - A separate garden area plan.
  - Vehicle swept paths.
  - Additional information regarding setbacks.

Information was received 29/1/2020.

- A response from the applicant to the objections was received 10/7/2020.
- Accompanying the response was a set of Amended Plans which were accepted by Council as a Section 57A Amendment.
- The plans were re-advertised and a further two (2) objections were received. No objections were withdrawn due to the amended plans.
- Council's Engineering Department provided input about the turning movements shown on the amended plans and requested more detail on how vehicles were able to manoeuvre on site.
- The applicant submitted further amened plans on 21 February 2021 addressing the turning movements (revision E).

<sup>&</sup>lt;sup>3</sup> Clause 52.06-5 (Car parking requirement) of the Warrnambool Planning Scheme

#### Referrals

Section 55 Referrals:

Not required.

Section 52 Referrals:

Not required.

**Internal Referrals:** 

#### Infrastructure

The application was referred to Council's City Infrastructure unit. Recommended conditions have been included.

# **Assessment**

#### Zoning:

General Residential 1 Zone (GRZ1)

The land is zoned General Residential and the purpose of this zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Relevant clauses:-

# Clause 32.08-4 Minimum garden area requirement

A minimum of 35% of the lot is to be set aside as garden area as the lot size is above  $650\text{m}^2$ .

#### Response

The site has a total land area of 670.62m² and at least 35% of the site must contain garden area (the 35% must not include areas less than 1.0 metre or driveways and car parking areas). The site comprises 173.47m² of driveway, car parking areas and areas less than 1.0 metre plus 256.37m² of building footprint, which equates in total to 429.84m². The remaining area of 240.78m² or 35.9% is deemed as garden area. The development therefore complies with the required garden area.

Clause 32.08-6 Construction of two or more dwellings on a lot

A permit is required to:

- construct a dwelling if there is at least one dwelling existing on the lot;
- construct two or more dwelling on a lot

A development must meet the requirements of clause 55.

#### Response

The proposal has been assessed against the Clause 55 (Rescode) provisions. The proposal complies with all relevant Standards of Clause 55, except Standard B6 – Street Setback, therefore, requiring a variation. The Standard provides for the following:-

#### Street Setback

The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

The average setback should be 6.2 metres from the street frontage. The northern side of Bostock Street has a variation of setbacks and the proposed 6.0 metre setback will not be out of character. A small section of the dwelling projects in front and the proposed porch can project into the front setback area.

#### Clause 32.08-10 maximum building height requirement for a dwelling

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

#### Response

The proposed development complies with this requirement.

#### Clause 32.08-13 Decision Guidelines

Decision Guideline	Officer Comment
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal complies with the Municipal Planning Strategy and the Planning Policy Framework as contained in the Warrnambool Planning Scheme, facilitating urban consolidation in a serviced area.
The purpose of this zone.	The proposal complies with the purpose of the General Residential Zone as it:  - Encourages development that respects the neighbourhood character of the area.  - Implements neighbourhood character policy and adopted neighbourhood character guidelines.  - Provides a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
The objectives set out in a schedule to this zone.	Not applicable.
Any other decision guidelines specified in a schedule to this zone.	Not applicable.
The impact of overshadowing on existing	Not applicable.

rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	
Subdivision	Not applicable
Dwellings and residential buildings	
For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.	Not applicable.
For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.	An assessment against the relevant Standards of Clause 55 has been undertaken. The majority of the proposal complies with all Clause 55 requirements, excepting Standard B6 which is suitable for variation for reasons outlined above.
For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.	Not applicable.
Non-residential use and development	Not applicable

# Overlays:

There are no overlays applicable to the site.

# The Planning Policy Framework (PPF)

The below clauses found within the MSS are the most relevant to the planning application:

- Clause 11.01-1R Great South Coast
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood Character
- Clause 16.01-1S Housing supply
- Clause 18.02-4S Car parking
- Clause 19.03-3S Integrated water management

#### Response

The proposed development is located in an existing residential area that is experiencing change, responding to increase in demand for housing stock within existing urban areas.

The existing character and building design of the immediate area is well established, providing future residents an opportunity to live in modern buildings. The proposal is considered to be an example of medium density living that is relatively close the main centre of Warrnambool. Three two bedroom dwellings will provide the opportunity for a diversity and variation of housing types for future residents of Warrnambool.

Car parking is provided with each dwelling and all services will be provided.

#### **Municipal Strategic Statement:**

The below clauses found within the MSS are the most relevant to the planning application:

#### Clause 21.06 – Built Environment and Heritage

The objectives include:

- To achieve urban design of the highest standard.
  - Support development that provides an appropriate degree of visual interest and design articulation and a high standard of amenity for residents.
  - o Require the siting (including setbacks and site coverage) of new development to respond to the opportunities, constraints and features of the site.
  - Require new development to present integrated building forms that have a sense of address.
  - Support new development that applies design techniques (including façade variation, contrast/repetition, colour, texture and detail) that will integrate a building with its surrounds and create attractive and interesting forms.
  - Require landscaped areas as part of new development proposals which positively contributes to the appearance of built form and integrates development into the surrounds.
- To ensure that building heights maintain view lines to the coast.
  - Limit development heights to maintain coastal view lines from public spaces and respect scale and character.
  - o Promote view sharing between properties.
- To protect the City's natural environment and built heritage.
  - Ensure that the selective redevelopment of sites for units and townhouses complements the area's heritage character, incorporates appropriate design standards and achieves high quality development.
  - Ensure that infill development and redevelopment proposals are complementary to the inherent values of the sensitive landscape areas of the City.
- To ensure new development contributes to safe neighbourhoods.
  - Support the design of buildings, front fences, subdivisions, car parks and public open space that maximises natural surveillance to provide for safe neighbourhoods.
- To enhance the presentation of streetscapes.

- Support urban design that enhances the streetscape and promotes activity in the public realm.
- Support development that contributes to an active street frontage by use of porches, and low front fences.
- To maintain neighbourhood character.
  - o Protect the character of the existing residential precincts.
  - o Require that new development responds to site context.
  - Require that new development integrates with the existing architectural, historic and landscape character of the neighbourhood.
  - Require that building heights respect the scale and character of existing buildings.
- To develop neighbourhoods with a strong sense of place with well-designed attractive built form and landscape character.
  - Ensure development contributes to the character, identity and sense of place of the area, particularly in newly developing areas
- To provide a compact urban environment and a sustainable urban form
  - Facilitate urban development to be consolidated around activity nodes and public transport routes to reduce car dependency, and maintain the existing urban settlement boundary.
  - Provide solar oriented allotments and other sustainable design features as part of new subdivision developments.
  - Provide indigenous plant species and water sensitive urban design as part of subdivision, site layout, design and landscaping schemes for new developments.

# Clause 21.07-1 Residential Development

Location of residential development- Established urban areas have the potential to accommodate further residential development.

There is capacity for more intensive forms of residential development within close proximity to open space, activity centres and along public transport routes.

The objectives for housing include:

• To locate new housing within close proximity to existing and/or planned transport corridors, activity centres and open space.

#### Strategies including:

- Support increased residential densities established urban areas within close proximity to existing and/or planned transport corridors, activity centres and open space.
- Encourage increased housing densities to be located within walkable catchments to public transport routes.
- Support residential infill development within established urban areas that complements the area's neighbourhood character and incorporates appropriate design standards.

To provide housing diversity to meet community needs

#### Strategies include:

- Facilitate a range of different housing types in existing urban areas and greenfield growth areas
- To provide opportunities for affordable housing.

#### Strategies include:

- Provide more affordable accommodation opportunities through the designation of a range of housing styles as well as higher density housing such as townhouses, aged persons accommodation and commercial accommodation.
- Provide a diversity of housing types and lot sizes in locations that support appropriate access to employment, education, cultural, recreational, health and social services.

#### Response

The proposal has been designed to utilise modern materials. The proposed two (2) bedroom houses will contribute to the diversity of housing stock within an established residential area of the city. The development has good access to infrastructure, open space amenity and community services.

#### **Local Policies:**

There are no relevant local policies.

#### **Relevant Particular Provisions**

#### 52.06 Car Parking

This clause provides that two (2) car parking spaces are required to be provided to each three or more bedroom dwelling.

#### Design standard 2 - Car parking spaces

- Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.
- Where two or more car parking spaces are provided for a dwelling, at least one space must be undercover.

#### 52.06-10 Decision Guidelines

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.

- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of the vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.

#### Response

The proposal complies with Clause 52.06 where each proposed dwelling is a two bedroom dwelling and therefore one undercover car garage is provided on site. No visitor car parking is required as there is less than 5 dwellings.

The proposed car spaces within the garage compiy with design standard 2 where the internal dimensions are 3.5 metre wide (min.) and 6.0 metres long (min.).

Vehicles are able to manoeuvre on site in order to exit in a forward direction (Revision E).

#### Clause 55 - Two or More Dwellings on a Lot

Refer to earlier commentary above.

#### **General Provisions:**

Clause 65.01 Approval of an application or plan

Decision Guideline	Officer Comment
The matters set out in Section 60 of the Act.	The proposed development complies with the matters as set out in Section 60 of the Act.
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The proposed development complies with the MPS and LPPF including the MSS and local planning policies.
The purpose of the zone, overlay or other provision.	The proposal complies with the purpose of the General Residential Zone.
Any matter required to be considered in the zone, overlay or other provision.	Not applicable.
The orderly planning of the area.	This proposal represents an orderly and practical response to land that is situated within a residential context.
The effect on the amenity of the area.	There will be no measurable effect or impacts on the amenity of the area. Appropriate offsets distances exist between the existing dwelling and adjoining residential properties. No adverse overshadowing effects or overlooking of private open space will occur through this layout and design of the proposed dwellings.
The proximity of the land to any public land.	Not applicable.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	Appropriate cut and fill on the land will remove any potential of the land being

	degraded, causing salinity or reducing water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Appropriate stormwater detention will be required as directed by Council's Infrastructure Department.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard. The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	There will no flooding of the property or adjoining properties as appropriate drainage will be installed on site.  All vehicles will enter and exit in a forward direction.

# Recommendation

That council having caused notice of Planning Application No. PP2019-0236 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to determine to issue a Notice of Decision to Grant a Planning Permit for PP2019-0236 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 44 LP 20061 PSH WAN TSH WARR, 62 Bostock St WARRNAMBOOL VIC 3280, for the Construction of three (3) double storey dwellings in accordance with the endorsed plans, subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 2. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
  - a. Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site.
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the building block. The pollutants from these building operations must be contained on site.
  - c. Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
- All works must occur within the title boundary and no disturbance to any adjoining property shall occur as a result of this application to the satisfaction of the Responsible Authority.

#### 4. Stormwater Management Plan

Before the commencement of construction a detailed Stormwater Management Plan is to be submitted to and endorsed by the Responsible Authority. The stormwater

works must be designed in accordance with the current Responsible Authority's Design Guidelines, the endorsed application plans and must include:

- a) Identification of any existing drainage on the site.
- b) Details of how the works on the land are to be drained and/or retarded.
- c) Computations in support of the proposed drainage.
- d) A proposed Legal Point of Discharge for each lot.
- e) An underground drainage system to convey minor flows (as defined by the IDM) to the Legal Point of Discharge or retention system for the development;
- Details of how the storm water discharge from the development will be limited such that post development flows up to the 20% AEP do not exceed predevelopment flows;
- g) Evidence that storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within lots without causing damage or nuisance to adjoining property.
- Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways in accordance with Clause 56.07-4 of the Planning Scheme;

#### 5. Stormwater Works

The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the Responsible Authority prior to use or occupation of any new dwelling.

#### 6. Car Parking & Common Property Areas

Before the Use or Occupation of the development the internal common traffic and parking areas must be constructed to the satisfaction of the Responsible Authority, and must:

- a) Be in accordance with endorsed plans
- b) Be in accordance with Australian Standards
- c) Be finished with an all-weather sealed surface
- d) Be drained

Areas designated for car parking on the endorsed plan are to be kept free and clear for that purpose.

#### 7. Vehicle Entry & Exit

Vehicles associated with each townhouse must to enter and exit the land in a forward direction.

# 8. Vehicle Access

Before the use or occupation of the development, the applicant must provide vehicle access to the land to the satisfaction of the Responsible Authority. This may include the removal of existing redundant vehicle crossings and reinstatement of affected kerb, nature strip and footpath. Satisfactory clearance is to be provided to any stormwater pit, power or telecommunications pole, manhole cover, marker, or street tree. Any relocation, alteration or replacement required shall be at the applicant's expense.

#### **PERMIT NOTES**

**Expiry** 

This permit will expire if one of the following circumstances applies:

- a. the development is not started within two (2) years of the date of this permit.
- b. the development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- a. Within six months afterwards for commencement, or
- b. Within twelve months afterwards for completion.

#### Road Reserve Works Permit

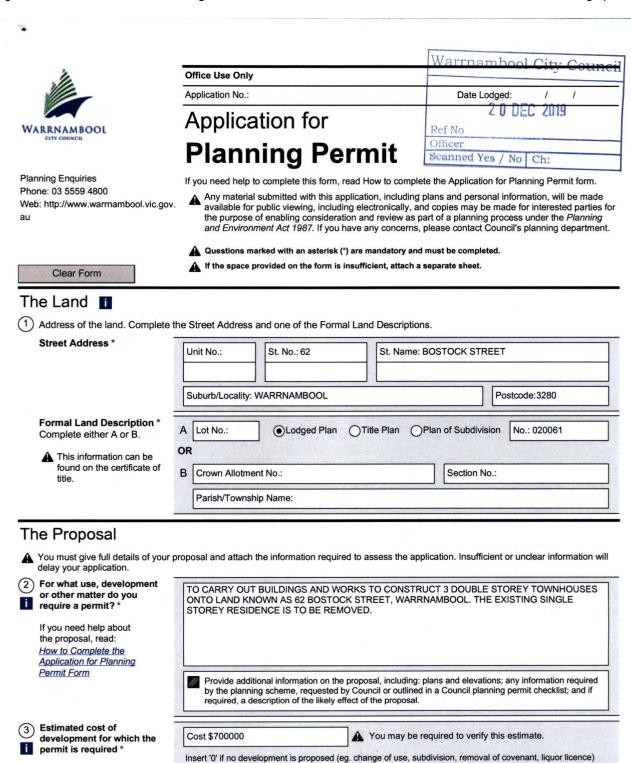
Before the commencement of any works within the road reserve, a Road Reserve Works Permit must be obtained from Council. All conditions on the Permit must be complied with.

#### **Asset Protection Permit**

Before the commencement of any physical works to the site, an Asset Protection Permit must be obtained from Council. This purpose of this permit is to protect Council assets from damage which can result from the works and from the movement of heavy equipment and materials on and off the site. All conditions on the Permit must be complied with.

#### **Fencing**

Boundary fencing must not interfere with safe sight distance between vehicles exiting the site and pedestrians on the footpath.



# Existing Conditions II

Describe how the land is used and developed now \*

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing. THE LAND CURRENTLY SITES ONE SINGLE STOREY DWELLING WHICH IS TO BE DEMOLISHED.

Provide a plan of the existing conditions. Photos are also helpful.

itle Information 🚺					
If you need help about the title, read: How to complete the Application for Planning Permit form	Does the proposal breach, in any way, an encumbrance on title such as a restrictrive covenant, section 173 agreement or other obligation such as an easement or building envelope?  Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)  No  No  Not applicable (no such encumbrance applies).				
	Provide a full, current copy of (The title includes: the coverin documents, known as 'instrum	ng 'register search state	ment', the title diagram		
pplicant and Owner					
Provide details of the applicant as Applicant *					
300 - 100 -	Name: Title: First Name: J	ESSICA	Surname: BROWN	ISEA	
The person who wants the permit.	The state of the s		Camano Ditorni		
substituted in *-united by the control of the contr	Organisation (if applicable): ME	RRI DESIGNS PTY. L	.TD.		
	Postal Address:		a P.O. Box, enter the deta		
	Unit No.: St. No.: 23	St. I	Name: BANYAN STRE	ET	
	Suburb/Locality: WARRNAMBO	OL Stat	e: VIC	Postcode: 3280	
Where the preferred contact person for the application is different from the applicant, provide the details of that	Contact person's details *  Name:  Title:  First Name: J		Same as applicant (if so,	go to 'contact information') [	
person.	Organisation (if applicable): MERRI DESIGNS PTY. LTD.				
	Unit No.: St. No.:23				
	Suburb/Locality: WARRNAMBO	OL Stat	e: VIC	Postcode:3280	
Please provide at least one	Contact information				
contact phone number *	Business Phone: 55626372	Em:	ail: iess@merridesign	s@merridesigns.com.au	
	Business Frioric, 30020072		iii. jess@memdesign	jess@memdesigns.com.au	
	Mobile Phone:	Fax:			
Owner *	Name:			Same as applicant	
The person or organisation	Title: First Name: P	AUL	Surname: BROMLI	EY	
who owns the land	Organisation (if applicable):				
Where the owner is different from the applicant, provide					
the details of that person or organisation.	Postal Address:  Unit No.: St. No.: 18		If it is a P.O. Box, enter the details here:  St. Name: BONSEY ROAD		
organisation.	Suburb/Locality: HIGHTON	Stat	e: VIC	Postcode:3218	
	Owner's Signature (Optional):		I Face		
	Owner o dignature (Optionar).		Date:		
				day / month / year	

# Need help with the Application?

If you need help to complete this form, read How to complete the Application for Planning Permit form General information about the planning process is available at <a href="www.dpcd.vic.gov.au/planning">www.dpcd.vic.gov.au/planning</a>

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

8 Has there been a pre-application meeting with a Council planning officer?

○ No	<ul><li>Yes</li></ul>	If 'yes', with whom?: JAMES PHILLIPS		
		Date: SEPT. 2019	day / month / year	

# Checklist II

(9) Have you:

Paid or included the application fee?	Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
Provided all necessary supporting info	rmation and documents?
A full, current copy of title information for e	each individual parcel of land forming the subject site
A plan of existing conditions.	
Plans showing the layout and details of the	e proposal
Any information required by the planning schecklist.	scheme, requested by council or outlined in a council planning permit
If required, a description of the likely effect	t of the proposal (eg traffic, noise, environmental impacts).

# Lodgement II

Lodge the completed and signed form, the fee payment and all documents with:

Warrnambool City Council PO Box 198 Warrnambool VIC 3280 25 Liebig Street Warrnambool VIC 3280

#### Contact information:

Telephone: 61 03 5559 4800 Email: wbool\_city@warrnambool.vic.gov.au DX: Ausdoc 28005

#### Deliver application in person, by fax, or by post:

Print Form

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

#### Save Form:

Save Form To Your Computer You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.



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#### LAND DESCRIPTION

Lot 44 on Plan of Subdivision 020061.
PARENT TITLE Volume 07444 Folio 699
Created by instrument 2328969 30/08/1950

#### REGISTERED PROPRIETOR

Estate Fee Simple Sole Proprietor PAUL THOMAS BROMLEY of 18 BONSEY ROAD HIGHTON VIC 3218 AK414793T 22/06/2013

#### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK414794R 22/06/2013 WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

#### DIAGRAM LOCATION

SEE LP020061 FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 62 BOSTOCK STREET WARRNAMBOOL VIC 3280

#### ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION Effective from 23/10/2016

DOCUMENT END



# **Imaged Document Cover Sheet**

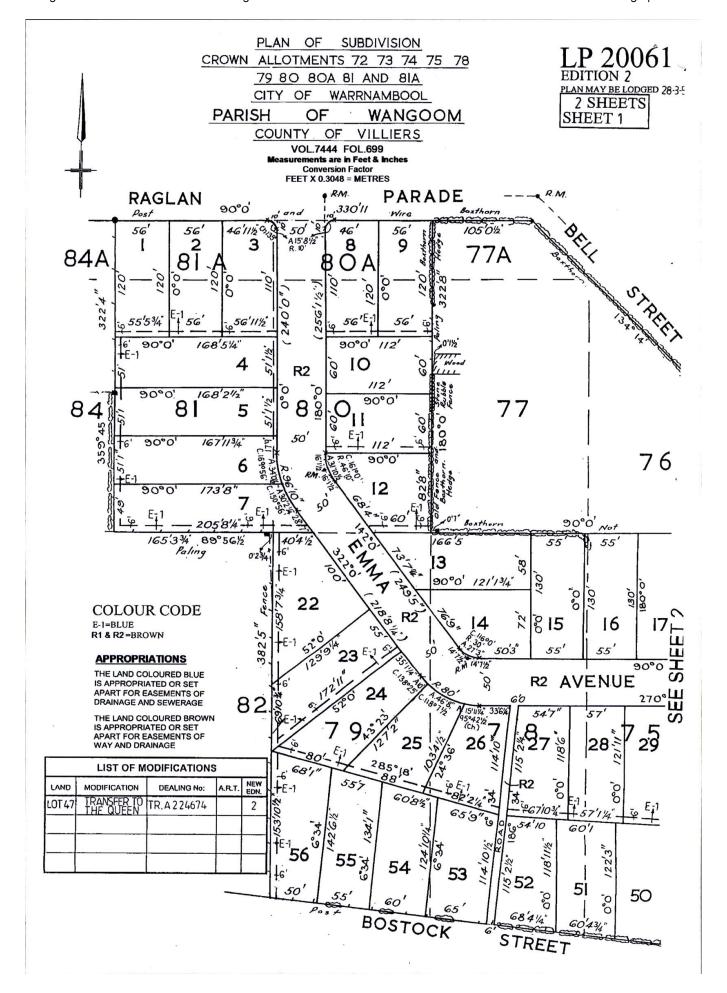
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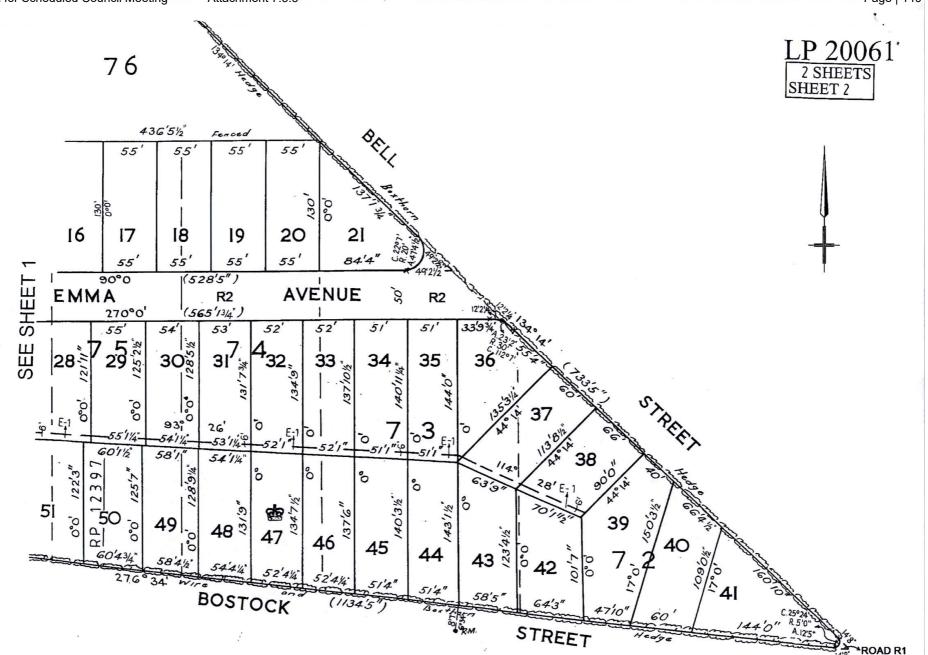
Document Type	Plan
Document Identification	LP020061
Number of Pages	2
(excluding this cover sheet)	
Document Assembled	19/12/2019 11:44

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19th December 2019

Warrnambool City Council Town Planning Department 25 Liebig Street Warrnambool 3280

# PLANNING REPORT FOR PROPOSED CONSTRUCTION OF 3 NEW DOUBLE STOREY DWELLINGS, DEMOLITION OF EXISTING RESIDENCE AT 62 BOSTOCK STREET, WARRNAMBOOL

CLIENT: J. BROMLEY (JOB REF: 19-043)

Planning Permit Application Overview				
Address	62 Bostock Street, Warrnambool			
LP	0200061			
Proposal	To demolish an existing dwelling & construct 3 new double storey dwellings			
Planning Scheme	Warrnambool Planning Scheme			
Zoning	GRZ1			

**Proposal:** To carry out buildings and works to construct 3 double storey residences onto land known as 62 Bostock Street, Warmambool. The existing single storey residence is to be removed to make way for the new proposal.

A pre-application meeting was held with town planning officer, James Phillips, in September 2019, in which the market demand for 2 bedroom townhouses within close proximity to the Warmambool CBD was highlighted. Preliminary comments on the concept design made recommendations to increase the garden area, permeable surfaces and solar access to Townhouse 1. In response we reduced the overall building footprint, aided particularly by downsizing Townhouse 3 from a 3 bedroom dwelling to a 2 bedroom. Further comments were made in regards to height limitations and compliance with side and rear setback objectives. Additional feedback focused on the importance of justifying how 3 double storey dwellings are appropriate to an area that is currently dominated by single storey dwellings.

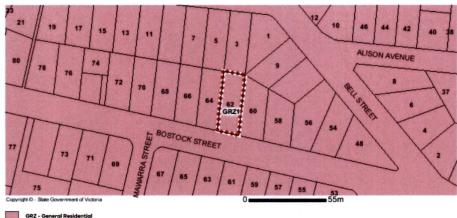
The site is located on the Northern side of Bostock Street, Warrnambool. The site has an area of approximately 670 square metres, with a street frontage to Bostock Street of 15.646 metres. The property is currently bound by three adjoining property's, one (1) to the Northern boundary (3 Emma Avenue), one (1) to the Eastern boundary (60 Bostock Street) and one (1) to the Western boundary (64 Bostock Street).

A planning permit is required to construct a dwelling if there is at least one dwelling existing on the lot and to construct two or more dwellings on a lot. We wish to apply for three dwellings on one allotment. There is no proposal to subdivide the allotment. As per regulation 10 of the Aboriginal Heritage Regulations 2018, no Cultural Heritage Management Plan is required.

23 BANYAN STREET, WARRNAMBOOL, VIC, 3280 PHONE:03) 5562 6372 MOBILE: 0447 376 966 FAX: 03) 556I I577 E-MAIL: <a href="mailto:jess@merridesigns.com.au">jess@merridesigns.com.au</a>

#### **GENERAL RESIDENTIAL ZONE**

#### The property is shown below:



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend

#### **BUILDING DESCRIPTION**

A small 3 bedroom weatherboard residence, which is to be removed, currently occupies the land known as 62 Bostock Street, Warmambool. Three (3) double-storey 2 bedroom townhouses are proposed for the site. The proposed townhouses are designed to complement the existing neighbourhood character, utilising fibre-cement cladding and rendered facades with colorbond corrugated iron roofing and power coated aluminium windows with a contemporary flair. Each dwelling will be provided with a feature entrance door in a narrow width porch style entrance covered by a balcony above and located beside the single garages. A ground floor paved outdoor living area is proposed to the North-west of each property with South facing first floor balconies positioned to maximise ocean views. All townhouses will feature single car garages with panel lift doors and internal access to the residence. Each townhouse will have 2 living areas and 2 bathrooms located on each floor. The proposed townhouses will be accessed via the existing vehicle crossover and a new driveway along the Eastern boundary of the allotment.

The townhouses consists of an approximate area of 122m² (townhouse 1), 115m² (townhouse 2) and 111m² (townhouse 3) of total living space, consisting of an open plan dining/ living/ kitchen area, entry, 2 bedrooms, bathroom, ensuite and WIR. Laundry facilities are located in the attached single car garages of Townhouse 1 and 2 with an internal laundry room provided to townhouse 3. The three garages vary between 27m² and 28m².

The proposed development will comfortably meet all side and rear setback objectives. Each townhouse will have generous access to sunlight and secluded private open spaces. A total of 23.53% of the site will provide a pervious surface whilst the remaining area will consist of paved/sealed areas and building footprints. The proposal has a site coverage of 43.10% (inc. all building footprints and garages), well within the 60% permitted in the standard. The proposed development will have a total garden area of 35.34% of the allotment.

The existing small trees and unmaintained shrubbery at the front of the garden will be removed to accommodate new local indigenous plantings and grassed areas with the aim of softening the aspect of the site and positively contributing to the neighbourhood environmental character, whilst providing aesthetic appeal and generous recreational space suited to the demographic of singles, professionals and retirees.

# TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

CLAUSE 55.02 - NEIGHBOURHOOD CHARACTER & INFRASTRUCTURE

**CLAUSE 55.03 - SITE LAYOUT & BUILDING MASS** 

**CLAUSE 55.04 - AMENITY IMPACTS** 

**CLAUSE 55.05 – ON-SITE AMENITY & FACILITIES** 

**CLAUSE 55.06 – DETAILED DESIGN** 

#### **CLAUSE 55.02 - NEIGHBOURHOOD CHARACTER & INFRASTRUCTURE.**

#### STANDARD B1 - NEIGHBOURHOOD CHARACTER

**COMPLIANCE** 

An elevated single storey weatherboard residence with a colorbond gable end roof currently occupies the site. The original dwelling, which is to be removed, is typical of the existing neighbourhood character. The immediate surrounds reflect a Post-war Australia, consisting of mostly single storey weatherboard and conite dwellings painted in pale creams and off-whites tucked between simple brick veneer dwellings with aluminium windows and concrete roof tiles or corrugated roofing iron. Many of the neighbouring properties have been altered in recent years; painted with darker moodier tones, feature stone walls or extended to meet growing demands. Some of which have been completely removed to make way for contemporary two storey developments maximising ocean views. Character guidelines to respond to are medium density development with light neutral tones, lightweight facades and varying roof lines. Character setbacks indicate 6 metre setbacks to street frontages with garages, outbuildings and private open spaces located at the rear. Landscaping treatments present trimmed lawn areas with native scattered shrubs and trees. Front fences are shallow brick walls, timber palings or non-existent. Building scale mirrors the natural slope of the land with elevated single and double storey dwellings varying between 4-9 metres over the gradient of the landscape. (Please refer to site photos, sht.1).

#### STANDARD B2 - RESIDENTIAL POLICY

#### COMPLIANCE

The proposed character is of a modern quality residential development, which complies with all acceptable principles of sustainability and efficiencies. The proposal is in an appropriate location for inner city medium density development, against infrastructure and local character issues. This development has been designed to conform to the state planning policy, framework planning and local policy.

#### STANDARD B3 - DWELLING DIVERSITY

**COMPLIANCE** 

The proposed development is not required to confirm to this standard as there will only be a total of three dwellings on the one allotment.

# STANDARD B4 - INFRASTRUCTURE

COMPLIANCE

The development is not expected to pose a threat of overloading existing services, as all services are in place or available. Connections for electricity, reticulated sewerage and drainage services are all existing and available.

#### STANDARD B5 - INTEGRATION WITH STREET

#### COMPLIANCE

The proposed townhouses are orientated to front Bostock Street, each including a south facing entry porch and direct vehicular access from the street. The South elevation of each townhouse has been designed to integrate with Bostock Street through the use of the building shape, articulated facades, windows and allocated entry points, while still providing the clients with privacy and adequate street setback. A 1.8 metre high fence, setback 3 metres, is proposed to provide privacy to the ground floor private open space area of townhouse 1. The fence will be a maximum of 4.2 metres in length (26% of the street frontage). The fence will be a solid rendered wall up to 900mm high where the remaining 1100mm of fencing is a timber slat screen designed to limit dominance to street front whilst still providing adequate security and privacy to residents.

## **CLAUSE 55.03 - SITE LAYOUT & BUILDING MASSING**

#### STANDARD B6 - STREET SETBACK

#### COMPLIANCE

The proposed front setback to Townhouse 1 is to be 6 metres, matching both the existing setback on the allotment and the existing minimum setback of the adjoining allotments at 60 and 64 Bostock Street. The first floor of Townhouse 1 is setback an additional 1.8 metres to reduce its impact on the streetscape below (refer to site plan, sht. 1).

#### STANDARD B7 - BUILDING HEIGHT

#### COMPLIANCE

The maximum building wall height at ground floor level is between 6 and 7 metres, with the maximum roof height reaching 8.5 metres, which lies approximately 1.5 metres below the 10 metre height maximum of Standard B7 (refer to elevations, sht. 4). Given the site has a slope of approximately 3.5 degrees from North to South the maximum height of 5.5-8.5 metres is appropriate for a two storey dwelling and will be similar to that of 56, 54 and 52 Bostock Street.

#### STANDARD B8 - SITE COVERAGE

#### COMPLIANCE

The site area covered by buildings (inc. garages) is 43.10%, which is well within the 60% permitted in the standard (refer to site coverage, sht. 5).

#### STANDARD B9 - PERMEABILITY

#### COMPLIANCE

A total of 23.53% of the site will have a pervious surface, which exceeds the minimum 20% required by standard B9. The remaining area will consist of paved/sealed areas, driveways and building footprints (refer to permeable surfaces, sht. 5).

#### STANDARD B10 - ENERGY EFFICIENCY

# COMPLIANCE

All three townhouses have been provided with adequate North-facing private open space directly accessible from the ground floor living areas. Townhouse 2 & 3 have been provided with generous North-facing ground floor living whilst townhouse 1 & 2 both have a North-facing lounge on the first floor. Additional windows to the east and west will provide morning and afternoon sun. The dwellings will have double glazing where required, be well insulated and have provisions for solar panels on the generous roof area. Each residence will reach the minimum 6 star requirement and Energy Rating reports will be completed with final working drawings. The townhouses are set back adequately from all boundaries to allow enable appropriate solar access to the existing neighbouring dwellings.

#### STANDARD B11 - OPEN SPACE

#### COMPLIANCE

The only public/communal space for the proposed development is the driveway and surrounding garden area. The proposed driveway is accessible from all 3 townhouses and garages (refer to site plan, sht. 1).

# STANDARD B12 - SAFETY

# COMPLIANCE

A 1.8 metre high fence and retaining wall is proposed between townhouse 2 & 3, whilst Townhouse 1 & 2 are separated by a fire rated garage wall thus preventing persons using private open spaces as public thoroughfares. Each townhouse has an attached secure garage with direct internal access into each dwelling for

23 BANYAN STREET, WARRNAMBOOL, VIC, 3280

PHONE:03) 5562 6372 MOBILE: 0447 376 966 FAX: 03) 556I I577 E-MAIL: jess@merridesigns.com.au

added security (refer to ground floor plan, sht. 2). Entrances and access ways will be well lit and clear of any obstructions.

#### STANDARD B13 - LANDSCAPING

#### COMPLIANCE

The current site is grassed with 8 small ill-kept trees which are to be removed for revegetation. Local indigenous native planting has been proposed to the new development, with grassed areas to soften the aspect of the site and allow it to integrate well into the neighbourhoods' environment. Proposed planting will be provided in accordance with standard B13 (refer to landscape plan, sht. 5).

#### STANDARD B14 - ACCESS

#### COMPLIANCE

The existing 3 metre crossover on the Eastern side of the street front will remain with a new concrete driveway providing access to all three townhouses to be constructed within the allotment. The existing dwelling crossover is 19.81%, being a total width of 3 metres, almost half that of the maximum 40% as required by Standard B14. The existing crossover and proposed driveway will not impact any existing vegetation, on street parking spaces or footpaths (refer to site plan, sht. 1).

#### STANDARD B15 - PARKING LOCATION

#### COMPLIANCE

Occupant car parks and garages have been located directly beside the residence with nearby access, providing safe onsite parking with covered access to front entrances and internal access via the garage. The proposed driveway is not within 1.5 metres of a window to a habitable room (refer to ground floor plan, sht. 2).

#### STANDARD B16 - PARKING PROVISIONS

#### COMPLIANCE

One undercover parking space has been provided within single garages to each 2 bedroom townhouse as per Standard B16. All garages comply with the minimum dimensions of 6 metres long and 3.5 metres wide (refer to ground floor plan, sht. 2). Garage surfaces will be graded adequately to reduce run off. No visitor car parks are required.

#### **CLAUSE 55.04 – AMENITY IMPACTS**

#### STANDARD B17 - SIDE AND REAR SETBACKS

#### **COMPLIANCE**

The proposed dwelling comfortably meets all side and rear setback objectives of the current site (refer to elevations, sht. 3-4).

#### STANDARD B18 - WALLS ON BOUNDARIES

#### COMPLIANCE

The proposed garages are all located on title boundaries with a zero offset. The proposed garages for townhouse 1 and 2 are located on the Western boundary with an average height of 3.16 metres, just below the maximum average of 3.2 metres as specified. The total length of the garage at 7.6 metres is significantly less than the 18 metres permitted by Standard B18 (refer to west elevation, sht. 4). A third garage is proposed on the Eastern boundary attached to townhouse 3, it has a total length of 7.2 metres and an average height of 2.8 metres, both well within the maximum dimensions specified (refer to east elevation, sht. 4).

#### STANDARD B19 - DAYLIGHT TO EXISTING WINDOWS

#### COMPLIANCE

Generous side setbacks ensure all existing habitable windows on neighbouring dwellings will retain sufficient daylight to comply with standard B19.

#### STANDARD 20 - NORTH FACING WINDOWS

#### COMPLIANCE

The proposed development will not directly impact any existing North facing windows on the allotment or neighbouring dwellings.

#### STANDARD B21 - OVERSHADOWING OPEN SPACE

**COMPLIANCE** 

23 BANYAN STREET, WARRNAMBOOL, VIC, 3280 PHONE:03) 5562 6372 MOBILE: 0447 376 966 FAX: 03) 556I I577 E-MAIL: jess@merridesigns.com.au

No overshadowing will occur to private open space within neighbouring properties. The neighbouring residence at 64 Bostock Street will receive some minor shadows during the morning but will still receive a minimum of 5 hours of sunlight throughout the day. The neighbouring residence at 60 Bostock Street will receive adequate sunlight until the late afternoon, thus still receiving a minimum of 5 hours (refer to shadow diagrams, sht. 5).

#### STANDARD B22 - OVERLOOKING

#### COMPLIANCE

No overlooking occurs to neighbouring private open space from any balconies or habitable room windows (refer to overlooking diagram, sht. 6). A horizontal batten screen is proposed to the balcony of Townhouse 3 to avoid direct views into the private open space of Townhouse 2. Due to the location and orientation of the habitable room windows and private open space no further overlooking will occur (refer to overlooking plan and diagrams, sht. 6).

#### STANDARD B23 - INTERNAL VIEWS

#### **COMPLIANCE**

The proposed development has been designed to ensure no internal view issues exist. A horizontal batten screen is proposed to the balcony of Townhouse 3 to avoid direct views into the private open space of Townhouse 2.

#### STANDARD B24 - NOISE LEVELS

#### COMPLIANCE

Noise levels due to the proposed development will have no impact on neighbouring dwellings. The development has been designed for residential use, with noise levels within a normal domestic range.

#### **CLAUSE 55.05 – ON-SITE AMENITY AND FACILITIES**

#### STANDARD B25 - ACCESSIBILITY

#### **COMPLIANCE**

Each townhouse is designed to be accessible on the ground floor level from both the garage and entry porch with complete access to kitchen/dining/living area and WC facilities being appropriate to meet standard B25. With each townhouse split across two levels, handrails will be provided to stairways to assist those with limited mobility.

#### STANDRAD B26 - DWELLING ENTRY

#### COMPLIANCE

The proposed main entrance to each townhouse is orientated to front Bostock Street. Each entry is clearly identified from the street with the use of a covered porch and south facing balcony with feature stone walls to provide a sense of personal address, whilst providing shelter to the entrance. Additionally, each townhouse entrance will possess its own clear identity, for all residents and visitors.

#### STANDARD B27 - DAYLIGHT TO NEW WINDOWS

#### COMPLIANCE

All windows will have access to the required level of open 'clear to the sky' light. The design of the development has successfully fulfilled the criteria of Standard B27, by ensuring all habitable room windows are positioned to overlook their own uninterrupted outdoor space, open to the sky (refer to floor plans and elevations for window locations, sht. 2-4).

#### STANDARD B28 - PRIVATE OPEN SPACE

#### COMPLIANCE

Direct access from dwelling to paved private open space areas are to be provided at ground floor level. Townhouse 1 has direct access from the ground floor living room to  $28.5 \text{m}^2$  patio area with an additional  $10 \text{m}^2$  of balcony space accessed via the first floor lounge. Townhouse 2 has direct access to a patio with a total paved area of  $30.6 \text{m}^2$  with additional first floor balcony of  $14 \text{m}^2$ . Townhouse 3 has a partially covered patio of  $26.3 \text{m}^2$  off the ground floor living area with another  $5 \text{m}^2$  balcony on the first floor. The areas provided will provide ample opportunity for reasonable recreation, and service the outdoor needs of occupants with additional grassed areas scattered around the development site.

#### STANDARD B29 - SOLAR ACCESS TO OPEN SPACE

**COMPLIANCE** 

23 BANYAN STREET, WARRNAMBOOL, VIC, 3280 PHONE:03) 5562 6372 MOBILE: 0447 376 966 FAX: 03) 556I I577 E-MAIL: jess@merridesigns.com.au The proposed townhouses have been designed to ensure residents have access to North-facing private open space in order to receive adequate solar access to the outdoor areas. The paved outdoor areas will receive a generous supply of morning, midday and afternoon sun.

#### STANDARD B30 - STORAGE

#### COMPLIANCE

Townhouses 1 and 2 have two storage areas within the garage that create a combined total in excess of 6 cubic metres. Townhouse 3 has a single storage area at the rear of the garage providing 6 cubic metres of storage as specified by Standard 30. The storage within the shed can be accessed externally and is a convenient option to meet the objective. Storage for waste and recycling bins will also be located within the yard space of each dwelling (refer to ground floor plan, sht. 2).

#### STANDARD B31 - DESIGN DETAIL

#### COMPLIANCE

The proposed development has been created to integrate with adjoining dwellings and future developments. The developments townhouse style respects the local neighbourhood character with the use of complimentary elements and features in the design, with a modern perspective. The proportions of doors and windows were addressed in the design process, aiming to have none oversized and/or out of place. The sizes proposed have complimented the development and allowed sufficient light and sun to enter the dwellings where possible. The roof designs of the proposed townhouses are a series of skillions and parapets. The use of lower roof pitches will allow the development to limit any shadow effect and be of similar heights to neighbouring single storey properties. The scale and proportions of the development have been carefully considered in response to the reduced bulk of the area and limited site coverage, with a substantial setback to the proposed garages from the street front in line with the rear outbuildings of surrounding properties.

#### STANDARD B32 - FRONT FENCE

#### COMPLIANCE

The proposed front fence will be setback 3 metres from the Southern boundary and as such is not required to comply with the height limitations of Standard B32. The lower solid rendered wall and timber slat screen of the front fence has been selected to compliment the proposed development with minimal impact on the street front.

#### STANDARD B33 - COMMON PROPERTY

#### COMPLIANCE

The only common property proposed for the development is the concrete driveway which requires little to no maintenance or management.

#### STANDARD 34 - SITE SERVICES

#### COMPLIANCE

Utilising the same setback as the existing dwelling will allow sufficient space to access and maintain site services and facilities satisfactorily. Adequate space has been provided within yard space for recycle and waste bins providing ease of access between the property and kerbside. There is generous space for the location of a mailbox along the Southern Boundary fronting Bostock Street.

We look forward to this application progressing. Please feel free to call me on 03 5562 6372 if you have any further queries.

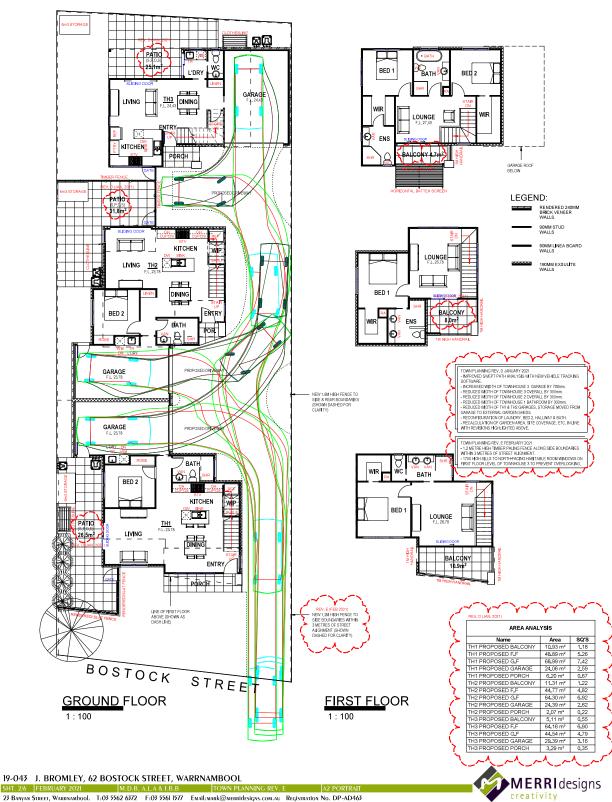
Regards,

Jessica Brownsea



SHT. 1/6 | FEBRUARY 2021 | M.D.B. A.L.A.B. J.B.B. | TOWN PLANNING REV. E. | IXT. ENGINEER | IXT. ENGINEER | IXT. ENGLISHMARK@MERRIGESIGNS.COM.AU REGISTRATION NO. DP.AD463



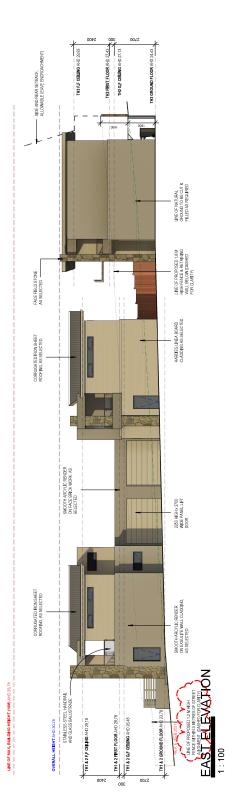




19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL
SHT. 366 FEBRUARY 2021 M.D.B. ALLA 8, J.B.B. TOWN PLANNING REV. E

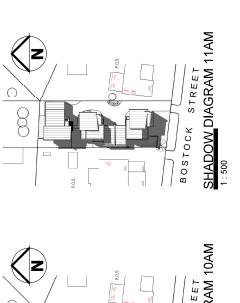
28 BANYAN STREET, WARRNAMBOOL T. 07 5762 6772 F. 05 5761 J777 EMAIL:MAR@MERRIGHSIGNS.COM.AU REGISTRATION No. DP-AD463

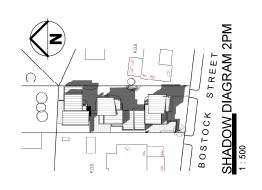
**MERRI**designs creativity

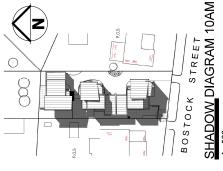


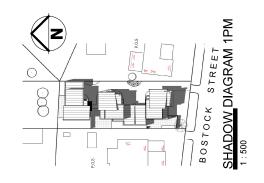


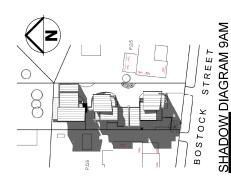


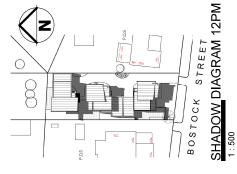


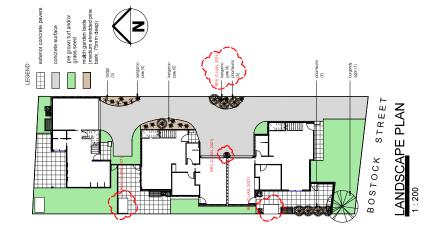










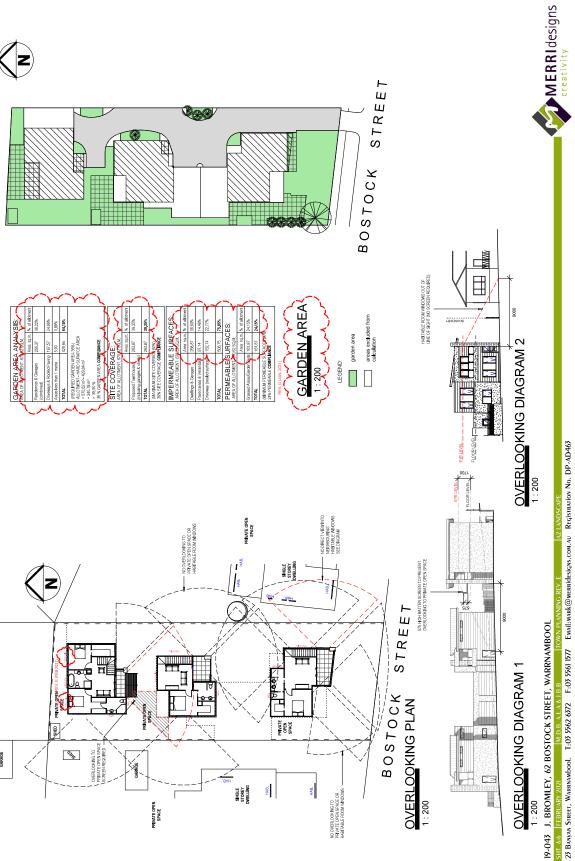


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(COMMON) NAME:	ANGIOZANTHUS 'BUSH RANGER' hybrid kangaroo paw	combination of PHORLUMS including: trankias trankias firme tuff dietes purple fountain surfer boy	agonis flexuosa nana	Carex ssp.	
Į.	kangaroo paw	combination of phormiums	burgandy agon	edge	

PLANT SCHEDULE:

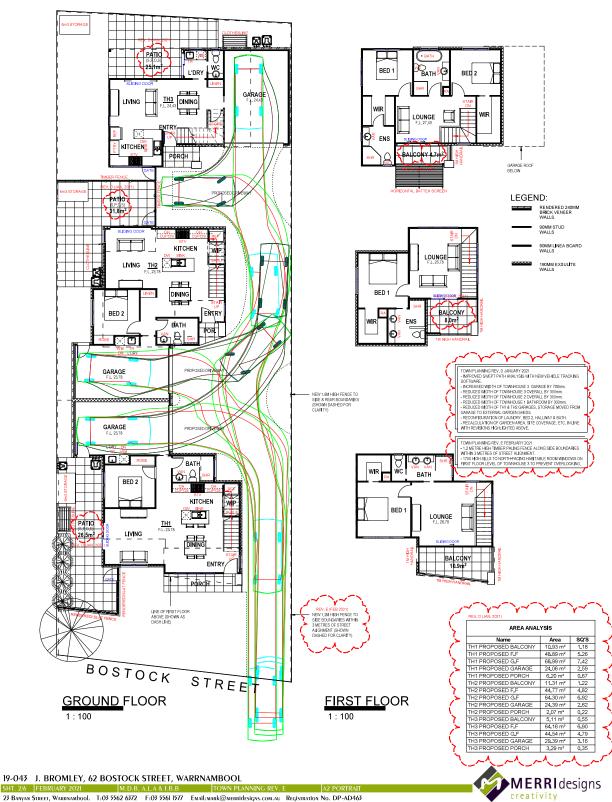
19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL
SHT.56 | FEBRUARY 2021 | M.D.B. A.L.A. & J.B.B | TOWN PLANNING REV. E | A2 LANDSCAPE
22 BANYAN STREET, WARRNAMBOOL T.07 5762 6772 F.07 5761 1577 EMAIL:MARK@MERBIGLSIGNS.COM.AU REGISTRATION NO. DP.AD463





SHT. 1/6 | FEBRUARY 2021 | M.D.B. A.L.A.B. J.B.B. | TOWN PLANNING REV. E. | IXT. ENGINEER | IXT. ENGINEER | IXT. ENGLISHMARK@MERRIGESIGNS.COM.AU REGISTRATION NO. DP.AD463



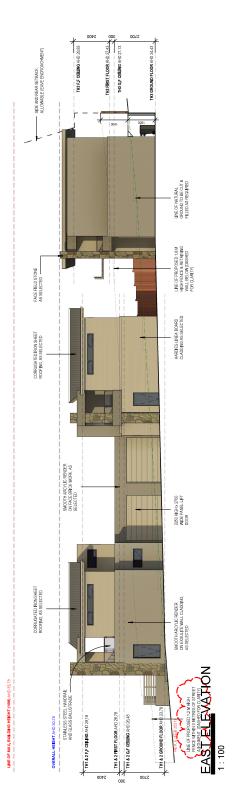


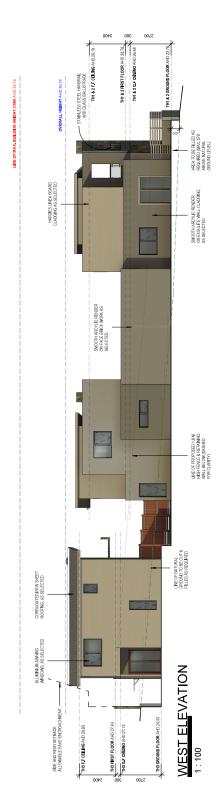
**MERRI**designs creativity



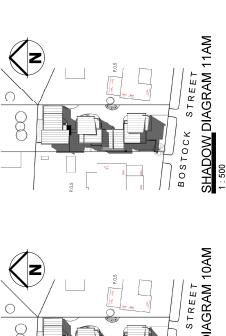
19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL
SHT. 366 FEBRUARY 2021 M.D.B. ALLA 8, J.B.B. TOWN PLANNING REV. E

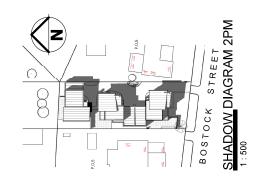
28 BANYAN STREET, WARRNAMBOOL T. 07 5762 6772 F. 05 5761 J777 EMAIL:MAR@MERRIGHSIGNS.COM.AU REGISTRATION No. DP-AD463

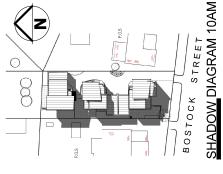


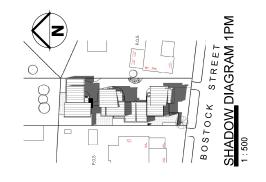


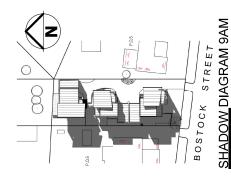
19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL
SHT. 436 FEBRUARY 2021 M.D.B. A.L.A.A.J.B.B. TOWN PLANNING REV. F. AV LANDSCAPE
22 BANYAN STREET, WARRNAMBOOL T.07 5762 6772 F.07 5761 1577 Email-mark@mendiciqns.com.au Registration No. DP-AD463

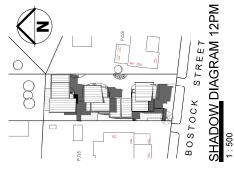










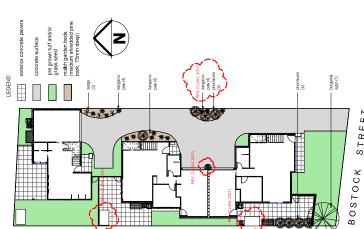


STREET

ANDSCAPE PLAN

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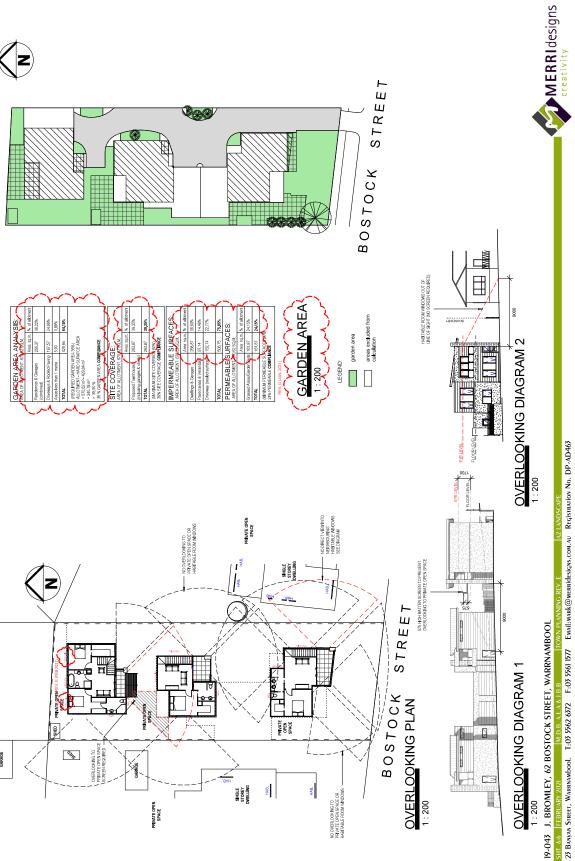
PLANT SCHEDULE:



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BOTANICAL (COMMON) NAME:	ANGIOZANTHUS 'BUSH RANGER' hybrid kangaroo paw	combination of PHORIUMS including: trankias Ime tuff detes purple fountain surfer boy	agonis flexuosa nana	Carex ssp.	
KEY:	kangaroo paw	of phormiums	burgandy agon	edge	

19-045 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL
SHT.566 | FEBRUARY 2021 | M.D.B. A.L.A.A. J.B.B | TOWN PLANNING REV. F | AV. LANDSCAPE
22 BANYAN STREET, WARRNAMBOOL T.07 5762 6772 F.07 5761 1577 Email-mark@menridesiqns.com.au Registration No. DP-AD463







### Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without linest seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?	13 FEB 2					
I/We (Names in Block Letters	Ref No Officer	SA A PRODUCTION OF THE PARTY OF	A			
Name(s)RosaLiN	Scanned Yes / No Ch	urname	EVANS			
Address 68 Bost	ock STREET	•				
WARRNANBEO	52		Post Code 3280 -			
	Telephone (Home) 55612885 Telephone (Work)					
Email	1 11	)				
Signatures(s) Deduction	7/05	<u> </u>	Date 13 2 20 -			
			Date			

#### Important notes about objections to permit applications

- This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- 2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice – Application for Planning Permit.
- 4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
- The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6. Any person may inspect an objection during office hours.
- 7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



# Objection to Grant Planning Permit – Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

1 1 1		
What application do you object		
Planning Application Number	P2019-0236	
What is the address of the land the	hat is proposed to be used or develop	ed 62 Bostock ST
WARRAMBOZ.	iat is proposed to be used or develop	
0011110111		
in CART	luction of 3 Day	BE STREY
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DURLINGS.		
	objection? (If there is not enough room, attach	
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be a safety i	ssue to exha spr	lover on-street parkin
How will you be affected by the	e grant of a permit? (If there is not enough	room, attach a separate page.)
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Bostoeti St	is a Moraughfa	re for yound children,
and their fo	amilies to get to	EAST Prinary solust
Civic Centre 25 Liebig Street Warmambool Victoria Australia	Telephone (03) 5559 4800	Website www.warmambool.vic.gov.au ABN 44 594 264 321
Warmambool Victoria Australia PO Box 198 Warmambool VIC 3280	Facsimile (03) 5559 4900 AUSDOC DX 28005	ADN 44 394 204 321

PP2019-0236

OBJECTION PAGE I

62 Bostock ST. - 3 Double Stoley DWELLINGS.

# Reasons Continued.).

which will block visibility gouring occess to the road / drivenings; not to mention Safety for the children on The street. Also could ruin the rowly planted trees a each nature-strip!

- It sets a DANGEROUS + WORRYING PRECEDENT for the street and whole area for possible fitness development changing the whole native fitness development changing the whole native of family character within the neighbourhood to writh living.

- At present there are only 4 houses on the street which are a storey, these do not. Street which are a storey these do not. I drastically change the character of the neighbourhood as They are single dwellings neighbourhood as They are single dwellings and family houses in heeping with the and family houses in heeping with the arriver residential features of Bostoch Streets

(3/12/20

I strongly object to 3 units on one site and in particular multi storey, overcrowding a plot, coursing additional noise from 3 ndr I dwelling and congestion and safety issues with additional traffic. Only I can power space per unit has been There will be at least 2 cars perwit planned. if carples (or adult sharing) are to live there, and visitors with vehicler to 3 names not just 1. This will cause huge avespill of parting onto the street. Poor visibility for other residents accessing driveways, and safety issues with extra traffic causing narords to dulden and pedestions is of major concern. The developer/owner is not a local resident and clearly has no regard

resident and dearly has no regard for preserving the Tiving quality of the families who reside here or the neighbourhood disrachteristics.

It is prizely a investment opportunity to make money.

Possibly Market Money.

OBJECTION PAGE 2 PP2019-0236 62 BOSTOCK ST - 3 DOUBLE STOREY DWELLINGS. - How will You be Affected? (CONTINUED). and the Honeylot duldcare Centre children after walk/ride independently to school of their friends houses, both morning and afternoon. It will be more dangerous with so much extra traffic parting on the road, for them to negotiate. - I will be norried for the safety of my children on the street, siding or walking. - I am concerned for my safety reversing out of my drivenay. - I am concerned for roise pollution with 3 extra duellings/harseholds so close by instead of just 1. - Worried about the PRECEDENT it sets for futive development and the contriving "peaceful expyrient of a family neighbourhood. foshid M Sun.

From: Kerry Fort Town Planning

Subject: Objection-62 Bostock planning permit Saturday, 15 August 2020 4:13:31 PM Warrnambool P1.jpg Warrnambool P2.jpg Date:

Attachments:

Dear Mr Cameron McNeill,

I am the owner of 1 Emma Ave since 1998 and plan on returning to reside there in the future.

As I share fence line with 62 Bostock St this development will directly affect the panorama from my home.

Please find attached objection

Regards

Kerry-Anne Fort

Your Ref:

PP2019-0236

14 August 2020

Town Planning Office Warrnambool City Council PO Box 198 Warrnambool 3280

Dear Sir/Madam

RE: RE-NOTIFICATION OF A NOTICE OF AN APPLICATION FOR PLANNING PERMIT - CONSTRUCTION OF THREE (3) DOUBLE STOREY DWELLINGS AT 62 BOSTOCK ST WARRNAMBOOL VIC 3280 BY MERRI DESIGNS PTY LTD.

In response to the re-notification of the above application, we object to the proposed development as the following issues still need to be addressed:

View Lines – The proposed dwellings TH 2 and TH3 still seek to obscure the view lines afforded to the building at 1 Emma Avenue. Any proposed building should be situated below the horizon line when viewed from the building located at 1 Emma Avenue. The view lines from the property have been enjoyed for a number of years and the proposed development seeks to remove them. The built form should seek to be reduced to a single storey component at the rear of the property, as this will reduce the impact of the bulk of the development on the single storey existing dwellings and afford a greater degree of the present view lines to the ocean.

Materials and Finishes – The proposed dwellings do not incorporate materials and finishes that are characteristic of the streetscape and locality of the area. The streetscape along Bostock Street is predominantly red brick and weatherboard. The proposed development seeks to utilise a vast amount of render finishes, which have a limited effective lifespan and will result in an undesirable finish to the building. An alternative finish is require to be provided that is more characteristic of the existing built form.

**Building Design** – The predominant built form along the street consists of pitched roofs. The proposal as advertised does not include the pitched roof design. On this basis the proposed roof forms are not deemed to be characteristic of the area and do not complement the streetscape. In addition the bulk and lack of articulation of the eastern side elevation of TH3 presents as a large blank wall and is not a desirable outlook from 3 Emma Avenue.

Car Parking – The proposal to only provide a single off street car parking space in accordance with Warrnambool Planning Scheme Clause 52.06. The presumption that the requirement of a single car parking space be provided is inadequate, given that the site has not been located within a high frequency public transport network. The reliance of the site on the utilisation of public land to cater for overflow parking for the development is indicative of an over development of the site.

**Privacy** – The internal privacy provided to TH2 from TH3 is inadequate. The sightline from the balcony at TH3 is 4.1m from the Lounge room on the second storey of TH2. A greater setback and building separation is required to provide adequate visual privacy from each building. The proposed horizontal batten screen also do not appear to address privacy concerns between the TH3 and TH2. Alternatively, if the balcony is proposed to be screened to address the matter this will negatively impact on the amenity of TH3.

Should you have any enquires with respect to this information, please don't hesitate to contact me on 08 9188 4435.

Yours faithfully

Kerry-anne Fort

1104a Jabbarup Place Tom price



Who is objecting?

4 0 FEB 2020

# Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

	Scanned Yes / No Ch:
I/V	We (Names in Block Letters)
Na	ame(s) Allesha Surname GARONER
Na	ame(s) Billy Surname GARDNER
	ddress 66 Bostock Street Warmanberl
	Post Code 3280 record of finding
Te	elephone (Home) 0428024022 Telephone (Work)
	obile 0428192822 Facsimile
Er	mail billy gardner 66 @ gmail.com
Si	mail billy gardner 66 @ gmail.com  gnatures(s) Levades. Date 8 february 2020
	gnatures(s) Date 8 / 2 / 2020
Im	portant notes about objections to permit applications
1.	This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
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	State the reasons for your objection: and
	State how you would be affected if a permit is granted.
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9. If you object before the responsible authority makes a decision, the authority will tell you its decision.

date shown in the notice you were sent or which you saw in a newspaper or on the site.

10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.

7. If your objection related to an effect on property other than at your address as shown on this form, give details

8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the

11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

of that property and of your interest in it.



# Objection to Grant Planning Permit - Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

person for the	e purpose of consideration as part of the planning process.
	cation do you object to?
Planning Ap	plication Number PP 2019 - 0236
	address of the land that is proposed to be used or developed?
What is prop	posed? Construction of thee (3) double story dwellings.
What are th	e reasons for your objection? (If there is not enough room, attach a separate page.)
streets are on Bostocl	pment is out of character for our neighbourhead bestock street and the surrounding dominantly single dwellings on large spacious blocks. The are currently no blocks to street which consist of 3 double story dwellings for a long as we have lived in west (11 years) is has always had a goen, safe and family friendly feel.
· The west creclook	facing Windows of the second story of the proposed development would directly into our backgood and through the windows of our home.
	bu be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
To allow the	proposed development to go ahead would set a precidence for future developments of
this scale	in the area which does not respect or reflect the existing neighbourhood character.
the open a	split of the strelt and family frendly feet is something that we value the site of the
proposed du	relligs are not big enough to attract families or suitible enough for retirees (staircases
to navigali	e) therefore there is a risk of attracting undescrable persons to our usually sofe friendly
and guiet	street. To have multiple dwellings, each with only one single goverage, on a single block would
	stien by having extra cars parked out on the street. This will become a dange to relightering
residents (	is they exit drive ways causing brigspote as they turn onto the road. Similar congertion
is commonly	y seen outside the current blocks which have 2 single story unit on them.

# . Part B. Continued ...

2. We are a active family with young children. Our backyard is used daily as a play space for our children, a leisure space for gardening and an entertaining space for family and friends. To have our treasured back yard space being overlooked by multiple double story dwellings is an invasion of andaloss of our privacy.

To make this development more appealing in Bostock Street I would suggest the following:

Build one large dwelling on the block with the focus being on orientation rather than quantity of housing. Upon observing the plans, the orientation of the block has not been utilised to its best advantage. One large dwelling utilising the northerly aspect for living spaces within the house, the rear yard and entertaining spaces would be mere beneficial than jamming it more attractive for families to move to booke would make best utilise the amenities blose by; a Day-Care, kindergarten and school all within easy walking distance.

To see this much sought after rare block in East Warmanibool developed into Medwin density housing would be a dissappointment to our area.

Cameron McNeill.

Town Planner, City Development.

Warrnambool City Council

Mrs Donna Waight-McNally

Mr Mirek McNally

14 Staehr Street, Nurioopta, South Australia.

10/2/2020

Dear Sir,

I am writing to lodge an objection to Planning application: PP2019-0236, the construction of 3 double storey dwellings at 62 Bostock Street Warrnambool Vic 3280.

As the owners of 9 Bell Street we have concerns in regard to the proposed development.

This letter of objection would request that you deny the application in its current form for the following reasons:

The surrounding neighborhood is characterized by single storey residential dwelling with back yards. The proposed development is for 3 contemporary two storey townhouses on a 670 square meter site.

This development is in high contrast to this areas neighborhood character. The neighborhood character can be generally described at the eastern end of Bostock Street, Bell Street, and Emma Ave as single residential houses on large sections with outdoor open space living which affords the residences enjoyment of the coastal environment. The proposed development is out of character with the existing properties in regard to its dominant and overbearing appearance with in this area. The overbearing nature is a referral to the developer's proposed 3 two storey town houses on a small site of 670 meters square. I am unaware of any sections in this area with the density of three town houses upon them. The height of the townhouses which is substantial higher than surrounding dwellings, making it a dominate feature in the area of predominately single storey residences. The residential policy presented by the developer indicates such a development is appropriate for inner city medium density area. We believe the area would be better described as general residential coastal living and question whether this inner city medium density design is appropriate for this area.

The west view that 9 Bell street would be afforded is box like in appearance with straight walls for the entire length of the eastern boundary as a result of the proposed developments visual bulk .This eastern

boundary would present a continuous barrier from Bostock street though to the rear fence of the section as highlighted in the photo showing the development as viewed from 9 Bell Street .In effect from this angle, site coverage is close to the entire length of block .This concerns us with regard to the loss of visual amenity from 9 Bell Street due to this continual barrier.

The tiered construction on the site will result in building height of the three townhouses ranging between 4 to 9 meters over the gradient of the site. This building height will completely disrupt a large section of the cherished ocean views from 9 Bell Street that contribute to the amenity of this property. It will also affect the communities shared view from their residences.

The current building design will create spectator ocean views for the new occupants of the proposed development, at the expense of a reduction in amenity of the shared view by existing residential community located next to and behind the development.

It is disappointing that the developer chose not to consult with neighbor's to address potential concerns before submitting the planning application.

We are not opposed to development but we believe it has to occur in a manner that will not disadvantage the residential community's enjoyment of their surroundings and aid in the enhancement of the area for all. We consider this development in its current form to not achieve this aspect.

We have rentability concerns with regard to 9 Bell Street, as one of the amenity rental sell points being the view to the cut, islands and ocean. This visual amenity would be impacted. This would have a financial implication in regard to the time the property could remain vacant as well as the expected rental income in the future.

The visual enjoyment of the view when we return to live in 9 Bell street will be marred if this development occurs in its current form. We purchased the property because of the pristine ocean views. It was one of the amenities the property presented.

In summing up we Donna and Mirek McNally owners of 9 Bell Street object to the proposed planning application PP2019-0236 .We request the council work harder to motivate and encourage the developer to build a development that respects the character of the area, complimenting the natural coastal environment and respecting the shared view by all.

Yours Faithfully

Donna McNally

Mirek McNally



The position of the back lounge and outside entertaining area at 9 Bell Street that looks towards 62 Bostock St. The visual amenity of this area would be impacted by the proposed development



62 Bostock Street proposed development as viewed from back lounge at 9 Bell Street. Red line is double the single storey dwelling showing potential impact on visual amenity from 9 Bell Street

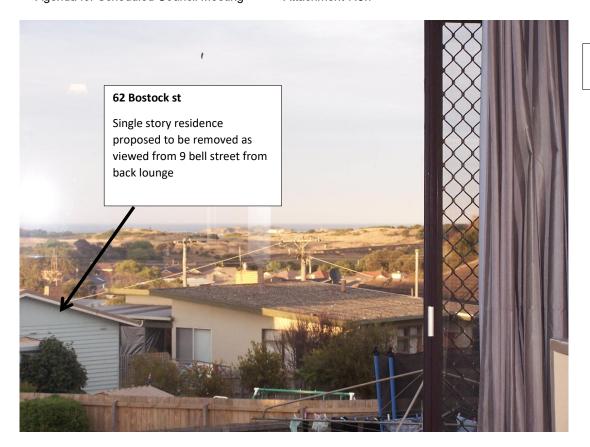


Photo 1

62 Bostock st

Single story residence proposed to be removed as viewed from 9 bell street from back lawn.

Photo 2





Site of proposed development at 62 Bostock street as view from roof of 9 Bell street.

Please note angle is more acute than from outdoor entertaining area or back lounge due to be taken from roof.

The proposed building development has a maximum roof height of 8.5 meters, wall height of 7meters as stated in the application. I would conclude in dwelling 3 a maximum height would occur due to site gradient. Dwelling 3 located at of back section closes to 9 Bell Street.

This building height will severely impact on the shared view from 9 bell Street.

Cameron McNeill.

Town Planner, City Development.

Warrnambool City Council

Bryan O'Keeffe

5 Emma Ave, Warrnambool.

16/2/2020

Warrnambool City Council

17 FEB 2223

Ref No
Officer
Scanned Yes / No | Ch:

Dear Sir,

I am writing to lodge an objection to Planning application: PP2019-0236, the construction of 3 double storey dwellings at 62 Bostock Street Warrnambool Vic 3280.

As the owner of 5 Emma Ave where I have lived for 62 years, I have concerns in regard to the proposed development.

This letter of objection would request that you deny the application in its current form for the following reasons:

The surrounding neighborhood is single storey houses with back yards. The development being proposed at 62 Bostock Street is for 3 two storey townhouses on a 670 square meter site. I am unaware of any sections in this area at the eastern end of Bostock Street, Bell Street, and Emma Ave with the density of three town houses upon them. There are two houses that are double storey in Bell Street but remain as a single houses to a site. I believe the development is out of character with the existing properties in regard to its domineering and overbearing appearance with in this area. The overbearing nature is a referral to the 3 two storey town houses on a small site of 670 meters square The height of the planned townhouses, which is higher than surrounding dwellings, would make it a domineering feature in the area of single storey houses. The proposed development in its current form as presented by the Merri Designs indicates, the developers believe such a development is appropriate for an inner city medium density area. Warrnambool is a regional town, spread over a large area, and so I would question the residential policy presented by Merri Designs to be incorrect. I believe this area to be general residential coastal living and not city living, medium density and so believe this development is inappropriate for this area.

The proposed development would have a negative impact to this areas current neighborhood character

The east view that 5 Emma Ave would be afforded is cube like in appearance with straight walls for the entire length of the western boundary .This western boundary would present a continuous barrier from Bostock street though to the rear fence .This concerns me with regard to the loss of visual amenity from 5 Emma Ave .

The building height of the three townhouses range between 4 to 9 meters over the gradient of the site. This building height will obstruct a large section of the visual amenity of this property of which I have enjoyed over the last 62 years. It will also affect the communities shared view from their residences.

I find it disappointing that the developer chose not to consult with neighboorhood to address potential concerns before submitting the planning application.

In summing up I Bryan O'Keeffe of 5 Emma Ave object to the proposed planning application PP2019-0236. I object on the grounds that the development doesn't respesent the character of the neighborhood and obstructs the visual amenity from 5 Emma Ave.

By an o. Lee fle

Yours Faithfully,

Bryan O'Keeffe.



1 0 FEB 2020

## Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?	Officer Scanned Yes / N	o Ch:	
AWe (Names in Block Le	etters)	*	=
Name(s) ROSLY	7	Surname	Quick
Name(s)		Surname.	
Address 64 Bo	STOCK	ST	
			Post Code 3286
Telephone (Home)		Telephone	ne (Work)
Mobile OHOO be	5604	Facsimile	)
Email roslyn.	ruick @	bigpond	d.com.
Signatures(s)	<u> </u>	<u> </u>	Date 08/02/2021
Signatures(s)			Date

#### Important notes about objections to permit applications

- 1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- 2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- 3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice Application for Planning Permit.
- 4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
- The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6. Any person may inspect an objection during office hours.
- 7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



## Objection to Grant Planning Permit - Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?
Planning Application Number PP2019 - 0236
What is the address of the land that is proposed to be used or developed?
62 BOSTOCK ST WARRNAMBOOL VIC 3280
What is proposed? 3 DOUBLE STOREY DWELLINGS
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
y Pations for units 1 & 2 are proposed on the west
side, adjacent to my bedrooms and front entertaining
orea.
2) Proposal is not in keeping with majority of
single storey dwellings / family orientated homes 3/ Allocated parking spaces = 3 only designated
3/ Allocated parking spaces = 3 only designated
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
y as a nurse/shift worker - noise/parties may impact
on my sleep/rest and enjoyment of these areas.
2/ street may overdeveloped - and encourage a more
transient population - reducing the current
family / community feeling that currently exist 3/ Each unit has the potential to have (4) adults
3/ Fach unit has the potential to have (4) adults
with cars = parking space not adequate may
need (12) parking spaces.



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What application do you object to?
Planning Application Number PP2019 - 0236
What is the address of the land that is proposed to be used or developed?  62 BOSTOCK ST WARRNAMBOOL VIC 3280
What is proposed? 3 DOUBLE STOREY DWELLINGS
What are the reasons for your objection? (If there is not enough room, attach a separate page.)  4/ Traffic congestion - safety of pedestrians  especially school and day care centre children  and parents - peak times  5/ Est Construction/access/noise/where  would contractors park vehicles?
How will you be offeeted by the great of a new 122
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  4/ Vehicles parked on nature strip will restrict  Yell of excerning traffic and pedestrians.  adding to traffic congection/impacting on safety  of pedestrians/children
5/. Freedom of access to my property, during construction scaffolding will be required and fencing removed.  Impacting on sleep/quite time as a shift worker



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What application do you object to?
Planning Application Number PP2019 - 0236
What is the address of the land that is proposed to be used or developed?
62 BOSTOCK ST WARRNAMBOOL VIC 3280
What is proposed? 3 DOUBLE STOREY DIMELLINGS
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
6. Fencing = proposed 1.8m H - timber and
rendered bid brick walls for garages (WEST)
current fencing is adequate / in good condition
Access to my property would be required
to construct rendered - proposed boundary
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
6. current timber fence 16 in good condition
I would not agree to contributing to the cost
of replacement or maintaining rendered boundary
walls - organg.
1.8m H onto pathway will restrict view of
oncoming pedestrians when exiting my
property
Limited / restricted access to my property for
construction of new fence / boundary
property Limited / restricted access to my property for construction of new fence / boundary

Civic Centre 25 Liebig Street Warrnambool Victoria Australia PO Box 198 Warmambool VIC 3280 Telephone (03) 5559 4800 Facsimile (03) 5559 4900 AUSDOC DX 28005 Website www.warrnambool.vic.gov.au ABN 44 594 264 321



Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

	olication do you object to?
Planning	Application Number PP2019 - 0236
	ne address of the land that is proposed to be used or developed?
	BOSTOCK ST WARRNAMBOOL VIC 328
What is p	roposed? 3 DOUBLE STOREY DIMELLINGS
What are	the reasons for your objection? (If there is not enough room, attach a separate page.)
	uced privacy to my backyard - Unit 2
	storey overlooks my backyard- and
	com en window EAST side of my hom
	con en con blor ore of my north
	of Double Glorey dwellings
Heid How will	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
Heid How will Loss	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.) of enjoyment of backyard as a result
Height How will Loss	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.) of enjoyment of backyard as a result educed privacy.
Height How will Loss	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.) of enjoyment of backyard as a result
Heid How will Loss of r	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.) of enjoyment of backyard as a result educed privacy.
Heid How will Loss of r Rede	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  of enjoyment of backyard as a result educed privacy.  uced privacy == in bedroom on EAST  of my home
Heid How will Loss of r Rede	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  of enjoyment of backyard as a result educed privacy.  uced privacy == in bedroom on EAST  of my home
Heid How will Loss of r Rede side	you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  of enjoyment of backyard as a result educed privacy.  uced privacy == in bedroom on EAST



Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?		
Planning Application Number PP2019 - 0236		
What is the address of the land that is proposed to be used or developed?  62 BOSTOCK ST, WARRAMBOOL VIC 3280		
What is proposed? 3 Double storey dwellings		
What are the reasons for your objection? (If there is not enough room, attach a separate page.)  9/ If granted may set a precedence for more communal developments. This area is tighly sought sat at sought after because of family orientated living style.		
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  9/ Communal development may impact  regatively appropriate translation on  Tamily orientated lifestyle = Bastock St  has a day care centre, government and  private schools near by and pre schools  near by.		



Please be aware that this page and any attachments of your objection/submission may be made available to any

P	erson for the purpose of consideration as part of the planning process.
	/hat application do you object to?
P	lanning Application Number PP2019 - 0236
	/hat is the address of the land that is proposed to be used or developed?
	62 BOSTOCK ST. WARRNAMBOOL VIC 3280
	/hat is proposed? 3 Double storey dwellings
V	rriat is proposed?
1.	that are the reasons for your objection? (If there is not enough room, attach a separate page.)
-	orientation of dwellings for access to natural
1	light is not good. Minimal windows on
1	N. E bide
-	Units 1/2 lower storey=patio/bedroom
	will have limited natural light due to
1	orientation of dwellings and constrution
1	of 1.8 m H fence.
-	Fire risk/harZards => top storey of proposed
	dwellings => no safe evacution plan => if fire grand
	ow will you be affected by the grant of a permit? (Irthere is not enough room, attach a separate page.)
	jump from windows/balconies!
	are windows sliding or awning not specified
.0	on plan.
11/	The propsed style of dwellings is not
/	consistent with astablished family homes
	in Bostock St
15	I Must of the recent 10-15 ve enter- have seen
14	Most of the recent 10-15 yr coles-have seen
:	them updated/renovated and remaining consistant
	with family lifestyle-which Bostock of is well known for
Ci	vic Centre 25 Liebig Street Telephone (03) 5559 4800 Website www.warrnambool.vic.gov.au

Warrnambool Victoria Australia PO Box 198 Warrnambool VIC 3280

Facsimile (03) 5559 4900 AUSDOC DX 28005

ABN 44 594 264 321



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Who is objecting?	
I/We (Names in Block Letters)	
Name(s) SARRAD	Surname SMITH
Name(s) EMMA	Surname SMITH
Address 60 Bostock St	
	Post Code 32-80
Telephone (Home)	Telephone (Work)
	Facsimile
Email Jarrad smith 16@ amail	
	Date 21/8/26
	Date 21/8/20
	, ,

#### Important notes about objections to permit applications

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  - · State the reasons for your objection: and
  - · State how you would be affected if a permit is granted.
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Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?
Planning Application Number PP 2019 - 0236
What is the address of the land that is proposed to be used or developed?  62 Bostock St Warman bool Vic 3280
What is proposed? Construction of three double story dwellings.
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
We are concerned out the deep excavation required for site cut. We think in doing this it will impact the structual integrity of our yard and outdoor firepit area. The pulling down of the fence and site cut will ruin this area (see attacked). The dwellings will also deprive this area of all afternoon sun as stated on the plans shadowing commercing from 2pm. By 4pm our entire backyard will be without direct sunlight causing a shadowing incident.
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
look into our 2 bedroom windows North facing.  Also our outdoor entertaining deck area will be in clear sight and feels like an Invasion of privacy. See Attached photo Finally our Master Bedroom in at the front of the house on their driveway side therefore and traffic using the driveway during the night
will be easily head. Thank-you,

Civic Centre 25 Liebig Street Warrnambool Victoria Australia PO Box 198 Warrnambool VIC 3280 Telephone (03) 5559 4800 Facsimile (03) 5559 4900 AUSDOC DX 28005 Website www.warrnambool.vic.gov.au ABN 44 594 264 321 7 June 2021 Agenda for Scheduled Council Meeting Attachment 7.5.7



Warrnambool City Council 7 June 2021
Agenda for Scheduled Council Meeting Attachment 7.5.7

7 June 2021
Page | 189



Warrnambool City Council
Agenda for Scheduled Council Meeting
Attachment 7.5.7

7 June 2
Page | 19



From: kevin walsh
To: Town Planning
Cc: helen

Subject: PP2019-0236 - Objection Received re 62 Bostock St Warrnambool - Kevin & Helen Walsh

**Date:** Monday, 17 February 2020 11:51:56 AM

We are the owners of 3 Emma Avenue which backs onto the North boundary of 62 Bostock Street. We actually live in Melbourne but regularly spend time at Emma Avenue.

We are concerned that the site at 62 Bostock St does not seem appropriate for 3 dwellings of the size and height planned.

Firstly such a development is out of character for the area and would become a dominating feature in the area with potentially a negative impact on the area. To our way of thinking the proposed development might well be suitable in the inner areas of a large city (like Melbourne or Geelong) but not in a regional city like Warrnambool where one-dwelling properties are in keeping with the character of the city.

Secondly we feel that the dwelling planned for the rear of 62 Bostock St is unnecessarily close to the back fence of our property and will overlook our backyard. (At the very least we would like there to be a new fence between the two properties of the maximum allowable height.)

We understand that several neighbours have expressed objections to the proposed development and we support many of their views.

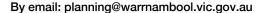
Thank you for allowing us the opportunity to express our views. We look forward to hearing from you in due course.

Yours sincerely, Kevin And Helen Walsh

Sent from Mail for Windows 10

10 July 2020

Cameron McNeill
Town Planner
Warrnambool City Council
PO BOX 198
WARRNAMBOOL VIC 3280



Dear Cameron

#### Planning Permit Application PP2019-0236, 62 Bostock Street, Warrnambool

I refer to your letter dated 2 February 2020, providing copies of objections received to the above permit application. We have been engaged by the permit applicant to review the application and provide a response to matters raised in objections. I apologise for the delay in responding your letter.

The matters discussed by the objectors cover a number of planning issues that can be grouped in the following manner:

- 1) Neighbourhood character
- 2) View Sharing
- 3) Overlooking, Overshadowing, Bulk and Height
- 4) Car Parking and Traffic Safety
- 5) Noise

In the attached report, a response is provided to each of these issues, demonstrating that the proposal complies with the Warrnambool Planning Scheme on all matters.

To assist in understanding how the proposal complies with the scheme and how it addresses the concerns of the objectors, a more detailed response is given to some of the issues.

Updated plans and drawings for this proposal have been submitted to Council in response to some of the concerns raised by objectors. Please refer to **Appendix** 

Myers Planning Group Pty Ltd
ABN 53 253 414 622
182B Lava Street,
Warrnambool VIC 3280
Australia
Telephone 61 3 5562 9443
admin@myersplanninggroup.com.au
www.myersplanninggroup.com.au



 ${\bf A}$  (Updated Plans),  ${\bf Appendix}~{\bf B}$  (View Lines) and  ${\bf Appendix}~{\bf C}$  (Features and Levels

Plan), provided with the enclosed report.

Should you have any queries please contact me on 5562 9443.

Yours sincerely,

Steve Myers, Director



# PROPOSED TOWNHOUSE DEVELOPMENT

62 Bostock Street, Warrnambool

Warrnambool Planning Scheme

Prepared on behalf of permit applicant

July 2020



#### 1 Introduction

This report is provided in response to concerns raised in objections received to a planning permit application for three (3) townhouses at 62 Bostock Street, Warrnambool (Planning Permit Application No. PP2019-0236). Myers Planning Group has been engaged by the permit applicant to review the application and provide a response to matters raised in objections.

The matters discussed by the objectors cover a number of planning issues that can be grouped in the following manner:

- 1) Neighbourhood character
- 2) View Sharing
- 3) Overlooking, Overshadowing, Bulk and Height
- 4) Car Parking and Traffic Safety
- 5) Noise.

In this report, a response is provided to each of these issues, demonstrating that the proposal complies with the Warrnambool Planning Scheme on all matters.

To assist in understanding how the proposal complies with the scheme and how it addresses the concerns of the objectors, a more detailed response is given to some of the issues.

Updated plans and drawings for this proposal have been submitted to Council in response to some of the concerns raised by objectors. Please refer to **Appendix A** (Updated Plans), **Appendix B** (View Lines) and **Appendix C** (Features and Levels Plan).

1



#### 2 Neighbourhood character

Summary of concerns from objectors:

 The proposed dwellings are out of character, as the neighbourhood consists of mostly single storey family homes with backyards.

#### Response

#### Existing Character:

Most of the area was initially developed in the 1950s and 1960s. The area is predominately, but not exclusively, single storey dwellings from the post-war period. Dwellings are predominately constructed of lightweight materials painted in light tones. The character of area is slowly transforming as the area's older building stock is replaced.

The dominant front setbacks are approximately 6 metres. Front gardens are medium in size, some are well vegetated. Dwellings are detached, with 1 to 4 metre wide setbacks. Vehicle access is often provided along one side boundary. Car parking structures are generally visible from the street, often set on the boundary. Many of the lots have their built form extending from side boundary to side boundary, with the result that the rear of dwellings and secluded private open space are not visible from the streetscape.

Lot frontages are generally 16 metres wide. Most front fences are of a low height (or no front fence). The undulating topography of area provides opportunities for long-distance views towards the coast.

The regular subdivision pattern, wide street, lot frontage, front setbacks and the area's detached, single dwelling character creates a typical mid-century suburban feel.

Relevant planning and policy controls:

The area is within the General Residential Zone. The purpose of the zone includes:

- Encourage development that respects the neighbourhood character of the area;
- Provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.



The purpose of the zone demonstrates that a balance is required between the existing neighbourhood character of the area and development that provides moderate housing growth and housing diversity. A moderate amount of housing growth, including an appropriately designed increase of dwelling density, is an expected outcome of the zone.

The Municipal Planning Strategy in the Warrnambool Planning Scheme identifies housing choice and access to a diverse range of housing options as a strategic direction, and notes that established urban areas have potential for further residential development. There are a considerable number of precincts within Warrnambool that have been identified as requiring sensitive design solutions or having heritage significance. The neighbourhood character of these precincts has been explicitly protected by the application of the Neighbourhood Residential Zone, and/or the Design and Development Overlay, and/or the Heritage Overlay. This is not the case for the neighbourhood along Bostock Street.

The Municipal Planning Strategy seeks to provide for greater housing diversity throughout Warrnambool and seeks to achieve urban development that responds to its context, while encouraging the supply of housing in existing urban areas to be increased, by facilitating increased housing yield in appropriate locations. Sites that are within 400m walking distance of public bus routes, schools, and public open space, are appropriate locations for higher density residential development.

The Warrnambool Planning Scheme has mechanisms to provide a high level of protection for the identified character of a neighbourhood. Neighbourhoods with identified valued character can be protected by the application of overlays, schedules and local policy, objectives and strategies. In the absence of these mechanisms, the planning scheme seeks an outcome that supports the provision of new housing, particularly housing that contributes to diversity of household size and lifestyle, provide that the development responds in an integrated manner to the site context.

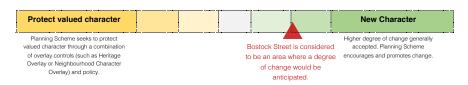


Figure 1: Representation of accepted degree of change to the neighbourhood along Bostock Street, with consideration to policy settings and provisions of the Warrnambool Planning Scheme.



#### Design response to neighbourhood character:

The proposed three dwellings have been designed to integrate with the existing built environment. The external materials and light colours reference the common weatherboard facades of the mid-century dwellings. The garages are hidden from view or at the rear of lot, matching the general pattern of the street. The roof profiles present a varied outline. The facade is set back 6 metres to match the existing pattern. The landscaping in the front setback and side setback will complement the existing pattern of landscaping, comprising trimmed lawn and native vegetation. Please see **Appendix A** (Updated plans).

This is considered to be an appropriate response to the site context. The proposal responds to the visual and design characteristics of the streetscape, incorporating a number of elements that acknowledge the existing built environment and neighbourhood character, while allowing for housing diversity in an appropriate location.



#### 3 View sharing

Summary of concerns from objectors:

 The height of the proposed dwellings will result in ocean views from existing dwellings being disrupted.

#### Response

There will be no loss of view to the ocean when viewed from neighbouring properties to the north / north-east (9 Bell Street, 3 Emma Avenue and 5 Emma Avenue). While the proposal does not impact views available from these existing dwellings, the permit applicant has offered to reduce the overall height of the rear dwelling (Townhouse 3) by approximately 1 metre (1 metre additional excavation required to achieve reduced height). Please see Sheet 4 of **Appendix A** (Updated plans), and **Appendix B** (View Lines).

The proposed dwellings make use of the slope of the land, and the use of cut and fill construction, to result in Townhouse 3 having a height above natural ground level of 4.55 metres, and Townhouse 1 having a height above natural ground level of 6.35 metres. This is similar to the height of the dwelling at 60 Bostock Street, which has a height of nearly 6 metres above natural ground level, and the height of the dwelling at 64 Bostock Street, which has a height of approximately 4.65 metres above natural ground level.



#### 4 Overlooking, overshadowing, bulk and height

Summary of concerns from objectors:

- The proposed dwellings will result in unacceptable overlooking into the private open space of the dwellings to the west and the north (66 Bostock Street, 64 Bostock Street and 3 Emma Street), and the habitable rooms of the dwelling at 64 Bostock Street.
- The proposed dwellings will result in unacceptable overshadowing to the private open space and habitable rooms of the dwelling at 64 Bostock Street.
- The proposed dwellings are designed with insufficient northern orientation.
- The proposed height is not appropriate for neighbourhood character.
- The proposed height will result in the dwellings dominating the neighbourhood.
- The bulk of the proposed dwellings will form a continuous and dominating appearance along side boundaries when viewed from neighbouring dwellings.

#### Response

The proposed dwellings comply with the Warrnambool Planning Scheme with regard to setbacks, heights, bulk, site coverage and permeability, orientation and overshadowing. All these matters are controlled by the planning scheme at Clause 55.

In particular, the proposal complies with the requirements in the Warrnambool Planning Scheme at Clause 55.04-6, regarding overlooking. To fully address the concerns from objectors regarding overlooking, a detailed response is provided below.

With regard to other concerns from the objectors related to site layout, the bulk and height of the buildings, and other impacts, a response is provided in the table further in this report.

#### Overlooking - Detailed Response

The Warrnambool Planning Scheme manages overlooking at Clause 55.04-6.

The objective at Clause 55.04-6 is:

- To limit views into existing secluded private open space and habitable room windows.



To meet this objective, new development should comply with Standard B22 which requires new development to avoid any direct views into **secluded** private open space and habitable room windows, within a distance of 9 metres.

The planning scheme has separate definitions for **private open space** and **secluded private open space**.

**Private open space** - is the outdoor areas of a dwelling and land, for the exclusive use of the occupants. Private open space includes front yards, driveways, outdoor clothes lines, bin storage areas, etc.

**Secluded private open space** - is that part of the private open space which enjoys a reasonable amount of privacy and is primarily intended for outdoor living activities. Secluded private open space often includes alfresco areas, rear patios, decks, terraces and balconies, areas for outdoor cooking and eating, swimming pools, etc (i.e. areas where you would expect a reasonable amount of privacy).

The proposed dwellings do not result in overlooking from the upper levels into the secluded private open space of adjoining properties, within a distance of 9 metres from the windows and/or balconies of the proposed dwellings.

Overlooking from the lower floor level of the proposed dwellings will be mitigated in compliance with the standard at Clause 55.04-6. The development will include boundary fencing on top of the proposed retaining walls, so that there will be a visual barrier of at least 1.8 metres in height, with the height of the barrier measured from the floor level of the patios and ground floor habitable room windows of the proposed dwellings.

The proposed dwellings comply with Standard B22 with regard to overlooking into the habitable room windows of existing dwellings. The proposed dwellings do not have any direct view into an existing habitable room window within a distance of 9 metres. Please see Sheet 6 of **Appendix A** (Updated Plans).

The table below provides a response to concerns from the objectors related to site layout, the bulk and height of the buildings, and other impacts.



#### Clause 55.03 Site Layout and Building Massing and Clause 55.04 Amenity Impacts

Clause 55.03 Site Layout and Building Massing and Clause 55.04 Amenity Impacts		
Relevant Objectives	Response to Standard	
Clause 55.03-1 Street setback	Standard B6 - Complies	
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	The front wall of Townhouse 1 is setback 6 metres from the boundary to the street.  This complies with Table B1 in the standard.	
Clause 55.03-2 Building height	Standard B7 - Complies	
To ensure that the height of buildings respects the existing or preferred neighbourhood character.	The maximum building height specified in the General Residential Zone is 11 metres.  The building height of each of the proposed dwellings is 6.35 metres.  Due to the slope of the land and the use of	
	cut and fill, the rear dwelling, Townhouse 3, has a height of 4.55 metres above natural ground level.	
Clause 55.03-3 Site coverage	Standard B8 - Complies	
Clause 55.03-3 Site coverage  To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.		
To ensure that the site coverage respects the existing or preferred neighbourhood character and	Standard B8 - Complies  The maximum site coverage specified in the General Residential Zone is 60 per cent. The site coverage of the proposed dwellings is 42.8 per cent. This is similar to the site coverage of nearby existing	
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	Standard B8 - Complies  The maximum site coverage specified in the General Residential Zone is 60 per cent. The site coverage of the proposed dwellings is 42.8 per cent. This is similar to the site coverage of nearby existing dwellings.	

energy use and makes appropriate of the upper level lounge and access to use of daylight and solar energy.

northern sunlight within the secluded



Relevant Objectives	Response to Standard
	private open space on the western side of
	the dwelling.
Clause 55.04-1	Standard B17 - Complies
Side and rear setbacks	The proposed dwellings have been setback from the side and rear boundaries
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	of the subject lot in accordance with the requirements of Standard B17.
Clause 55.04-2 Walls on boundaries	Standard B18 - Complies

neighbourhood character and limits Standard B18. the impact on the amenity of existing dwellings.

### To ensure that the location, length and The proposed dwellings have been height of a wall on a boundary designed to have walls on boundaries for a respects the existing or preferred length of 7.61 metres. This complies with

#### Clause 55.04-5

#### Overshadowing open space

To ensure buildings significantly overshadow secluded private open space.

#### Standard B21 - Complies

The proposed dwellings will overshadow some of the private open space of the not dwelling at 64 Bostock Street.

existing Very little, if any, secluded private open space, (as defined by the planning scheme) is expected to be overshadowed.

> Between the hours of 9am and 3pm on 22 September, approximately 80 square metres of the private open space (some of which may be defined to be secluded private open space) at 64 Bostock Street will receive a minimum of five hours of sunlight.

MYERS PLANNING GROUP

PLANNING REPORT, 62 BOSTOCK STREET, WARRNAMBOOL

Relevant Objectives			Response to Standard
Clause	55.04-6	Overlooking	Standard B22 - Complies
	iews into ex pen space	isting secluded and habitable	The proposed dwellings comply with the overlooking objective, and Standard B22.  See earlier detailed response.



#### 5 Car parking and traffic safety

Summary of concerns from objectors:

- The proposed dwellings will have insufficient on-site car parking.
- The proposed dwellings will result in vehicles being parked in the road reserve.
- The vehicle movements generated by the dwellings will result in unacceptable impacts to traffic safety for pedestrians and vehicles using Bostock Street.

#### Response

The proposal consists of three dwellings of two bedrooms each. Clause 52.06 (Car parking) requires that new two-bedroom dwellings must be provided with one on-site car parking space. Car parking has been provided as per Clause 52.06.

Bostock Street has a carriageway width of approximately 11 metres. There is sufficient space for on-street car parking on both sides of the carriageway without adversely reducing the carriageway width for moving traffic in both directions.

Bostock Street is a local residential street. The street has the capacity to safely manage the additional vehicle movements expected to be generated due to the proposed dwellings.



#### 6 Noise

Summary of concerns from objectors:

- The proposed dwellings will result in an unacceptable amenity impact due to noise generated by residents of the proposed dwellings.
- The proposed dwellings will result in an unacceptable amenity impact due to noise generated during construction.

#### <u>Response</u>

Amenity impacts to existing dwellings, with regard to construction noise, dust, etc, can be managed with a condition on a permit for a construction management plan to be submitted to and approved by Council prior to the start of the development.



#### 7 Conclusion

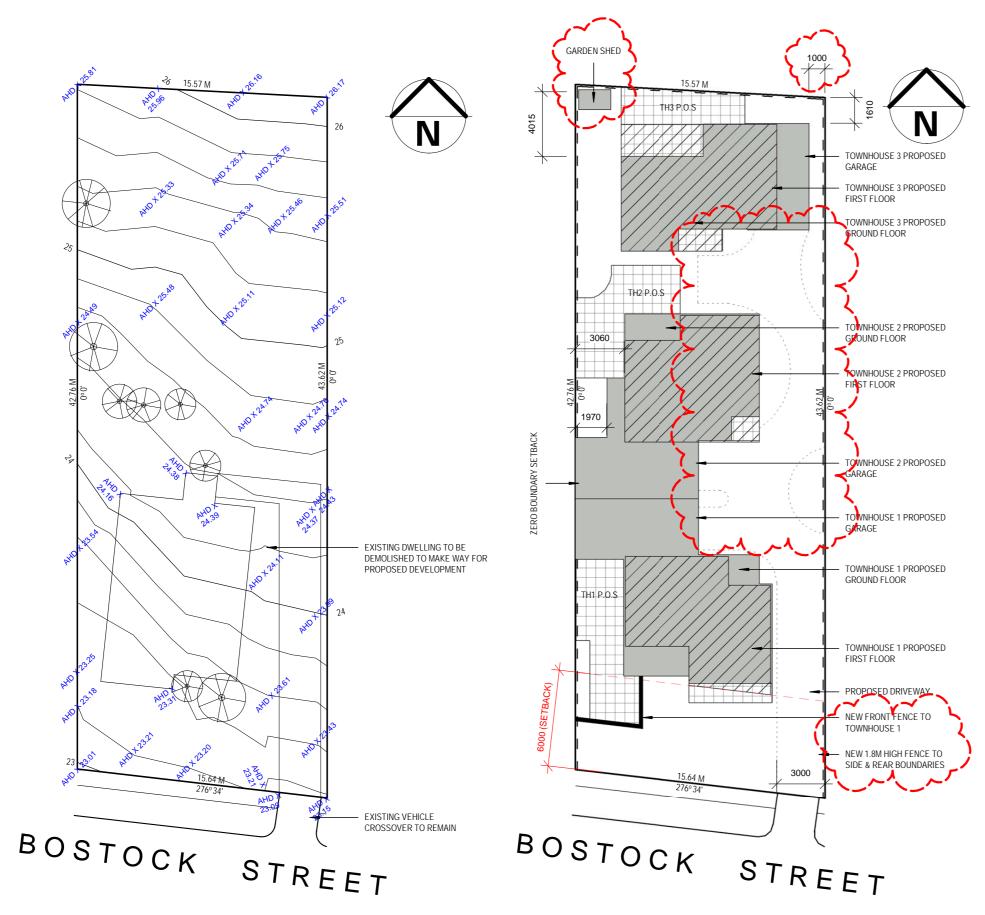
The proponent has considered all matters raised by the objectors. To address some concerns, the plans for the proposed three dwellings have been amended, and additional supporting information has been provided.

The Warrnambool Planning Scheme seeks a balance between the existing neighbourhood character of the area, and development that provides moderate housing growth and housing diversity. Where the protection of neighbourhood character is to be prioritised, the planning scheme is able to apply controls via specific zones and overlays. The neighbourhood character of Bostock Street is not identified in the planning scheme as requiring protection to an extent that would give greater weight to preserving existing neighbourhood character. The three proposed dwellings have been designed to respond to the neighbourhood character, while providing for increased dwelling density and housing diversity as encouraged by the planning scheme. The three proposed dwellings comply with all design requirements, amenity issues, car parking and traffic issues as required by the planning scheme.

#### **Myers Planning Group**

10 July 2020

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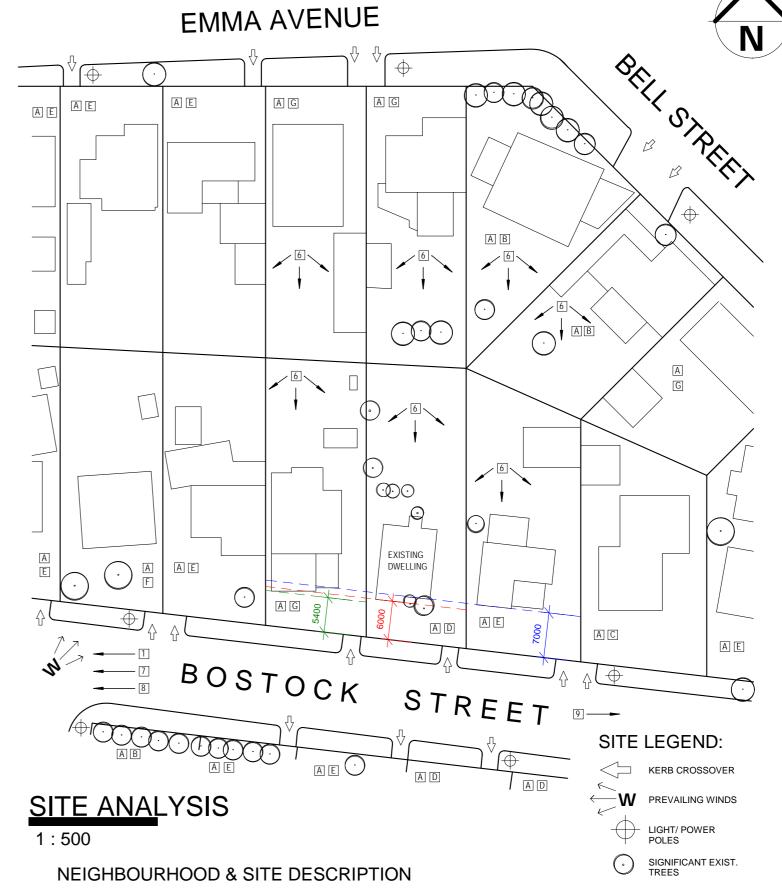
**EXIST. SITE PLAN** 

1:200

SITE PLAN

1:200





- NEIGHBOURHOOD:

  A PATTERN DEVELOPMENT IN THE NEIGHBOURHOOD IS PREDOMINANTLY RESIDENTIAL HOUSING AND UNIT DEVELOPMENTS
- B SINGLE/DOUBLE STOREY BRICK VENEER RESIDENCE WITH CONCRETE ROOFING TILES
- SINGLE/DOUBLE STOKE IRON SHEET ROOFING SINGLE/DOUBLE STOREY BRICK VENEER RESIDENCE WITH
- D SINGLE STOREY WEATHERBOARD RESIDENCE WITH IRON SHEET ROOFING
- E SINGLE/DOUBLE STOREY CONITE OR FIBRE SHEET RESIDENCE WITH CONCRETE ROOFING TILES
- F SINGLE STOREY WEATHERBOARD RESIDENCE WITH CONCRETE ROOFING TILES
- G SINGLE STOREY CONITE OR FIBRE SHEET RESIDENCE WITH IRON SHEET ROOFING SITE:
- NEAREST SCHOOL. W.....
  SCHOOL 450 METRES NEAREST SCHOOL: WARRNAMBOOL EAST PRIMARY
- 2 LEVELS OF THE SITE AND SURROUNDING PROPERTIES ARE SIMILAR. (NOTE LEVELS ARE TO BE ARBITARY DATUM)

- 3 SITE SHAPE, SIZE, ORIENTATION AND EASEMENTS AS SHOWN ON SITE PLAN.
- 4 SITE AND SURROUNDS ZONED RESIDENTIAL.
- ALL NEIGHBOURING SECLUDED PRIVATE OPEN SPACES AND HABITABLE ROOM WINDOWS SHOWN ON SITE PLAN
- SOLAR ACCESS TO THE SITE AND NEIGHBOURING DWELLINGS
- NEAREST PUBLIC TRANSPORT STOP: NICHOLSON STREET BUS STOP 450 METRES
- 8 NEAREST SHOPPING/ SERVICES: FLAXMAN STREET MILKBAR 400 METRES
- 9 NEAREST PUBLIC OPEN SPACE: E J KING PARK 700 METRES
- 10 SMALL TREES & SHRUBS CURRENTLY EXIST ON THE DEVELOPMENT SITE
- NO CONTAMINATED SOILS OR FILLED AREA EXIST AT PRESENT.

19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL

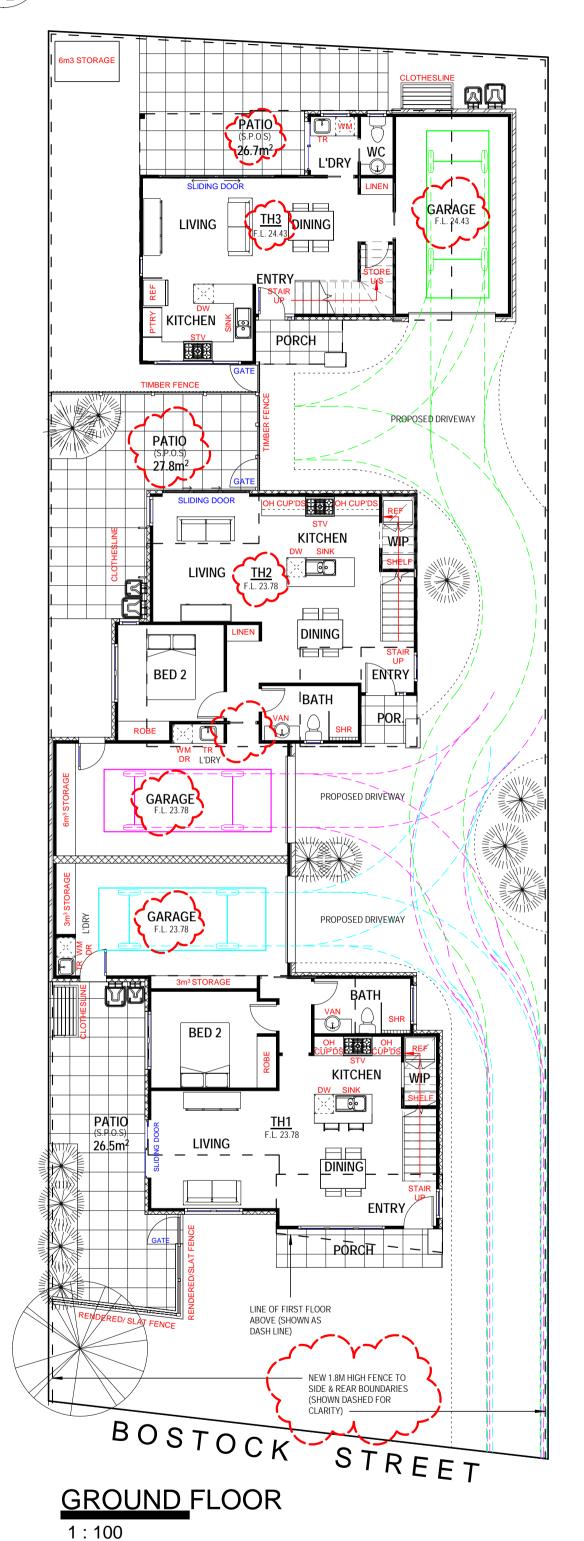
SHT. 1/6 JULY 2020 M.D.B, A.L.A & J.B.B TOWN PLANNING REV. C A2 LANDSCAPE

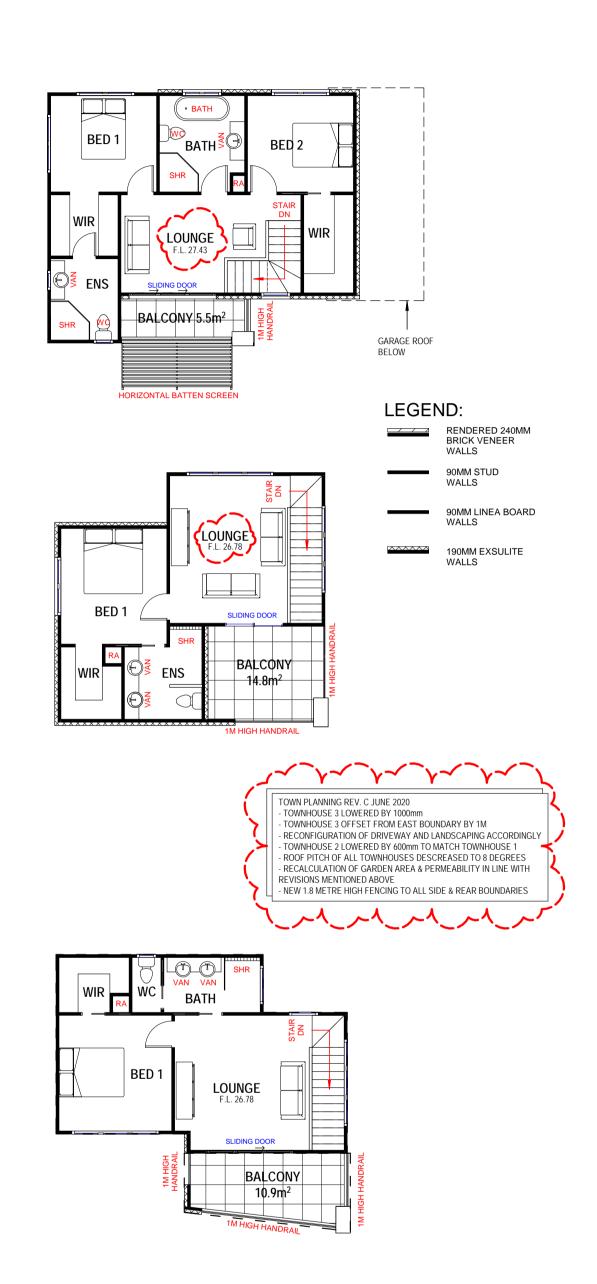
23 Banyan Street, Warrnambool. T:03 5562 6372 F:03 5561 1577 Email:mark@merridesigns.com.au Registration No. DP-AD463



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FIRST FLOOR

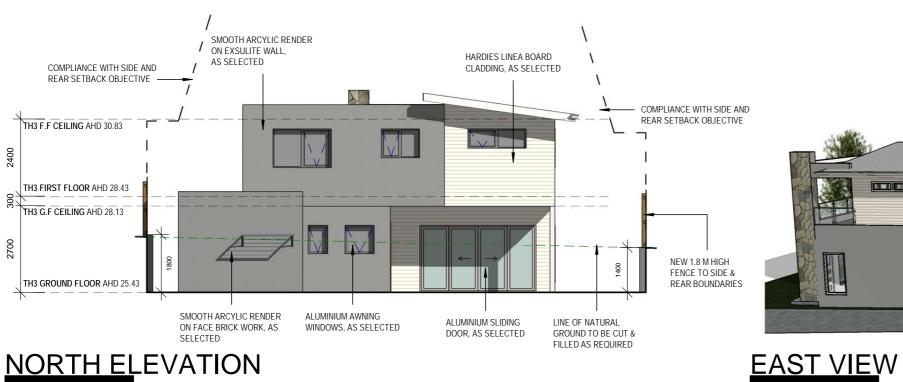
AREA ANALYSIS		
Name	Area	SQ'S
TH1 PROPOSED BALCONY	10.93 m²	1.18
TH1 PROPOSED F.F	52.17 m <sup>2</sup>	5.61
TH1 PROPOSED G.F	70.60 m <sup>2</sup>	7.60
TH1 PROPOSED GARAGE	27.87 m <sup>2</sup>	3.00
TH1 PROPOSED PORCH	6.20 m <sup>2</sup>	0.67
TH2 PROPOSED BALCONY	14.87 m²	1.60
TH2 PROPOSED F.F	45.91 m²	4.94
TH2 PROPOSED G.F	67.82 m <sup>2</sup>	7.30
TH2 PROPOSED GARAGE	28.14 m <sup>2</sup>	3.03
TH2 PROPOSED PORCH	2.59 m <sup>2</sup>	0.28
TH3 PROPOSED BALCONY	5.52 m <sup>2</sup>	0.59
TH3 PROPOSED F.F	66.09 m <sup>2</sup>	7.11
TH3 PROPOSED G.F	46.60 m <sup>2</sup>	5.01
TH3 PROPOSED GARAGE	24.76 m <sup>2</sup>	2.66
TH3 PROPOSED PORCH	3.70 m <sup>2</sup>	0.40

19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL

SHT. 2/6 JULY 2020 M.D.B, A.L.A & J.B.B TOWN PLANNING REV. C A2 PORTRAL 23 Banyan Street, Warrnambool. T:03 5562 6372 F:03 5561 1577 Email:mark@merridesigns.com.au Registration No. DP-AD463



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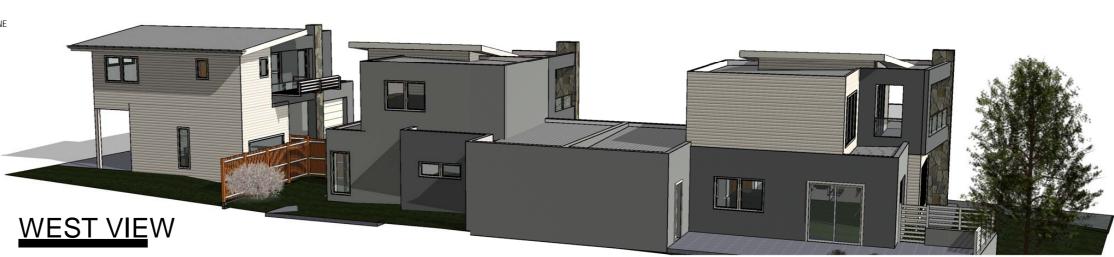




## NORTH ELEVATION

1:100





## **SOUTH ELEVATION**

1:100







SOUTH VIEW

TH2 VIEW

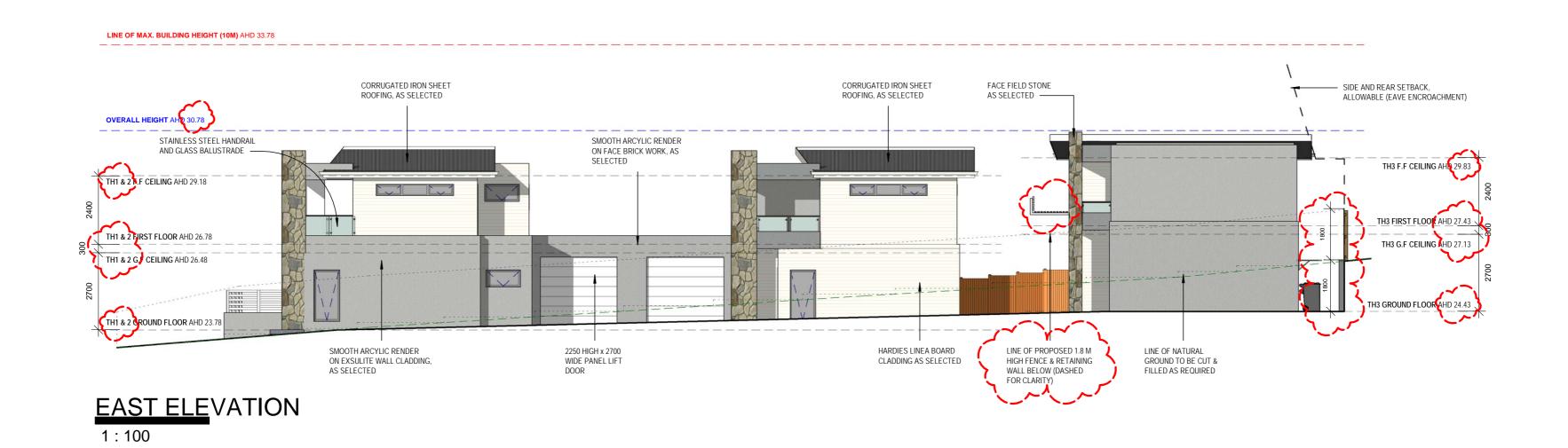
TH3 VIEW



19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL SHT. 3/6 JULY 2020 M.D.B, A.L.A & J.B.B TOWN

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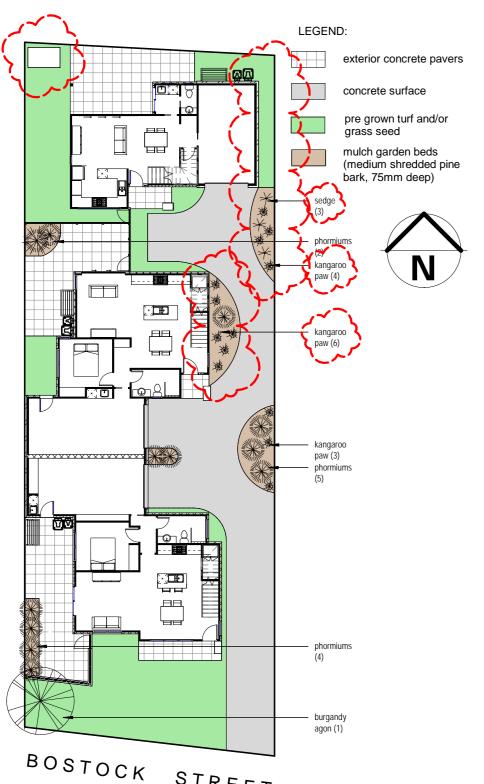


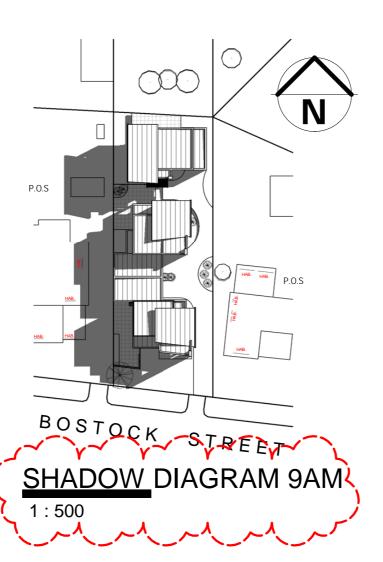
LINE OF MAX. BUILDING HEIGHT (10M) AHD 33.78 ALUMINIUM AWNING CORRUGATED IRON SHEET  ${\sf WINDOWS,\,AS\,\,SELECTED}$ ROOFING, AS SELECTED HARDIES LINEA BOARD CLADDING AS SELECTED SIDE AND REAR SETBACK, ALLOWABLE EAVE ENCROACHMENT STAINLESS STEEL HANDRAIL TH3 F.F CEILING AND 29.83 AND GLASS BANJSTRADE TH1 & 2 ).F CEILING AHD 29.18 SMOOTH ARCYLIC RENDER ON FACE BRICK WORK AS TH3 FIRST FLOOR AHD 27.43 TH3 G.F CEILING AHD 27.13 TH1 & 2 FIRST FLOOR AHD 26.78, TH1 & 2 GF CEILING AHD 26.48 TH3 GROUND FLOOR AHD 24.43 TH1 & 2 GROUND FLOOR AHD 23.78 LINE OF NATURAL GROUND TO BE CUT & FILLED AS REQUIRED WEST ELEVATION LINE OF PROPOSED 1.8 M SMOOTH ARCYLIC RENDER AREA TO BE FILLED AS ON EXSULITE WALL CLADDING, MAX. LENGTH = 10 + [(LENGTH OF BOUNDARY) - 10) X 0.25]
MAX. LENGTH = 10 + [(42 774 - 10) X 0.25]MAX. LENGTH = 18.19M
AVERAGE HEIGHT = AREA OF VALULENGTH OF WALL
AVERAGE HEIGHT = 24.34m²/ 7.61M = 3.19M GROUND LEVEL)

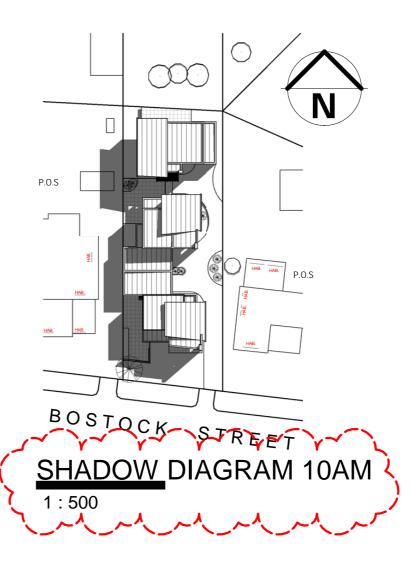


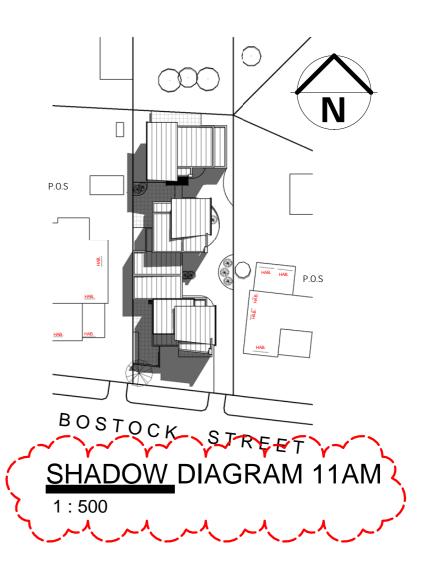
Warrnambool City Council
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Attachment 7.5.10

Attachment 7.5.10











1:200

PLANT SCHEDULE:			
KEY:	BOTANICAL (COMMON) NAME:	MATURE SIZE: QUANTITY:	
kangaroo paw	ANGIOZANTHUS 'BUSH RANGER' hybrid kangaroo paw	0.5 x 0.5m	
combination of phormiums	combination of PHORIUMS including: tankias lime tuff dietes purple fountain surfer boy	varying from 0.4 x 0.4m to 0.8 x 0.8m	

purple fountain surfer boy

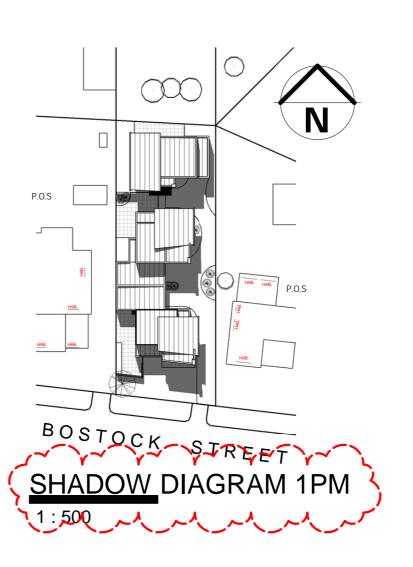
burgandy agon agonis flexuosa nana 4:0 X 2.0m

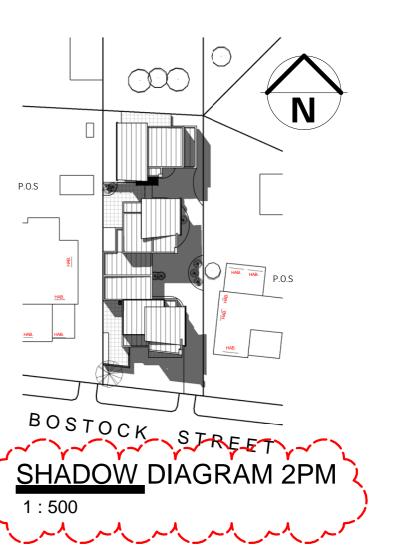
sedge Carex ssp. 0.8 X 0.6m 3

BOSTOCK STREET

SHADOW DIAGRAM 12PM

1:500





19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL

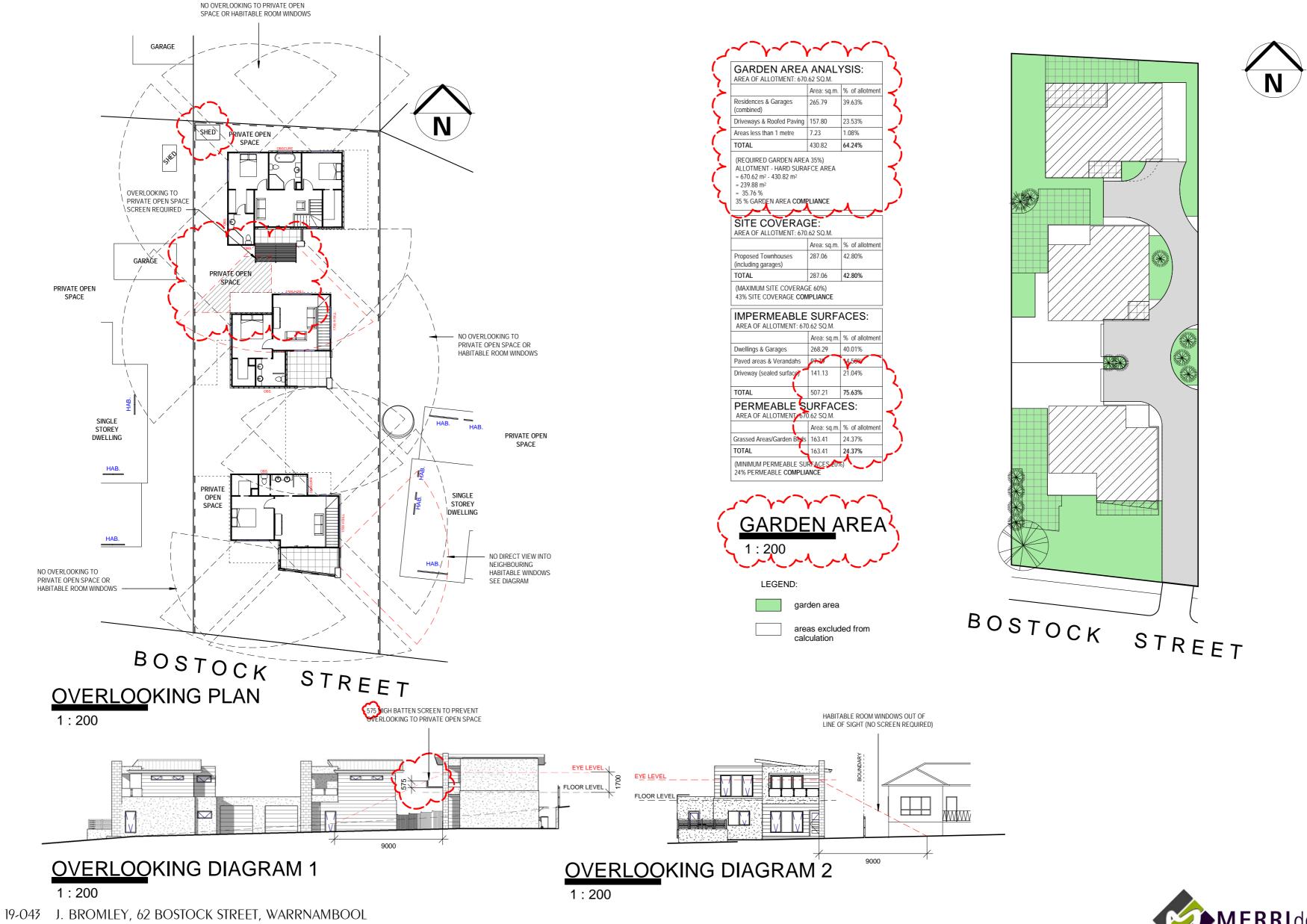
. 5/6 JULY 2020 M.D.B, A.L.A & J.B.B TOWN PLANNING REV. C A2 LANDS

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Warrnambool City Council
Agenda for Scheduled Council Meeting
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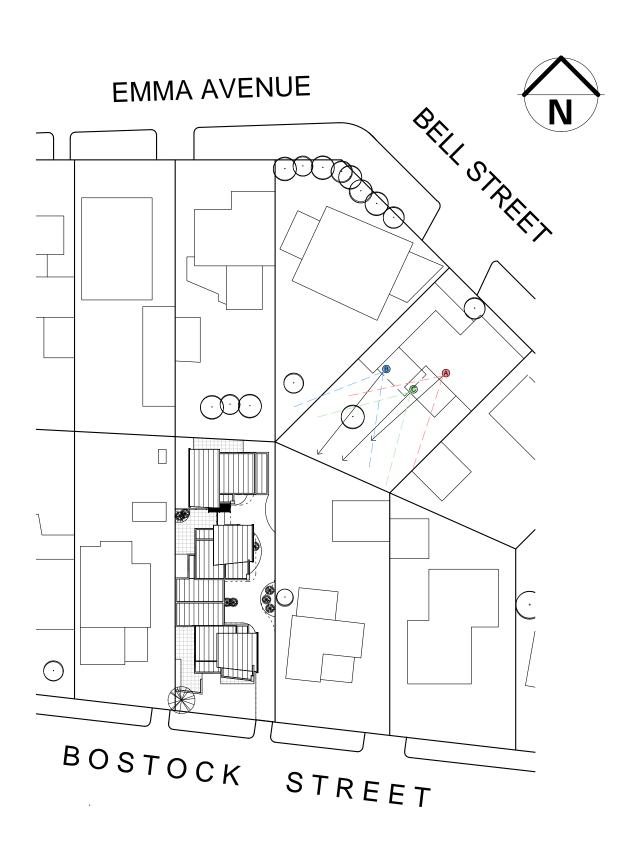
Attachment 7.5.10



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# **VIEW LINE DIAGRAM**

1:500





**A.** VIEW OF DEVELOPMENT FROM ROOF OF 9 BELL STREET (AHD 33.78) APPROXIMATELY 9.3 METRES ABOVE TOWNHOUSE 3 G.F.L (AHD 24.43)



B. VIEW OF DEVELOPMENT FROM P.O.S OF 9 BELL STREET (AHD 30.99) APPROXIMATELY 6.5 METRES ABOVE TOWNHOUSE 3 G.F.L (AHD 24.43)



C. VIEW OF DEVELOPMENT FROM LIVING AREA OF 9 BELL STREET (AHD 31.19) APPROXIMATELY 6.7 METRES ABOVE TOWNHOUSE 3 G.F.L (AHD 24.43)

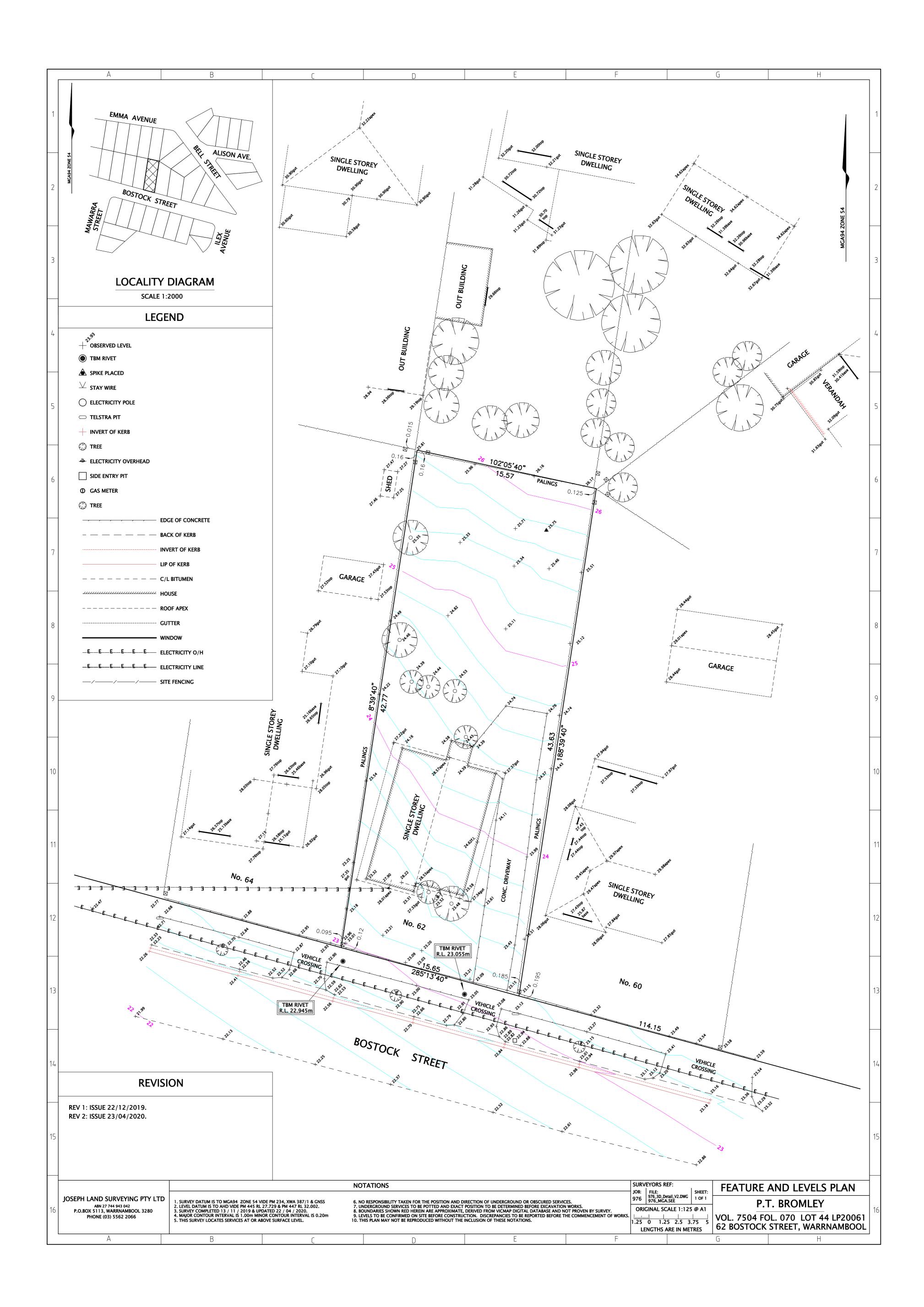
19-043 J. BROMLEY, 62 BOSTOCK STREET, WARRNAMBOOL
SHT. 2. JUNE 2020
M.D.B. A.L.A & J.B.B VIEW LINES (A3 SHEET)
23 Banyan Street, Warrnambool. T:03 5562 6372 F:03 5561 1577 Email:mark@merridesigns.com.au Registration No. DP-AD463







Warrnambool City Council
Agenda for Scheduled Council Meeting
Attachment 7.5.12





## **Planning Assessment Report**

## **Application Details:**

_ <del></del>			
Application is for:	Amendment for the use and development of land for a child care centre		
	(including kindergarten) and car parking waiver		
Applicant's/Owner's	The Honeypot Childcare Centre		
Name:	76 Bostock St		
	WARRNAMBOOL VIC 3280		
Application Lodged:	23 April 2020	Further Info Req: 21/5/2020	
		Further Info Rec: 4/9/2020	
Public Notice:	25 September 2020 to 9 9 April 2021 to 25 May 2021 October 2020		
Application Number:	PP1996-3145.01		
Land/Address:	Lot 51 LP 20061 TSH WARR		
	76 Bostock St WARRNAMBOOL VIC 3280		
Zoning:	General Residential Zone – Schedule 1		
Overlays:	Nil.		
Under what clause(s) is a permit required?	GRZ – Clause 32.08-2 (Change of use)		
Restrictive covenants on the title?	Nil.		
Current use and development:	Child care centre		

#### **Proposal**

The proposal is to amend planning permit (P3145-96) for an existing kindergarten known as 'the Honey Pot'.

The operations associated with the existing 1996 and 2007 permits are proposed to be amended by seeking to increase the number of patrons, currently operating on the land, by 22. To achieve this, the proposal seeks to increase the operating area from the original site (76 Bostock St) to include 17 Emma Avenue (as shown in *Figure 1*). It is proposed that the 17 Emma Avenue site will accommodate 22 children associated with a 4-5 year old kindergarten.

Accessibility via the properties is proposed to be achieved through an existing boundary gate (attached to the common fence).

In addition to the internal child care operations, drop-offs, and pick-ups and associated parking and traffic management has also been proposed. The following provision for parking and traffic management is proposed:-

- On-site car parking includes retaining three (3) car parking spaces associated with 76 Bostock Street (approved in previous permits). These spaces are nominated along the existing driveway and within the garage.
- Four (4) additional car parking spaces are proposed for the Emma Avenue site. Two
  spaces are accommodated within the existing garage, and will operate in tandem
  with two spaces located directly behind in the existing driveway.
- Off-site there are five (5) car parking spaces identified along Bostock Street within the road reserve.

A maximum of 62 children are proposed to operate on the sites at any one time.

A waiver of five car parking spaces is required and proposed.

#### Subject site & locality

An inspection of the site and the surrounding area has been undertaken and also via the onsite meeting with Councillors.

The subject site has a total area of 1,300sqm (670.2 and 639.8sqm). The subject site includes two lots, 76 Bostock Street and 17 Emma Avenue. Both lots are currently separated by a fence with an accessible gate.

#### **76 Bostock Street**

76 Bostock Street contains an existing building with a site coverage of approximately 280sqm. The building has a 7m setback from the street, 17.7m setback from the existing building at 17 Emma Avenue. A car port is also located to the east of the site.

Currently the land is being used for the 'Honey Pot' child care centre. The Child care centre caters to children from the ages of 0 to five years old.

#### 17 Emma Avenue

17 Emma Avenue contains an existing single storey dwelling and associated landscaping to the rear. The dwelling incorporates a garage to the west with driveway and crossover access to Emma Avenue.

Figure 1: Aerial photograph of subject site (Source: Exponare 2021)

The closest bus stop is approximately 200m to the west of the subject site, onto Nicholson Street (extension of Bostock Street).

Bostock Street is a local collector road with a road reserve width of 19.75m and road width of 12.1m.

Emma Avenue has a road reserve width of 15.4m, and road width of 7.2m.

A laneway is located 20m to the west of the site, extending between Emma Avenue and Bostock Street.

East Warrnambool Primary School is also located approximately 550m to the west.

Public Bus stop

Subject site

Fuzz

Figure 2: Local context (Source: Exponare 2021)

## **Permit/Site History**

The history of the site includes:

Planning ID	Description	Issue Date
PP2014-0197	Extension to an existing building in accordance with the endorsed plans.	25 March 2015
P2007-186	Buildings and works in association with a section 2 use (child care facility).	6 November 2007
P3145-96	The use and development of a child care centre.	26 August 1996

#### **Aboriginal Cultural Heritage**

- Is the site in an area of significance? Yes
- Is the proposed development exempt? Yes, see below.
- Has the site been significantly disturbed in the past? Yes
- Is a Cultural Heritage Management Plan required? No, as per below.
- Has the applicant provided an approved Cultural Heritage Management Plan? N/A

The proposal does not seek any buildings and works.

#### **Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land,
- Erecting a sign on site, and

The notification has been carried out correctly.

Fifteen (15) objections during this process.

The applicant was provided the opportunity to respond to the concerns raised in the objections. The applicant lodged a written response to the objections including a traffic report.

The application was re-notified by:-

- Sending notices to the owners who had previously been given notice under Section 52

An additional four (4) objections, one withdrawal, were received resulting in eighteen (18) objections to date. The key issues that were raised in the objections are:-

- 1) Traffic and pedestrian safety
- 2) Carparking and manourvering
- 3) Noise and loss of amenity
- 4) Devaluation of surrounding properties

#### Response

Assessment of the objections in relation to the subject site and application are as follows:

#### Traffic, carparking and pedestrian safety

The proposal does not include reliance on the laneway (to the west) as an operational need for the proposed use. Access between the two sites will be via a common boundary gate, internal to the site.

A Traffic Report has been submitted which takes into account the road width and off-site car parking spaces available along Bostock Street during peak traffic periods. The proposal provides for patron pick-up and drop offs to be limited to occur along Bostock Street.

The Traffic Report draws on ABS Data, previous case studies of similar child care centres, and a field survey of existing car parking spaces and current vehicle counts. The Traffic Report also takes into account how the data informs a projected demand of traffic and how the existing infrastructure accommodates that demand.

The Traffic Report concludes that off-site parking can be managed to not unreasonably disrupt traffic. However, it is considered that a Parking Management Plan (PMP) condition should be applied to a permit if issued, so as to further assist in management of parking, including patron drop-offs and pick-ups to be limited to Bostock Street only and on-site parking be retained for staff only.

#### Noise and loss of amenity

An acoustic report will be required as a condition of the permit. The purpose of the acoustic report will be enable management of operations to minimise noise from the site and to ensure the use operates in accordance with NIRV and SEPP N-2.

#### **Devaluation of surrounding properties**

Unable to be considered under the planning scheme and/or the Planning and Environment Act, 1987.

#### Consultation

Consultation undertaken, in summary:

Council requested further information on 21/5/2020

Information was received on 4/9/2020

Informal discussions occurring throughout the process, seeking clarification on various matters, including carparking.

The proposal was re-notified and a further three (3) objections were received.

Council's Infrastructure Services branch have reviewed the Traffic Report and liaised with the traffic engineer on information required.

#### Referrals

#### Section 55 Referrals:

Not required.

#### Section 52 Referrals:

Department of Education and Training

No comment.

**Department of Children Services** 

No comment.

#### Internal Referrals:

#### Infrastructure

Infrastructure outlined the following concerns:

- The amount of car parks on-site,
- The allocation of car parking spaces on-site,
- The width of the slip-lane fronting the site (within the road reserve).

The submitted Traffic Management Plan is considered to address the above concerns.

#### **Assessment**

#### **ZONING**

#### General Residential Zone - Schedule 1

#### <u>Purpose</u>

• To implement the Municipal Planning Strategy and the Planning Policy Framework.

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Relevant Clauses

#### **Buildings and works**

There are no buildings and works proposed that require a permit under the Warrnambool Planning Scheme.

#### **Decision guidelines**

Application Requirement	Compliance
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal complies with the Municipal Planning Strategy and the Planning Policy Framework as contained in the Warrnambool Planning Scheme, facilitating educational and community facilities within accessible and existing urban centres.
The purpose of this zone.	The proposal finds support within the purpose of the zone as it responds to the need for early childhood educational services within Warrnambool and its appropriate location near East Warrnambool Primary School, public transport, adequate road infrastructure, and proximity to the CBD.
Whether the use or development is compatible with residential use.	Noise attenuation and appropriate parking management is expected to ensure the child care centre can compatibly operate within the residential area.
Whether the use generally serves local community needs.	The proposal will provide a childcare service within an existing operating facility.
The scale and intensity of the use and development.	The scale and intensity of the use is considered to be able to be accommodated across the two sites
	Pick up and drop off will be limited to Bostock Street along Bostock Street.
The provision of car and bicycle parking and associated accessways.	The application is seeking a waiver of five (5) car parking spaces.
	Although a waiver of five (5) car parking spaces is required, the requirement is relates primarily to the Bostock Street operations. The traffic report demonstrates adequate off-site parking throughout Bostock Street.
	The traffic report also recommends the provision of two bicycle facilities which will be required as a permit condition.
Any proposed loading and refuse collection facilities.	The proposed loading and refuse collection facilities are expected to operate for both sites in a similar manner to what has occurred previously.

	Appropriate conditions ensuring waste bins are not visible from the street will be included on the permit.
	A waste management plan will be required as a condition on this permit.
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	Council's Engineers support the findings of the Traffic Report as they relate to Bostock Street. It is anticipated that Bostock Street is able to accommodate traffic and on-street parking associated with the increase in demand posed by the proposal.

#### Overlays

There are no overlays applicable to the site.

#### THE PLANNING POLICY FRAMEWORK

The below clauses found within the PPF are considered to be the most relevant to the planning application:

- Clause 11 Settlement
  - o Clause 11.01-1S Settlement
  - o Clause 11.01-1R Settlement Great South Coast
- ➤ Clause 17 Economic Development
  - o Clause 17.02-1S Business
- ➤ Clause 18 Transport
  - o Clause 18.01-1S Land Use and Transport Planning
  - Clause 18.02-4S Car Parking
- Clause 19 Infrastructure
  - O Clause 19.02-2S Educational Facilities
  - o Clause 19.02-2R Education precincts Great South Coast

#### Response

The proposal generally responds to and finds support within the abovementioned clauses of the PPF. The childcare centre in this location enables early childhood educational services within the City to respond to the needs of existing and future residents.

The nearby location of East Warrnambool Primary School will encourage educational linkages and ride sharing opportunities between the education sites.

The proposal utilises the existing built form.

#### THE LOCAL PLANNING POLICY FRAMEWORK

The below clauses found within the MSS are considered to be the most relevant to the planning application:

- ➤ Clause 21.01 Municipal Profile, Council Vision and Strategic Directions
- ➤ Clause 21.02 Settlement

#### Clause 21.10 – Infrastructure

#### Response

The proposal finds support at a local level through the objectives and strategies within the MSS.

Population growth is identified as a key issue for consideration within Clause 21.01 and this proposal is considered to accommodate and respond to the growth of the municipality.

#### **RELEVANT PARTICULAR PROVISIONS**

#### Clause 52.06 - Car Parking

#### **Purpose**

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

#### Permit requirement

Pursuant to Clause 52.06-3, a permit is required to provide some/all of the car parking spaces required under Clause 52.06-5.

The proposal is seeking a waiver of five (5) carparking spaces.

#### Assessment

Pursuant to Clause 52.06-7 a Car Parking Demand Assessment is required. The submitted Traffic Report is able to be considered and address the following matters:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.

- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

In reference to the above, the Responsible Authority must consider the following as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a
- Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

In consideration of the above and the car parking spaces' compliance with the design standards set out in Clause 52.06-9, the car parking waiver is able to be supported.

#### **GENERAL PROVISIONS**

#### Clause 65.01 Approval of an Application or Plan

Before deciding on the application or approval of a plan, the Responsible Authority must consider as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts

#### Response

In addition to the assessment provided, the proposed permit conditions including an Acoustic Report, Traffic Report, Parking Management Plan and Waste Management Plan are considered to be appropriate to provide optimum management of the site.

#### Recommendation

That Council having caused notice of Planning Application No. PP1996-3145.01 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to determine the application for PP1996-3145.01 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 51 LP 20061 TSH WARR, 76 Bostock St WARRNAMBOOL VIC 3280, for the amendment of the use and development of land for a child care centre (including kindergarten) and car parking waiver in accordance with the endorsed plans, subject to the following conditions:

#### 1. Amended plans

Before the use and/or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies but modified to show:

- a) Two (2) bicycle facilities in accordance with the recommendations of the Traffic Report prepared by C. Margaos & Associates.
- b) All changes associated with the recommendation(s) of the Acoustic Report (Condition 5).
- All changes associated with the recommendation(s) of the Parking Management Plan (Condition 6).

#### 2. Secondary consent

The use as shown on the endorsed plan must not be altered unless with the written consent of the Responsible Authority.

#### 3. Maximum patronage

Unless with the further written consent of the Responsible Authority, the Child Care Centre shall be operated with no more than 62 places at any time.

#### 4. Operating hours

The hours of operation shall be restricted to 7:00am to 6:00pm Monday to Friday, unless with the further written consent of the Responsible Authority.

#### 5. Acoustic report

Prior to the commencement of the use, an Acoustic Report prepared by a suitably qualified Acoustic Engineer must be submitted to and approved by the Responsible Authority. The report is to recommend suitable mitigation measures and/or acoustic treatments to ensure all noise sources associated with the child care centre will abide by Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and not adversely affect adjoining residential properties.

#### Parking construction and management

- 6. Prior to the commencement of the use, a Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:
  - How the allocation of car spaces will be managed, including the provision of staff parking during the operating hours and the provision of parent car spaces during the morning and afternoon peak periods;
  - b. Which car spaces will be occupied by staff first;
  - c. Arrangements for delivery vehicles;
  - d. Encouraging use of bicycles and shared transport arrangements;
  - e. Appropriate bicycle parking;
  - f. Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time;
  - g. The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site; and
  - h. Intended education of parents and instructions to staff about the Parking Management Plan, use of the nearby western alleyway, and the need for no parking in Emma Avenue such as through an orientation session, information package, or the like.
- 7. All staff car parking must be carried out within the title boundaries of the site. Directional signage must be erected on site to the satisfaction of the Responsible Authority to advise patrons and staff on-site parking is reserved for staff only. In accordance with the Parking Management Plan.
- 8. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the Responsible Authority.

- 9. Before the use and occupation of the development hereby permitted starts, the traffic management and parking areas must be constructed to the satisfaction of the Responsible Authority and must be:
  - a) In accordance with the parking management plan
  - b) Constructed pavement with an all-weather-seal coat.
  - c) Drained
  - d) Line marked to indicate each car space and all access lanes.
  - e) Contain relevant lighting.
  - f) All works associated with this condition including works within Council's road reserve, are to be undertaken at the full cost of the owner of the site.
- 10. The areas set aside for the parking of vehicles within the title boundary must be set aside for the specified use and must not be used for any other purpose.
- 11. All stormwater runoff must be collected and discharged to an approved outlet or retained onsite to the satisfaction of the Responsible Authority.
- 12. Waste Management Plan and Collection

Prior to commencement of any works, a waste management plan for the development must be submitted and approved by the Responsible Authority. The Waste Management Plan must detail how all waste and recyclables generated by the development are sorted, stored on site and how waste collection trucks may access the site and empty waste, recycling and FOGO containers

#### Deliveries

- 13. Deliveries to and from the site must only take place between 8am and 6pm Monday to Friday, to the satisfaction of the Responsible Authority.
- 14. All loading and unloading of goods must be undertaken wholly on the site and must not occur in the adjacent road area.
- 15. Landscaping works

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### General amenity

- 16. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a) Transport of material, goods or commodities to or from the land.
  - b) Appearance of any building, works or material.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d) Presence of vermin.

- e) The site including all buildings, works and landscaping shall be maintained in a neat, tidy and safe condition in accordance with the endorsed plan to the satisfaction of the Responsible Authority.
- 17. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as
- 18. No external amplified equipment, loud speakers or public address system shall be used in conjunction with the use hereby permitted.
- 19. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- 20. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

#### **NOTES**

#### i. Expiry

This permit will expire if one of the following circumstances applies:

- a) The development and use is/are not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

 The use must at all times comply with the Children's Services Centres Regulations 2020 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 or as amended. **ADVERTIS** 2 3 APR 2020 Ref No Officen 13/ Scanned Yes / No | Ch:

Planning Enquiries Phone: (03) 5559 4800 Web: www.warmambool.vic.gov.au

## Application to Amend a Planning Permit

Use this form to make an application to amend a planning permit under section 72 of the Planning and Environment Act 1987 and to provide the information required by section 47 of the Act and regulation 16 of the Planning and Environment Regulations 2005.

Supplementary information requested in this form should be provided as an attachment to your application. Please print clearly or complete the form electronically (refer to How to complete the Application to Amend a Planning Permit form).

⚠ Note: This form cannot be used to amend a permit issued at the direction of VCAT.

MINUTER IN

⚠ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the Planning and Environment Act 1987.

#### Need help with the application?

If you need help to complete this form, read How to complete the Application to Amend a Planning Permit form. For more information about the planning process, refer to Planning: a Short Guide. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or www.dse.vic.gov.au/planning.

Contact council to discuss the specific requirements for this application. Insufficient or unclear information may delay your application.

(1) Has there been a pre-application meeting with a council officer?

Yes No		
If yes, with whom?: Cameron	McNeil	Date: 23/03/2020

The land		
2 Address of the land. Complete	the Street Address and one of the Formal Land Descriptions.	
Street Address	Street No.: 76 Street Name: Bostock St EMMA AVENUE	
	Suburb/Locality: WARRNAM BOOL / VIC Postcode: 3 2 8 0	
Formal Land Description	Lot No.: 28 on Lodged Plan, Title Plan or Subdivision Plan No.: 020061	
⚠ This information can be found on the certificate of title.	OR	
	Crown Allotment No.: Section No.: Parish Name:	
③ Title information.	Attach a full, current copy of title information for each individual parcel of land, forming the subject site.	
(4) Describe how the land is used and developed now.	17 Emma Ave - Single Dwelling.	
eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.	76 Bostock St - 40 place Long Day Care Centre.	
(5) Plan of the land.	Attach a plan of the existing conditions. Photos are also helpful.	

Application to Amend a Planning Permit 09/05

Victoria, Australia

Page 1 of 4

## The amendment proposal

# **ADVERTISED**

A You must give full details of the permit being amended and the amendment being applied for. If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

6 a. What permit is being amended?	PLANNING PERMIT 3415-96	0.
Include the permit number and what the permit allows.		
b. What is the amendment being applied for?	Detail any changes sought to what the permit allows.  To connect the new dwelling to Honeypot (76 Bostock)	
Describe the changes proposed to the permit including any changes to the plans or to any	to run a 3+4 year old Kinder Pro Detail any changes sought to the current conditions of the permit.	gram.
other documents included in the permit.	# ATTACHMENT 3- PROPOSAL,	
	Detail any changes sought to the plans or to any other documents endorsed to	
	No changes to Property 76 Bos Adding Emma Ave to Plann	tock St. ning Permit.
<ul><li>c. Why is the amendment required?</li><li>State the reasons for the change.</li></ul>	Expansion to run a funded 3+4 year Old Kinder Program on the Emma Ave Site.	
7 Additional information about the proposal.  Contact council or refer to council planning permit checklists for more information about council's requirements.	Attach additional information providing details of the proposed Any information required by the planning scheme, requested by council permit checklist.  Plans showing the layout and details of the proposal.  If required, a description of the likely effect of the proposal (eg. traffic,	or outlined in a council planning
Encumbrances on title.     Encumbrances are identified on the certificate of title.	Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?  No, go to 9.  Yes, Attach a copy of the document (instrument) specifying the details of the encumbrance.  Does the proposal breach, in any way, the encumbrance on title?  No, go to 9.  Yes, contact council for advice on how to proceed before continuing with this application.	Council must not grant an amendment to permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the Planning and Environment Act 1987).  Contact council and/or an appropriately qualified person for advice.

#### ts of buildings and works/permi Most applications require a fee to be paid. Contact council to determine the appropriate fee. (9) If the permit allows Cost \$ A You may be required to verify this estimate. development, state the Note: If the estimated cost of the development to be allowed by the amended permit is less than the estimated estimated cost difference cost of the development allowed by the permit, show it as a negative number (see How to complete the between the development Application to Amend a Planning Permit form for examples). allowed by the permit and the development to be allowed by the amended permit. (10) Do you require a receipt for Yes No the amendment to permit fee? Contact, applicant and owner details 11) Provide details of the contact, applicant and owner of the land. Contact Name: REBECCA FLEMING PERRY + GEORGIA The person you want Council to communicate with about the Organisation (if applicable): THE HONEYPOT CHILP CARE application. Postal address: 76 BOSTOCK MARENAMBOOL, VIC Contact phone: (03) 55615095 Mobile phone: 0438577155 Indicate preferred contact method Fax: **Applicant** Same as contact. If not, complete details below. The person or organisation who wants the amendment to permit. Name: Organisation (if applicable): Postal address: Postcode: Owner Same as applicant Same as contact The person or organisation who owns Where the owner is different from the applicant or contact, provide the name of the person or the land. organisation who owns the land. Name (if applicable): Organisation (if applicable):

Postcode:

Postal address:

hecklist	ADVL	RTISED	
Ž Have you?	Filled in the form completely?		
	Paid or included the application fee?		
	Attached all necessary supporting information	n and documents?	
	Completed the relevant council checklist?		
	Signed the declaration below?		
Declaration			
This form must be signed.	A Owner/Applicant	Signature (1)	
Complete one of A, B or C	I declare that I am the applicant and owner of the	Signature (1)	
A Remember it is against the law to provide false or misleading	land and all the information in this application is true and correct.	Date: 08/04/2020	
information, which could result in a heavy fine and cancellation of			
the permit.	B Owner I declare that I am the owner of the land and I	Signature	
	have seen this application.		
		Date: 08/04/2029	
	Applicant	Signature	
	I declare that I am the applicant and all of the information in this application is true and		
	correct.	Date: / / /	
	C Applicant		
	I declare that I am the applicant and:	Signature	
	<ul> <li>I have notified the owner about this application;</li> </ul>	Date: / / / / / /	
	<ul> <li>and all the information in this application is</li> </ul>	Dut.	
	true and correct.		
Lodgement			
Lodge the completed and signed	Warrnambool City Council		
form and all documents with:	PO Box 198, WARRNAMBOOL□VIC□3280		
	Warrnambool Civic Centre, 25 Liebig Street, WARRNAMBOOL□VIC□3280□		
	Telephone: (03) 5559 4800		
	Fax: (03) 5559 4900□		
For help or more information	Email: wbool_city@warmambool.vic.gov.au		
	DX: Ausdoc DX 28005⊡		

State Government

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#### LAND DESCRIPTION

Lot 28 on Plan of Subdivision 020061. PARENT TITLE Volume 07444 Folio 757 Created by instrument K025502 29/07/1982

#### REGISTERED PROPRIETOR

Estate Fee Simple Sole Proprietor HONEYPOT PROPERTIES PTY LTD of 76 BOSTOCK STREET WARRNAMBOOL VIC 3280 AS999301H 18/02/2020

#### ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

#### DIAGRAM LOCATION

SEE LP020061 FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE	
AS998898W (E)	NOMINATION OF ECT TO LC	Completed	18/02/2020	
AS999300K (E)	DISCHARGE OF MORTGAGE	Registered	18/02/2020	
AS999301H (E)	TRANSFER	Registered	18/02/2020	

----- SEARCH STATEMENT-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 17 EMMA AVENUE WARRNAMBOOL VIC 3280

#### ADMINISTRATIVE NOTICES

NIL

eCT Control 21178L BROWN MCCOMISH SOLICITORS Effective from 18/02/2020

DOCUMENT END





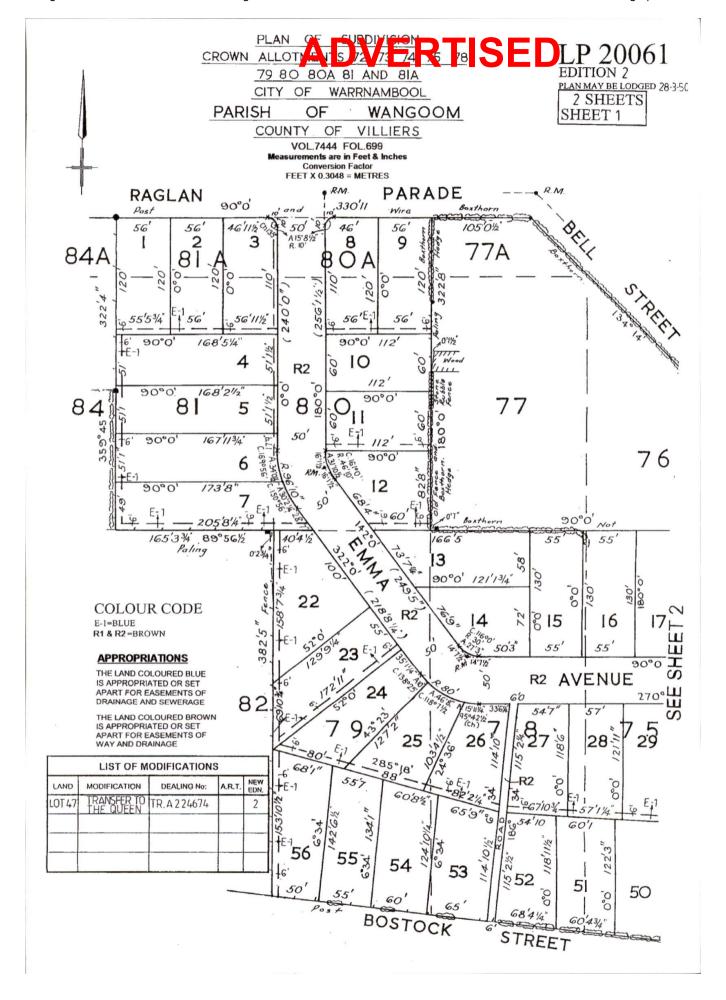
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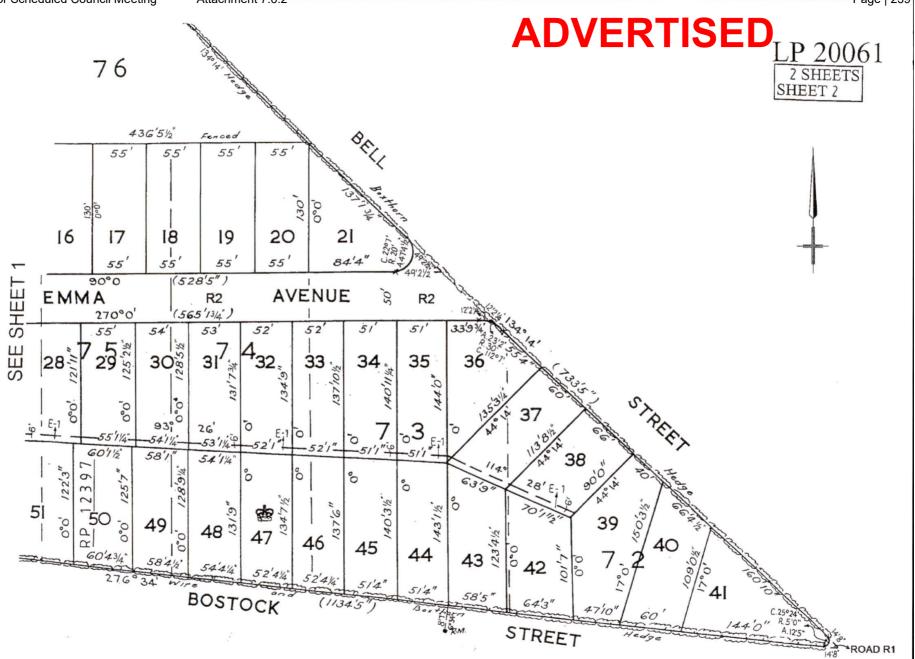
Document Type	Plan
Document Identification	LP020061
Number of Pages	2
(excluding this cover sheet)	
Document Assembled	18/03/2020 16:59

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The Honeypot Childcare Centre is a long day care centre which is located on Bostock Street, key operational details are listed below:

- Operational hours are from 6.45AM to 6.00PM Monday to Friday.
- We have a capacity to take 40 children from 0-5 years every day, currently operating at full capacity
- Our service offers a 3 and 4-year-old program in a small room which is currently licenced to hold a maximum of 11 children.
- Our kindergarten program has seen expediential growth and now has an extensive waiting list
- As such we have purchased the house at the back of the HoneyPot in Emma Avenue with the
  intention to convert into a children's service to provide more positions for both our kinder
  and long day care services.

It is important to note that as a Childcare Centre that no specific drop off times apply for parents meaning that children do not arrive together. A lot of our parents walk to the centre, Drop off times are spread typically between 6:45AM and 10:00AM, diluting the need for extensive car parking facilities. Current experience indicates that at a maximum we have 3 families arriving at the same time. Also;

- We currently have 84 active families that drop off over the week
- Of those 84 families 18 have multiple siblings attending the service
- Current enrolments have 64 children with no siblings
- Enrolment for the 3-year-old kinder program, planned for the Emma Avenue location, is 29.
  - The 3-year-old program will be held on Wednesdays, Thursdays & Fridays from 8:30AM to 3:30PM
  - This DOES NOT mean that at 8:30 or 3:30 there will be up to 22 families dropping off
    or picking up as the vast majority of enrolments will either commence the day or
    conclude the day in child care, meaning drop off and pick up would occur outside of
    dedicated kindergarten hours.
- Enrolment in 4-year-old kinder is 13 and ran on Monday and Tuesday 8:30 to 4:30.
  - This DOES NOT mean that at 8:30 or 3:30 there will be up to 13 families dropping off
    or picking up as the vast majority of enrolments will either commence the day or
    conclude the day in child care, meaning drop off and pick up would occur outside of
    dedicated kindergarten hours.
- Access to the Emma Avenue facility for kindergarten programs is planned to occur via Bostock street. Essentially children will be marshalled in the Bostock Street facility, which currently has ample parking, and escorted via the back entrance in the conjoined facilities.

As DHHS have not yet granted a licence for the Emma Avenue site an accurate number for maximum enrolments at this site cannot yet be provided. However, operational constraints have resulted in our intentions to limit this to a maximum of 22 at any given time.

It is expected that at a minimum half of the enrolments in the Emma Avenue facility would access the site via Bostock Street. This would indicate that at a maximum a total of 11, (if they were single child families) accessing via Emma Avenue between the hours of 8:30am to 10:00 AM.

These numbers will change if Emma Avenue isn't up and running by Dec/Jan 2021 ,parents have told us if its not operating then they will use other funded Kindergartens

Kind regards

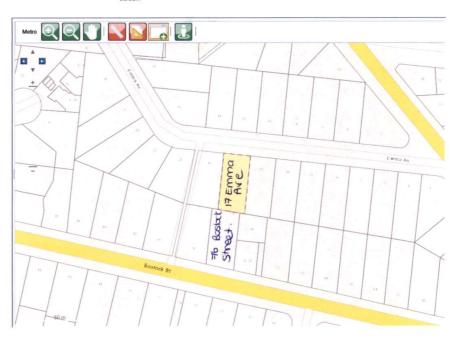
Georgia and Rebecca (co-owners of the honeypot)

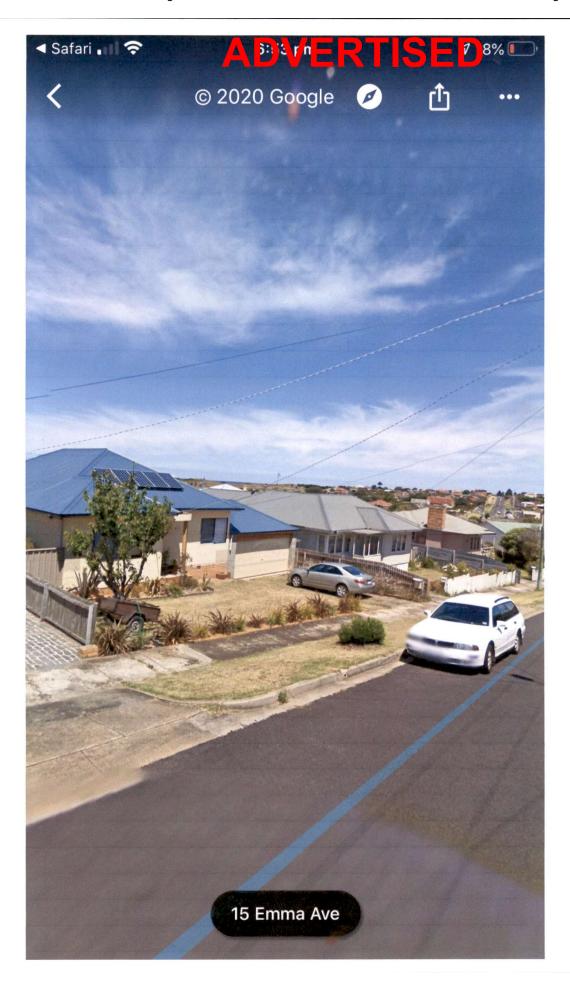
Step 2a of 5: Confirm Property - view and confirm on a map

Map for Street Address - Is the correct property highlighted on the map?

Yes Click on the "Confirm Property Detail" button on the bottom right side of screen.

No Select the correct property and then click on the "Confirm Property Detail" button on the bottom right side of





#### **Proposal**

We have recently purchased 17 Emma Ave — which is the house situated directly behind our current business 'The Honeypot Child Care Centre' located on 76 Bostock Street, Warrnambool. Our plans going forward with purchasing 17 Emma Ave is to run our 3 and 4 year Old Kinder Program from this site. We expect to be able to host around 22 children at this site, as ratios are 1:11 for this age group that will mean we will only need 2 staff on site. We currently have a waiting list for our 3 year Old Kinder Program and there is a high demand in the area. This is the perfect site for us to run a Kinder Program.

Operation times: 8:30AM – 4:30PM (Funded Kinder Programs are required to offer a 15 hour program per week per child) 4 year Old Kinder will operate on Monday, Tuesday – 3 year Old Kinder will operate Wednesday, Thursday and Friday.

Expected Children: 22 ( we will work with ratios 1:11)

2 staff members (we will access breaks staff for lunch breaks) from our Honeypot location 76 Bostock st.

Parents that have younger siblings will be able to access kinder at Emma Ave through a gate that will connect both properties on the back fence connecting both properties. Attachment 2

We don't expect parking to be a big issue as I have shown in the photo there are many opportunities for parking – there is also a laneway that connect the two streets one house down which is great access for people walking.

We will offer before and after kinder care. Children will be dropped at Our Bostock Street location and a staff member will take them to the Emma street location via the gate connecting the two properties when kinder starts or finishes. *This gate can be seen on attachment 2* 

By offering these above services (before/after kinder care, lane way access) we don't predict parking or traffic will cause any issues.

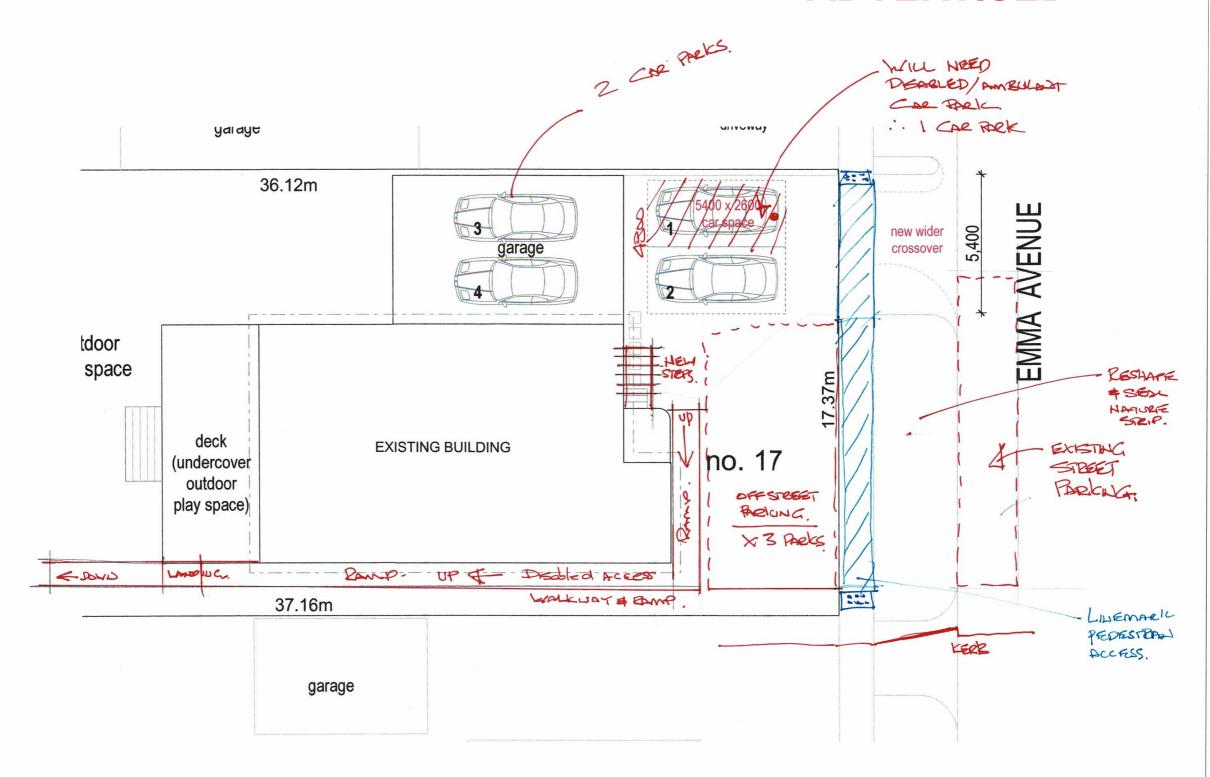
At the Emma Ave site there is already a two-car garage that can accommodate the two staff members and there is a large/wide driveway for families to access for drop off and pick up.

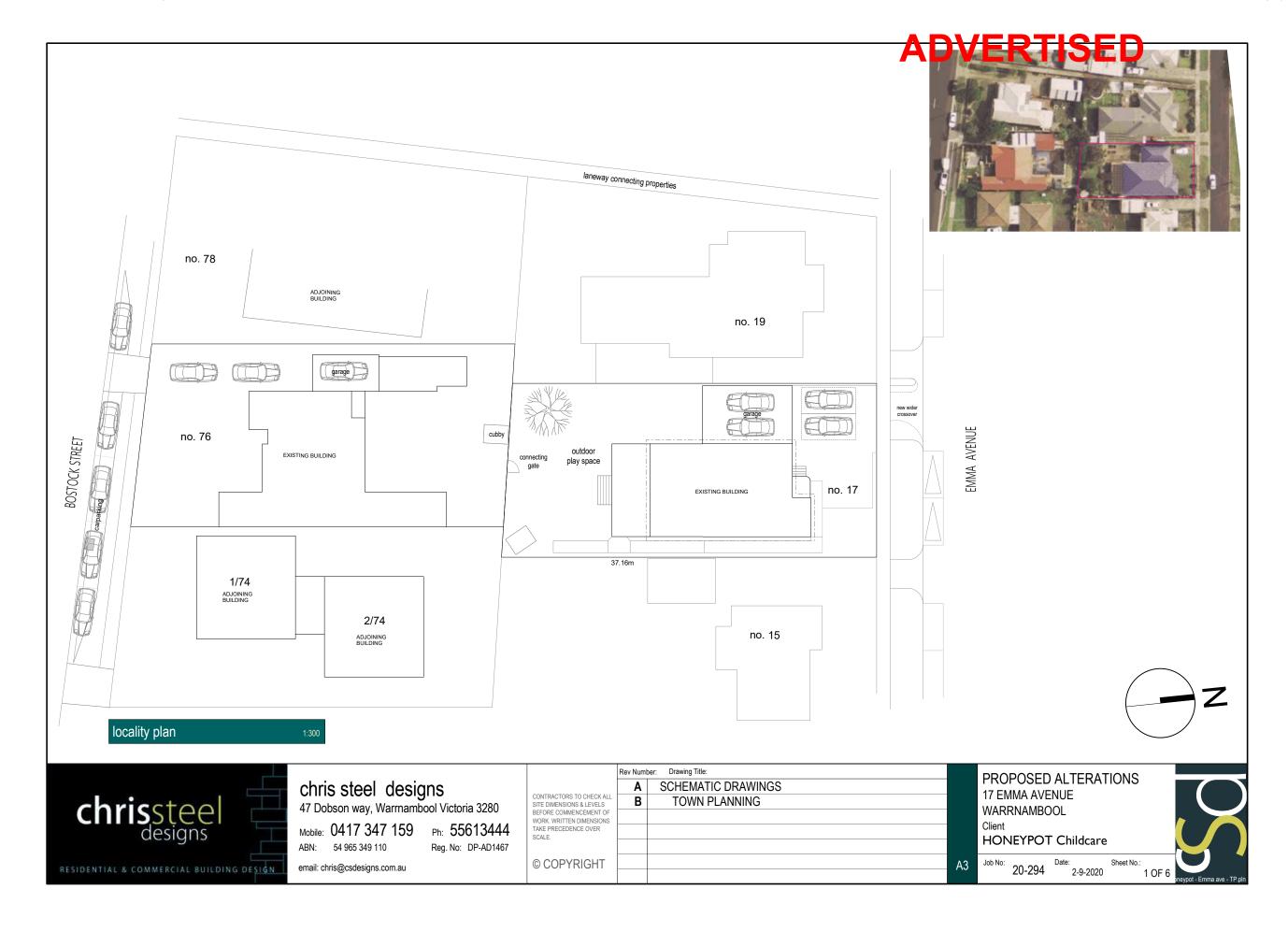
There will be limited works to the property required to get it ready as the layout of the existing house is perfect. We will use the front bedrooms as office and admin areas. The large family area and pergola will be perfect play spaces for kinder along with the lovely backyard that already accommodates a cubby house and gorgeous pear tree. *Refer to attachment 1*.

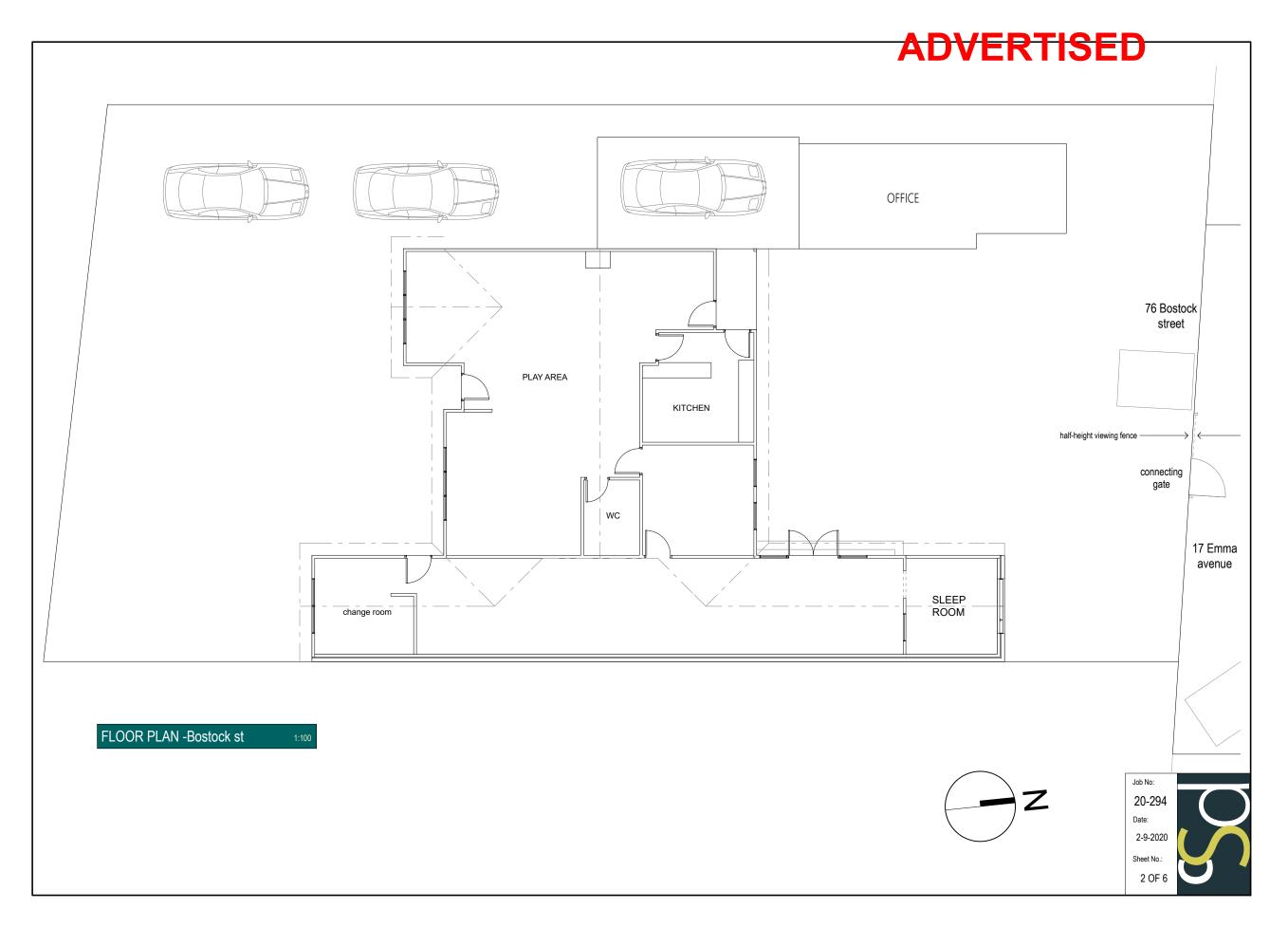
The only building works we predict will be: To remove the bath in the bathroom, add children's size toilets and sinks, we will need a barrier blocking the bathroom. We will have to add safety glass to all windows that are in the areas the children are playing in. Emergency, exit lights will need erecting. In regards to the backyard we will have to fix up a concrete area where the old garage use to be and there is cracked concrete.

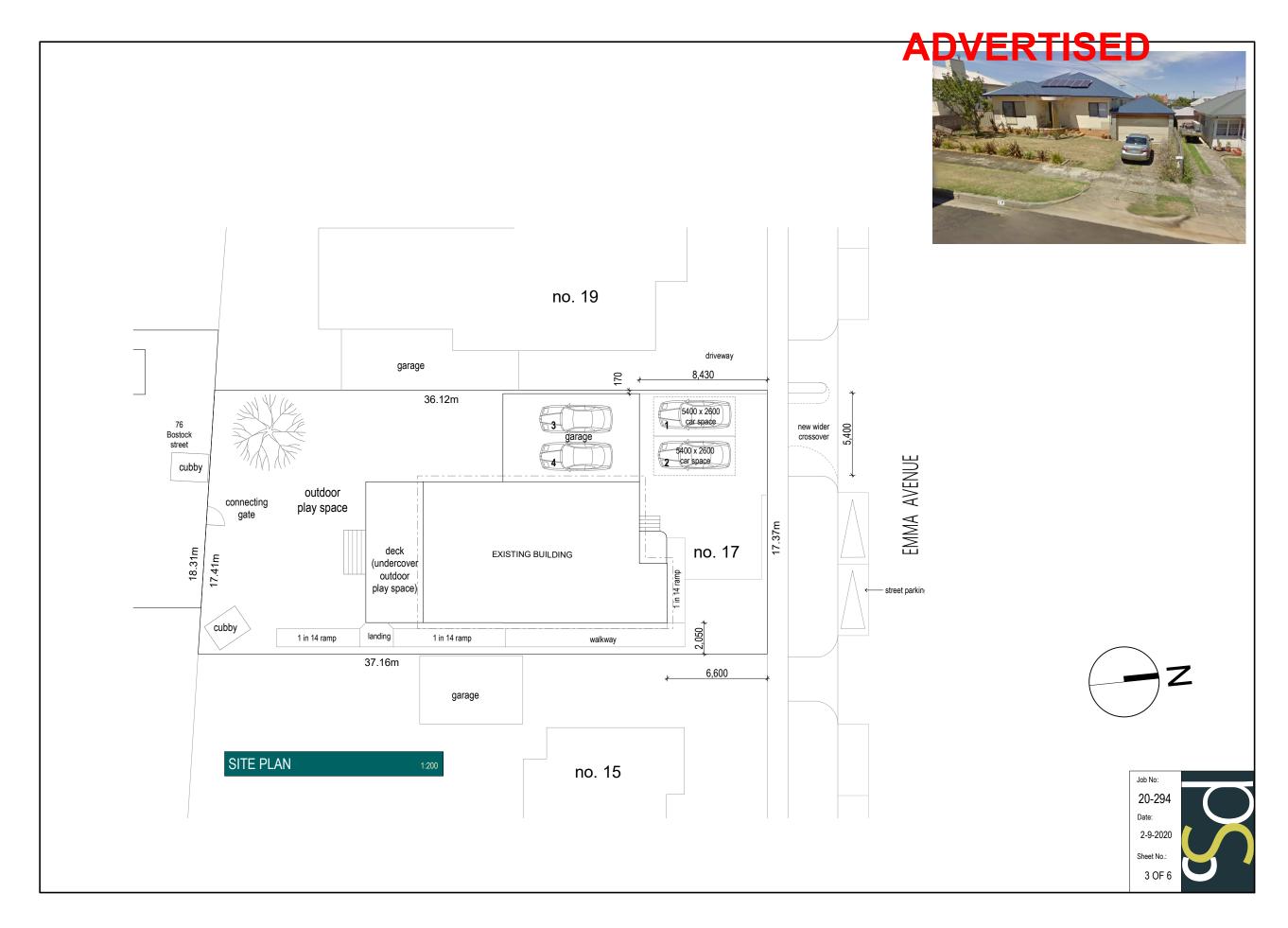
# ADVERTISED Page | 246Represent car parking spaces.

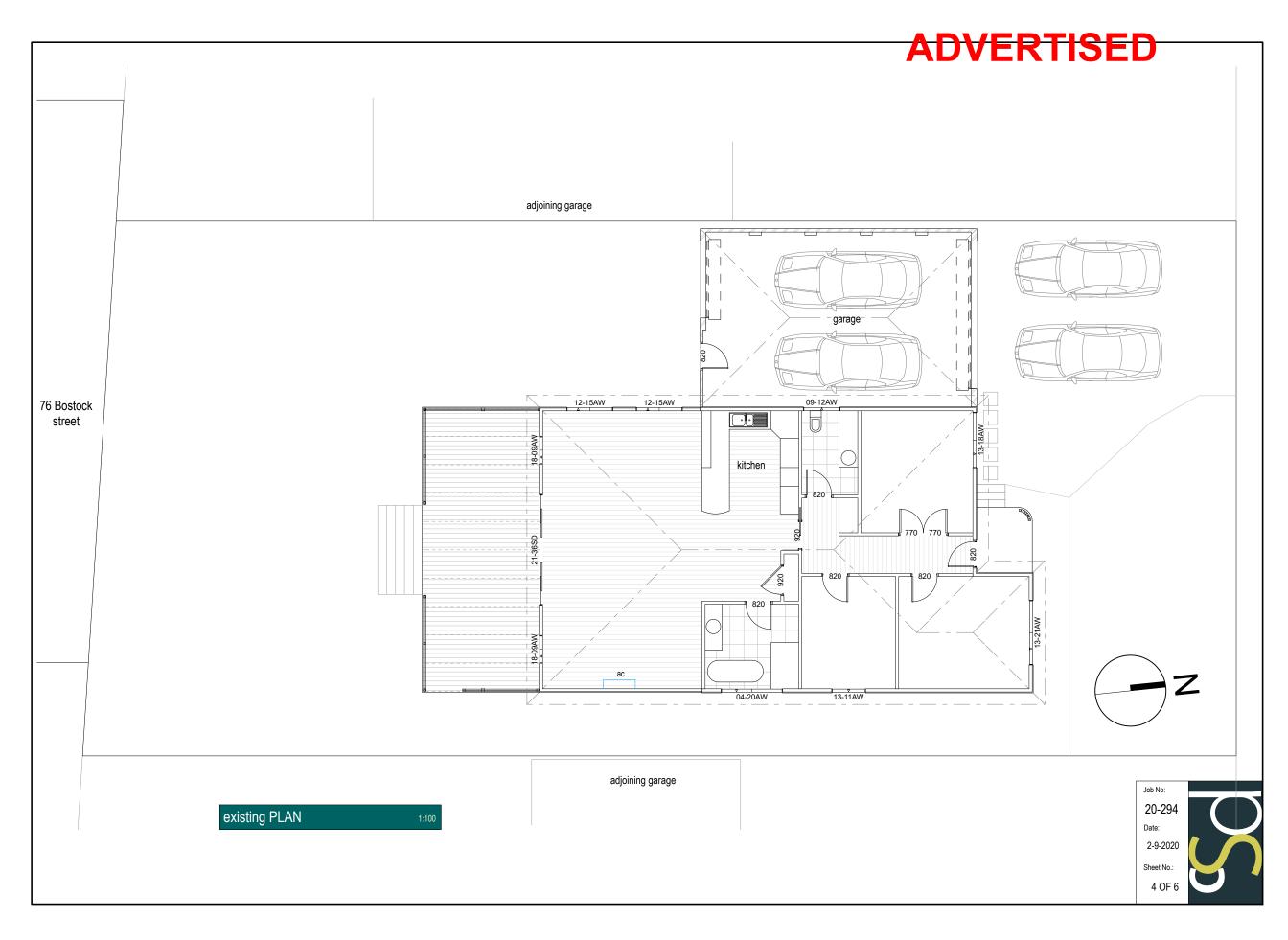




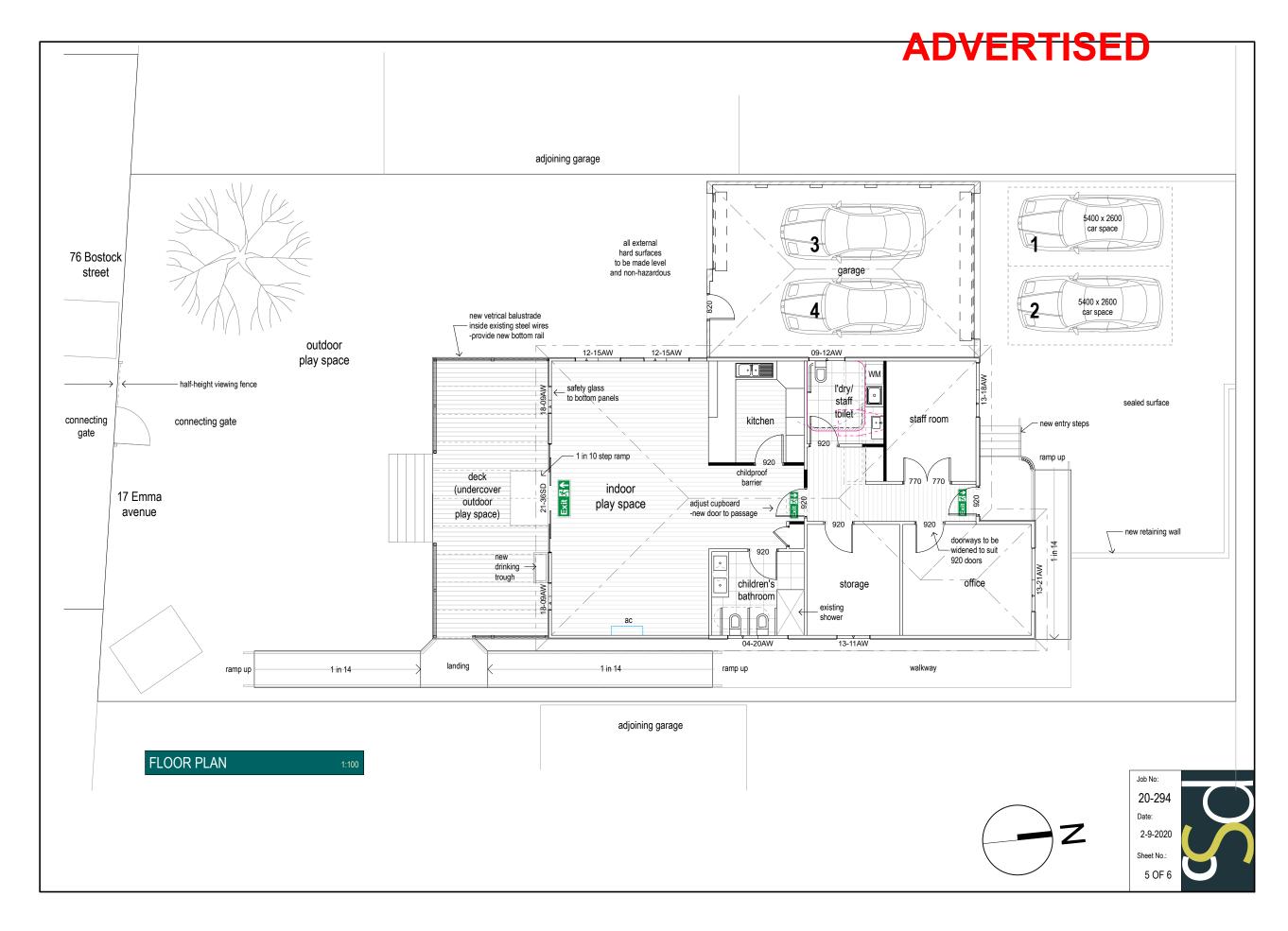


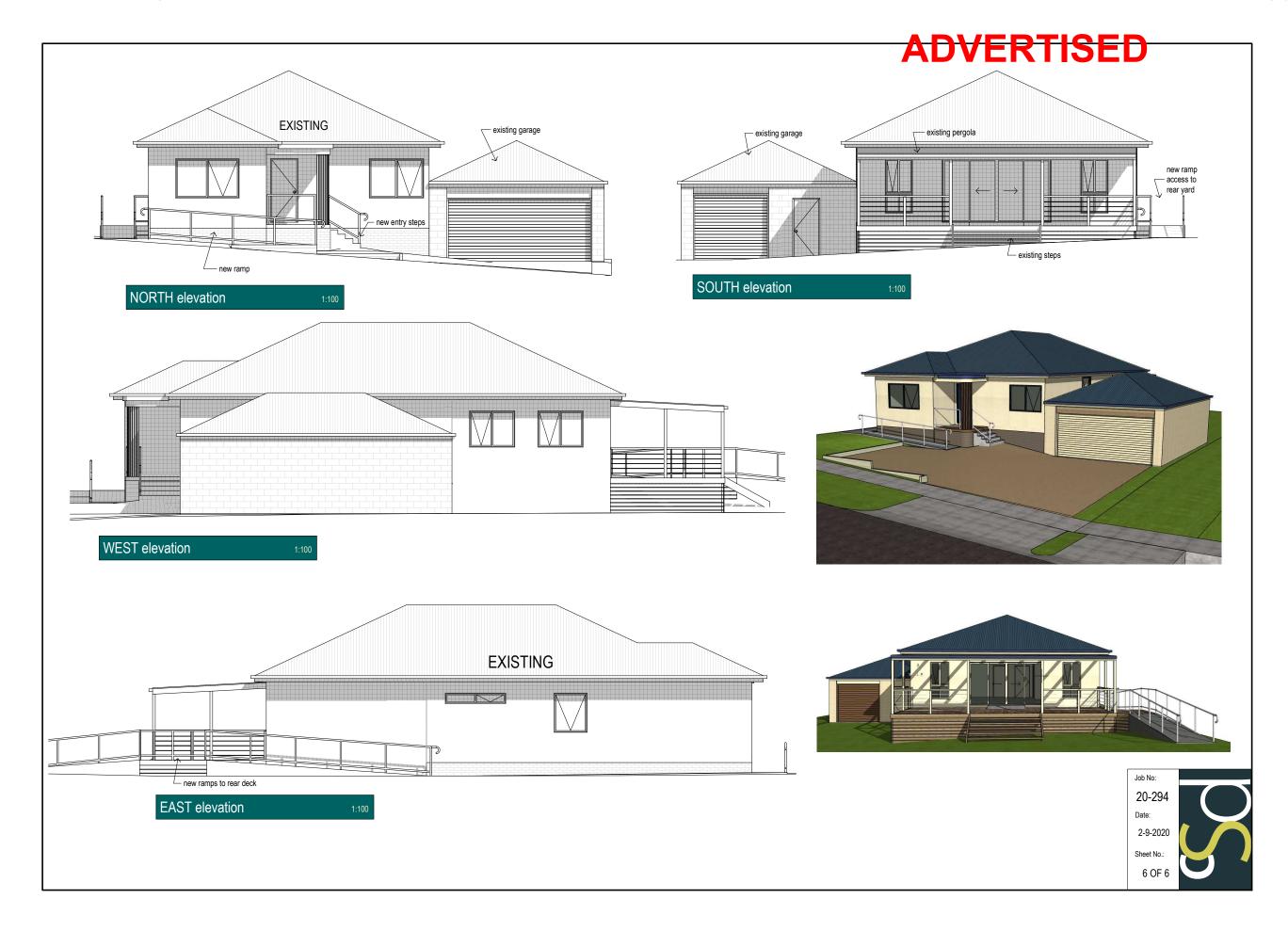






Warrnambool City Council Agenda for Scheduled Council Meeting





Warrnambool City Council





Who is objecting?

Objection to Grant Planning Permit – Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

I/We (Names in Block Letters)
Name(s) MICHEUE BUMMARAIN Surname BYTTERS
Name(s)Surname
Address 15 EMMA AVENUE
WARRAMBOOL VIC Post Code 3280
Telephone (Home)Telephone (Work)
Mobile 04/9331075 Facsimile
Email Michelle, butters a hotmail. com
Signatures(s)
Signatures(s) Date

- 1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- 2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- 3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice Application for Planning Permit.
- 4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
- The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6. Any person may inspect an objection during office hours.
- 7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



Page 2

# Objection to Grant Planning Permit - Part B

What application do you object to?	
Planning Application Number PP 1996 - 3145, 01	
What is the address of the land that is proposed to be used or developed?  The Bostoch Street + 17 Emma Avenue, Warrambool	
what is proposed? Amendment of the use for a hindergarten @ 17 Emm Avenue, to adjain existing childcare centre at 76 Bostoch Street	9
What are the reasons for your objection? (If there is not enough room, attach a separate page.)	
Noise and loss of quiet enjoyment at my home. The noise from 76 Bostoch Street is already griet audible from my property.  I have been working from home fulltime for 6 months and that will continue for the unforseeable future. I have a flexible work avvalugement that following covid 19 restrictions easing I can continue to work from home in some capacity:  Permit also allows pictures + drop off's in Emma Avenue. Which is a kiny street not equipped for additional traffic. It mentions ample parting in Bostoch St, which is not the case (continued page 3).	ı
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  • As mentioned it will create lifestyle + mental health issues.  • loss of quiet enjoyment of my property if I want to sit in my backyard during lynch or an a day off.  • Decrease in value of property - noone would choose to buy next-door to a kindergatten.  • As mentioned pickups   drup offs will definetely take place in Emma Arence even if removed from application. This has huge impacts to myself and others in a small suburban st.	



#### Reasons for Objection (continued)

As per previous page, the current permit application stipulates that there will be pickups and drop offs in Emma Avenue, Emma Avenue doesn't have capacity for additional traffic, there are no traffic lines separating sides because they keep getting worn out by the number of cars having to cross over to go around cars parked on road or give way to traffic from other direction.

A typical day, without Covid19 restrictions there could 10-15 cars parked on the road, due to most if not all dwellings in Emma Avenue being single car driveways with multiple occupants. When restrictions lift and people can have visitors again (friends and family) this almost doubles this at times

There are already several parents who have children at the childcare in Bostock Street that are parking in Emma Avenue and accessing laneway to collect children, so to say this won't happen is unrealistic.

Emma Avenue is also utilised by a number of primary school children as a thoroughfare to get to East Warrnambool Primary School via laneway to Bostock Street. Reversing during school times is already very dangerous and consider that both neighbours either side of proposed site and 3 across all have driveways that almost directly align it makes it very congested and dangerous.

**Town Planning Office Responsible Authority** 

Reference PP1996-3145.01

Re Notice of an Application for an amendment to a planning permit @ 76 Bostock St Warrnambool.

My name is Val Densley and I live at 71 Bostock Street, across the road from the Honeypot Childcare Centre.

I am very concerned about the volume of traffic that the new amendment will produce. Already I believe that traffic is a major concern in the area around the Centre. I can only imagine that with more children attending the Centre the volume of traffic will significantly increase.

The proposal states that "we don't expect parking to be a big issue". Maybe if you lived along the street, you would feel annoyed by the traffic coming and going from before 7am to 7pm. I feel that parking and traffic is indeed, a big issue.

It can be extremely busy with cars coming and going all day long plus all the traffic that parks along the street on the nature strips. Most days there can be 2 - 4 cars parked along my nature strip, and also along my neighbours nature strip. This creates a real headache when I am reversing out my driveway. It is almost impossible to see along the street and I am always fearful of backing into someone driving along or worse still, hitting a child or parent crossing over the street to the Centre.

Often I will have visitors and there is nowhere for them to park near my house as Centre people have already taken up all the parking spaces and I do not think this quite fair.

There is a 40 speed zone coming from the corner past the Centre but, unfortunately, a great deal of that traffic does not adhere to the speed limit thus creating even more problems.

My objection is not towards the Centre, as it is usually very quiet and well looked after; apart from the traffic noise you wouldn't know the Centre was there. My sole concern is the traffic cluttering up a street which should be a quiet residential area and not a hazardous area to live in .

Thank you

VAL DENSLEY

7<sup>th</sup> October 2020.



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Who is objecting?	Ref No		*
I/We (Names in Block	Cofficer) Scanned Yes / No Ch.:		FLEMING
Name(s)	LIE	Surname	FLEMING
Name(s) Joy	11	Surname	HANNAH
			ALMOOD L
			Post Code 8280
	Telephone (Work)		
Email juliefly	I otheret con	۸.90	Date 1 1/2/2020
Signatures(s)		,	Date 1 11012020
Signatures(s)	3 ga `a	<u></u>	Date 1 120 2020

- This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
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Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?
Planning Application Number PP 1996-3145:01 by:
What is the address of the land that is proposed to be used or developed?
11 Emma Aue Warrnambool uic 3280
What is proposed? A mend ament of the use
for a Kindergarter
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
Increase of traffic flow will be a hazard
to both residents and through traffic
Bostock St is already a very compested erred
at these times as it is also used by primary
sobol stickents being picked up and alrapped aff.
This also affects emma are due to the short cut
through the walknow by walking families
Bootock st and Emma Av is constantly used by learner
driving schools at all times of the day Too much congestion!
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
with the added traffic it will be much more changerous
for residents exiting our driveways The drive through
room on our street is already narrow due to residents
and trade workers (renovations) always being parked on
both sides of our street. We have a lot of school children
and day care parents already walking past our house due to
the cut through laneway. I have had many close encounters
where children dott look at drive ways nor do parents. We donot
have enough room now for safe driving. We do NOT NEED Hore

Civic Centre 25 Liebig Street Warmambool Victoria Australia PO Box 198 Warmambool VIC 3280 Telephone (03) 5559 4800 Facsimile (03) 5559 4900 AUSDOC DX 28005 Website www.warmambool.vic.gov.au
ABN 44 594 264 321



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Who is objecting?	Officer	
I/We (Names in Block Letters	Scanned Yes / No Chi	
Name(s) RONALD T	A MIES Surname HIALLO	WELL.
	Surname	
	- Curiano	
	P	
	ム307Telephone (Work)	
	Facsimile	
Signatures(s) Mallo	wellD	ate 29-9-20
Signatures(s)	D	ate

- This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
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What application do you object to?		
Planning Application Number PP 1996 - 3145 - 01		
What is the address of the land that is proposed to be used or developed?		
17 EMMA AUE WARRNAMBOOL		
What is proposed? THE HONEYPOT CHILD CARE CENTRE		
What are the reasons for your objection? (If there is not enough room, attach a separate page.)		
EMMA AVE IS NOT SUITABLE FOR THIS DEVELMENT		
BEING TOO NARROW AND VERY LITTLE PARKING		
IT WOULD BE VERY DANGEROUS FOR THE CHILDREN		
GOING TO EAST WARRNAMBOOK SCHOOL BEING TO CLOSE TO		
THE LANEWAY THEY USE TO GO TO SCHOOL		
ANOTHER COUNCIL STUFF UP		
WHY FWERNET THE RESIDENTS NOTIFIED HAVING TO		
RELY ON THE BUSH TELECRATH - VERY POOR		
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)		
·		



0 5 OCT 2020 L

# Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Wh	o is objecting?	
I/W	e (Names in Block Letters)	
Nar	ne(s) GAYLENE Surname HENDERSON	
	ne(s) MATTHEW Surname HENDERSON	
Add	Iress 19 Emma Ave	
	Warin ambool Post Code 3280	
Tele	ephone (Home)Telephone (Work)	
	oile C438 696 001 Facsimile	
	ail hendergs @ yahoo. (am. au	
Em	natures(s) Date 4/10/20	
Sig	natures(s) Date 7.70,20	
Sig	natures(s) Date 4/10/20	
lmg	portant notes about objections to permit applications	
<ol> <li>requirement under the Act that you use any particular form.</li> <li>Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.</li> <li>To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice – Application for Planning Permit.</li> <li>An objection must:</li> </ol>		
	State the reasons for your objection: and	
	<ul> <li>State how you would be affected if a permit is granted.</li> <li>The responsible authority may reject an application which it considers has been made primarily to secure o maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.</li> </ul>	
	Any person may inspect an objection during office hours.	
7.	If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.	
8.	To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.	
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10.	If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you wireceive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.	
11.	If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out of the Refusal of Planning Application which will be issued at that time.	
0:::	Rel No	

Civic Centre 25 Liebig Street Warmambool Victoria Australia PO Box 198 Warmambool VIC 3280 Telephone (03) 5559 4800 Facsimile (03) 5559 4900 AUSDOC DX 28005 Officer Website www.warmambool.vic.gov.au Scanned Yes / No Ch: ABN 44 594 264 321



What application do you object to?
Planning Application Number PP1996 - 3145, 01
What is the address of the land that is proposed to be used or developed?
What is proposed? Amendment of use for a kindergasten
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
We are objecting to The use of Emma Ave
as an access point for drop ofts and
picking up children. The street is narrow
and The increase in cars will cause
congestion and bottle necks inthe sweet.
Residents already use nature strips as
parking spaces and cars have no space
to park.
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
As a neighbour to mis property we
would and this increase in cars
difficult. As a family of 7 wim 5
vivan cars we have difficulty with parking
as it is backna out of our dive
can problematic with a number of
cars pared in the street. Salety
can problematic with a number of cars parked in the street. Safety concerns with the risk of children
and cars coming and going should be considered



The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?

I/We (Names in Block Letters)

Name(s)

Name(s)

Surname

WARKNAM BOOL

Post Code 3280

Telephone (Home) 55626872

Telephone (Work)

Mobile 1487811743

Facsimile

Email 1090 12020

Signatures(s)

Page 100

Council will not used solely by the WarrnamBool City Council. Council will not use your personal authorised or required by any or request unless sufficient information is given.

29 SEP 2020

Ref No
Officer
Seathled Yes / No Chi

#### Important notes about objections to permit applications

 This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.

Date 2.1

- Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice – Application for Planning Permit.
- An objection must:

Signatures(s) ......

- State the reasons for your objection: and
- State how you would be affected if a permit is granted.
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- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

80.20



What application do you object to?
Planning Application Number PP 1996 - 3145.01
What is the address of the land that is proposed to be used or developed?
17 EMMO HVENUE WARRNAMBOOL
VO HI-KN H.W. 15.09
What is proposed?
KINDERGARTEN.
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
THE ROAD IS TOO NARROW + ALREADY THERE IS TOO MUCH CONGESTION. A LOT OF EAST WBOOK PRIMARY SCHOOL
STYDENTS USE EMMA AVE VIA THE LANEWAY NEXT TO 19 EMMA
AVE RIDING SCOOTERS. A LOT OF THE RESIDENTS HAVE LIVED
IN EMMA AVE FOR 35 TO 40 YEARS AND DON'T SUPPORT INCREASED
TRAFFIC THERE WERE 2 BUSINESSES (BODY BRONZE + FOLIMA'S FITNESS
IN RECENT YEARS WHICH CAUSEDA LOT OF TRAFFIC CONGESTION
I WALK UP EMMA AVE EVERY MORNING-AWNE BELL ST. THEN DOWN BOSTOCK ST TO THE
MIX BAR FOR PAPER AND THERE IS A LOT OF INCREASE TRAFFIC + I DON'T SEE
How will you be affected by the grant of a permit? (If there is not shough room, attach a separate page.)
PARKING ACCESS & IN + OUT TRAFFIC IN OUR NARROW STREET
IS ALREADY A. PROBLEM. A LOT OF THE TRAFFIC IN BOSTOCK
ST TO THE HONEY POT CERTAINLY DO NOT STICK TO THE SPEED LIMIT
(40) AND IF THE SAME THING HAPPENED IN EMMA
AVE WITH 2 SHARP BENDS THERE COULD BE SOME SERIOUS HOCIDENTS
AS AT THE 26TH SEPT NO RESIDENTS HAVE BEEN FORMALLY NOTIFIED IN WRITING DE THE CHANGES TO THE STREET. ACCORDING TO THE
PLAN THEY WANT PARKING FOR T VEHICLES ON SITE. THEY HAVE
STATED INE KINDERGARTE NOULD 136 11CCESSED VIA BOSTOCK ST
Civic Centre 25 Liebig Street  Warmambool Victoria Australia PO Box 198 Warmambool VIC 3280  Telephone (03) 5559 4800 Facsimile (03) 5559 4900  AUSDOO DX 28005  AUSDOO DX 28005  AUSDOO DX 28005  AUSDOO DX 28005
IN EMMO AUE

Warrnambool City Council

Agenda for Scheduled Council Meeting

7 June 2021 Attachment 7.6.3Page | 266

PERNAPS SOME ONE FROM Council SHOULD SPEND SOME TIME IN BOSTOCK ST MORNINGS FIND VIEW THE TRAFFIC & CHILDREN GOING To EAST PRIMARY SCHOOL. FIND THE PARKING WHICH IS TWICE THE WIDTH OF EMMA AUE

WE WOULD APPRECIATE LAMA AVE REMAIN + QUITE RESIDENTIAL STREET THAT IS WHY PEOPLE HAVE STAYED HERE FOR YEARS



The information requested on this page will be used solely by the Warrnambool City Council use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?	Ref No
I/We (Names in Block Letters)	Officer Scanned Yes / No Ch:
Name(s) PETER Surname	JEWELL
Name(s) JENNIEFER Surname	TEWELL
Address 39 Emma AVE WARNA	mbroc
Vic	Post Code 3.28.5
Telephone (Home) 03 55 62 8620 Telepho	ne (Work)
Mobile 0400394236 Facsimil	e ~/A
Email PS 258 BIG POND, NET, ALL	
Signatures(s) Delia Junell	Date 30/09/2020
Signatures(s) Tenseral A Squall	

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What application do you object to?	Warrnambool City Council
Planning Application Number PP 1996-3145.01	
What is the address of the land that is proposed to be used or developed	? 1 - OCT 2020
	Ref No
	Offices Scanned Yes / No   Ch:
What is proposed? A MEND MENT OF USE FOR A	TNOFRGARTEN
What are the reasons for your objection? (If there is not enough room, attach a s	separate page.) SETION 1
INCREASED TRAFFIC FLOW THROUGH EMMA AU	
EMMA AVE IS TO NARROW EMMA AVE BEING	
NO PRIOR NOTICE TO EMMA AVE RESIDENTS C	F PLANUS
STREET LICHTYNG WINTER TIME	
STREET PARKING DISCING UP AND REMOVING A NA	
FOR MORE PARKING THAT IN ITS ELF TELL YOU THAT	1- 74/is HAS BEEN A
POTENTIAL ISSUE ABOOK EMMA AVE OVER A	4
NO CONSTATION WITH EMMA AUF RESIDENTS .	
How will you be affected by the grant of a permit? (If there is not enough roo	om, attach a separate page.)
WIDI THIS SITUATION IT WILL PUT A VERY BIG STA	MAN ON PARLING
CONGESTION	
CARS HAVING TO WAIT OR GOIN AND DUT OF PARO	
TRAFFIC FLOW WHICH IS ALREADY A PROBLEM FOR	
HAVING ALCESS TO MY DRIVE WAY WHEN HAVING B	ECH OUT FISHING AN
HAVING TO CONTENT WITH INCREASED TRAFFIC FLOW	TRYING TO REVERSE MY
BOUT THAILER DOWN MY DRIVE WAY.	
PSTHIS IS NOT THE FIRST TIME THAT THIS HAS BEE	

7 June 2021 Page | 269

Dear Neighbours,

<u>Say NO</u> to increased traffic in Emma Avenue and 17 Emma Avenue having a drop off/ pick up point for new Kindergarten on site.

As many of you know parking, access and in and out traffic in our small street is already a problem, take into account the sharp bend 2 houses down from said new kindergarten and increase in traffic,

both by foot and by car it will be a nightmare.

Already a lot of primary school children use Emma Avenue to access East Warrnambool Primary
School via the laneway in between 19 and 21 Emma Avenue, which makes reversing from driveways

heard and make an objection via attached form or by emailing or phoning the council. Details all provided and highlighted.

As at 25 September 2020 no owners in Emma Avenue have been formally notified in writing of the changes to their street. The only letter that was sent to an occupier went to 2/74 Bostock Street,

If you think the road is too narrow, there is already too much congestion be sure to make your voice

hard imagine potentially having another 11 cars coming in both in mornings and afternoons.

which would see no changes to their current situation. Refer to the full application online.

We have up until 9th October to mark objections to the council.

I am a fellow resident in the street who wanted to make sure you were all aware of the changes. It may not impact you personally, you may not mind the changes and that's fine but I wanted us all to be informed as it will change the dynamic of the great little street we live in.

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Warrnamboo City Council 0 9 DCT 2020 Objection to Grant Planning Permit - Part A Ref No Officer The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or

equired by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting? I/We (Names in Block Letters) Surname JOHNSTONE Surname Post Code..... .Telephone (Work) Facsimile... Signatures(s) ..... Date O Signatures(s) .....

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Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?
Planning Application Number PP 1996 - 3145.01
What is the address of the land that is proposed to be used or developed?
17 EMMA AVENUE
WARRNAMBOOL, 3280, VICTORIA
What is proposed? AMANDMENT OF THE USE FOR
A KINDER GARTEN
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
EMMA AVENUE IS A SMALL NARROW AVENUE
THAT ALREADY HAS CONSIDERABLE VEHICULAR
CONCECTION AND A PARKING PROBLEM
PRE-EXISTS ANY DEVELOPMENT. BY ADDING
COMMERCIAL TRAFFIC "NTO OUTH A NARROW
ENGROMENT WILL CREATE A TRAFFIC
HAZARD FOR BOTH LOCAL VEHICLES AND
PEDESTRIANS. TOTALLY INAPPROPRIATE TO ALLOW
A DROP-OFF / PICK-UP AREA AT THIS LOCATION
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
AS A RESIDENT / HANDO-DNER OF A HOUSE
ALMOST ADJACENT TO THIS PROPOSED DEVELOPMENT
WE ARE ONDERNED FOR OUR POTENTIAL SAFETY
AND THE SAFETY OF OTHERS # 15 ALSO
DELBE THAT SUCH A DEVELOPMENT WOULD
DEVALUE PROPERTIES IN THIS AVENUE
THERE WOULD BE A HIGHLY INCREASED POTENTIAL
FOR CHILDREN TO BE NOTURED BY NOW - RESIDENTIAL
DRIVERS MOVING TO AND FROM THIS BUSINESS

Civic Centre 25 Liebig Street Warrnambool Victoria Australia PO Box 198 Warrnambool VIC 3280 Telephone (03) 5559 4800 Facsimile (03) 5559 4900 AUSDOC DX 28005

Website www.warrnambool.vic.gov.au ABN 44 594 264 321



The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?	
I/We (Names in Block Letters)	
Name(s) Maurice	Surname King
Name(s) Annmaree	Surname King
Address 10 Emma Ave	
Warrnmambool	Post Code 3280
Telephone (Home)	Telephone (Work)
Mobile 0437 101 102	Facsimile
Signatures(s)	Date 6 / 10 /2020.
Signatures(s) Assume Luy	Date 6 10 2020

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- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



What application do you object to?
Planning Application NumberPP1996-3145.01
What is the address of the land that is proposed to be used or developed?
17 Emma Ave, Warrnambool
What is proposed? Conversion of home premise to use for a kindergarten
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
Traffic congestion: Emma Ave is a narrow street and when there are vehicles parked on both sides of the street,
there is only just enough room for a single medium-sized domestic vehicle to comfortably pass through. Reversing out of any house in Emma Ave when there are vehicles on the street is risky due to its narrow width. The number of
enrolments listed in the permit application are 22 children. The application states that current experience indicates
that there are only a maximum of 3 families arriving at the same time in Bostock St, but if each child was the only child
from each family, then there is potential for from 10 to up to 22 vehicles arriving in a short period of time.
School Thoroughfare: The street is currently a safe thoroughfare for both children and their families on foot, bike and
scooter via the laneway between 19 and 21 Emma Ave. Increased vehicular activity in the street and across the
footpath at 17 Emma Ave increases traffic and pedestrian risk to school children and their families using the street.
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
7 Emma Ave is diagonally opposite our driveway. It is highly likely that there will be overflow parking around our driveway, which
ncreases the risk to both pedestrians and vehicles due to the narrow width of the street. It is very likely that drop off and pickup
imes will coincide with the times that we enter the street to drive to and from work. Reversing out of our driveway is already
mpacted by the current residential activity, particularly if there are vehicles parked anywhere on the opposite side of the street.
With increasing traffic on Raglan Pde, particularly around the hours that coincide with the proposed kindergarten hours, there is a
eal possibility of congestion down Emma Ave at the Raglan Pde/Emma Ave intersection.
We have no issues with the premise being used for a kindergarten.
Increased street traffic and/or congestion is likely to negatively impact the saleability of our property, if not decrease its value.



Objection to Grant Planning Permit Part A Warrnambeel City Council

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Who is objecting?	Office
I/We (Names in Block Letters)	Office! Seanned Yes / No Ch:
Name(s) MARCH RET Surname A	AHC.
Name(s)Surname	
Address 353 RACLAN POF WBOOL.	
Telephone (Home) 5562539 f Telephone (Wor	
MobileFacsimile	, , , , , , , , , , , , , , , , , , ,
Email	
Signatures(s)	Date2. (0,20
Signatures(s)	

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- 4. An objection must:
  - · State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
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What application do you object to?
Planning Application Number PP 1996 - 3145.01
What is the address of the land that is proposed to be used or developed?
17 EMMA AVEHUE.
/
What is proposed? KINDERGARTEN
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
I AM CONCERNED THE LAMENTY CONNEUTED
TO THE PROPERTIES WILL BE USED FOR CHILDREN
TAKEN THROUGH EMMA AVENUE TO BOSTOCK STREET
HOW WILL THIS BE POLICED?
I NEVER RECEIVED AHY PHOTO.
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
TEMMA ANBHUE IS A VERY NAMROW STREET
AND QUITE OFTEN THERE IS A LOT OF VEHICLES
IN THIS STREET: ( DO NO OBJECT TO THE KINDERGADE
BUY WE WILL NEED SOME ASSURANCE EMMA AVENUE
WILL HOT BE USED ANY TIME OF THE DAY FOR
PROPPING CHILDREN OFF. I USE THIS AVEHUE
DAILEY. AND KNOW THERE PLREADY IS A LOT OF TRAKFIC
PASSING THROUGH

#### **Town Planning**

From: Nikki Brae-Smith <nikkibraesmith@gmail.com>

Sent: Thursday, 8 October 2020 8:24 PM

To: Town Planning

**Subject:** Objection to Planning Application PP1996-3145.01

**Attachments:** Objection to Grant Planning Permit Application PP1996-3145.01.pdf

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi There,

I would like to submit an Objection to the above named Planning Permit Application.

I wish to receive a confirmation that you have received this Formal Objection and there is no problem opening the attached document.

Kinds Regards

Deb Undy



The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?			
I/We (Names in Block Letters)			
Name(s) Colin Surname Undy			
Name(s) Deborah Surname Undy			
Address 27 EMMA AV			
WARRNAMBOOL Post Code 3280			
Telephone (Home) 556/1704 Telephone (Work)			
Mobile			
Email Deborah. Colin @hotmail.com			
Signatures(s)         Date         8/10/20           Signatures(s)         Date         8-10-20			

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What application do you object to?
Planning Application Number PP1996-3145.01
What is the address of the land that is proposed to be used or developed? 17 Emm av
WARRNAMBOOL 3280
What is proposed? Kindergarten
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
Please read Attachment A'
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
Please reat Alfachment 'A'

Attachment A

#### Objection to Grant Planning Permit - Part B

Planning Application Number PP1996-3145.01 76 Bostock St Warrnambool 3280 17 Emma Ave Warrnambool 3280

#### Proposed:

Amendment of the use for a kindergarten

#### What are the reasons for our objection and how we will be affected by the grant of this permit?

We strongly object to this application as we see no formal Traffic Management or Safety Plan included request that these formal management plans are done before any further consideration to this application. We then want the application resubmitted if, the then said applicants actually believe it is a viable option. We believe that these plans will clearly show that what is proposed has to be completely re thought out and an alternate solution be found before any approvals could be granted.

We believe strongly that the small amount of thought and detail provided in this submission in regard to the numbers and subsequent impact on both streets concerned are clearly lacking in a basis of reality and real fore thought. Here are some very valid points and further objections we wish to make.

The applicants are not putting a truthful representation of what already occurs with the current traffic management in Bostock Street. They have stated there is ample parking in Bostock Street which is an incredibly misleading statement as is also, the statement of the number of families dropping off during this period are diluted. *They are not*. As residents we can assure you that at both ends of the day during the times indicated by the applicants there is always heavy congestion in Bostock St and is fraught with safety concerns.

Many families <u>do</u> choose to park in Bostock Street (ample parking referred to) but this has its own issues for the local residents who want to park in front of their own houses and/or even just getting in and out of their own driveway. Many parents do not adhere to the correct distance they should park away from the driveway so are often over the driveways making it incredibly difficult and unsafe to turn in or out of. It forces us to swing out wide and makes it very difficult to see moving cars and small children especially when backing out.

The other safety concern of this ample parking is that many parents unfortunately get their children out on the road side not curb side especially those with more than one sibling. This increases the risk of someone being run over, for obvious reasons.

For those who choose not to park they actually line up in the street waiting to get a park directly in front of the centre in the cut out section. This actually stops the flow of traffic in Bostock St and often increases the impatience of the cars waiting behind the parents who then try and overtake the them creating yet another safety hazard.

We also vehemently point out that they have not yet even been *granted a licence from DHHS* therefore cannot truly give you an accurate number of enrolments and are guessing what may or may not happen.

All of the above issues for Bostock St have already forced many people to park behind the childcare centre in Emma Ave and walk through the laneway creating many of the same issues, actually even more so as Emma Ave is just that, an Avenue and only wide enough for one car.

Attachment A

We are residents of Emma Ave and now have even more urgent and stronger objections to this application.

We reside at 27 Emma Ave just a few houses down from the proposed Kindergarten. We are situated on the bend, which is a blind one from both sides and already consistently presents many problems and safety concerns on any given day let alone with an increase in traffic flow, parking and human traffic.

We object to the applicant's assumption and photo presented representing that there is plenty of parking available in Emma Ave. *There is not*. Many of the residents have multiple people living in the existing dwellings that own cars who already struggle to find safe parking and are forced to park on their own nature strips just so cars can actually get through. The picture presented in this case is the exception rather than the norm.

The increased parking in Emma Ave that already exists for the childcare centre families has presented the same issues as with Bostock St. Therefore, the inevitable increase of traffic that the Kindergarten will certainly produce can only magnify these issues greatly.

This increase in parking in the street especially around the blind bend that we live on makes it extremely difficult and unsafe to come in and out of our driveway. We will have to navigate increased traffic flow; often over taking already parked cars due to it being such a narrow Ave (single lane only). There will be many cars pulling out from the curb with or without indication and much more importantly many more parents walking with small children to access the kindergarten - even if it is via the lane way.

We are extremely concerned with the high risks it presents to us personally driving in to our driveway and more importantly backing out of our driveway. With the extra cars parked we have *no visibility* to come out on the road safely. We will have to wait to the parked cars move or have someone get out of the car and guide us out, or just guess and hope for the best. It's totally impractical and unsafe.

We object to the applicant's assumption that Emma Ave will not be affected by the numbers represented in the application for the Kindergarten (again I point out that they do not yet have an approved licence from DHHS), due to the proposed way in which they say they are entering the Kindergarten via Bostock St and then walking through the childcare centre and entering the kindergarten via a small gate.

We believe that inevitably this way of entering will produce multiple logistical issues for the kindergarten, with staffing, timing, parents in general and many more. We believe, once approved they will allow the parents and children to enter through the back entry of the residence in Emma Ave thus, creating a greater myriad of parking, traffic flow and safety issues. Again, we request strongly that Traffic Management and Safety Plans be done and submitted before any consideration is given to this application.

Another issue for us to object is the applicants have only pointed out some general numbers for any given day but throughout the year there are also many special days that will produce an increase in numbers attending the Kindergarten. For example: Grandparents day, Special Friend days, Cultural days, multiple concerts and many other special occasion days. This will not only increase the traffic, the number of people parking and entering the premises, it increases the time in which they are parked which in turn increases the above mentioned traffic and safety issues.

We cannot express truly in enough words how strongly we object to this application at this time. We are extremely concerned for our safety, for the safety of the drivers on the road and the safety of the parents and small children.

We therefore implore council to not even consider the approval of this application at this time including subject to any certain conditions; especially where traffic and safety are concerned. It will be too late to rectify or monitor the issues this application clearly presents after the fact. It will be all of us residents in Emma Ave and Bostock St not <u>yourselves</u> that will have to live with this mistake and its long term consequences.



The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?	Ref No	
I/We (Names in Block Letters)	Officer Scanned Yes / No Ch: Surname	nna-Walsh
Name(s) SARAH	Surname	MEARA
		Post Code 3280
Telephone (Home)N./.A	Telephone (We	ork)
		UM-
Email SambaKW89@	mail.com of some	omeara@iclaud·com
Signatures(s)	8	Date 1/10/2020
Signatures(s)		Date 1/10/2020

- This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- 3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice Application for Planning Permit.
- 4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
- The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6. Any person may inspect an objection during office hours.
- 7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



What application do you object to?
Planning Application Number PP1996-3145-01 (17 EMMA AVENUE)
What is the address of the land that is proposed to be used or developed?
17 EMMA Avenue Warrnambool
What is proposed? Development and operation of Kinclergarden
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
Our main concern is any increase to other than local
traffic. The fact that it is already a small street and
offers no parking, its already difficult to navigate
as a resident. U
The Emma Avenue Bostock St Igneway wasted needs im proments
and would need to be regularly maintained as its
currently Left to residents
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
As above Adding the likely hood of infrastructor such as
crossing and or speed himps/speed limits is very high.
As the residents that border the Emona Avenue Postakst
Lonenry he already find greating air driveway
difficult chough with the constant traffic/pankag
from already existing child care primary school / local residents
that use the laneway frequently.



The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

W	ho is objecting?	
I/We (Names in Block Letters)		
Name(s) MARGARET Surname LONGMORE		
Na	ame(s)Surname	
Δσ	Idress 20 Emma Au-	
	WARRNAMBOOK, VIC Post Code 3280	
Te	elephone (Home) 55625016 Telephone (Work)	
M	obile 0428 374 988 Facsimile	
	mail	
Sig	gnatures(s) 14 A Tongrand Date 12 10-2020	
Sig	gnatures(s)Date	
lm	portant notes about objections to permit applications	
<ol> <li>This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.</li> </ol>		
2.	Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.	
3.		
	authority as shown on the Public Notice – Application for Planning Permit.	
4.	D / 44	
	Officer .	
5	State how you would be affected if a permit is granted.  Scanned Yes / No   Ch:  The responsible authority may reject an application which it considers has been made primarily to secure or	
J.	maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.	
	Any person may inspect an objection during office hours.	
7.	Any person may inspect an objection during office hours.  If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.  To ensure the responsible authority considers your objection, make sure that the authority receives it by the	

10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The

11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on

9. If you object before the responsible authority makes a decision, the authority will tell you its decision.

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the Refusal of Planning Application which will be issued at that time.



What application do you object to?
Planning Application Number PP 1996-3145.01
What is the address of the land that is proposed to be used or developed?
17 EMMA AU WARRNAMBOOL
What is proposed? TO CONVERT THE ABOVE ADDRESS INTO A
CHILDREN'S SERVICE FOR KINDERCARTEN AND LONG
DAY CARE SERVICES IN CONJUNCTION WITH HONEY POT KINDER
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
Emma AV. is not a very wide street. When residents
and at simes Snade Nehicles are parked on both sides
of the street driving through is hight. School children
soming aloun the street out shough the lone to
Bostock St. + with extra traffic I am concerned for
their safety; also for residents backing out as
visibility com be obstructed. Any car parking
Close to the bond in the street also makes passing
sight. I don't consider a Hindergather in His area safe.
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
Any parking exclending with my part of the
Street can make esciting & entering my
drive way right, especially when cars parked
directly opposite.
Safety is my cancern.

#### Sarah McKeown

From: Miss Fee < feezmail2@gmail.com>
Sent: Thursday, 8 October 2020 10:00 AM

**To:** Town Planning **Subject:** Re: PP1996-3145.01

**Attachments:** 20201005\_090439.jpg; 20201001\_085152.jpg; 20200929\_085148.jpg; 20200930\_

084517.jpg

Importance: High

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Attention:

DANIEL SEARSON

Im writing to you with regards to Honeypot Child Care & the proposed extention of the centre. Planning permit PP1996-3145.01

I want to be clear that we have no objection to to the actual extention that will include the dwelling at 17 Emma Avenue however I do want to draw your attention to the issue of car parking. Its been noted the centre says they dont expect parking to be an issue. I leave for work anywhere between the hours of 7am & 10am & there are parking issues.

We reside at 80 Bostock St, 2 houses down from the child care centre & have on numerous occasions had to wait for cars to leave the front of my house or physically go to the driver sitting in said car & ask that they move so I can get out of my driveway. It became such an issue that I sent an email to council requesting 2 x no parking signs (email dated 6th January 2020, 12.05pm)

I received a response from Paul Cugley on 6th January 1.39pm respond # 10945681 stating that 2 signs will be errected outside my property number 80 & that of number 78. We thank council for their quick response. I would like to point out that the sign out front of #78 on the telegraph pole is way to high (so not eye level as the one in Flaxman St near the school crossing) and its facing out onto the road (again not like Flaxman St where it is facing the oncoming traffic)

My concerns to date are still parking issues as you will see by the attached photos taken over the last several days... Parents are taking no notice of the signs. We ourselves will in the near future be applying for a permit to add a driveway to the farside of our property (next to #82) to gain access to our backyard & although I know people will park across it during the week or use it dropping off I wont care unless it impacts us on weekends when it will be mostly used.

With the Covid situation things did slow down a little however there have still been issues. Now school is back we not only have the Childcare parents dropping kids off we also have the parents from Warrnambool East dropping school children off as far up as my property where the children can then walk down & cross at the children's school crossing. Sitting here writting this email is as busy as Burke Street today with people coming & going. I also get concerned that parents get their little ones out of the car road side rather than curb side & have them stand there while they grab bags & the likes.. Bostock St is a busy street & nobody takes notice of the Permanent 40 speed sign. Im sure the school crossing lady has many stories.

Id also like to point out the other proposed parking street Emma Ave is a very small street & if parents park there opposite another car it can be difficult to get through. As a Driving Instructor who deals with Vicroads

for Licence Testing I need to make you aware that Emma Ave is on one of the drive test routes so its bad enough on a normal day if occupants are home from work or the tradie blokes have car pooled. Having people walk through the laneway that resides next to our property we have enough issues with school kids pulling pickets off our fence & throwing rubbish & their left over lunch into our yard not to mention others leaving rubbish & bags of dog poo or used sanitary pads (yes you read that correctly!!!). We dont need little kids adding to our picket issues or extra rubbish. We will eventually get to fixing the fence & again will be contacting council to help with costs as it is on the boundry of council land. Im also concerned that parents will let their children run down the laneway & then run out onto the foot path to head up to Honeypot, maybe errecting a mirror at the end of the laneway so parents can see cars comming out of the driveways at both #'s 78 & 80. I do beep my horn as i back down but thats not stopping a little kid from running behind my car or school kids on scooters - happens often. I have noticed #78 backs his ute in maybe for the same reason dont know, never asked him.

Again we are not against the proposal but we think more thought & planning has to happen. Maybe have a staff member monotor parking between 8.30 - 9.15 or council come & spend a few days between those hours to monotor the traffic & come up with another solution.

Thank you so much for taking the time to read this email & also speaking with me earlier today.

I contacted on 0410 364 050. If I dont answer, please leave a message & I will get back to you.

Would you please be so kind as to acknowledge you recieved this email -Thanks

Kind regard FIONA RICHARDS & ANDREW WISHART

Sent from my Samsung Mobile on the Telstra Mobile Network

Warrnambool City Council
Agenda for Scheduled Council Meeting
Attachment 7.6.3



7 June 2021 Agenda for Scheduled Council Meeting Attachment 7.6.3



7 June 2021
Agenda for Scheduled Council Meeting Attachment 7.6.3



Varrnambool City Council
Agenda for Scheduled Council Meeting
Attachment 7.6.3



#### **Town Planning**

Subject:

FW: PP1996-3145.01. Objection to grant planning permit

#### Objection to a drop off point and parking for a kindergarten in Emma Ave, Warrnambool 3280

To whom it may concern, We object to there being a drop off point and parking in Emma Ave for a kindergarten.

The reasons being:

- The width of the road is insufficient for passing when cars are going opposite ways and there are cars parked on the street, which is all the time. Each morning and afternoon there are 10-12 cars parked in the street which is fine when it is a low traffic street but with increased traffic there will be a significant increase in inability to travel up and down each way freely and will lead to vehicle on vehicle accidents
- 2. There is a lot of foot traffic, including a walking school bus, that uses Emma Ave and the path that cuts through to Bostock St as a main thoroughfare to East W'bool Primary School. Increasing traffic to this ordinarily quiet street will increase the potential for a pedestrian/car incident
- The road is on a significant slope also increasing the risk of accidents due to cars having the potential to roll on the uneven surface.

significantly.

- 4. When bins are put out, they are put on the road in some cases due to the slopes of the nature strip and this further adds to reduction of width of the road for vehicles to pass each other.
- 5. Exiting driveways will be made even more difficult on our narrow street. Currently neighbours knock on our door and regularly ask visitors to move cars parked on the street to enable safe exit from driveways. There have been multiple car swipes and incidents due to this reason.

We would be impacted by this change as we have a young family of three children under 6 and with increased traffic directly opposite our property it puts our family at increased risk.

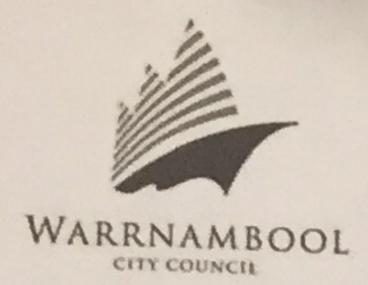
In closing, introducing a drop off point and parking in Emma Ave will have serious safety consequences for the residents, children of the kindergarten and general traversers of the street.

We are not objecting to there being a kindergarten but the drop off point should remain as is installed at the front of the original child care facility.

Kind regards, Siobhan and Herb Barlow

This message has been scanned for malware by Websense. www.websense.com

[External email: Use caution with links and attachments]



## Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?	
I/We (Names in Block Letters)	
Name(s). Sigbhan	Surname BARLOW
Name(s) HERB	Surname BARLOW
Address 12 EMMA AUENUE	
WARRNAMBOOL	Post Code 3280
Telephone (Home)	Telephone (Work)
Mobile 04-02501650	.Facsimile
Email Chermurf@gmail.com	
Signatures(s)	Date 6/10/20
Signatures(s)	Date 6/10/20  Date 6/10/20

## Important notes about objections to permit applications

- 1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- 2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- 3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice Application for Planning Permit.
- 4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
- 5. The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6. Any person may inspect an objection during office hours.
- 7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



# WARRNAMBOOL Objection to Grant Planning Permit - Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

Diannin A	ication do you object to?
What is the	address of the land that is proposed to be used or developed? 17 Emma Ave
What is prop	posed? Amendment for a kindergarten
what are the	e reasons for your objection? (If there is not enough room, attach a separate page.)
17 En	object to parking and access via
we c	do not object to a kindlergarten
at	17 Emma Avenue
1	2 seed outlachment for reasons
********	
	***************************************
••••••	
v will you k	De affected by the grant of a permit? (If there is not enough room, attach a separate page.)
v will you k	live opposite the proposed site
wwill you I	live opposite the proposed site
will you I we and	live opposite the proposed site have grave concerns for the
v will you I und independent	live opposite the proposed site
und infett	live opposite the proposed site have grave concerns for the of residents our children, school en and potential kinder children
und infett	live opposite the proposed site have grave concerns for the
und infett	live opposite the proposed site have grave concerns for the of residents our children, school en and potential kinder children



#### Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?
I/We (Names in Block Letters)
Name(s) MARGARET Surname LONGMORE
Name(s)Surname
Address 20 Emma Au-
WARRNAMBOOL, VIC Post Code 3280
Telephone (Home) 55625016 Telephone (Work)
Mobile 0428 374 988 Facsimile
Email
Signatures(s) 14 & Longmore Date 12:10-2020
Signatures(s)
Important notes about objections to permit applications
<ol> <li>This form is to help you make an objection to an application in a way which complies with the Planning at Environment Act 1987, and which can be readily understood by the responsible authority. There is requirement under the Act that you use any particular form.</li> </ol>
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect to application at the responsible authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the responsit authority as shown on the Public Notice – Application for Planning Permit.
4. An objection must:
State the reasons for your objection: and    Ref No   Other
<ul> <li>State how you would be affected if a permit is granted.</li> <li>5. The responsible authority may reject an application which it considers has been made primarily to secure maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if to objection had not been made.</li> </ul>
Any person may inspect an objection during office hours.
<ol><li>If your objection related to an effect on property other than at your address as shown on this form, give deta of that property and of your interest in it.</li></ol>
<ol><li>To ensure the responsible authority considers your objection, make sure that the authority receives it by to date shown in the notice you were sent or which you saw in a newspaper or on the site.</li></ol>
9. If you object before the responsible authority makes a decision, the authority will tell you its decision.

closing date for appeals is 21 days of the responsible authority giving notice of its decision.

the Refusal of Planning Application which will be issued at that time.

10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The

11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on



### Objection to Grant Planning Permit - Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?
Planning Application Number PP 1996-3145.01
What is the address of the land that is proposed to be used or developed?
17 EMMA AU WARRNAMBOOL
What is proposed? TO CONVERT THE ABOVE ADDRESS INTO A
CHILDREN'S SERVICE FOR KINDERCARTEN AND LONG
DAY CARE SERVICES IN CONJUNCTION WITH HONEY POT KINDER
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
Emma AV. is not a Very wide street. When residents
and at simes Snade Nehicles are parked on both Sides
of the street driving through is hight. School children
coming aloun the street at strongh the lane to
Bostock St. + with extra traffic I am concerned for
their safety; also for residents backing out as
Visibility com be obstructed. Any can parking
Close to the bond in the street also makes passing
sight. I don't consider a Hindergather in His area safe.
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)
Any parking exclending into my part of the
Street can make esisting & entering my
driveway sight, especially when cars banked
directly opposite.
Safety is my concern.

16 March 2021

Daniel Searson Warrnambool City Council PO Box 198 WARRNAMBOOL VIC 3280

By email only: dsearson@warrnambool.vic.gov.au

Dear Daniel



We represent Honeypot Childcare Centre ('Honeypot') with regard to the above permit application.

Myers Planning Group was retained by Honeypot to respond to concerns (relating to car parking and access) raised following the public notice period and to review previous planning permit history to ensure the proposed plans (as they pertain to 76 Bostock Street) are consistent with previous approvals.

The Honeypot Childcare Centre operates under Planning Permit PP1996-3145, issued September 1996. The permit allowed the use and development of a child care centre at 76 Bostock Street. PP1996-3145 authorised the child care centre to operate between 7.00am and 6.00pm, Monday to Friday. Child care places were capped at 20 places (see endorsed plans). Plans endorsed under the permit include three (3) onsite staff car spaces (within the existing carport and driveway) and two (2) on street visitor car spaces. The existing dwelling was reconfigured for the purposes of the child care centre (see Appendix A).

In November 2007, Council authorised an extension to the child care centre (P2007-186). P2007-186 also increased the cap on child care places to 39 places and amended the operating hours to between 7.45am and 6.00pm, Monday to Friday. Four (4) onsite car spaces were to be provided (see Appendix B). The extension has been completed and three (3) car parking spaces have been provided. It is noted that plans were not endorsed under P2007-186 for the extension and retrospective approval for the extension (and car parking waiver accounting for the 2007 increase in child care places) is now required.

In March 2015, Council authorised a minor extension (sleep room) to the rear of the property. No other requirements were included on the permit (see Appendix C).

#### Current conditions

The existing child care centre accommodates 40 child care places (1 more place than currently permitted under P2007-186). Three (3) onsite car spaces are provided (1 space less than required under P2007-186). The centre currently operates between 6.45am and 6.00pm, Monday to Friday. Parents and guardian's drop-off and pick-up children via the Bostock Street entrance, with on-street car parking available in Bostock Street.

#### Proposal

Honeypot has sought planning approval (amendment to PP1996-3145) for the use and development of land immediately to the north of the existing centre (land at 17 Emma Avenue). Land at 17 Emma Avenue comprises an existing single storey dwelling with vehicle access and on-site carparking accessed from Emma Avenue.

Myers Planning Group ABN 53 253 414 622 182B Lava Street, Warrnambool VIC 3280 www.myersplanninggroup.com.au



The existing dwelling at 17 Emma Avenue will be retained and remodelled to accommodate 22 child care places (effectively an extension of the existing child care centre). The centre will operate between 7.00am and 6.00pm, Monday to Friday. The proposal will result in two (2) additional staff. Four (4) onsite spaces are proposed (staff car spaces) within the existing driveway and garage, accessed via the existing driveway.



Across the two sites, the child care centre will accommodate 62 places and employ nine (9) staff. Seven (7) onsite car spaces are provided (staff car parking). Parents and guardians, including those of the additional children, will continue to drop-off and pick-up children via the Bostock Street entrance. Child drop-off and pick-up will not occur in Emma Avenue. Refer to the enclosed plans for additional information. All previous plans should be superseded by the enclosed plans.

In addition to the use and development of land at 17 Emma Avenue, our review of the previous planning permits identified the following amendments to Planning Permit PP1996-3145 are required to reflect the current (and proposed) use:

#### New Condition (Car Parking)

To reflect the requirements of Planning Permit P2007-186, a condition should be included on Planning Permit PP1996-3145 which reads (or similar)

"Seven (7) staff car parking spaces must be provided on site as shown on the endorsed plans. Onsite parking must be reserved for staff".

The proposed inclusion of this condition effectively modernises Planning Permit PP1996-3145 to include requirements which were introduced in 2007 and to reflect the current proposal. It is appropriate for car parking requirements to be included in PP1996-3145 as this is the permit which authorises the use of land (whereas the 2007 permit related to a proposed extension only).

Table 1 to Clause 52.06-5 of the Warrnambool Planning Scheme specifies the number of car spaces required for a child care centre. The following rates apply:

Car parking rate per child		stock Street kisting) Car Parking requirement		ma Avenue oposed) Car Parking requirement
0.22 spaces per child	40	8 spaces <sup>1</sup>	22	4 spaces

Note: Car spaces rounded down the nearest whole number in accordance with Clause 52.06-5.

Eight (8) car spaces are required to be provided. The site has a car parking credit of four (4) spaces (authorised under PP1996-3145). The increase in child care places from 20 to 40 results in a shortfall of four (4) car spaces. The provision of four (4) spaces on the Emma Avenue site meets the statutory requirement.

The enclosed Traffic Report (prepared by C. Margaos & Associates) provides further detail on the appropriateness of onsite car parking, including a waiver of four (4) car spaces. This request relies on this assessment.

#### New condition (Child care placements)

A new condition within Permit PP1996-3145 is proposed which reflects the requirements of Planning Permit P2007-18 and the current proposal. The condition should read (or similar)

 $<sup>^1</sup>$  PP1996-3145 authorised 20 child care spaces which required 5 car spaces. The site has a car parking credit of 5 spaces, 3 of which are provided on site.

"Unless with the further written consent of the responsible authority, the child care centre shall operate with no more than <u>62</u> places at any times on the site."

The proposed condition increases the cap on placements from 39 (permitted under P2007-18) to 62 across the two sites (40 places at the Bostock Street site and 22 places at the Emma Avenue site).

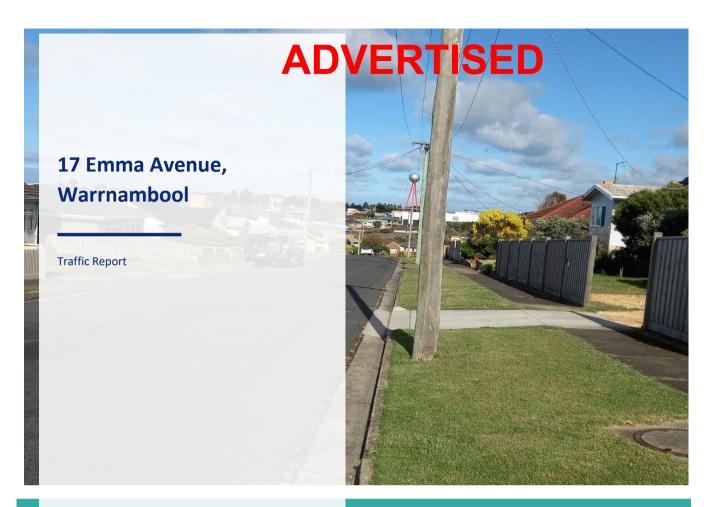
In addition to the requested amendments to Planning Permit PP1996-3145, Council may also wish to amend Planning Permit P2007-186 to avoid duplication of requirements. The following conditions ought to be deleted from P2007-186:

- Condition 1 Car parking requirements will be managed in PP1996-3145 as discussed above.
   Condition 1 should be deleted.
- Condition 2 P2007-186 authorised an extension to the proposed child care centre. The 'use' of the site is appropriately managed by PP1996-3145. Condition 2 should be deleted.
- Condition 3 This condition conflicts with Condition 2 in PP1996-3145. The child care centre operates in accordance with hours specified in PP1996-3145 (i.e. 7.00am to 6.00pm).
   Condition 3 should be deleted.
- Condition 5 Car parking requirements will be managed in PP1996-3145. The enclosed Traffic Report confirms the provision of seven (7) car spaces on site, along with on street car parking and provision of two bicycle parking spaces is adequate to meet staff parking demands. Condition 5 should be deleted.

If you have any questions, please contact me on telephone (03) 5562 9443 or email steve@myersplanninggroup.com.au.

Yours sincerely,

Steve Myers, Director



31-Mar-21

Prepared by C. Maragos & Associates Pty Ltd For chris steel designs



C. Maragos & Associates Pty Ltd
ABN 48 145 418 471

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Tel: (03) 9690 0995

## 17 Emma Avenue, Warrnambool Traffic Report

proposed childcare centre

Status/ Final
Version

Date 31 March 2021
Author Chris Maragos

File 20028Rep001A

Authorised

## ADVERTISED CMA

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APPENDIX 1: PARKING SURVEY

APPENDIX 2: PLAN

## 17 Emma Avenue, Warrnambool – Traffi Act VERTISED CMA

#### 1 BACKGROUND & INTRODUCTION

C. Maragos & Associates Pty. Ltd (CMA) was retained by chris steel designs to provide traffic engineering advice and prepare a report in relation to the proposed childcare centre at 17 Emma Avenue, Warrnambool.

The site of the proposed facility is immediately to the north of the Honeypot Childcare Centre on Bostock Street and will, if approved, effectively represent an extension to the existing use. If approved the building will accommodate 4 and 5 year-olds. Parents of the children will access the centre via Bostock Street, while Emma Avenue will allow for staff access and parking.

The existing childcare centre has approval for 20 children with 3 on-site parking spaces, plus 2 on-street spaces for visitors, in accordance with Planning Permit PP1996-3145. Consequently, this application also seeks retrospective approval for an additional 20 children on the Bostock Street site.

In the course of undertaking this assessment plans of the proposed development were examined and relevant data collected and analysed.

#### 2 EXISTING CONDITIONS

#### 2.1 Site, Location & Land Use

The subject site occupies an area of approximately 642sq.m., and is located on the south side of Emma Avenue approximately 120m west of its intersection with Bell Street.

A single dwelling is located on the site. Other land use in the area is predominantly residential. The Warrnambool CBD approximately 2km to the west of the site. Warrnambool East primary school is located approximately 400m southwest of the site.

Figure 1 shows the location of the site and the layout of the nearby road network.

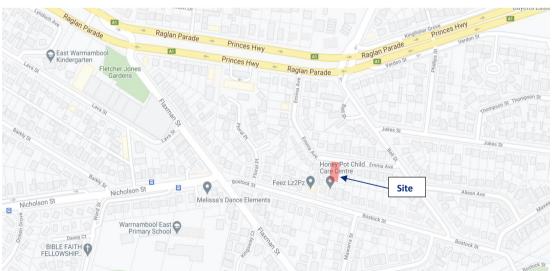


Figure 1 Locality Plan

## 17 Emma Avenue, Warrnambool – Traffi Act VERTISED CMA

#### 2.2 Road Network

**Emma Avenue** consists of an undivided carriageway, approximately 7m wide, catering for 1 lane of traffic in each direction plus kerbside parking. Footpaths are provided along each side.

The typical cross section of Emma Avenue is illustrated in Photographs 1 & 2.



Photographs 1 & 2 Emma Avenue

**Bostock Street** consists of an undivided carriageway approximately 11.5m wide and runs east-west from Simpson Street to Flaxman Street. Near the site It caters for a single lane in each direction plus parallel parking along each side. The parking area is partially indented adjacent to the Honeypot Childcare centre catering for up to 5 cars. Footpaths are provided along each side.

Photographs 3 & 4 illustrate the typical cross section of Bostock Street.



Photographs 3 & 4 Bostock Street

#### 2.3 Public Transport

The Warrnambool to Tower Square bus route (No.4) operates from the Koroit Street interchange, along Flaxman Street approximately 200m to the east of the site. Additional bus routes 1-3, and, 5-6 operate from the Koroit Street interchange providing connections from the CBD to surrounding areas.

#### 2.4 On-Street Parking

Unrestricted on-street parking is permitted along Bostock Street and Emma Avenue in the vicinity of the site.

A survey of on-street parking in Emma Avenue, within a distance of approximately 100m each side of the site, and 150m each side of the Honeypot childcare centre on Bostock Street, was undertaken between 7am – 10am, and 2pm - 6pm on Thursday 12 November 2020. The survey included a total of 145 public spaces.

The area of the parking surveys is shown in Figure 2. Refer to Appendix 1 for a summary of the survey data.

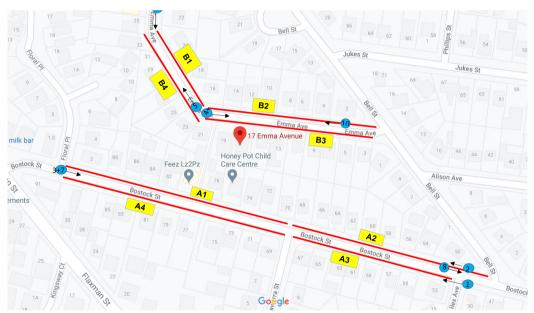


Figure 2 Parking Survey Area

The survey indicated a peak occupancy of 14 cars in the morning period and 33 cars during the afternoon. The survey also recorded a peak occupancy on the north side of Bostock Street near the Honeypot childcare centre of 3 cars during both the morning and afternoon periods. The variation in parking demand throughout the day is illustrated in Figure 3 and Figure 4.

## 17 Emma Avenue, Warrnambool – Traffi Act VERTISED CMA



Figure 3 On-Street Parking Occupancy- Bostock Street

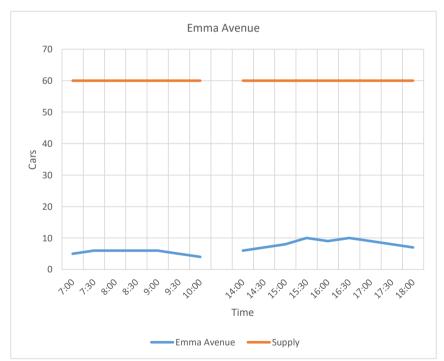


Figure 4 On-Street Parking Occupancy – Emma Avenue



#### 3 THE PROPOSAL

#### 3.1 Description

The existing dwelling at 17 Emma Avenue is to be retained and re-modelled to accommodate 22 childcare places. The proposed childcare centre is expected to operate between 7am and 6pm Monday to Friday. The proposal will result in 2 additional staff. As mentioned previously the additional spaces can be considered as an extension to the Honeypot childcare centre at 76 Bostock Street, which accommodates 40 children, provides 3 on-site parking spaces, and employs 9 staff.

It is proposed to provide 4 parking spaces on the Emma Avenue site by using tandem parking outside an existing double car garage. The on-site parking will accommodate staff parking for the existing centre as well as the proposal.

Vehicle access to the Emma Avenue site will utilise an existing driveway adjacent to its western boundary.

The site and building layout are shown on chris steel designs drawings, numbered 20-294 sheets 1 to 6.

#### 3.2 Pedestrians & Cyclists

The site's proximity to residential development and the Warrnambool East primary school is expected to be convenient for some parents and result in walking to the childcare centre from nearby residential areas, or, linking their trip with pick-ups and drop-offs at the primary school. Parents and guardians can take advantage of the footpaths along Bostock Street and nearby roads.

Parking for 2 bikes is proposed to be provided on the site.



#### 4 CAR PARKING CONSIDERATIONS

#### 4.1 Statutory Requirement

Table 1 at Clause 52.06-5 of the Warrnambool Planning Scheme (WPS) specifies the number of parking spaces required for various uses. The requirement applies to the increase, or change in floor area of an existing use, or the construction of a new use. Table 1 specifies a parking requirement of 0.22 car spaces/child for a childcare centre. Consequently, the Emma Avenue site attracts a requirement to provide 4 car spaces. The increase of 20 places at Bostock Street attracts a requirement for a further 4 cars. For the proposal and retrospective consideration of Bostock Street the requirement equates to 8 spaces.

The provision of 4 spaces satisfies the statutory requirement for the Emma Avenue. No additional parking is planned at the Bostock Street site and therefore a retrospective waiver of 4 car spaces is required.

Clause 52.06-3 of the WPS allows a permit to be issued to reduce or waive the standard requirement. Clause 52.06-6 of the WPS specifies that before a permit is issued to reduce or waive a parking requirement that the applicant must prepare a car parking demand assessment that estimates the likely parking demand of the new use, or, the increase in floor area (or relevant measure) of an existing use.

Before granting a permit to reduce the number of spaces below the likely parking demand, the responsible authority must consider a number of criteria including the following that are most relevant to the proposal:

- The car parking demand assessment.
- The availability of car parking including:
  - On street parking in non-residential zones, and, streets in residential zones specifically managed for non-residential parking.
- The impact of fewer car parking spaces on local amenity including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- Any other relevant consideration.

#### 4.2 Case Studies & Parking Demand

The parking demand for the childcare centre is made up of the long-term demand associated with staff and the short-term demand generated by parents and guardians dropping off or picking up children.

Data obtained from the available Australian Bureau of Statistics (ABS) census of 2016 indicates that about 81% of people who work in the City of Warrnambool also reside in the municipality.

In addition, the ABS data indicates that private car usage is the predominant mode of travel with 70.4% of workers driving to work. Review of the other modes of travel indicates 6.6% travel as a car passenger, 0.9% use public transport or taxi's, while 5.1% cycle or walk to work.

The 2016 ABS data and the availability of footpaths, cycling opportunities and public transport in the area suggests that around 75-80% of staff would be expected to drive to work.

The start and finish times of staff are staggered to coincide with the arrival and departure of children throughout the day, and also assists in reducing traffic movements on and near the site during the peak pick-up and drop off periods.

## 17 Emma Avenue, Warrnambool – Traffi Act VERTISED CMA

All additional staff and those of the Bostock Street centre, are on-site by 10am, but during the peak 8-9am and 5-6pm periods the number of staff will vary between 40-80%. That is while the peak staff parking demand is expected to be around 9 cars. It is expected that no more than 7 spaces will be occupied before the peak visitor period begins. Early arriving staff would be expected to occupy the first position of each tandem space.

Parents and guardians, including those of the additional children, will continue to drop-off and pick-up children via the Bostock Street entrance.

The majority of parents or guardians who choose to drive, are expected to arrive to drop off children any time between 7am and 10am with most trips associated with parents travelling to work or driving older siblings to and from school. Pick-ups in the afternoon also occur over an extended period of time, with most from 3pm to 6pm. The time parents spend at the centre once they arrive is expected to vary, but most parents will drop off or pick up their children within a 5-6 minute period.

Historical data (presented by other firms) indicates that peak parent/guardian parking rates of up to 0.1 spaces per child can be expected, but that this occurred only for a 10-15 minute period during the hour, with an average across the entire hour of about 0.02-0.03 cars per child. Data collected by this firm at the Peppercorn ELC in Kew, indicated a peak visitor demand of about 0.07 cars per child, and an average of about 0.03 cars per child, which is comparable to historical case study data.

Application of the above rates to the Emma Avenue childcare places equates to an average demand for less than 1 car and a peak of 1-2 cars in any 5-minute period. The existing Honeypot childcare centre, which includes the 20 children over the existing approvals, would be expected to generate a peak demand for 2-3<sup>1</sup> spaces, and therefore the maximum parent/guardian demand of the entire facility is expected to be no more than 5 cars.

#### 4.3 Adequacy of Parking Provision

As mentioned previously the provision of 4 spaces satisfies statutory requirement for the 22 childcare places associated with Emma Avenue. The existing provision at Bostock Street effectively results in a shortfall of 3 parking spaces based on the expected demand of 0.07 cars/ child.

In reality, all parent and guardian parking demand will be accommodated on the street. The existing indented parking area on Bostock Street can accommodate up to 5 cars and along with the availability of on-street parking near the site will more than adequately cater for the current and future parent/ guardian parking demand<sup>2</sup>.

The provision of 4 off-street spaces will accommodate the parking demand of new staff and provide an additional 2 car spaces for the use of staff of the existing Honeypot childcare centre. Consequently, the proposal is expected to result in a decrease in long term parking on the street.

The parking demand associated with the 20 childcare places for which retrospective agreement is being sought is already occurring on-site and on the nearby streets. The surveys of Bostock Street and Emma Avenue would include these cars, and as previously mentioned there is a good availability of parking on both of those roads.

7

<sup>&</sup>lt;sup>1</sup> Which is consistent with observations on 12 November 2020

<sup>&</sup>lt;sup>2</sup> Existing peak of 3 cars for Bostock Street plus 1 car for the additional 22 children

## 17 Emma Avenue, Warrnambool – Traffi Act VERTISED CMA

As mentioned previously the 2020 parking surveys already account for the parking demand generated by a 40-place facility at Bostock Street. The additional parent/guardian demand of 1-2 cars can be accommodated within the existing indented parking zone on Bostock Street.

#### 4.4 Management of Parking

As mentioned previously the staggered start and finish times for staff are designed to minimise the number of traffic movements near the site during peak periods. The use of tandem spaces can be managed to ensure early arriving staff fill the first space.

All on-site parking will be reserved for staff.

#### 5 BICYCLE PARKING

Clause 52.34 of the Warrnambool Planning Scheme specifies the requirements for bike facilities for different developments. Clause 52.34-1 specifies that the requirement only applies to the increase in area of an existing use. Clause 52.34 does not specify a rate for childcare centres.

ABS data (2016) indicates less than 1% of people within the municipality use a bike to get to work.

In order to encourage cycling as an alternative mode of travel it is proposed to provide parking for 2 bikes, which equates to a provision of a bike space for about 17% of full-time employees. The parking provision is considerably higher than the proportion indicated by ABS data that would be expected to cycle to work and is expected to help encourage cycling as a mode of travel for staff.

## 17 Emma Avenue, Warrnambool – Traffi Act DVERTISED CMA

#### **6 TRAFFIC CONSIDERATIONS**

The traffic generation associated with childcare centres peaks during the morning drop-off at around 8:30am and the afternoon pick-up period after 5pm. Data presented by other firms indicates that about 0.5 cars per child, can be expected during the busiest periods, equating to about 1.0vph (two-way) per child.

Case study data obtained by this firm for the Peppercorn ELC and Malin Friends Nursery both in Kew, indicated average rates over the peak hour of less than 1.0vph/child, at around 0.64vph per child in the morning and up to 0.75vph per child in the afternoon. The data also showed a peak 5-minute flow rate of about 0.9-1.05vph/child at the Peppercorn site during the afternoon, which occurred within a 15-minute period.

Adopting an average rate of 0.8vph per child and a peak rate of 1.0vph per child, the 22 childcare places associated with Emma Avenue are expected to generate around 18vph (two-way) over the 8-9am and 5-6pm periods, and about 5vph during the busiest 15-minute periods. The peak rate equates to less than 1 car per minute during the busiest periods. The addition of 18vph is not expected to result in any adverse impacts on passing traffic or queues and delays at nearby intersections.

The proposed staff parking will result in an additional 4 cars per day, equivalent to 8vpd (2-way) on Emma Avenue. These movements will occur over the 7-10am and 3-6pm periods. The addition of 8vpd along Emma Avenue is not expected to result in any adverse impacts to passing traffic or operating conditions at the nearby intersections.

The increase in traffic flows outside of the peak hours will be much less than during the peak periods.

The traffic associated with the 20 childcare places for which retrospective agreement is being sought is already on the surrounding roads and therefore does not represent a change to current conditions.

The estimate of traffic generation does not make allowance for trips associated with passing cars or cars already on the nearby roads that would be linked with existing trips or diverted to the site. Consequently, the estimate of additional flows, on Bostock Street, is considered conservatively high.



#### 7 DESIGN CONSIDERATIONS

#### 7.1 Parking Layout

The dimensions of the double garage at 5.5m wide and over 6m long satisfy the requirements of Design Standard 2 of clause 52.06-9 of the WPS. A total length of over 8m is available between the garage and the title boundary on Emma Avenue which is more than adequate to accommodate the tandem parking.

Refer CMA drawing, CS01, revision B, for details of the parking layout and dimensions.

#### 7.2 Access

The site access at 3m wide satisfies the minimum width for an accessway. Cars will be required to reverse out onto Emma Avenue, however, that is considered acceptable based on the low traffic flows expected from the site (4 vehicles per day) and is consistent with the former use of the site.

Sight lines at the footpath are not impeded and satisfy the requirement of Design Standard 1 within clause 52.06-9 of the Warrnambool Planning Scheme.

Parking and access to the Honeypot childcare centre is not altered by the proposal.

#### 7.3 Loading

The frequency of servicing will be low and therefore can be accommodated without the need for a dedicated loading bay. Refuse is to be stored on site and collection arrangements can be implemented to the satisfaction of the responsible authority.

## 17 Emma Avenue, Warrnambool – Traffi Act VERTISED CMA

#### 8 CONCLUSIONS

- Consideration of the retrospective approval for the existing site and the proposed 22 childcare places for the Emma Avenue site equates to a statutory requirement for 8 cars.
- The provision of 4 car spaces on the Emma Avenue site but no additional parking at the Bostock Street facility equates to a statutory shortfall of 4 parking spaces, in total.
- The parking surveys undertaken in November 2020 revealed a good supply of parking at all times on Bostock Street and Emma Avenue near the site. The data indicates that the 20 childcare places on Bostock Street have not adversely affected the parking supply in the area. Further the additional parent/ guardian parking demand for the 22 new childcare places is expected to be adequately accommodated within the indented parking zone on Bostock Street without detriment to its current operations.
- The use of tandem spaces is considered acceptable for staff parking, and the total provision will provide
  the opportunity for new as well as existing staff to park off-street. The on-site parking provision is
  expected to move some staff parking off-street.
- The proposed childcare centre is located to take advantage of and within easy walking distance of surrounding residential areas, primary school and proximity to the CBD. There is an opportunity for linked trips by parents picking up and dropping off older children at the school, living, or going to work nearby. There is also an opportunity for walking and cycling to work by staff.
- The additional traffic generation at peak times is expected to be low and readily accommodated at the site access point, along adjacent roads and at the nearby intersections. The expected traffic flows can be accommodated at all times of the year.
- The provision of 2 bike parking spaces is expected to more than adequately accommodate the staff and visitor demand generated for that mode of travel.

Appendix 1:

**Parking Survey** 

Client:	C. Maragos & Assoc	ciates	Date:	Thu 12-11-2020																				
Job No.:	5998	S	tart Time:	7am-10am & 2p	om-6pm																			
ocation:	17 Emma Ave, Warı	nambool	Interval:	0:30																				
Veather:	Overcast																							
A ====	Area Street Location Side Type Restriction Space Check								Parking Occupancy															
Area	Street	Location	Side	Туре	Restriction	Space	Cneck	7:00	7:30	8:00	8:30	9:00	9:30	10:00		14:00	14:30	15:00	15:30	16:00	16:30	17:00	17:30	18:0
A1	Bostock Street	#70 to #76	North	Unrestricted		11	11	0	0	1	2	1	2	2		3	4	3	3	4	7	6	4	3
A1	Bostock Street	#78 to #84	North	Unrestricted		8	8	1	2	3	1	1	1	1		1	2	2	2	3	3	2	2	2
A1	Bostock Street	#86 to Floral PI	North	No Standing	When flag display	2	2	0	0	0	0	0	0	0		0	1	1	0	0	0	0	0	0
A2	Bostock Street	Bell St to #68	North	Unrestricted		27	27	0	0	0	0	0	0	0		2	2	2	2	3	4	5	7	2
А3	Bostock Street	llex Ave to Mawarra St	South	Unrestricted		17	17	2	2	2	2	2	3	3		3	3	2	5	6	7	7	4	3
A4	Bostock Street	#91 to Mawarra St	South	No Standing		0	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0
A4	Bostock Street	#91 to Mawarra St	South	Unrestricted		20	20	2	2	2	2	2	3	3		1	1	0	0	2	2	3	3	3
						85		5	6	8	7	6	9	9		10	13	10	12	18	23	23	20	13
B1	Emma Avenue	#20 to the bend	East	Unrestricted		12	12	0	0	0	0	1	1	1		2	2	2	2	2	2	1	1	1
B2	Emma Avenue	Bend to Bell St	North	Unrestricted		15	15	0	0	0	0	0	0	0		1	1	2	2	1	1	1	0	0
В3	Emma Avenue	Bell St to the bend	South	Unrestricted		22	22	5	6	6	6	5	4	3		3	4	3	5	5	6	6	6	5
B4	Emma Avenue	Bend to #35	West	Unrestricted		11	11	0	0	0	0	0	0	0		0	0	1	1	1	1	1	1	1
						60		5	6	6	6	6	5	4		6	7	8	10	9	10	9	8	

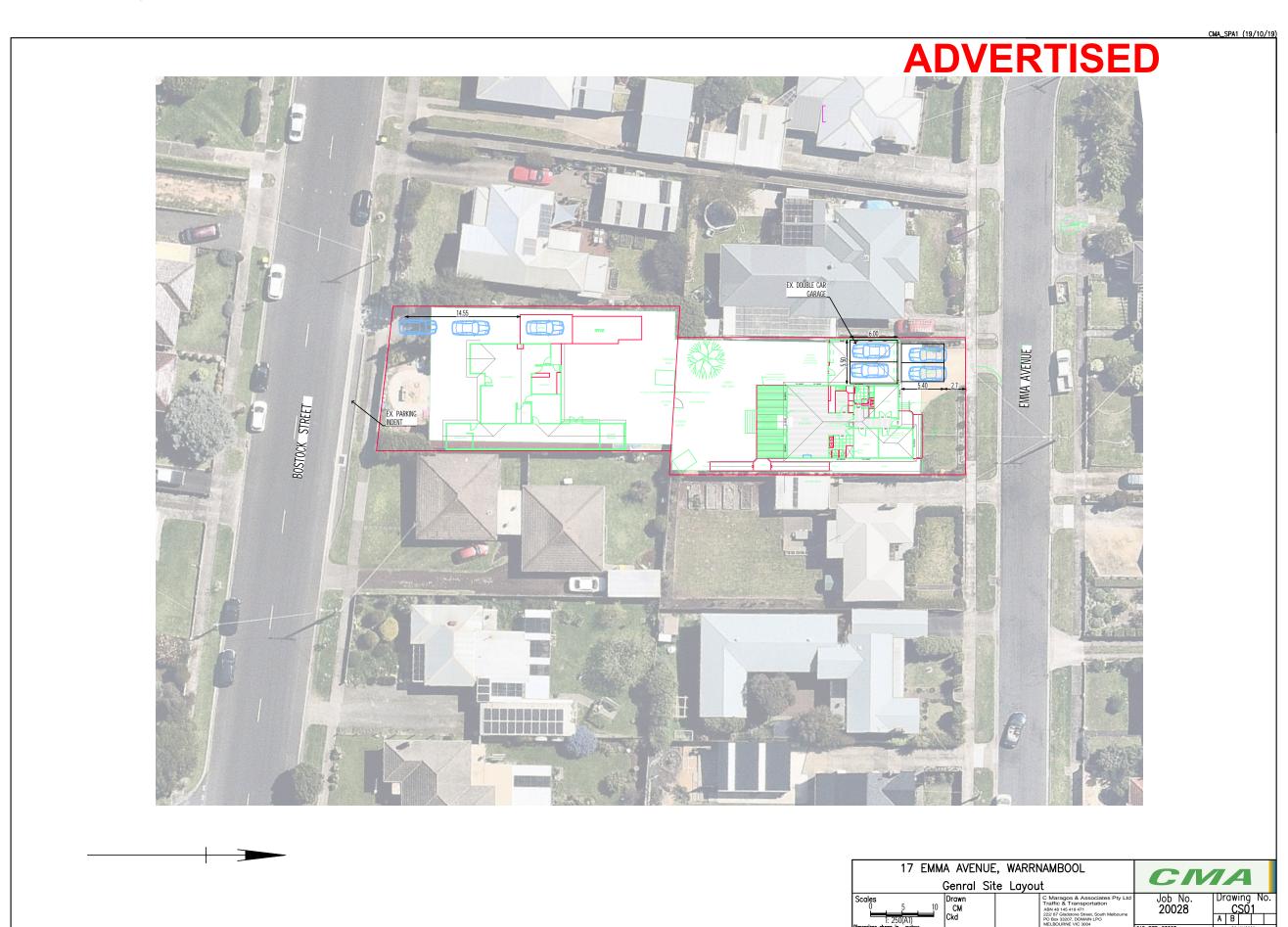
Appendix 2:

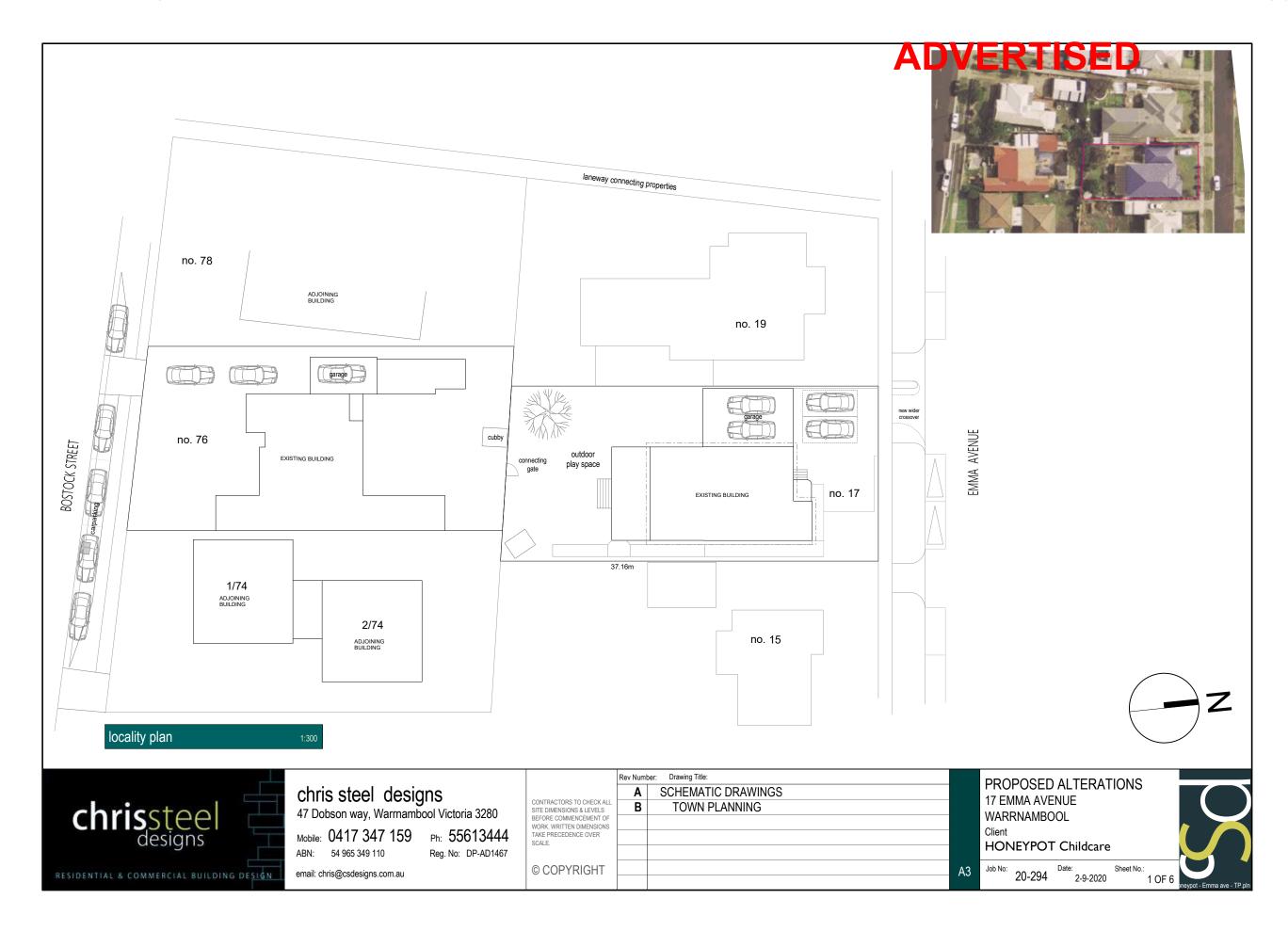
Plan

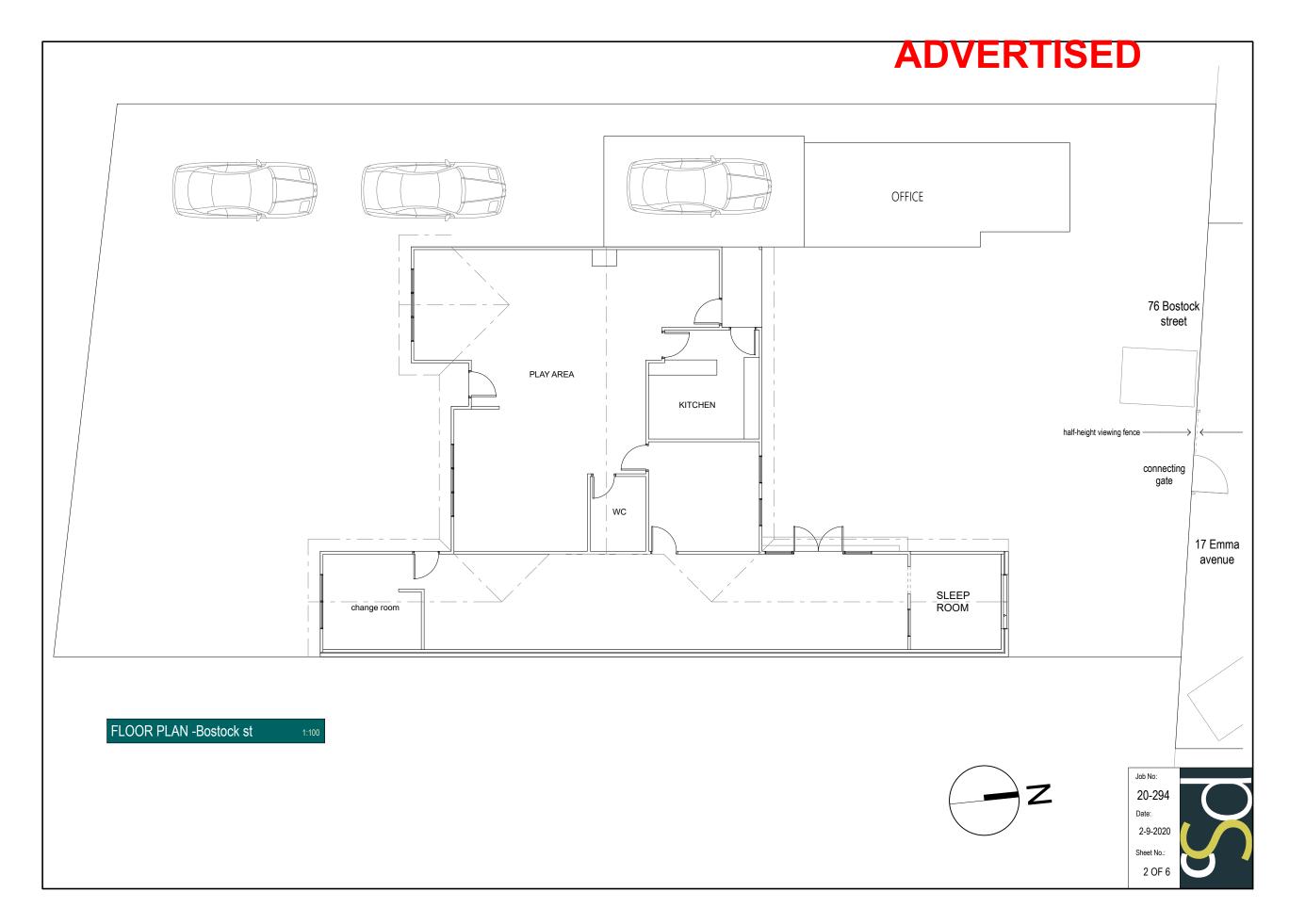
Warrnambool City Council Agenda for Scheduled Council Meeting

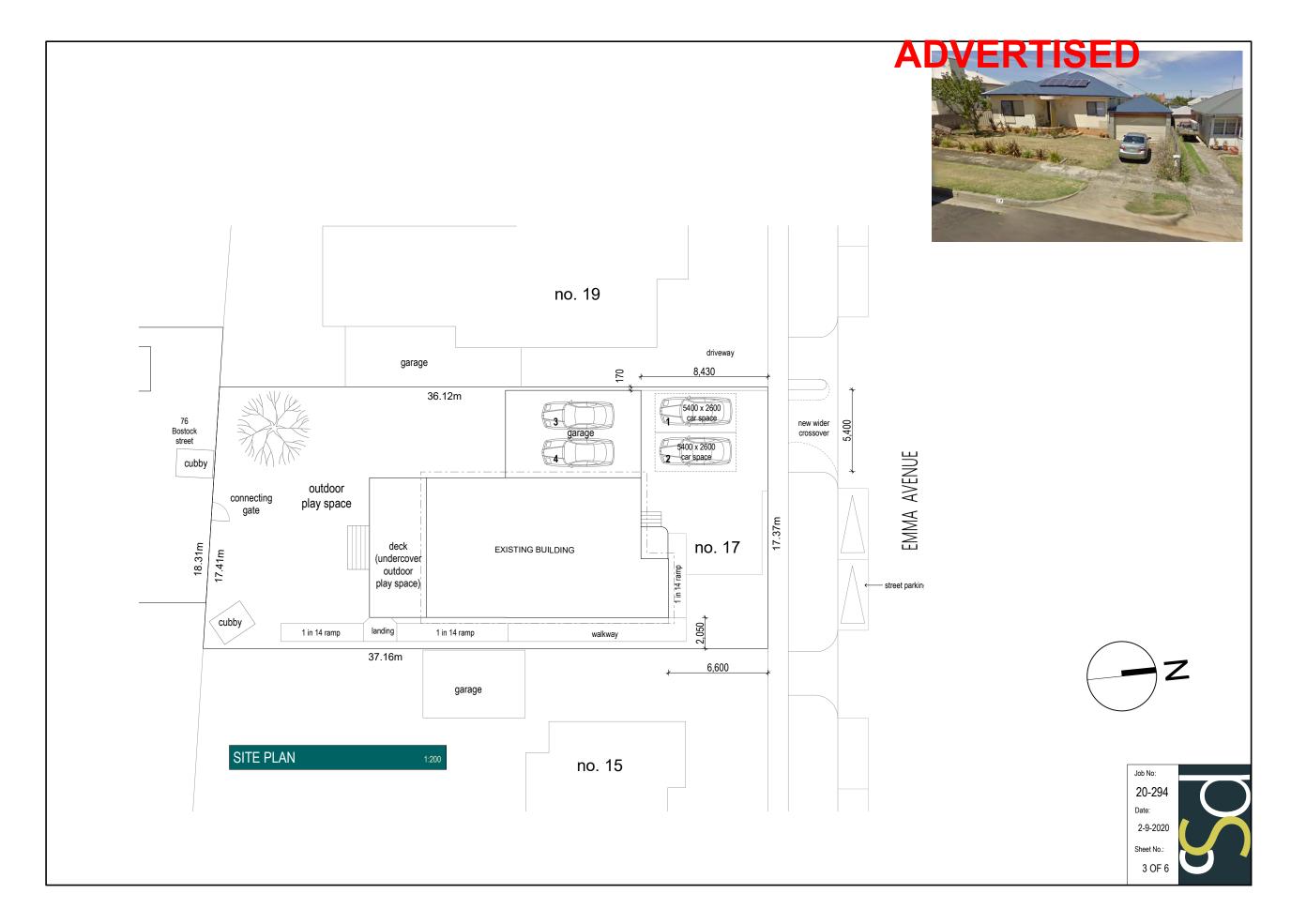
Attachment 7.6.4

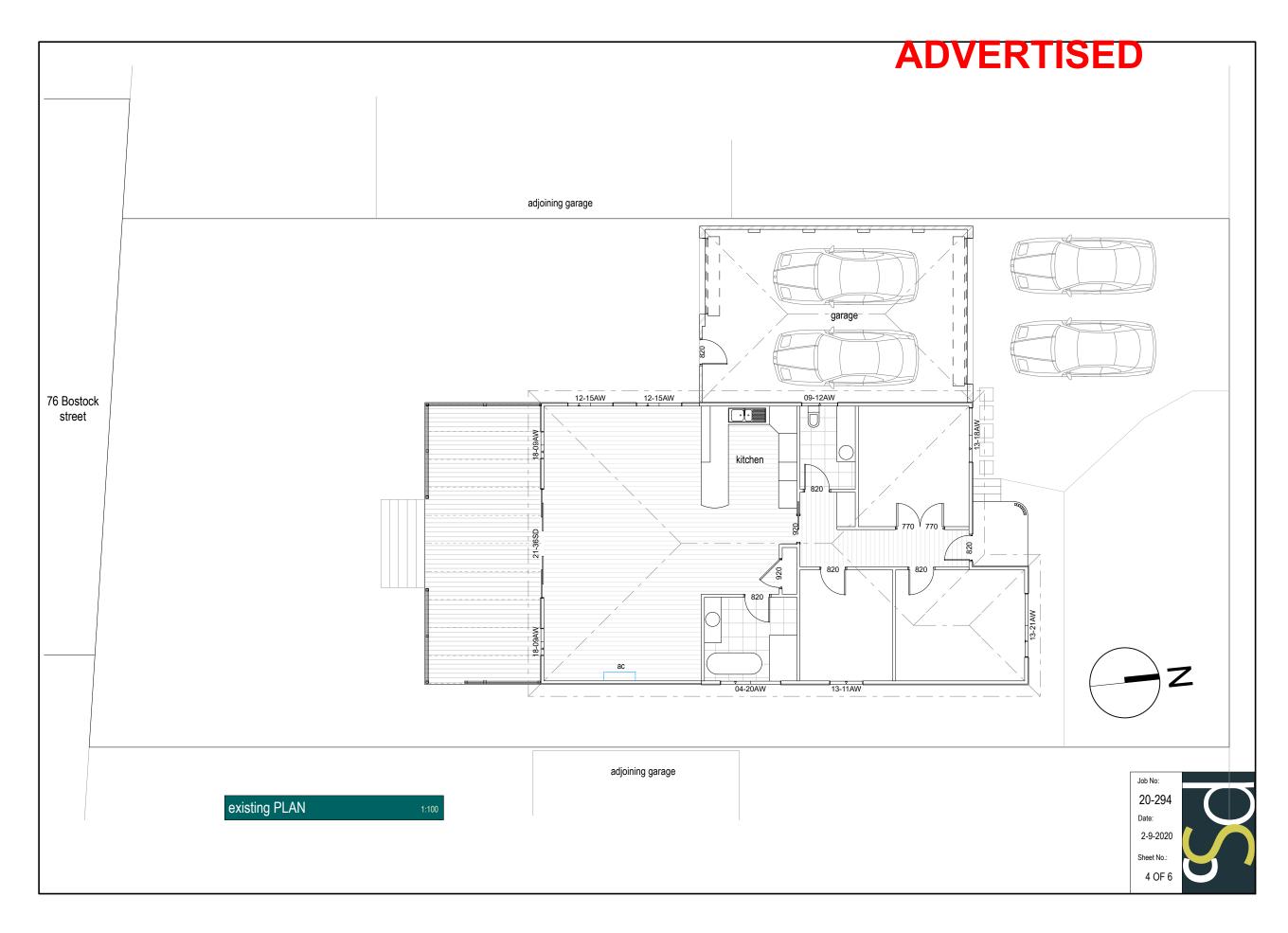
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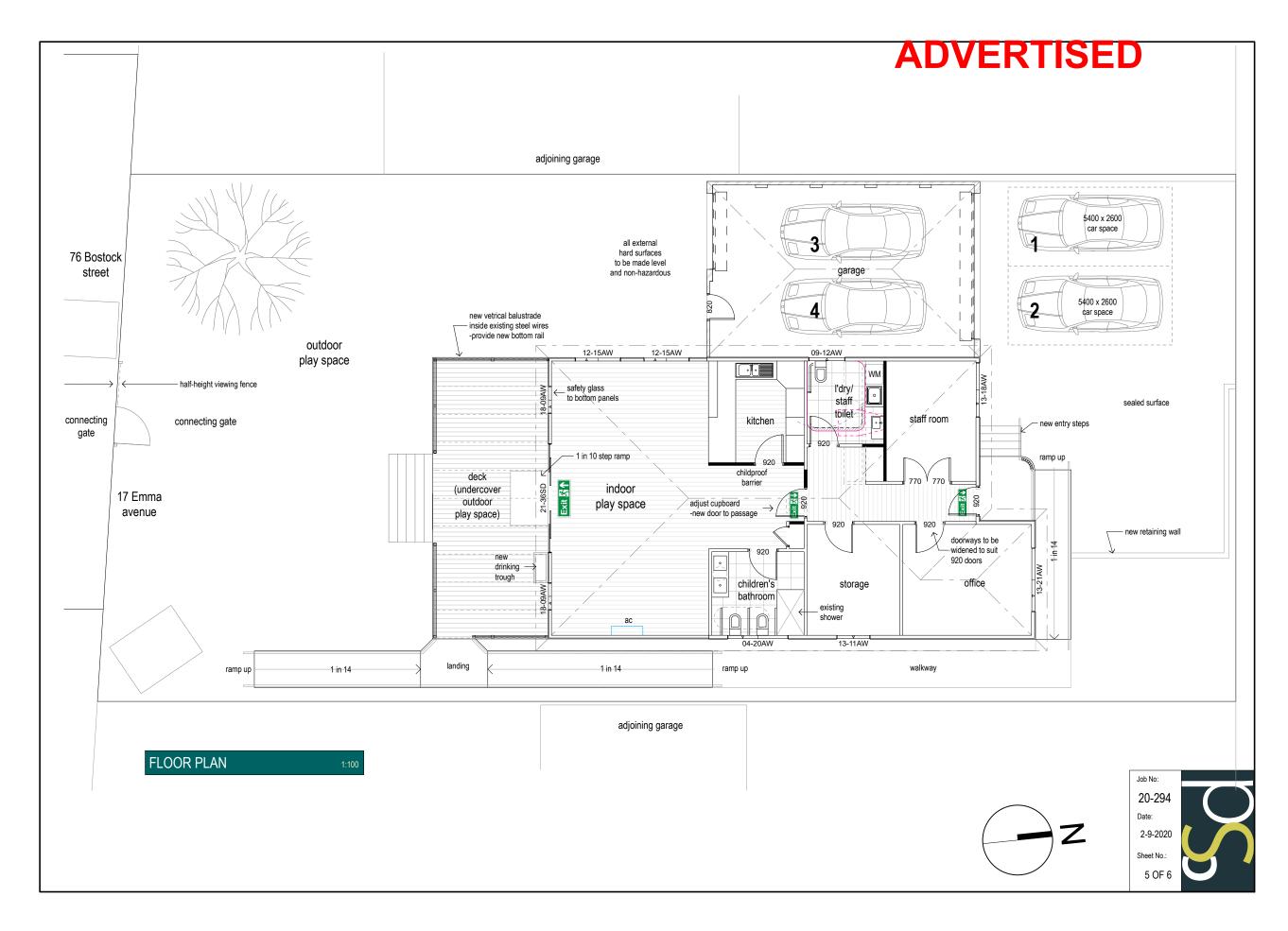


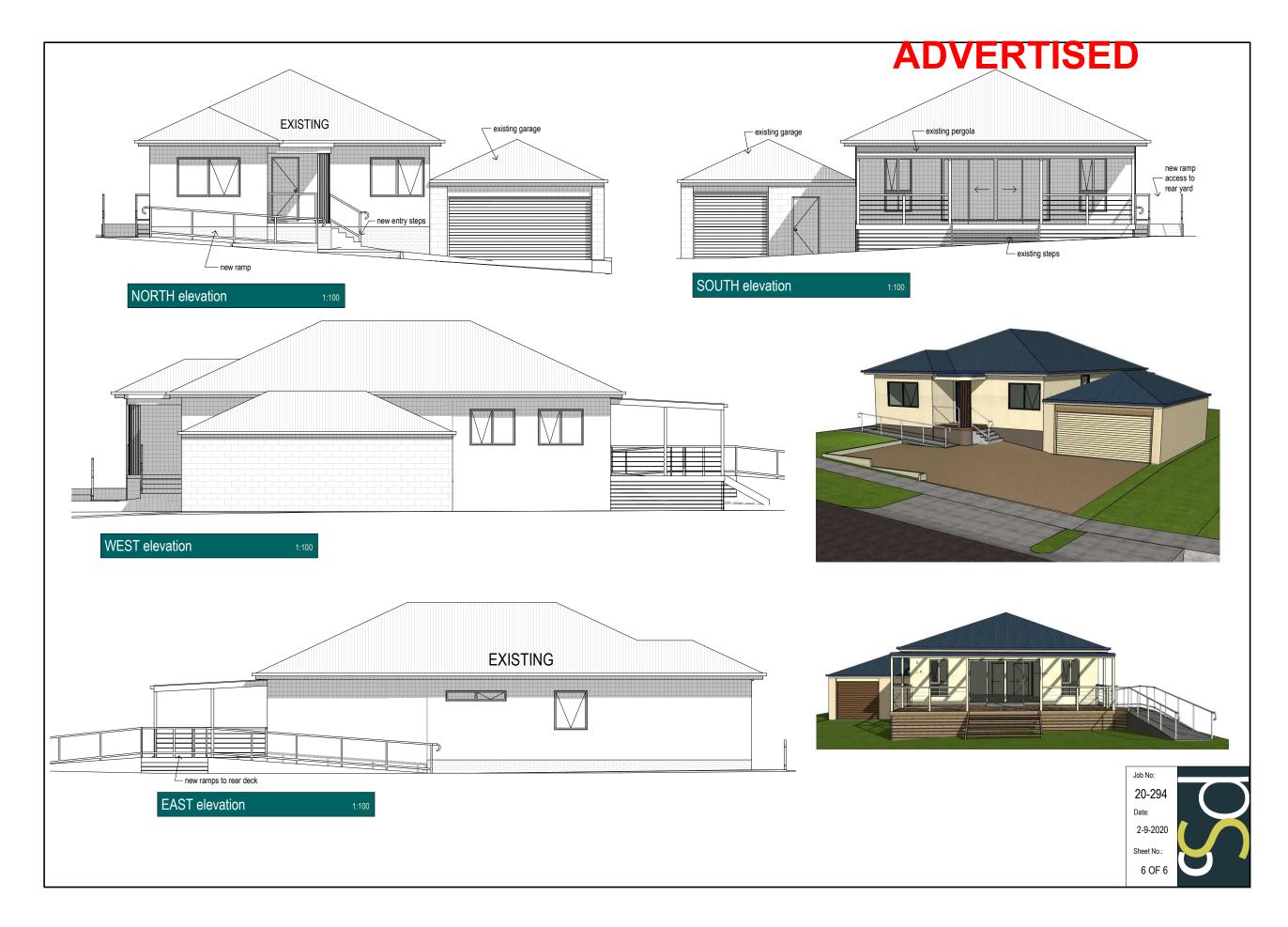






Warrnambool City Council Agenda for Scheduled Council Meeting





#### **Town Planning**

From: Chris Hondow <hondow18@gmail.com>

**Sent:** Friday, 23 April 2021 9:29 PM

To: Town Planning

**Subject:** Planning permit objection - PP1996-3145.01

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Application Reference number: PP1996-3145.01

We,

Christopher Hondow & Teresa Cito,

79 Bostock Street, Warrnambool VIC 3280

M: 0449634098 - M: 0439659805

Address affected by the application: 76 Bostock Street & 17 Emma Ave, Warrnambool

Proposed: Amendment of the use of land for a kindergarten and waiver of car parking

#### Reasons for objection:

Currently believe there is lack of parking. Staff currently park through the street, this blocks our view when trying to exit our property. People are constantly parking all throughout the street, which makes it difficult to view oncoming traffic when exiting our driveway. We have constantly been concerned of causing an accident, as it's too late to see oncoming traffic, until on the road.

Traffic in the street is already high as there is a school across the road in Flaxman Street, this causes people to park in Bostock street, due to lack of parking/pick up zones.

Constantly seeing cars driving well over the speed limit as it is in the street.

Have recently had a car rolling from the day-care centre, through our neighbours yard (77 Bostock Street) and into our adjoining fence. Unsure how someone wasn't seriously injured.

The grant of permit, will effect us by increasing the already high flow of traffic in the street, and decreasing availability for parking. This will cause an even high risk of a collision.

We were under the impression that car parking and traffic would not increase, when the previous permit was granted for above mentioned property.

Please do not grant this permit – this will likely end in an innocent person/child being injured, when this risk can be prevented.

Regards

Christopher Hondow & Teresa Cito 79 Bostock Street, Warrnambool VIC 3280



# Objection to Grant Planning Permit - Part

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Wh	no is objecting?	
_	(Names in Block Letters)	**
Naı	me(s) KERIE	Surname Nictored
	3. (5)	Surname
Add	dress 22 EMMA AVE	NUE
	HARRNAMBOOL	Post Code 3280
Tel	lephone (Home)	Telephone (Work)
Мо	obile 0401 575 926	Facsimile
Em	nail Kerne-nicholson@	hotmail.com
Sig	anatures(s)	Date 20.04-21
		Date
Olg	griatures(s)	Date:
lm	portant notes about objections to per	mit applications
1.	This form is to help you make an objection Environment Act 1987, and which can requirement under the Act that you use any	n to an application in a way which complies with the Planning and be readily understood by the responsible authority. There is no particular form.
2.	Make sure you clearly understand what is application at the responsible authority's of	s proposed before you make an objection. You should inspect the fice.  Warrnambool City Council
3.	To make an objection you should clearly authority as shown on the Public Notice – A	complete the details on this form and lodge it with the responsible
4.	An objection must:	2 0 APR 2021
	State the reasons for your objection: a	
	State how you would be affected if a per	ermit is granted. Officer
5.	The responsible authority may reject an a maintain a direct or indirect commercial objection had not been made.	pplication which it consi <b>ters has dones</b> made orimanly to secure or advantage for the objector. In this case, the Act applies as if the
6.	Any person may inspect an objection durin	g office hours.
7.	If your objection related to an effect on proof that property and of your interest in it.	perty other than at your address as shown on this form, give details

9. If you object before the responsible authority makes a decision, the authority will tell you its decision.

date shown in the notice you were sent or which you saw in a newspaper or on the site.

10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.

8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the

11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



# WARRNAMBOOL Objection to Grant Planning Permit - Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?						
Planning Application Number PP 1996 - 3145-01						
What is the address of the land that is proposed to be used or developed? To BOSTOEK ST/						
What is proposed? Amendment of the use of land for a						
Kindergasten and waiver of car pasting						
What are the reasons for your objection? (If there is not enough room, attach a separate page.)						
I am objecting to the proposed access via Emma Ne.						
There is concern that this access will increase						
trathe and parking in the avenue						
There has premaisly been commercial enterprises						
opperated from residential premesis in Emma Ave and						
this caused daily problems for residents who found it						
extreen ly difficult to access or leave their own properties						
Na their duveray						
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)						
if granted, the potential increase in traffic and						
in Emma Ave. I difficult to access diversitys						
increased traffic is also a concern for the number						
of School children who walk/ride bikes skate						
to and from the nearly school						
Passing through Emma Avenue is often already challener						
when cars are parked on no verge an increase in parking						
would make I immanageable especially at peak times						

From: <u>Justine Rogers</u>
To: <u>Town Planning</u>

 Subject:
 Objection - PP1996-3145.01

 Date:
 Monday, 3 May 2021 9:05:23 PM

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe

To Warrnambool Planning Team,

We – Adam Studd and Justine Rogers of 78 Bostock St Warrnambool would like to make an official objection regarding PP1996-3145.01 – Honeypot Childcare expansion at 76 Bostock St Warrnambool.

We object to the proposed plan going ahead due to the already hectic and unsafe levels of traffic that we observe between 7:30-8:45 am and 3:30 and 5:30 pm out the front of our house (a lot of rushed u turns, reversing out of driveways to turn, half parked out of the parking bays and on curb etc). It is not only unsafe for the children and families attending, but also the families and children of nearby residents. We think it would be more suitable and safer if there was an entrance for families from the Emma St side of the facility as well so the traffic is spread out.

Thank you

Justine Rogers 0413 495 095

Adam Studd 0438 434 268

20 Emma Av.
Warnambool
Vic. 3280
4.5.2021
Mr. Daniel Season
Planning Officer
6 isy Development.
Decre Cia
Dear Sin
I have received the secent Amended
Planning Application Number PP 1996-3145.01
re Amendment and use of land for a kindsogarten
et 76 Bostock St. Warnambool.
This has addressed my concerns re drop-of
9 parking in Emma Av. and I have no
further objections to the proposal.
yours A withfuller
yours faithfully. Margaret Longmore.
entityet et norty me



# **Planning Assessment Report**

## **Application Details:**

	Approacion Dotailo				
Application is for:	Use of land for sale and consumption of liquor in association with a bar (general liquor licence) and waiver of car parking				
Applicant's/Owner's Name:	Coast to Country Building Approvals 2/8 Bank St PORT FAIRY VIC 3284				
Date Received:	19 November 2020	Further Info Rec: n/a			
Public Notice:		Notice Period: 11 January 2021 for 2 weeks			
Application Number:	PP2020-0264				
Land/Address:	ALLOT Lot 1 TP 17069 PSH WAN TSH WARR 95 Kepler St WARRNAMBOOL VIC 3280				
Zoning:	Commercial 1 Zone (C1Z)				
Overlays:	Heritage Overlay				
Under what clause(s) is a permit required?	52.26 (Licenced Premises)				
Restrictive covenants on the title?	nil				
Current use and development:	Vacant building previously used as an office				

## **Proposal**

The application when first lodged (received 19 November 2020) was for a liquor licence for the sale and consumption of liquor on-site for up to 462 persons and for the waiver of 184.4 car spaces.

The number of patrons permissible on site has been calculated on a basis of 0.75 patrons per square metre, the subject site contains the following areas:

Ground floor
 Basement floor
 Covered outdoor area
 81m²

The proposed hours for the liquor licence were:

Any other day 7am-1am
 Sunday 10am-1am
 Good Friday/Anzac Day 12 noon-1am

The proposed area for the sale and consumption of liquor covered the whole of the site.

#### **Amended Proposal:**

Following public notice of the application and receipt of objections, the proposal was amended as below.

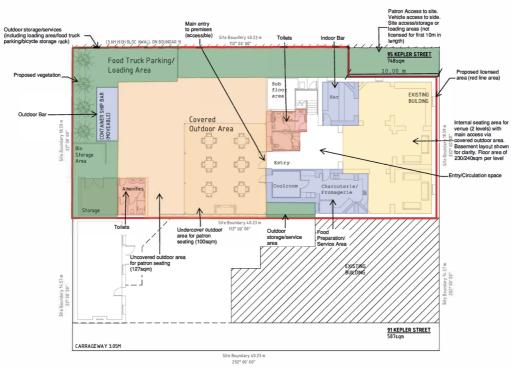
The amended proposal is for a liquor licence for the sale and consumption of liquor onsite for up to 362 persons and for the waiver of 144.8 car spaces.

The sale and consumption of liquor is proposed to occur during the following times1:

Any other Day
 Sunday
 Good Friday / Anzac Day
 7am-1am
 10am-1am
 12 noon – 1am

Amended hours for the service of liquor outdoors to 7am-11pm.

The sale and consumption of liquor is proposed to be limited to the following (red-line) area, located at 95 Kepler Street:



The property is proposed to be used as a 'bar' which under the Commercial 1 Zone (C1Z) is a Section 1 (no permit required) Use.

The application does not proposed accommodation, entertainment, dancing, amusement machines and gambling.

1

The use is proposed to operate as a wine bar on the upper level, with access from Kepler Street. The whisky bar on the ground floor would be accessed via the laneway with an entry at the rear. Each floor would be connected by a new internal stairwell.

The application is accompanied by a draft Patron Management Plan which includes details of hours of opening, areas able to accommodate patrons, behaviour management and preserving amenity of the area.

Other buildings and works shown on the plan have been approved under a separate permit PP2020-0265 issued 6 January 2021.

## Subject site & locality

An inspection of the site and the surrounding area has been undertaken.

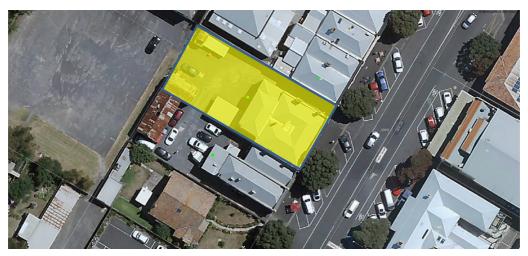


Figure 3: Aerial photograph of the subject site detailing existing buildings (Source: Exponare)

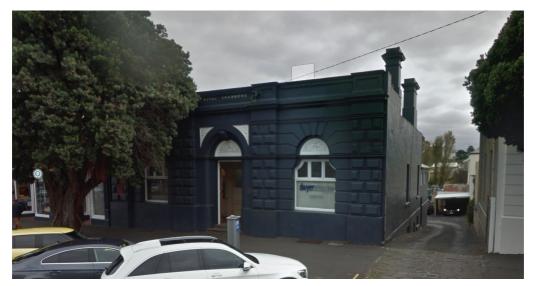
The subject site is located within the Warrnambool Central Business District. The site fronts Kepler Street and is located approximately 50m south of the intersection with Koroit Street. Pedestrian and vehicular access to the site is via Kepler Street.

The site is rectangular in shape, has a total area of 750 square metres and contains a single building and outbuilding. The existing building has the appearance of a single storey building when viewed from Kepler Street and that of a double storey building when viewed from the rear of the site. A car port has been added more recently but since demolished with permit PP2020-0265. The site was used for a legal office but is now vacant.

Adjoining the site to the south is another building of similar age used as a cafe. Detached and to the north are a group of buildings accommodating a hairdresser, bakery and food and drink premises.

The subject site slopes downwards from the north to the rear of the site which creates a subfloor to the rear of the existing building.

Currently, off street car parking spaces are provided to the rear of the buildings within an existing sealed car parking area.



Above: Google Street view. Note the carport visible at the rear of the site which has since been demolished.



Above: plan of the primary activity centre in Clause 21.11-1 (City Centre)

#### **Aboriginal Cultural Heritage**

The site is located in an area of Cultural Heritage Sensitivity however, under Reg 11(a) the exterior alteration of a building is an exempt activity and does not require the preparation of a Cultural Heritage Management Plan.

## **Permit/Site History**

At the same time this application was lodged, a separate application was lodged for 'alterations to an existing building, construction of an extension, demolition of a carport and display of advertising signage, some of which illuminated'. That application was approved in January 2021 (reference PP2020-0265) and created the 'outdoor covered area shown on the submitted site plan.

#### **Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

Sending notices to the owners and occupiers of adjoining land.

#### and/or

A sign was displayed on site

The notification has been carried out correctly for two (2) weeks.

Council received four (4) objections. During the period that allowed the applicant to respond a further two (2) objections were received. Council is therefore considering a total of six (6) objections. The key issues that were raised in the objections are:

- Characterisation of the use (food & drink versus a bar and the licence type sought e.g general licence)
- Hours of operation (since amended to 7am to 1am the following day Mon- Sat. 1pm latest on a Sunday. Closure of outdoor areas at 11pm)
- Number of patrons (since amended from 462 to max of 362 patrons across the site)
- Traffic and parking (waiver of 144 spaces sought. Bike rack for 5 cycles provided)
- Cumulative impact (on the basis the bar would be clustered with other similar uses).
- Amenity based concerns (live music, anti-social behaviour)

#### Consultation

Consultation was undertaken and included:

Application paid/received 19 November 2020.

Informal / verbal opportunities to clarify matters in relation to the application.

The applicant responded to objectors on 11 March 2021 and included a response to Council's comments.

Councillors attended a site inspection with the applicant, objector and Council planners on 19 May 2021.

#### Referrals

Section 55 Referrals:

#### N/A

#### Section 52 Referrals:

Warrnambool Police- verbally stated a preference for no external amplified or live music at any time. Indoor music (amplified or live) should be controlled via an acoustic report.

#### **Internal Referrals:**

City Infrastructure- Comments on waiver of car parking

Local Laws- Comments on waiver of car parking

City Amenity- Comments on waiver of carparking.

## **Planning Framework**

The planning application is for a liquor licence for the sale and consumption in conjunction of a bar and waiver of car spaces.

#### Zoning: Clause 34.01 Commercial 1 Zone (C1Z)

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Under CIZ, the land use 'bar' is a Section 1 use (nested under 'food and drink premises' under 'retail premises' in Clause 73.04). No planning permit is required for the use.

A separate application was lodged and approved for the *buildings and works* and signage under PP2020-0265.

Under the zone, there are no permit requirements associated with the application.

#### Overlays: Clause 43.01 Heritage Overlay (HO324)

The purpose of the Clause is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited in this will demonstrably assist with the conservation of the significance of the heritage place.

Under this overlay, there are no permit requirements associated with this application.

#### Assessment:

The provisions of the Zone and Overlay do not trigger a permit but their purpose has been considered in the assessment of the application. The application is considered to contribute toward the creation of a vibrant commercial centre. Alterations to the building and signage has been considered under a separate application but the intent of the business is to build upon the historic fabric and use of the building. The proposal is considered to result in an acceptable outcome.

#### PLANNING POLICY FRAMEWORK (PPF)

The PPF provisions that are particularly relevant to this application are set out at:

#### Clause 11.01-1S Settlement

This clause aims to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

#### Clause 11.01-1R Settlement - Great South Coast

This clause seeks to attract more people to the region.

#### Clause 13.05-1S Noise Abatement

Objective: To assist the control of noise effects on sensitive land uses.

Strategy: Ensure that development is not prejudiced and community amenity is not reduced by noise emission, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

#### Clause 13.07-1S Land Use Compatibility

Objective: To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

#### Strategies:

- Ensure that use or development of land is compatible with adjoining land and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

#### Clause 15.01-1S: Urban Design

This clause aims to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

#### Clause 15.01-2S: Building design

This clause aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

#### Clause 15.03-1: Heritage Conservation

This clause aims to ensure the conservation of places of heritage significance.

#### Clause 17.01-1S Diversified Economy

Objective: To strengthen and diversify the economy.

#### Strategies:

- ....
- ....
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grown and diversify.

#### Clause 17.02-1S Business

Objective: To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

#### Strategies:

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- · Locate commercial facilities in existing or planned activity centres.
- ...
- ....
- ....
- ....
- ....

#### Clause 17.02-1R Business - Great South Coast

Strategy: Support growth and redevelopment of the Hamilton, Portland and Warrnambool Central Business Districts.

#### Clause 17.04-1S Facilitating Tourism

Objective: To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

#### Strategies:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences.
- Encourage investment that meets demand and supports growth in tourism.

#### Clause 18.02-4S Car Parking

Objective: To ensure an adequate supply of car parking that is appropriately designed and located.

#### Strategies:

- Allocate or require land to be set aside for car parking subject to the existing and
  potential modes of access including public transport, the demand for off-street car
  parking, road capacity and the potential for demand management of car parking.
- ....
- Design and locate local car parking to:
  - o Protect the role and function of nearby roads.
  - o Enable easy and efficient use.
  - o Enable the movement of delivery of goods.
  - Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
  - o Create a safe environment, particularly at night.
  - o Facilitate the use of public transport.
- Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.
- ....

#### **MUNICIPAL PLANNING STRATEGY (MPS):**

The MPS provisions that are particularly relevant to this application include:

#### Clause 21.01 Municipal Profile, Council Vision and Strategic Directions

#### Key Issues:

Economic Development- employment strengths are in the health and community services, education, food processing, government, retail trade and tourism. The development of values-adding opportunities will play a major in the City's future economic development.

Warrnambool City Centre (Principal Activity Centre) – which serves a primary retail role and is anchored by a department store and discount department stores.

#### Clause 21.01-1 Municipal profile

Warrnambool City is Victoria's largest coastal regional city and is the fastest growing economy and population centre in southwest Victoria. The City provides support to the region in the fields of commerce, governance, social services, health, education, the arts and recreation.

#### Clause 21.02 Settlement

#### Warrnambool City Centre

The intent to maintain the primacy of the City Centre is reinforced by its designation as the principal activity centre for Warrnambool and southwest Victoria. The City Centre's regional role includes its function as the primary retail centre, principal location for higher-order business and professional services and as the location for a diversity of other complementary regional and city wide functions.

As the regional business and service hub, the City Centre should continue to offer the greatest concentration of core retail activities, including the majority of major retail stores and highest proportion of specialty floorspace.

The City Centre will also be the focus for a range of other regional services and facilities including medical and health services, education providers, community services, commercial and business services, hospitality, entertainment and tourism activities. To reinforce its regional role, further regional level retailing, services, facilities and activities should be located in the City Centre as a first preference.

#### Clause 21.04 Environmental Risks

Noise and Air (Clause 21.04-4)

Key Issues: protecting the community and the environment from the impacts of noise and air pollution.

Objective 1: to protect the community and the environment from the impacts of noise and air pollution.

#### Strategies:

- 1.1 Ensure that any air emissions from a new or expanded use and development do not unreasonable affect the amenity of adjoining residential properties.
- 1.2 Provide buffers between new industrial uses and residential areas in the form of public open space, roads, substantially landscaped areas of private land or similar means intended to limit visual and acoustic impacts.

#### Clause 21.08 Economic Development

#### Commercial:

In the past 20 years, there has been significant development in Warrnambool's retail-commercial system. To 2031, substantial residential growth is expected to occur in the municipality, with the population increasing from 33,501 people to approximately 43,000 people. The level of population growth will drive historic changes to the city, by creating the opportunity to establish new higher-order retail stores, services and other facilities that serve the municipality as well as southwest Victoria.

There is a clear retail hierarchy in the municipality. The Warrnambool City Centre functions as the principal retail and commercial centre for the southwest region of Victoria. The municipality comprises other retail components including the Eastern Activity Precinct (which acts as a secondary retail centre) and a network of smaller centres ranging from small shopping centres to approximately 20 general and convenience stores.

...... Future development needs to take into account the primacy of the Warrnambool City Centre and the need to ensure that all efforts are made to consolidate and strengthen the city centre's retail and other service functions, particularly as this is the principal centre servicing the surrounding catchment and the wider southwest region of Victoria.

New investments present unique opportunities for the revitalisation of the Warrnambool City Centre, where new retail developments serving regional and city-wide catchments can strengthen a wide range of complementary sectors by facilitating further investment, development, upgrade and renewal.

#### **LOCAL POLICIES:**

Clause 22.03 Heritage Precincts

This policy applies to non-residential heritage precincts including HO324 'Commercial Precinct'.

#### **Objectives**

- To conserve and enhance buildings, areas and other places which are of scientific, aesthetic, architectural, historic or cultural value.
- To encourage reinstatement of verandahs where they previously existed or are sympathetic to the form, scale and appearance of a building.
- To minimise and manage advertising signage so that it does not detract from the character
  of the area.

#### Implementation

It is policy to:

#### Commercial Precinct (HO324)

- Building setbacks should be the same as the setbacks of the adjacent buildings, especially
  if the adjacent building is a listed building.
- Buildings that are rendered should be maintained in a render. Render composition should be matched or if reinstated should be of a mixture designated by the heritage advisor to be suitable to the material to be rendered.
- New buildings should be rendered in an appropriate material. Brick buildings without render or paint should not be rendered or painted.
- Advertising signage should be non-illuminated and not protrude above the building or verandah.

#### Response:

The provisions of the PPF seek to support business enterprises within the Warrnambool CBD with careful consideration of the conservation of heritage buildings and precincts and building design which results in development which contributes positively to the area.

It is considered the development will achieve the objectives of the PPF in terms of encouraging the development of a local business without compromising the heritage value of the original heritage building on the site or the heritage precinct.

The MPS outlines how economic development is important to the local economy and that the prosperity of the Warrnambool CBD is vital in the economic development of the region. Economic growth and the development of the central commercial area should respect the existing heritage buildings and the precincts of the City.

Subject to appropriate management of the use, via conditions of any permit, it is considered that the proposal will provide for an appropriate outcome.

#### **RELEVANT PARTICULAR PROVISIONS**

## Clause 52.06 Car Parking

#### Purpose:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

#### Clause 52.06-2 Provision of car parking spaces

#### Before:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority

Under Clause 52.06-3 a permit is required to 'reduce (including to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.'

The car parking spaces required under Clause 52.06-5 for a 'bar' is:

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Bar	0.4		To each patron permitted
		3.5	Space to each 100 sq m of leasable floor area

The application proposes to have a maximum of 362 patrons on the land at one time. Clause 52.06-5 requires 0.4 car spaces to each patron permitted resulting in 144.8 car spaces.

#### **Assessment**

Clause 52.06-7 states that 'an application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 .... must be accompanied by a Car Parking Demand Assessment. The applicant has sought to address this in the planning report citing the following key reasons why Council should support a waiver:

- There are 488 spaces within public car parks within 150m of the site. Other parking exists nearby but does not have a direct path of travel,
- The type of business would have peak demand of an evening or weekend and not compete with other businesses in the area during week days,
- Any demand is unlikely to occur before midday- morning events would be pre-booked,
- The CBD is walkable where there is access to taxi/ride share services and public transport,
- Council's 2015 Car Parking Strategy found low demand for car parking on the west side of Kepler Street after 6pm on a weeknight as well as on a Saturday afternoon and evening.
- Other entertainment uses in the area rely on on-street or public car parks for their patrons. The cumulative demand for parking associated with existing and the proposed use would be able to be accommodated within the area.

Given the laneway on the north side of the site is proposed to be the main entrance to the premise and the front door with direct access to Kepler Street proposed to be the secondary entrance, to include parking of any form on site would propose a conflicting land use in the laneway between pedestrians and vehicles. The laneway is approximately 3.4m wide and would not provide adequate distance to separate pedestrian and vehicle access through the laneway.

Uses within the CBD, where Kepler Street is located, are typically operating during business hours (9am-5pm) and require car parking during these hours. The proposed use of 'bar' is expected to have peak operating times outside of standard business hours (evenings and weekends), therefore the availability of car spaces outside of standard business hours (evenings and weekends) is expected to be high.

On street parking is available throughout Kepler Street. On the eastern side of Kepler Street is a public park containing approximately 260 spaces. Further south on Kepler Street is a public car park containing approximately 16 car spaces. In addition, approximately 200m north east of the site is a public car park with approximately 150 car spaces.

As the demand for car parking with the associated use is outside of standard business hours (evenings and weekends) and the availability of public car parking in the vicinity of the site, the waiving 144.8 car spaces is acceptable.

The decision guidelines at Clause 52.6-7 have been considered. The assessment has also had regard to Planning Practice Note 22 (Using the Car Parking Provisions).

# Can the requirement for car parking be reduced?

A planning permit can be granted to reduce the car parking requirement subject to Clause 52.06-6. The requirement can be reduced to zero where appropriate.

Clause 52.06-6 draws a distinction between the assessment of likely demand for parking spaces, and whether it is appropriate to allow the supply of fewer spaces. These are two separate considerations, one technical while the other is more strategic. Different factors are taken into account in each consideration.

The above excerpt from PPN 22 highlights the fact that Council has the discretion to approve a waiver of the required 144 car spaces. In considering whether a waiver is appropriate Council should have regard to matters including the practicality of providing car parking on the site, any adverse economic impact on the shortfall of car parking, future growth of the activity centre, local traffic management and amenity, any existing deficiency on the land or credits the use might have.

The PPN also identifies matters which the submitted 'demands assessment' hasn't touched on, including multi-purpose trips within the area, variation of demand over time, short-stay versus long-stay, convenience of access and empirical assessment.

A way to support a waiver of car parking can be to accept a 'cash-in-lieu' payment. However, Warrnambool City does not have a Car Parking Overlay (CPO) and therefore any such demand is unable to be justified.

Warrnambool Planning Scheme contains limited direction in considering the appropriateness of a waiver. Other than high-level strategic considerations in the Planning Policy Framework, it appears the only policy direction in the local section of the Scheme only applies to industrial development (Clause 22.02).

Clause 21.11-1 (City Centre) includes a strategy to "Provide adequate levels of car parking to meet current and future demand". However, this is considered more of an onus on Council to ensure the types of use proposed can be accommodated within the activity Centre. The same Clause identifies the preparation of a car parking strategy for the CBD as 'future strategic work'.

Turning to how the issue of car parking reductions have been considered by VCAT, in the decision *Vincent Corporation Pty Ltd v Moreland CC* (Red Dot) [2015] VCAT 2049, the Tribunal reviewed a number of cases that dealt with the issue of reducing car parking in inner city locations. It considered that the main themes to emerge from these cases were as follows:

- Parking across an activity centre needs to be addressed in a centre-wide manner.
- Providing or restricting parking through the planning scheme, only forms one part of the overall management of car parking demand and supply in these centres.

- There are a number of alternative means of travel emerging. Most notable of these are share car arrangements and increased bicycle use, including electric bicycles. These have grown extensively in use in the past 10 years. Their impact on empirical demand is not yet known. Policies to minimise car dependency suggest it should lead to less demand.
- In areas of existing restricted on-street parking, the supply of on-street spaces for future occupants of a proposal is not particularly relevant to the assessment. In these locations, on-street road management restrictions can ensure future residents of a proposal are not able to rely on any spare capacity in on-street parking.
- While a current empirical demand may exist not every site can, or needs to, meet this
  demand. Some sites may have limited capacity to meet car parking needs, particularly
  small or constrained sites.
- As with any proposal, a decision to reduce parking ultimately must be tested on its own
  merits with competing issues balanced to achieve net community benefit. Any
  potential adverse impacts from parking on-street will need to be assessed against the
  benefits a proposal may bring to the community where car parking forms only one part
  of a use or development proposal.

The Tribunal in Hubbard & ors v Boroondara CC [1997] VICCAT 1999 summarised what became known as the 'centre based approach' to car parking in activity centres (emphasis underlined).

"The basic approach in these decisions is that in important activity centres car parking considerations should not be determinative, instead the land use mix in a centre should arise from a combination of strategic planning and the economic forces at work in the centre, car parking issues have a part in this but should not dominate. At the level of the individual site where there is a change of use or an extension to an existing building in most circumstances car parking shortfalls should be waived if it is consistent with the strategic plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because even in saturated car parking conditions a balance will occur between the level of activity and the car parking supply."

It is considered that a 'centre based approach' is entirely relevant in this instance. Accordingly the reduction of car parking to zero is considered appropriate and should be supported.

#### Clause 52.27 Licensed Premises

#### Purpose

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

A permit is required to use land to sell or consume liquor if ...a licence is required under the Liquor Control Reform Act 1998.

### Decision guidelines

- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The Municipal Planning Strategy and the Planning Policy Framework.

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

#### Assessment

The assessment has also had regard to Planning Practice Note (PPN) 61 (Licences Premises: Assessing cumulative impact). The PPN states that:

Negative cumulative impacts can include increased occurrences of:

- · nuisance including noise and anti-social behaviour from intoxicated persons
- infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents
- · violence and perceived threats to safety
- · crime including vandalism, trespass and property damage.

Positive cumulative impact can include:

- the creation of a local 'identity' or status as an entertainment or tourism destination
- · enhanced vitality of an area
- · economic benefits
- · increase in consumer choice
- increased ability to manage impacts, for example by concentrating venues around transport to aid dispersal of patrons.

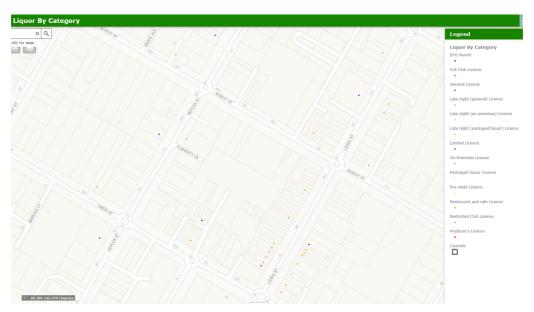
The PPN is intended to assist Council and a permit applicant determine the cumulative impact and is relevant in the instance:

- i. a licenced premises will be open after 11pm and
- ii. is in an area where there is a cluster of licenced premises.

In regard to the second point, the PPN states a 'cluster' would occur when:

- three (3) or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or
- 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

A cluster area includes all land within 500 metre radius.



The above map showing the location of licenced premises has been taken from  $\underline{\text{https://geomaps.vcglr.vic.gov.au/LiquorByCategory/}}$ 

The following table identifies premises that operate under a 'general licence'.

Premises	Distance from 95 Kepler*	Trading hours	Patrons
Hotel Warrnambool	50m	Consumption on- premises no later than 11pm Sunday Good Friday and Anzac Day. No later than 2am any other.	Total 460 (Limit of 101 on deck)
		Take-away until 11pm.	
Bohemia Café & Bar	150m	No later than 11pm on any day.	No limit
тото	170m	Consumption on- premises no later than 11pm Sunday Good Friday and Anzac Day. No later than 1am any other.	Limit imposed after 11pm Sunday and 12am any other day; Max 46 in dining, 140 Lounge and 94 Dining/ Lounge.
Whalers Hotel	260m	Consumption on- premises no later than 1am Monday & Tuesday (other than May race week & Christmas). No later than 3am any other.  Take-away until 11pm.	Total 700:
The Cally	260m	Consumption on- premises no later than 11pm Sunday	Total 500

		Good Friday and Anzac Day. No later than 1am any other. Take-away until 11pm	
The Seanchai	280m	Consumption on- premises no later than 2am Sunday Good Friday and Anzac Day 1am. No later than 3am any other.	footpath, 280 on ground floor and 406
The Royal Hotel (as licenced)	300m	Consumption on-premises no later than 1am.  Take-away until 11pm.	Limit of 266 inside and 90 on external deck.
The Victoria Hotel	420m	Consumption on- premises no later than 11pm Sunday Good Friday and Anzac Day. No later than 1am any other.	Max 230
		Take-away until 12am.	

<sup>\*</sup>All distances approximate and measured from a radius from the subject site – consistent with PPN 61.

Where no limit of patrons is imposed on the licence it defaults to maximum occupancy allowed under the Building Regulations.

There are numerous other licenced premises (on-premises, café/ restaurant) within 500m radius of the site- approximately 15 within the restaurant section of Liebig Street alone (between Timor Street and Koroit Street).

The subject site can therefore be considered as being in a 'cluster' for the purposes of applying the guidelines under PPN61.

The following matters should be considered when assessing the cumulative impact of licensed premises:

- 1. Planning policy context
- 2. Surrounding land use mix and amenity
- 3. The mix of licensed premises
- 4. Transport and dispersal
- 5. Impact mitigation

It's important to note that the guidelines provide a view that a cumulative impact can be 'negative' and 'unreasonable' but measures can still be put in place e.g permit conditions, to adequately manage those impacts and provide for an acceptable outcome. Further, by way of background, the concept of the cumulative impact on amenity was introduced into the VPPs by Amendment VC47 in April 2008. The Amendment followed the recommendations of Inner City Entertainment Precinct Taskforce (ICEPT), which was formed in response to the on-going conflict between entertainment and residential amenity in inner city areas.

Turning to how the issue of how cumulative impact has been considered by VCAT, in Swancom Pty Ltd v Yarra CC (includes Summary) (Red Dot) [2009] VCAT 923 (10 June 2009)

the Tribunal identified three key considerations when assessing cumulative impact of licenced premises,

- the density of licensed premises in an area,
- the mix and type of the licensed premises, and
- existing amenity levels. Further that the level of detail of the assessment of cumulative impact on amenity should be proportionate to the level of concern raised by these considerations.

#### The Tribunal stated;

"In our view, we consider an assessment of cumulative impact of licensed premises on the amenity of the area should address and/or have regard to the following issues, the outcomes of which will differ from case to case:

What is the relevant area?

- (a) What is the specific precinct or area within which the licensed premises is located? Is the area a dedicated entertainment precinct?
- (b) What is the extent of the nearby or surrounding area within which the amenity impacts should be considered, have regard to the pattern of settlement and development (existing and proposed) and the extent of any sensitive uses?

What is the density of licensed premises within the area?

- (a) Are there more than 22 licensed premises per 10,000 head of population?
- (b) Are there more than 10 licensed premises within 500 metres?

While that decision was in relation to an application in Swan Street for the use of the beer garden until 3am 7 days a week and to increase patrons from 750 to 1300, many of the considerations are relevant to this application.

On balance, the cumulative impact of a general licence in this location is considered to be acceptable, when acknowledging:

- The subject site is located within the CBD being the city's primary activity centre (refer Clause 21.11-1). Under the zone and State Planning Policy Framework such uses are normally appropriate in this area.
- The proposed closing time for the premises is 1am- being before the Warrnambool Hotel opposite (2am) and the Whalers (3am). This provides for staggered closing.
- The application proposes to close the outdoor licenced areas at 11pm, after-which patrons will be restricted to the main building.
- While there are other licenced premises in the area (500m) these are concentrated in the 'restaurant end' of Liebig Street. The subject site is opposite Hotel Warrnambool which also operates under a general licence, however other nearby licenced premises (within 100m) are predominantly restaurants and cafes.
- It is noted that objectors have experienced detriment to their amenity from previous late night licenced venues in the area e.g The Gallery nightclub. This venue no longer operates as a licenced venue with a permit having been granted for its use as accommodation (PP2020-0079).
- The application is for a licenced bar, however provision has been made within the building for food preparation and seating of patrons. The nature of the business is not to promote anti-social behaviour.

- A Patron Management Plan (PMP) has been submitted with the application detailing how the use will be managed, including through the responsible service of alcohol.
- Following consultation with the local police further conditions can be considered to manage the amenity of the area to an acceptable level.

It is considered that while the site is within a cluster, it is in an appropriate location and the cumulative impact of the use can be appropriately managed via conditions of any permit.

#### **GENERAL PROVISIONS:**

The application has been considered against the decision guidelines of Clause 65.

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- ...
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- ...
- ....
- ....
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

#### Assessment

The proposal would appear to provide an acceptable response. The submitted site plan shows that an area would remain available for 'truck parking/loading area'. It is envisaged that further permission will be sought for dispensation of car parking in association with a new use. If that permit does not issue, there remains sufficient land within which cars can park.

## Response to objections

A total of six (6) objections have been received. A summary of each is below with a response provided;

- Characterisation of the use (food & drink versus a bar and the licence type sought e.g general licence).
  - The proposed licence type is considered appropriate given the nature of the proposed use as a 'bar'. The applicant also intends to provide 'take-away' options to patrons, which is unable to be facilitated through an on-premises or café/ restaurant licence.
  - The applicant has stated that there is no dance floor, no standing service only areas as might be found in a nightclub. This is evident in the plans submitted with the application.
  - An on-premises or café/ restaurant would normally carry conditions imposed by VCGLR to ensure 'the predominant activity carried out on the land is the

preparation and serving of food'. The applicant in this instance is seeking to operate a bar, with the serving of cheeses and meats as an aside.

The licence type is also appropriate having regard to the VCGLR:

#### **General licence**

A general licence authorises the supply of liquor for consumption both on and off the licensed premises.

Who would normally apply?

Any business with appropriate planning permission that wishes to supply alcohol for consumption on the premises, as well as to take away for consumption off the premises. Pubs, hotels and some taverns would normally hold a general licence.

Above; extract from VCGLR <a href="https://www.vcglr.vic.gov.au/liquor/pub/apply-new-licence/apply-liquor-licence">https://www.vcglr.vic.gov.au/liquor/pub/apply-new-licence/apply-liquor-licence</a>

- If an applicant wishes to trade beyond 1am the licence type would need to be amended via the VCGLR and with further planning approval.
- The land-use definition in the Planning Scheme includes other activities e.g amusement machines and gambling. A note of any permit will identify no such approval has been given in this instance.

#### Hours of operation

- The hours of opening have been amended to Mon- Saturday 7am to 1am the following day and Sunday 10am to 1am the following day.
- The proposed hours of operation are consistent with a premises operating under a 'general licence' and within an activity centre location.
- Conditions will ensure that the activities within and external to the building area appropriately managed so that there is no adverse amenity impact on the surrounding area.
- The applicant has proposed the closure of outdoor areas at 11pm. This is appropriate, with conditions of any permit needing to consider closure of rear doors and monitoring of laneway after 11pm.

#### Number of patrons

 The number of patrons has been calculated by applying the building regulations for occupancy. Notwithstanding, the maximum number of patrons has been reduced from 462 to 362 patrons across the site. Note that on closure of the outdoor area a maximum number of patrons within the building would be limited to 250.

#### • Traffic and parking

- The application is seeking a waiver of the required 144 spaces.
- The above discussion against Clause 52.06 has found that on balance the waiver can be supported.
- o A bike stand for 5 cycles has been provided on amended plans.
- Cumulative impact (on the basis the bar would be clustered with other similar uses).

- The Planning Scheme and Victorian Planning Provisions encourage such uses in the activity centre.
- The applicant has submitted sufficient information within the planning report for Council to assess the cumulative impact. The template for Council/applicants provided in PPN61 is taken to be a guide only and not an application 'requirement'.
- The above discussion against 52.27 has found that the cumulative impact of the proposal would not be to an acceptable level subject to conditions of a permit and ongoing enforcement of an endorsed Patron Management Plan.
- Amenity based concerns (live music, anti-social behaviour)
  - The impact of the licenced premises on the amenity of the area has been considered as part of the cumulative impact assessment.
  - It is acknowledged that these types of venues can be poorly managed creating
    a detrimental impact on the area. Various changes to the Planning Scheme
    have provided Council with greater ability to hold business owners accountable
    for the behaviour of patrons leaving a venue. This would be included in a Patron
    Management Plan.
  - The VCGLR licence would also carry with it conditions on the licensee to ensure the amenity of the area is not unreasonably affected.
  - An acoustic report will be required by a condition of any permit demonstrating that the noise levels will be able to comply with EPA guidelines (SEPP N-2).
     Any recommendations would be required to be included on amended plans.
  - No live music entertainment is proposed and conditions will limit any externally amplified music to be at background level only, with no external music after 11pm on any night.

#### Orderly planning

- The application has considered all relevant matters, including Section 60 of the Planning and Environment Act 1987, and sought to balance conflicting objectives in the Planning Scheme in favour of net community benefit.
- On balance, the application is able to be supported and therefore achieves 'orderly planning'.

It is noted that Section 57 provides that "the responsible authority may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector."

Consideration has also been given to the fact the proposed operator has other licenced premises in the city. The recommendations provided in this report are intended to apply to the ongoing use of the land regardless of the business/ operator.

## Recommendation

That council having caused notice of Planning Application No. PP2020-0264 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme having considered all the matters required under Section 60 of *the Planning and* 

Environment Act 1987 decides to issue a Notice of Decision to Grant a planning permit for application for PP2020-264 under the provisions of Clause 52.06 (Car Parking) and Clause 52.27 (Licensed Premises) of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 017069F PSH WAN TSH WARR, 95 Kepler Street, WARRNAMBOOL VIC 3280, for a Liquor Licence (sale and consumption of liquor) and waiver of car parking requirement in accordance with the endorsed plans, subject to the following conditions:

#### **Amended Plans**

 Before the use commences (the sale and consumption of liquor) amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (received by Council on 11 March 2021) but modified to show:

- (a) Details of the gates to laneway
- (b) Deletion of shipping container bar
- (c) The inclusion of any noise mitigation measures identified in the acoustic report

#### **Acoustic Report**

2. Before the Use commences, an Acoustic Report prepared by a suitably qualified Acoustic Engineer must be submitted to and approved by the Responsible Authority. The report is to recommend suitable mitigation measures and/or acoustic treatments to ensure all noise sources associated with the use will abide by State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and not adversely affect adjoining residential properties.

## Patron management plan

3. Before the use commences, an amended Patron Management Plan (PMP) to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. The PMP must be generally in accordance with the Plan received 11 March 2021 but modified to include/ address the following:

The plan must include:

- (a) permitted hours of trade consistent with the hours identified in this permit
- (b) the provision of security staff at a rate of two (2) per 100 patrons and one (1) per additional 100 patrons thereafter
- (c) staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time

- (d) the means of 'closing' the laneway access to patrons after 11pm and provision of associated signage
- (e) the means of monitoring the laneway after 11pm to ensure it is used only by smokers and staff where required
- (f) the provision of signage near the main exit advising patrons to 'leave quietly'
- (g) confirmation that after 11pm the door to the rear of the building will remain closed and only accessed by smokers or staff where required
- (h) a complaints handling procedure to include record keeping. Such a record must be available to Council at its request.

All activities forming part of the use must comply with the endorsed plan.

- 4. Access to the site via the laneway (on Kepler Street) after 11pm on any day is not permitted unless with the further written consent of the Responsible Authority.
- Access to the premises after 11pm is only permitted via the main front door (off Kepler Street).

#### **Layout Not Altered**

The location of the red line for the licenced premises endorsed to form part of the permit must not be altered or modified without the prior written consent of the responsible authority.

#### **Use Operations**

- 7. Up to 11pm on any day the maximum number of patrons permitted on the land at any one time must not exceed 362 patrons.
- 8. After 11pm the maximum number of patrons permitted on the land at any one time must not exceed 250 patrons.
- 9. The sale and consumption of liquor on the premises hereby permitted must not operate outside the hours of:

Sunday - 10am - 1am the next day
 Good Friday/Anzac Day - 12pm - 1am the next day
 Any other day - 7am - 1am the next day

10. The sale and consumption of liquor outside the premise hereby permitted must not operate outside the hours of:

Any other day - 7am – 11pm
 Sunday - 10am – 11pm
 Good Friday/Anzac Day - 12pm – 11pm

- 11. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must be conducted outside the operating times to ensure there is no conflict with pedestrians.
- 12. No amplified music is permitted outside the building, other than at 'background' noise levels up to 11pm on any day.

- 13. Noise levels emanating from the premises must not exceed those required to be met under *State Environment Protection Policy (Control of Music Noise from Public Premises)*, No. N-2.
- 14. The use must not detrimentally affect the amenity of the neighbourhood, including through the:
  - a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### NOTE:

- a) This permit will expire if:
  - The use does not start within one (1) year of the completion of the development, or
  - The use is discontinued for a period of two (2) years.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit.

- b) This permit does not authorise the 'shipping container' bar (shown on plans as relocatable unit).
- c) The premises will be required to comply with the Health Act 1984. No development is to commence until plans have been approved by Council's City Amenity and Health Branch.
- d) Accommodation, amusement machines and gambling are not approved as part of this permit.

	Office Use Only					
	VicSmart?	YES NO				
	Specify class of VicSmart application:					
	Application No.: Date	Lodged: / /				
	··					
	Application for a <b>Planning</b>	Permit				
	If you need help to complete this form, read MORE INFORMATION at the back	c of this form.				
	Any material submitted with this application, including plans and personal in available for public viewing, including electronically, and copies may be mat the purpose of enabling consideration and review as part of a planning propand Environment Act 1987. If you have any concerns, please contact Cour	ade for interested parties for occas under the <i>Planning</i>				
	A Questions marked with an asterisk (*) must be completed.					
0) 5	A If the space provided on the form is insufficient, attach a separate sh	eet.				
Clear Form	Click for further information.					
Application Type Is this a VicSmart application?*	No Yes  If yes, please specify which VicSmart class or classes:  Classes of VicSmart application are listed in zones, overlays, particular provisions and the schedule to Clause 59.15					
Pre-application Meeting	ng					
Has there been a pre-application meeting	O No O Yes Kayata itta taug lamaa Dhilling					
with a Council planning	No • Yes If 'Yes', with whom?: James Phillips					
officer?	Date: Nov 2020 day / month /	year				
The Level C						
The Land   I						
·	treet Address and one of the Formal Land Descriptions.					
Street Address *	Unit No.: St. No.: 95 St. Name: Kepler Street					
	Suburb/Locality: Warrnambool	Postcode: 3280				
Formal Land Description * Complete either A or B.	A Lot No.: 1 OLodged Plan Title Plan Plan of Subdivi	sion No.: 017069F				
This information can be found on the certificate of title.	OR					
If this application relates to more than one	B Crown Allotment No.: Section N	No.:				
address, attach a separate sheet setting out any additional property details.	Parish/Township Name:					



## The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit?

Service and consumption of liquor in association with a Bar (General Licence) and waiver of car parking requirement

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Estimated cost of any development for which the permit is required \*

A You may be required to verify this estimate Cost \$ Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act* 1987) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit <a href="www.sro.vic.gov.au">www.sro.vic.gov.au</a> for information.

## Existing Conditions II

Describe how the land is used and developed now

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

#### Existing office building

Provide a plan of the existing conditions. Photos are also helpful

## Title Information II



Encumbrances on title

Does the proposal breach, in any way, an encumbrance on title such as a restrictrive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- O No
- Not applicable (no such encumbrance applies).
- Provide a full, current copy of the title for each individual parcel of land forming the subject site.

  The title includes: the covering 'register search statement', the title diagram and the associated title documents, kno as 'instruments', for example, restrictive covenants.

Document Set ID: 11107391 Version: 1, Version Date: 18/11/2020



#### Applicant and Owner Details II Provide details of the applicant and the owner of the land. Applicant \* Name: First Name: Fiona Surname: Castley The person who wants the permit. Title: Organisation (if applicable): Coast to Country Building Approvals If it is a P.O. Box, enter the details here: Postal Address: St. No.: 2/8 St. Name: Bank St Unit No.: State: VIC Postcode: 3284 Suburb/Locality: Port Fairy Please provide at least one contact Contact information for applicant OR contact person below phone number Email: planning@coasttocountry.com.au Business phone: 0419696911 Fax: Mobile phone: Contact person's details\* Where the preferred contact person Same as applicant for the application is different from the applicant, provide the details of Title: First Name: Surname: that person. Organisation (if applicable): Postal Address: If it is a P.O. Box, enter the details here: St. No.: St. Name: Unit No.: Suburb/Locality: State: Postcode Owner \* Same as applicant The person or organisation who owns the land Title: First Name: Surname: Organisation (if applicable): 91 Kepler PTY LTD Where the owner is different from the applicant, provide the details of that If it is a P.O. Box, enter the details here: Postal Address person or organisation. St. No.: 15 St. Name: Riverview Terrace Unit No.: Suburb/Locality: Warrnambool State: VIC Postcode: 3280 Owner's Signature (Optional): Date:

## Information requirements

Is the required information provided?

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

O Yes O No	
------------	--

#### Declaration II

This form must be signed by the applicant \*



Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application

Signature:



Date: 17/11/2020

day / month / year

day / month / year



17/11/2020

Planning Department Warrnambool City Council 25 Liebig St Warrnambool VIC 3280

# 95 Kepler St Warrnambool VIC 3280 Service and consumption of liquor in association with a Bar (General Licence) and waiver of car parking requirement

Dear Sir/Madam,

Please find attached a planning permit application for 95 Kepler St Warrnambool VIC 3280.

Attached are the following documents;

- Planning Permit Application Form
- Copy of Title
- Planning Assessment Report
- Draft Patron Management Plan
- Plans and Elevations
- Materials Schedule
- Site Photo Pack

Please contact me on 0419 696 911 or via planning@coasttocountry.com.au if you have any questions on the above application.

Yours faithfully,

Fiona Castley

**Director - Town Planning** 

COAST TO
COUNTRY
BUILDING APPROVALS

Building | Port Fairy | 0455 942 726

mccosh@coasttocountry.com.au ABN:156 342 918 57 0429 909 546
manson@coasttocountry.com.au
www.coasttocountry.com.au

Building | Hamilton |

Town Planning | All Areas 0419 696 911 planning@coasttocountry.com.au

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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10507 FOLIO 828

Security no : 124086618680P Produced 17/11/2020 11:21 AM

#### LAND DESCRIPTION

Lot 1 on Title Plan 017069F. Created by Application No. 120194M 14/03/2000

#### REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
91 KEPLER PTY LTD of 15 RIVERVIEW TERRACE WARRNAMBOOL VIC 3280
AS759854E 29/11/2019

## ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

Warning as to Dimensions

Any dimension and connecting distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.

#### DIAGRAM LOCATION

SEE TP017069F FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 95 KEPLER STREET WARRNAMBOOL VIC 3280

DOCUMENT END

Title 10507/828 Page 1 of 1

Document Set ID: 11107390 Version: 1, Version Date: 18/11/2020



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Parish: WANGOOM Township: WARRNAMBOOL Crown Allotment: 3(PART) Section: 12 Crown Portion: -  LTO base record: SDMB-C (Rural) Last plan Reference: Title Reference:  Warning as to dimensions: Any dimension and connection distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.	EDITION	1			TITLE	PLAN	TP17069F
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# PLANNING APPLICATION

95 Kepler St Warrnambool VIC 3280 Service and Consumption of liquor in association with a Bar (General Licence) and waiver of car parking requirement



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#### **ACKNOWLEDGEMENTS**

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#### **DOCUMENT CONTROL**

This document has been prepared to aid the submission of a planning permit application for 95 Kepler Street Warrnambool, commissioned by Frolic and Co the tenants of the subject land.

Revision 1 November 2020

Revision 2 March 2021

#### **ATTACHMENT LIST**

- Application Form
- Copy of Title
- Plan Pack by Designing Spaces
- Draft Patron Management Plan
- Proposed red line plan
- Historical Photos reference
- Site analysis photographs

#### **PROPOSAL**

This permit application seeks approval for the use of the site for sale and consumption of liquor, and waiver of additional car parking requirements.

This application does not seek approval for any matters under the Heritage Overlay or works under the Commercial 1 Zone. All works have been approved under PP2020-0265 issued by Warrnambool City Council. The works are described in this document for information purposes only.

No live or amplified music is proposed as part of this application. As such, no permit is required under Clause 53.06 Live Music Entertainment Venues.

#### USE

The use of the building does not require a permit under the Commercial One Zone. The existing use as an office has ceased, and the new use of a bar is proposed.

The bar will occupy both the ground and basement levels of the site (to be fitted out in stages, commencing with the basement), as well as a rear external courtyard and conversion of the existing outbuilding into an amenities building and storage space.

A bar is defined as land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.

The use of the site as a bar, includes in this circumstance, the sale of liquor for consumption on the premises and the sale of food for consumption on the premises.

A bar is nested under Food and Drink Premises, which in turn is classed as a Retail Premises and is a Section 1 Use (no permit required) without conditions in the Commercial 1 Zone.

#### DEMOLITION

It is proposed to demolish the rear carport area and make some minor alterations to the rear façade of the building. The carport appears to date

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from around the 1970s and does not contribute to the heritage characteristics of the site. This carport is 41sqm in area.

The rear façade of the building will be altered at basement level to provide new access points to the rear of the building. This area of the façade has been previously altered.

Other demolition works include internal demolition of partition walls within the building.

A planning permit for the demolition works was issued by Warrnambool City Council PP2020-0265.

#### **NEW WORKS**

A planning permit for the new works was issued by Warrnambool City Council PP2020-0265.

It is proposed to construct a new rear outdoor pavilion on site, generally in the area previously occupied by the carport. The outdoor pavilion will include an open fire and wood fired pizza oven for use in associated with the bar, as well as the installation of a pre-fitted out, timber clad shipping container to be used as an external bar area.

#### INTERNAL RE-CONFIGURATION

It is proposed to undertake internal works to re-configure the layout of the building, providing a variety of areas for patrons to experience the food and liquor offering to be provided on site, with the main venue entrance to be via the lane and basement.

The existing main entrance to the building is to be retained insitu and will act as a secondary entrance to the first floor of the building if required.

The internal areas of the heritage building are to be restored to their original layout and configuration, including restoration of the detailed cornicing, mantles and plasterwork. The majority of internal walls are constructed of sandstone and will be retained as is, while new walls will be erected to facilitate construction of the amenities area.

#### **OUTDOOR AREA**

The main outdoor area is accessed from the laneway and the basement level of the building. This area is serviced by the basement level internal and timber clad shipping container bars and will be partially undercover and partially open. The roofline has been designed with a gable to ensure that the existing first floor windows are not impacted, and the undercover area can be built as a freestanding structure, minimising connection points to the heritage fabric of the main building.

The outdoor area will be fenced off from the existing car parking area at the rear of 93 Kepler Street to separate vehicles and pedestrians, as well as to form a physical barrier at the edge of the red line area. There are existing gates to the Kepler Street laneway frontage which will secure the site out of hours.

A garden bed, including feature trees will be installed on the western fence line behind the shipping container bar to screen the site from/to the adjoining private carpark, and prevent patron access to this area.

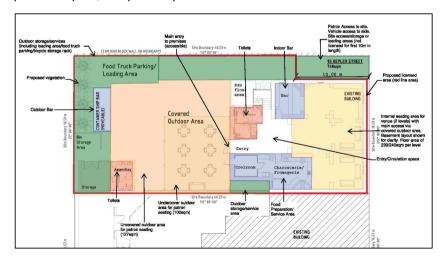


Figure 1 Proposed site layout

The waste storage area is also screened with a timber screen fence.

#### **EXTERNAL MATERIALS**

External materials are simple in style. The rear of the building is to be painted to match the rest of the building (where not already painted), and the new doors/windows at basement level will be in keeping with the style of the existing features on site. The roof of the covered outdoor area is to be clad in galvanised iron sheeting, in keeping with the roof of the building. The shipping container bar is to be clad in raw timber to improve the appearance and create a contrast in finish to the masonry/render finish of the main building.

#### LOADING

An on-site loading/unloading area is available at the end of the laneway. This site is also suitable for a food truck to park on site temporarily and serve a variety of food in addition to the on-site offerings of charcuterie/wood fired pizza. This area will also be used for waste collection vehicles, reversing into the site to collect the bins. A private collection service will be used.

#### LICENSED AREA

It is proposed to license the whole of 95 Kepler Street.

The patron capacity is limited to that permitted under the building code, as is proposed to be 362 persons across the whole venue.

It is noted that the occupancy requirements as assessed by the building surveyor can only include the covered and internal areas of the building.

There is no provision in the legislation relating to 'certificate of public accommodation' that allows patron capacity to be considered in uncovered outdoor areas. That said, there is no desire to increase the patron numbers to include additional patrons in the uncovered areas.

The proposed hours permitted are

Any other day –Sunday –7am -1am10am-1am

- Good Friday/Anzac Day 12 noon-1am
- Amended hours for the service of liquor <u>outdoors</u> to 7am -11pm. This
  would include closing the outdoor bar at 11pm, not providing any
  background music outdoors after 11pm and restricting the use of the
  outdoor area (undercover area) as a smoking area between 11pm and
  1am.

#### **PARKING**

The carparking rate for a bar is based on Patron numbers – there is a requirement to provide or waive 0.4spaces per patron.

A carparking waiver of 144.8 spaces is required for 362 patrons.

There are 8 carparks currently provided on site which are proposed to be removed to facilitate the outdoor bar area. There is no carparking waiver in place for the previous office use as the necessary carparking was provided on site for the office floor area.

5 bicycle parking spaces are to be provided on site, near the food truck parking are. No bicycle spaces are required to be provided under Clause 52.34 as a bar is not one of the uses listed in the provision.

#### PLANNING CONTROLS

The site is located in the Commercial Zone.

The following overlays apply to the land;

• Heritage Overlay Schedule 324

#### SITE ANALYSIS

#### SITE AREA

The site is located on the western side of Kepler Street between Koroit and Timor Streets. The site is 748sqm in area, and includes the existing buildings on site, a rear carport and a sandstone outbuilding (which has recently been restored). The building is built to the street frontage, with a lane to the north side.

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#### SITE HISTORY

The building was designed by James McLeod Architect and the building was constructed in 1887 and known as the Royal Chambers. The building was originally built and fitted out for the McMeekin Brothers for their insurance and export merchant business.

It is unlikely that the original building had an internal connection between the two levels and a small rear extension was added in the mid 20<sup>th</sup> century to link the two levels. The internal layout at basement level appears to indicate it was originally used for storage purposes and the first floor for offices.

James McLeod was in partnership with George Jobbins who designed many of the other heritage shopfronts/offices of this era around town, banks around western Victoria and several of the homesteads/school across the region. The adjoining shops at 93 Kepler Street were constructed by another architect, Andrew Kerr, but built the same year.

Business didn't go that well for the McMeekin Brothers, and the building was converted to a lawyer's office in 1901 by Mr Desmond Dunn, expanding to include Desmond Dunn, Harty and Dwyer from 1937, who occupied the site until recently when they relocated further south on Kepler Street.

The property is listed on the National Trust Register – The National Trust is an advocacy body, rather than a statutory body (responsible for decision making) in relation to heritage matters. As such, there are no internal heritage controls on the building.

The property is in a precinct heritage overlay (Commercial Precinct), rather than an individual building heritage overlay. An individual building heritage overlay (HO64) applies to the adjoining shopfronts which contain Wytons Café (licensed until 1am) and a wedding dress shop.

#### **IMMEDIATE ADJOINING USES**

The immediate adjoining uses are all commercial, reflecting the commercial nature of the area. There is a mix of uses including hospitality venues, shops, offices and the cinema in close proximity to the site.

The Warrnambool Hotel is located near the site on the corner of Koroit and Kepler Streets. It is a 2 storey hospitality venue, including a bar, restaurant, outdoor courtyard and function rooms with a capacity of 460 patrons and a licence to operate until 2am.

Within a 50m radius of the site there a few non-commercial uses, including a dwelling (used for short term holiday rental – Kepler Rose listed on Stayz and Airbnb) at 89 Kepler Street, apartments above the commercial tenancies at 50-52 Kepler Street and rear yards to residential properties at 216-218 Timor Street. All these properties are located in the Commercial Zone, like the subject site.

#### **POLICY**

#### **CLAUSE 17.01-1S**

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

#### **CLAUSE 17.04 FACILITATING TOURISM**

- Concentrate coastal tourist and commercial recreation development within existing settlements or close to existing settlements where existing infrastructure and community services can be utilised and consider proposed major developments outside existing settlements only when:
  - A genuine need has been demonstrated in response to a regional tourism product strength, outlines the desired visitor experience to be achieved and demonstrates consistency with regional tourism strategies;

#### **RESPONSE**

The development of this site provides complementary tourism development to that available within Warrnambool, whilst utilising existing infrastructure

and services to add to the regional tourism strength which is present in Warrnambool.

The redevelopment of this site provides for multiple local employment opportunities, through both the fitout and operation phases of the Bar.

#### **CLAUSE 21.08 ECONOMIC DEVELOPMENT**

Whilst the policy outcomes are not strictly applicable to this development, the proposal is a significant investment to create a unique hospitality venue and revitalise the building, adding to the mix of hospitality venues within the city centre. The premises will service both a local and tourist catchment, building on the existing offerings within the CBD.

#### **CLAUSE 21.11-1 CITY CENTRE**

- To support the Warrnambool City Centre as the principal activity centre for Warrnambool and southwest Victoria.
- Warrnambool City Centre supports an economically, sustainable and socially rich environment through its city spaces and landscape, land use activities, access and movement network and built form.

#### RESPONSE

The restoration and revitalisation of this building supports the principal activity centre roll of the Warrnambool CBD and will complement the existing network of hospitality venues scattered throughout the area, including building on the laneway character by using the existing lane as the main entrance to the premises.

#### **COMMERCIAL 1 ZONE**

The purpose of this zone seeks;

- To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

A permit is required to construct a building and construct or carry out works.

The decision guidelines for buildings and works required consideration of the following matters;

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design
  of Verandahs, access from the street front, protecting active
  frontages to pedestrian areas, the treatment of the fronts and backs
  of buildings and their appurtenances, illumination of buildings or their
  immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas. adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

#### RESPONSE

The alterations and extensions to the buildings and work proposed on site provide for the efficient movement of pedestrians around the site and the efficient delivery of supplies and removal of waste from the site. The site layout does not impact on the ability of the site to be serviced by public transport or emergency services – both of which are available.

The provision of a loading space to the rear yard (to be also utilised by temporary food trucks). The delivery loads for the bar are not expected to be significant and can be walked into the building, with unloading in this area.

The design of the building, alterations and extensions are appropriate to both conserve and enhance the heritage features of the building and provide a contemporary treatment to other built form on the site.

A waste storage area is proposed to be located at the rear of the site, allowing bins to be collected from within the site, at a frequency appropriate

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to their storage capacity. The bin storage area will be located behind the outdoor bar building and screened from patrons.

All services are available to the site and will be upgraded to current standards as part of this fit out of the premises on the site.

The buildings and works have been designed to provide for amenity to both the internal and external areas of site for future patrons. The external uses will be suited to use at different times of day depending on prevailing winds and sunlight. This is appropriate.

#### **SUMMARY**

The proposed buildings and works meet the purpose of the Commercial 1 Zone by facilitating the use of the site by a vibrant contemporary use which uses both the heritage building and outdoor areas to provide a new venue to the hospitality offering in Warrnambool.

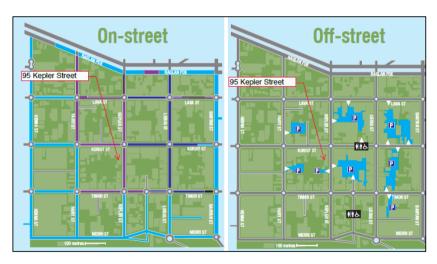


Figure 3 On Street and public car parking in proximity to site (Source: Warrnambool City Council)

#### **CLAUSE 52.06 CAR PARKING**

The car parking rate for a bar is 0.4 spaces per patron.

The patron capacity on the liquor licence is proposed to be to 362 persons. This requires a car parking waiver of 144.8 spaces

Within a 150m radius of the site there are the following public carparks;

•	Kepler Street West	38 (1hr)
•	Kepler Street East	34 (1hr)
•	Kepler Street Car Park	17 (All day)
•	Koroit Street with a 150m radius of the site	80 (1hr)
•	Ozone Carpark	179 (2hr)
		100 (4hr)
	(Total within 150m of site)	
		448 spaces



Figure 2 Aerial photo showing existing public and private car parking within 150m radius of site (Source: Nearmap 2020)

It is noted that there are other public car parks and on street parking within a 150m radius of the site, including in Fairy Street, Grace Avenue and Timor Street, but as the do not have a direct path of travel to the subject site, their spaces are less likely to be utilised by patrons of the premises, than the closer spaces.

The total public carparking spaces within close proximity to the site is 448 spaces.

A licensed premise such as that proposed would have peak capacity of an evening or weekend when carparking is un-restricted and free, rather than during peak business hours during the week when on street parking is at capacity, and public car parks have a high turnover of spaces.

Whilst it is noted that the liquor licence is proposed to allow the service and consumption of liquor from 7am (standard licenced hours), licensed premises such as that proposed do not usually operate before midday as a regular occurrence.

Morning events would be pre-booked and occur on occasion. The venue is not proposing to offer early morning meals/coffees as part of its offering and will not have any significant impacts on existing car parking capacity during Monday-Friday business hours.

As such, the waiver of car parking spaces is appropriate,

- Given then walkable nature of Warrnambool CBD,
- The availability of formal unrestricted on street carparking including a public car parks in close proximity to the site,
- The availability of taxi/rideshare services and public transport in close proximity to the site.

Council's 2015 Car parking Strategy found that high demand for on street parking occurred during business hours on weekdays.

The study illustrated that there was low to very low demand for car parking on the west side of Kepler street after 6pm on a weeknight, as well as on a Saturday afternoon and evening.

It is noted that whilst the site is in proximity to a number of entertainment uses which operate of an evening/weekend, the other uses rely on on-street or public carparks for their patrons, and there is capacity within the wider on street parking network to cater for the car parking demand from the proposed patrons numbers and the existing uses.

It is noted that since the 2015 Car Parking Strategy, a number of changes have occurred in the Warrnambool CBD and the strategy is currently being reviewed by Warrnambool City Council.

#### **CLAUSE 52.27 LIQUOR LICENCE**

A permit is required to use land to sell or consume liquor.

The decision guidelines require regard to be given to:

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

#### IMPACT OF SALE AND CONSUMPTION OF LIQUOR ON AMENITY

The sale and consumption of liquor is not expected to unreasonably affect the amenity of the area. The sale of liquor will occur within the building with the exception of the time in which the shipping container bar is open (weather dependant). It is proposed to limit the operation of the outdoor area to 11pm, with this area to be used as a smoking area between 11pm and 1am only with no background music provided during these times.

The consumption of liquor will generally occur within the building or the undercover outdoor area, with the exception of the times the uncovered outdoor area is in use (weather dependant).

The outdoor areas have sufficient area to accommodate approximately half the patrons at peak capacity, without accounting for space taken up by furniture.

The amenity impacts from the sale and consumption of liquor across the whole premises are likely to be minimal as the venue will be primarily food rather than alcohol focused with the charcuterie and woodfire pizza offering a key drawcard for patrons.

As such, external amenity impacts are likely to be limited to patron noise when the outdoor areas are in use. Background music will be played within the internal and undercover external areas of the venue in accordance with the relevant SEPP levels. Background music will cease to be provided at 11pm in all outdoor areas.

The layout of the outdoor areas has been designed to ensure key activities are directed away from the closest residential properties.

The covered outdoor area, including the chimney/woodfire structure will provide a noise barrier for patrons, and the location of the outdoor bar/food truck area is as far as possible from the closest residential interfaces.

The use of the laneway as the primary entry point should prevent patrons congregating in Kepler Street before entering the premises.

The laneway entrance also allow staff to monitor patron numbers and capacity prior to patrons entering the main area of the venue without impacting adjoining public spaces. The use of gates to the laneway allows the site to be secured when not open.

It is noted that the closest residential property at 89 Kepler Street is not currently permanently occupied and is used as a short term tourist rental property (Kepler Rose), and as such is unlikely to be detrimentally affected by the venue.

The design and layout of the covered outdoor area has been revised to provide a 3m high boundary fence to the south side. This will further reduce noise spill to the south.

#### **IMPACT OF HOURS ON AMENITY**

The hours of operation of the premises, are typical of a bar or hotel within Warrnambool. The proposed 1am closing time will have no substantially greater impact on the amenity of the area than if a closing time of 11pm was proposed, due to the sit down wine bar nature of the venue, the solid construction methods of the building, and the availability of internal spaces across the building. The amended application proposed to cease use of the outdoor areas at 11pm (with the exception of using this area to provide an on-site smoking area).

The proposed licensee is an experienced hotel/bar operator and has the ability to mentor and train staff to ensure that patron behaviour does not have a negative impact on the amenity of the area. A draft staff training manual and patron management plan are provided as part of the application documentation.

The site is in close proximity to taxi and rideshare services available in the CBD, including the main Taxi Rank off Timor Street.

The hours of operation proposed are similar to other larger venues in Warrnambool. Although it is noted the venue is not proposed to have the feel of a pub or nightclub and compete for the same patrons.

The venue is proposed to operate as a wine bar offering woodfired pizzas and charcuterie for patrons to consume.

The hours of operation are typical hours proposed in commercial areas, allowing for the service and consumption of alcohol until 1am.

Given the typical weather conditions in Warrnambool, the use of the uncovered outdoor area late into evenings is unlikely on a regular basis and will be reasonably restricted in times of inclement weather.

The covered outdoor area has been designed to protect land to the south from noise in the premises through the use of the chimney/fence structure.

When the outdoor areas are not being used, the use is restricted to indoor areas with amenities, food and bar service all available within the building.

The solid sandstone construction method of the building will also attenuate any noise impacts from the premises.

#### **IMPACT OF PATRONS ON AMENITY**

Whilst the premises is proposed to have a large patron capacity, this is commensurate to the floor area and layout of the venue. The patron capacity has been reduced by 100 persons in response to the objections received during the public notification period.

Each level of the building includes several small scale areas which will facilitate seating for small groups with access to both the charcuterie and bars on each level.

Each level is serviced by toilets and has multiple exit points.

The draft patron management plan provides appropriate management measures to ensure that patrons have no negative impacts on the amenity of the area.

The use of the laneway to access the premises, allows for the control of entry and exit to the premises, as well as allowing staff to ensure that the laneway area and patrons entering or exiting the site do not cause any unreasonable amenity impacts and leave the premises safely.

#### **CUMULATIVE IMPACTS**

There are 118 existing licensed premises in Warrnambool.

Of the 188 liquor licences across Warrnambool, 63 are located in the CBD. There are

Whilst the issue of a liquor licence to the venue will increase the number of licensed premises within the city, it will provide a different offering to the current licensed premises in the CBD. The venue is neither a pub, hotel or nightclub and will not have the same amenity impacts on the area as these uses may.

The venue is a wine bar and charcuterie with a variety of spaces to gather in small groups and socialise. There is no dance floor, there is no large standing service only area as is typically found in a nightclub. The building

layout provides for a number of small spaces to gather in small groups and is not a large open venue. An indicative furniture layout has been added to the layout plans to increase understanding of how the spaces will be used and provide for patron amenity.

#### **COMPARABLE VENUES**

The Hotel Warrnambool, An Seanchaí, The Whalers Hotel and The Caledonian Hotel are all similarly sized venues operating under General or On-premises licences, with capacities in excess of 400 persons within the Warrnambool CBD.

There are also 9 restaurant and café licences of various sizes which operate until 1am.

- Caledonian Hotel (500 Patrons 1am)
- Hotel Warrnambool (460 patrons 2am)
- Whalers Hotel (700 patrons 3am)
- An Seanchaí (686 patrons 3am)

The use of this venue in terms of amenity impacts is likely to be more like that of the Caledonian Hotel which does not regularly provide patrons with live or amplified music.

The Hotel Warrnambool, Whalers Hotel or An Seanchaí all regularly include live amplified music for their patrons and operate until later in the night than proposed in this application, and as such, are likely to have more significant impacts on the area than the current proposal.

As such, the venue will not unreasonably increase the cumulative impacts of licensed premises in Warrnambool or within the CBD itself, but will add to the variety of licensed venues available across the Warrnambool CBD.

The venue theme and heritage building style lend itself to a drink before or after dinner, a drink after attending the cinema, an outdoor drink on a sunny afternoon or a glass of red with a charcuterie board, followed by woodfired pizza as a main meal with a small group of friends.

The patron capacity of the venue has been reduced to 362 persons, following receipt of objections. It is considered the reduction in 100 persons across the venue reduces any cumulative impact that venue may have on the Warrnambool CBD.

#### **SUMMARY**

The proposed venue Frolic and Co is a high quality licensed venue which will showcase the significant heritage features of the existing building, whilst providing a food and drink offering currently not available within Warrnambool.

The venue is focused on small groups and sharing charcuterie with matching alcohol. The venue is not a nightclub and is not proposed to operate beyond 1am.

Frolic and Co will not have any unreasonable amenity impacts on the surrounding area and will be managed by a team of highly regarded and experienced hospitality veterans to provide a new offering to the Warrnambool CBD.

The venue is in close proximity to a significant number of existing public car parking spaces which are not at capacity during the expected peak operating hours of the premises – evenings, and weekend afternoons. There is sufficient capacity in the existing street parking network to accommodate the car parking waiver required for the patron numbers proposed.

Loading, unloading and waste collection will occur on site to prevent impacts on the surrounding street network, and the existing laneway access is being retained and will be used for entering/exiting the site.

It is respectfully submitted, that the proposal of a licensed premises and waiver of car parking requirement is appropriate to the existing heritage features of the building, the efficient use of the floor area of the building and the proposed outdoor areas of the building for a licensed premises, in the format described in this report.

The proposed licensees hope to open the venue during 2021, with the basement and outdoor areas to operate initially, followed by the first floor to open later in 2021.

It is therefore respectfully requested that this application be supported, and a planning permit be issued by the Responsible Authority.



■ Chartered Professional Engineers

■ Building Surveyors and Planning Consultants

Servicing South West Victoria

Thursday 8<sup>th</sup> October 2020

Our Ref: OB/LL 20/1444

**Brian Atkins Model Lane** Port Fairy 3284

Dear Brian,

Re: Application for Liquor Licence Tavern/Bar - 95 Kepler Street Warrnambool

I refer to your recent request to provide a certificate of Public Accommodation for your Premises at the above address to accompany an application for a liquor licence.

I'm in receipt of non-dimensioned plans (by Designing Spaces) showing the proposed alterations and final layout of the floor plan at both levels. I have assessed the proposal and scaled off dimensions for the calculation of patronage.

In accordance with the guidelines from the department of justice I have assessed the floor area available to the public within the building but excluding the areas not available to the public (eg. toilet facilities area, staff service areas, store rooms, passageways etc.) on the basis of 0.75 square metres per person.

I enclose a copy of the Surveyors Certificate.

Yours Faithfully,

David N. Beaton

Director



- Chartered Professional Engineers
  - Building Surveyors and Planning Consultants

Servicing South West Victoria

## <u>CERTIFICATE</u>

### <u>OF</u>

## **PUBLIC ACCOMODATION**

# Tavern/Bar 95 Kepler Street Warrnambool

Consumer Affairs Victoria. Licensing Branch Thursday 8<sup>th</sup> October 2020

The above building has been assessed by me ( scaled from un-dimensioned plans) for the purpose of calculating a licensed area available to the public. The floor area available for patronage is

Ground Floor Level - 145 square metres,

Basement Floor Level – 121 square metres.

Covered Outdoor Area – 81 square metres.

On the basis of 0.75 square metres per person this would equate to an allowable patronage of 462 persons. The proposed building alterations provides sanitary facilities that are compliant with Part F2.3 of the Building Code of Australia.

The above floor area calculations do not include the areas of the *toilet facilities, staff service* areas, storage areas, passageways etc.

David N. Beaton

Registered Building Practitioner (BSU-1254)

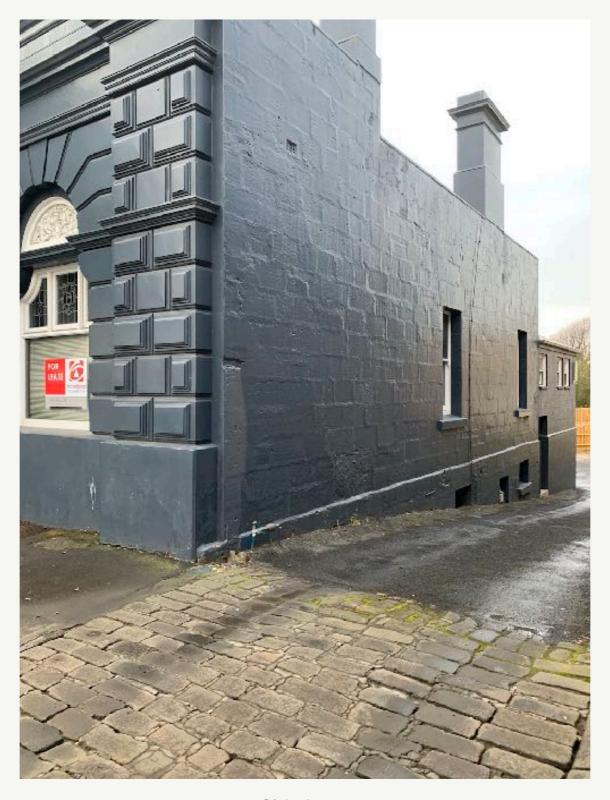
Warrnambool City Council Agenda for Scheduled Council Meeting 7 June 2021 Attachment 7.7.2 Page | 375

# Site photos

95 Kepler St Warrnambool
Taken by Coast to Country Building Approvals



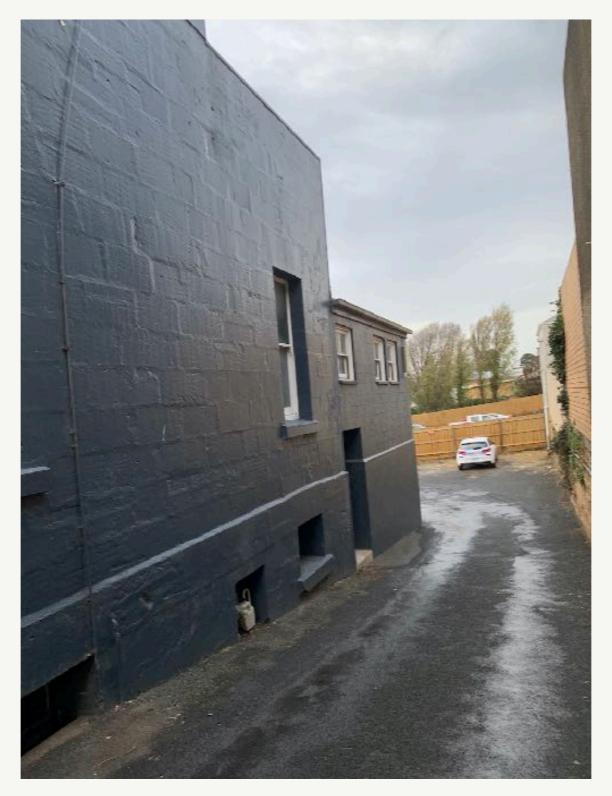
Street frontage 95 Kepler St Warrnambool



Side Lane



Street frontage



Existing laneway facade showing proposed loading/food truck area where white car is parked



Rear (West) facade and carport to be demolished



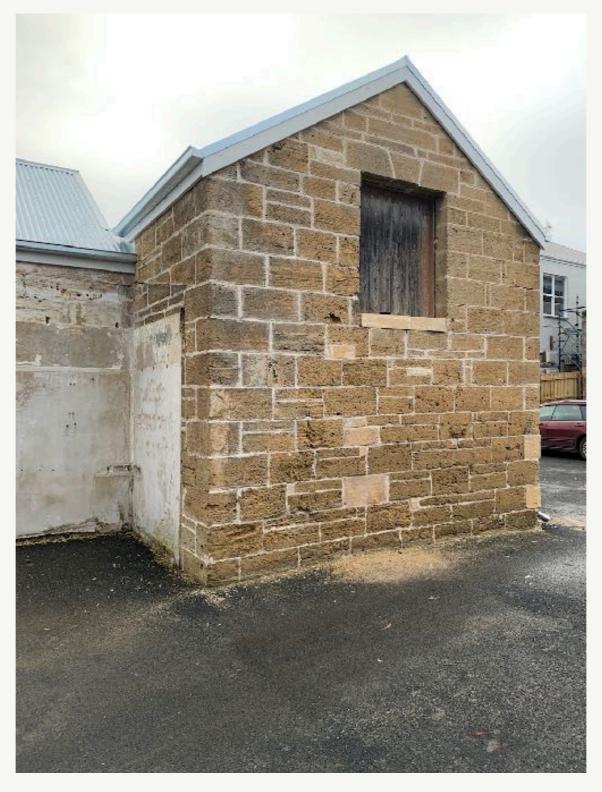
Rear (West) West facade and carport to be demolished. Facade to be repaired and painted to match other paint

Document Set ID: 11107389
Version: 1, Version Date: 18/11/2020

finishes



Existing rear facade (Four pane windows to left and centre to be replaced with doors) Facade to be repaired and Document Set ID: 11107389
Version: 1, Version Date: 18/11/2020
painted to match front of building



Existing recently repaired rear shed (to be fitted out with amenities and storage). Gate to be erected on left corner Document Set ID: 11107389 to prevent access to 91-91 Kepler Street.



Existing front entrance - all detailing to be maintained, including tessellated tiles. Timber partition wall behind (with Document Set ID: 11107389 Version: 1, Version Date: 18/11/2020 Date: 18/11/2020 Date: 18/11/2020



Existing front entrance steps to be maintained (ramp available inside door)



Existing entrance portico first floor showing storage area of lamp. Arched door to be retained



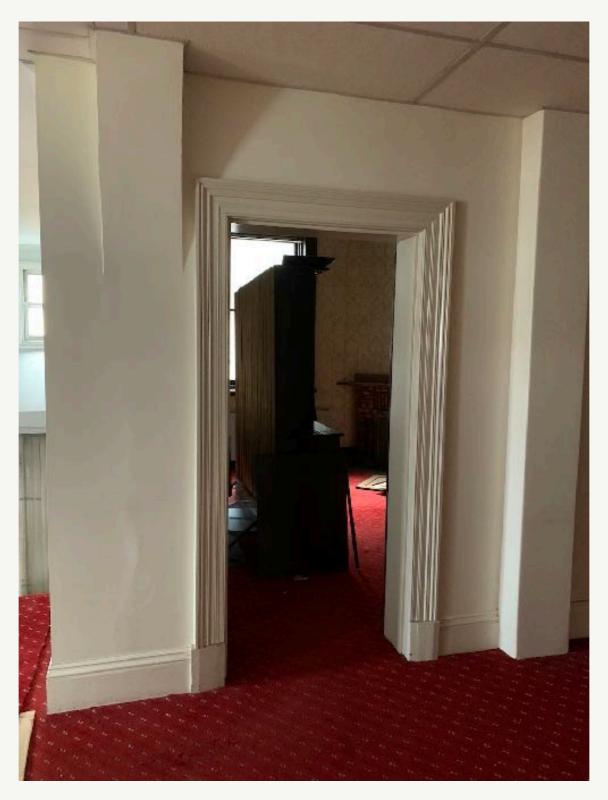
Existing first floor - infill ceiling to be removed and original ceiling heights restored, re-finish floor and fit out for Document Set ID: 11107389 Seating area



Existing front window to be retained and restored



Rear of first floor- to be fitted out for bar/amenities area (right infill wall to be removed)



Existing infill ceiling to be remove and original features restored. Looking into one of the lounge areas to the north

Document Set ID: 11107389
Version: 1, Version Date: 18/11/2020

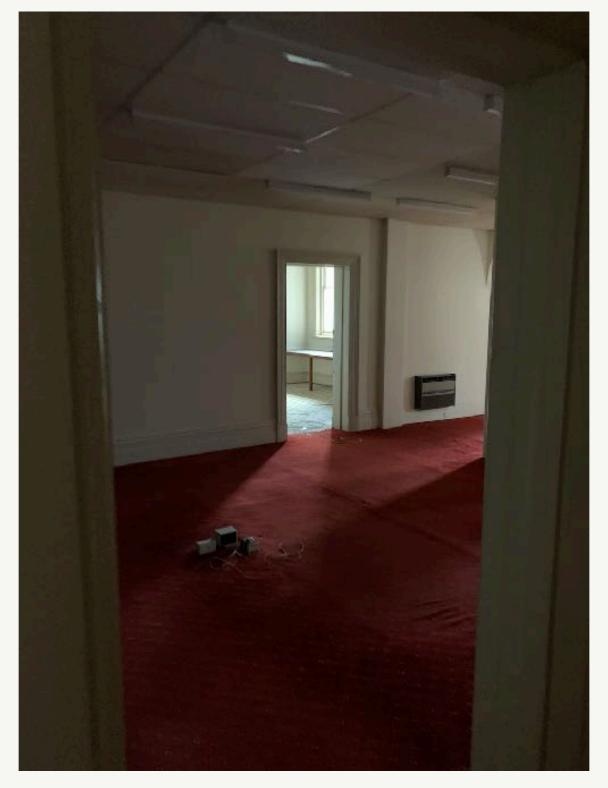
side of first floor



Existing front lounge area on first floor. Original features to be retained and fireplace restored



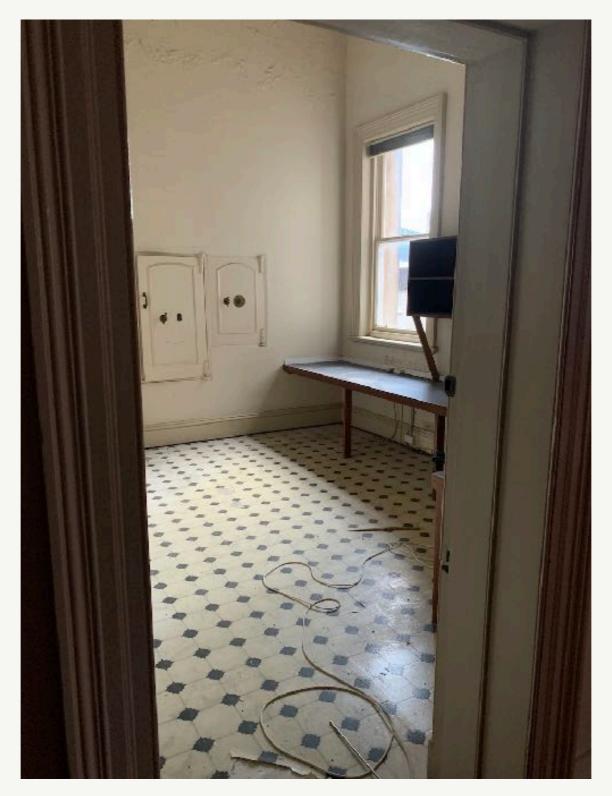
Existing doorway between lounges at first floor showing later partition wall (in white - behind) to be removed



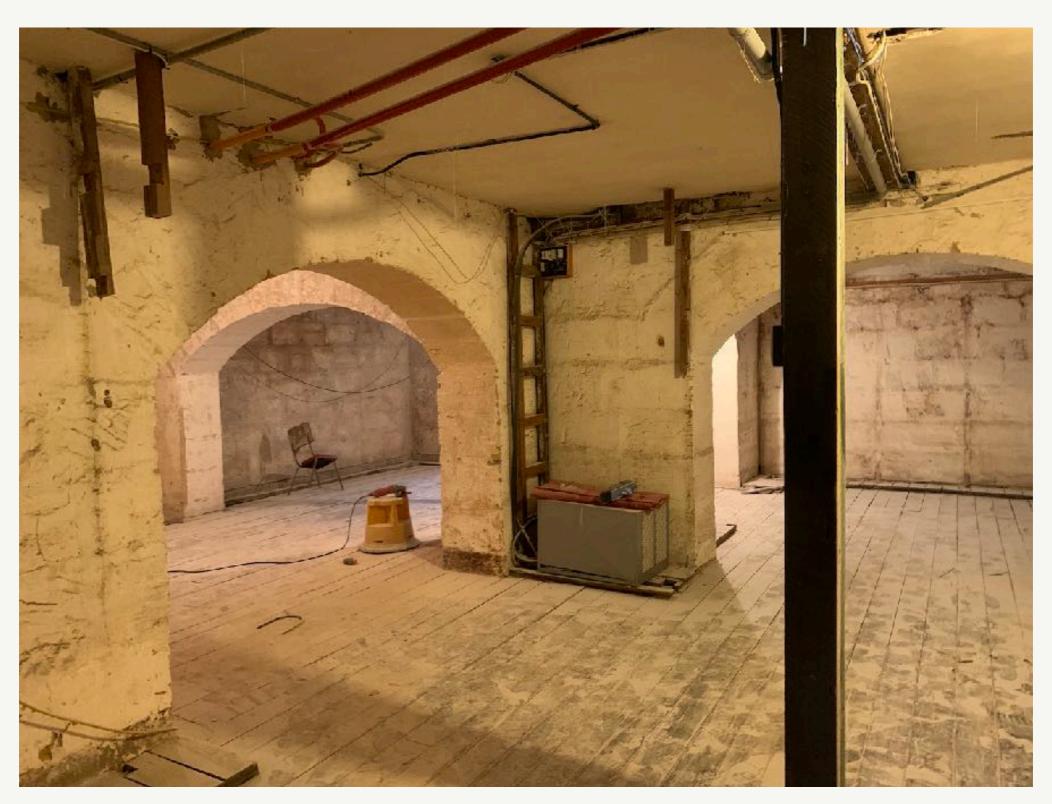
Existing first floor area - to be fitted out for tasting area with infill ceilings removed



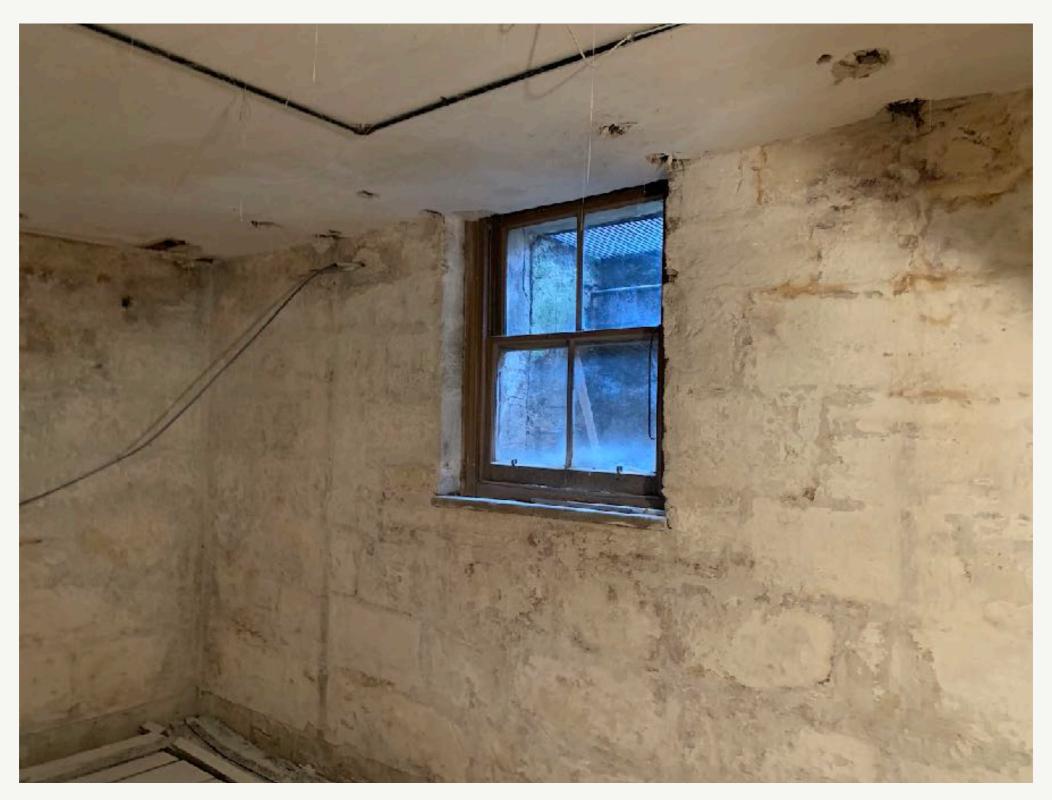
Existing lounge areas to north side of first floor



Existing first floor to be fitted out for charcuterie/fromagerie



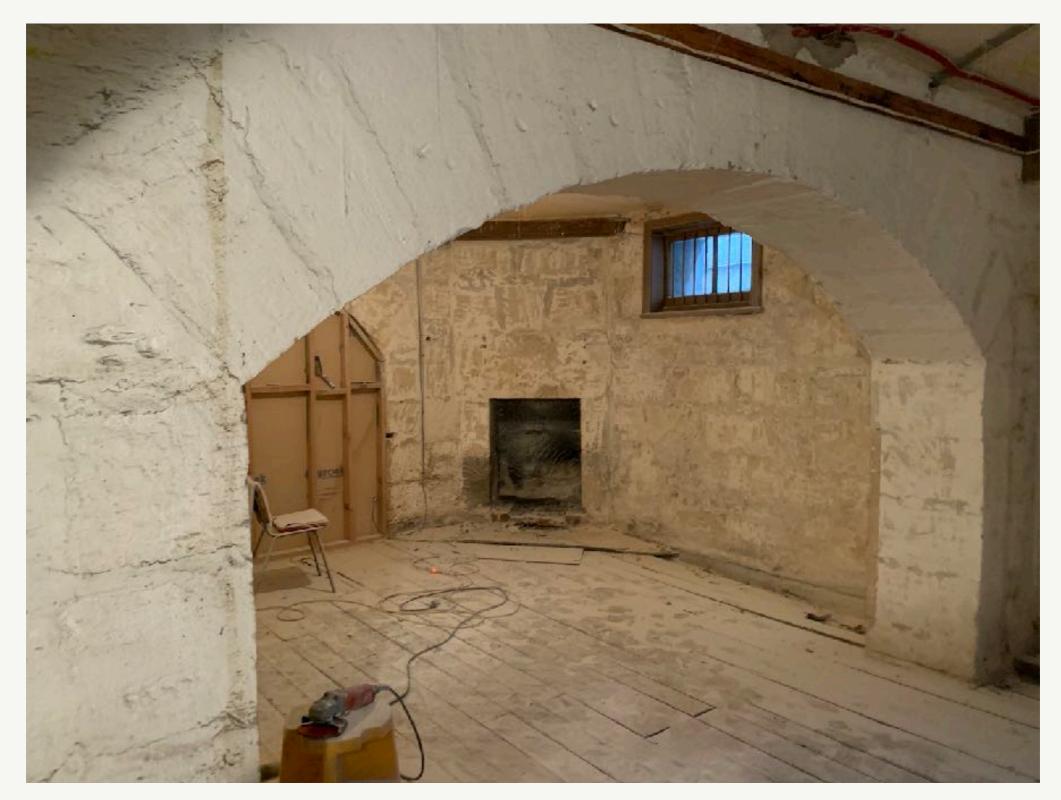
Existing basement conditions



Existing windows to basement floor level (under grills in Kepler Street footpath)



Existing basement conditions (proposed booth room)



Existing basement conditions (plaster infill wall to be removed to provide access to the bar)



Existing basement areas proposed sitting rooms











#### Main Building

Rear wall - pebbledash render to be repaired and painted to match existing

Doors - Paint finish timber frame or solid core doors to match existing

#### Undercover area

Brick chimney and oven - Warrnambool sandstone

Support posts – square timber posts Roof finish: Galvanised Iron Sheeting

### MATERIALS SCHEDULE

95 Kepler St Warrnambool VIC 3280



Warrnambool City Council
Agenda for Scheduled Council Meeting

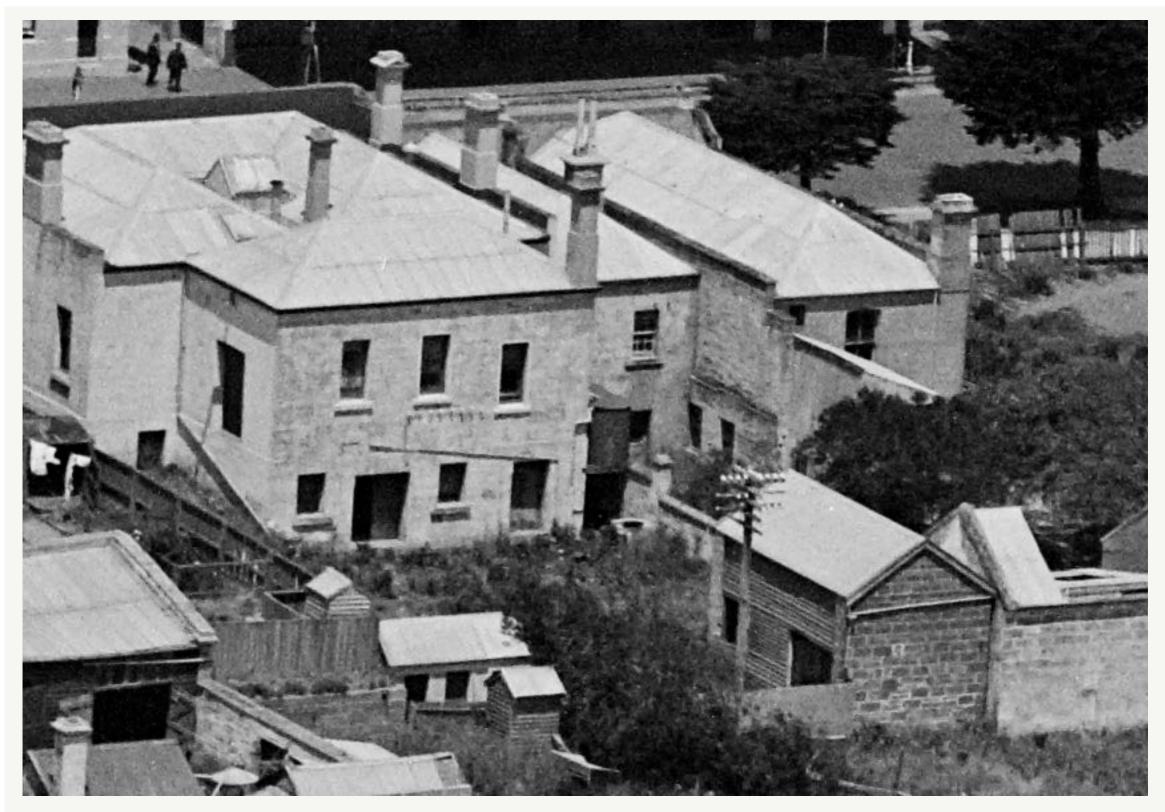
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# Historical Photographs

95 Kepler Street Warrnambool



Kepler Street Facade (John Collins Collection State Library of Victoria 1981)



Rear of building (Airspy Collection State Library of Victoria 1920s)

### FROLIC AND CO

# DRAFT PATRON MANAGEMENT PLAN

Prepared March 2021

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A copy of the Patron Management Plan (PMP) will be kept at the premises and made available for inspection immediately upon request by Council Officers, Police Officers and Inspectors of VCGLR.

#### **RELEVANT ATTACHMENTS**

The Licensee must comply with the provisions of

- Liquor Licence;
- Floor Plan of Licensed Premises as attached to the liquor licence
- Intoxication Guidelines issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR);
- The Frolic and Co Employee Induction on RSA Guidelines and Prevention of Intoxication;
- The Responsible Liquor Advertising and Promotions Guidelines promulgated by the Victorian Commission for Gambling and Liquor Regulation (VCGLR); and
- The Patron Management Plan.

In the event of an inconsistency between the PMP and the documents referred to above, the documents take precedence as listed above in descending order.

#### PERMITTED HOURS OF TRADE

The Proposed Liquor Licence authorises trade:

Day	Start Time	End Time
Monday	7:00am	1:00am
Tuesday	7:00am	1:00am
Wednesday	7:00am	1:00am
Thursday	7:00am	1:00am
Friday	7:00am	1:00am
Saturday	7:00am	1:00am
Sunday	7:00am	1:00pm

Good Friday/ANZAC Day: 12pm to 1am

Amended hours of trade for outdoor areas (March 2021)

- Amended hours for the service of liquor <u>outdoor</u>s to 7am -11pm.
- This includes closing the outdoor bar at 11pm, not providing any background music outdoors
  after 11pm and restricting the use of the outdoor area (undercover area) as a smoking area
  between 11pm and 1am.

#### CAPACITY

• The capacity the licensed premises is 362 patrons or the number as authorised on the 'Certificate of Public Accommodation'.

#### **KEEPING LICENSED PREMISES SAFE**

- The Licensee must keep the licensed area safe and properly secured at all times.
- The Licensee must through the implementation of the PMP and generally, implement
  measures to ensure that at all times patrons within the licensed premises do not
  create any disturbance or nuisance and do not act in a disorderly manner and to
  ensure the responsible service of alcohol.
- The Licensee is responsible for monitoring patron behaviour and the responsible service of alcohol.
- The Licensee will identify which parts of the licensed premises are in operation from time to time that need to be the subject of close management including the application of the POM to better ensure the responsible service of alcohol and that responsible service practices are being applied

#### BEHAVIOUR OF PATRONS AND RESPONSIBLE SERVICE OF ALCOHOL

- The licensee supports the object of harm minimisation, that is, the minimisation of harm associated with the misuse and abuse of liquor (such as harm arising from violence and other anti-social behaviour).
- The General Licence must be exercised at all times in accordance with the provisions of the Liquor Control Reform Act 1988.
- The following operational policies for the responsible service of alcohol apply:
  - All staff involved in the sale and supply of liquor shall have completed an approved course in the Responsible Service of Alcohol, VIC.
  - The Licensee will maintain a register containing copies of the certificates showing the satisfactory completions of Responsible Service of Alcohol course undertaken by the Licensee and all staff required to complete that course. That register must be made available for inspection on request by a Police officer or VCGLR Inspector.
  - No person under the age of 18 years will be permitted to be sold or suppled liquor. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification are:
    - Photo driver's licence;
    - Keypass photo ID card; or
    - Current passport.
- We will remind our staff of their obligations under the law and under the requirements of our policy in regular discussions between managers and staff.
- We will not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- Any person who is intoxicated shall not be served alcohol as per the VCGLR, Intoxication Guidelines.
- Any person who is intoxicated will be denied entry to the licensed premises.
- The Licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons on the licensed premises.
- Any person causing such a disturbance shall be refused service and asked to leave the licensed premises.
- It is our intention by implementing these strategies to ensure that no harm flows to members of the public from the service of alcohol by our staff. To do this, we will:

- Continually apply our PMP on harm minimisation and responsible service of alcohol.
- Continually update our PMP on harm minimisation and responsible service of alcohol
- Provide low alcohol beverages and non-alcoholic beverages (including water) when full strength liquor is available.
- Food of a nature and quantity consistent with the responsible service of alcohol will be available at the licensed premises at any such time that the General Licence is being exercised.

#### AMENITY OF NEIGHBOURHOOD

- The Licensee will consider the amenity of the licensed premises' neighbourhood and will implement all reasonable steps to ensure that its operation does not impact adversely on the local community.
- The business will be conducted in such a manner so as not to interfere with, or
  materially affect, the amenity of the neighbourhood by reason of noise, vibration,
  smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or
  otherwise.
- The Licensee will ensure that the entry points to and the curtilage of the licensed premises are kept clean and tidy during trading hours.
- The Management will ensure that the manner in which the licensed premises is conducted and/or the behaviour of persons entering and leaving the licensed premises does not cause undue disturbance to the amenity of the neighbourhood.

#### **SIGNAGE**

- Signage will be erected at the entrance to and throughout the licensed premises so as to ensure compliance with the Liquor Regulations:
  - https://www.vcglr.vic.gov.au/print-my-liquor-signage
- · Signage to be displayed:
  - o Drunk and Disorderly VCGLR0022018V1
  - Under 18 No Entry VCGLR0032018V1
  - o Under 18 No Supply VCGLR0042018V1

#### **EMERGENCY PROCEDURE**

- Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
- All managers and other staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises.

#### **COMPLAINT HANDLING**

- Persons wishing to make a complaint about liquor related matters concerning the licensed premises should contact the manager on duty.
- Calls to this number are to be answered at all times when the premises are trading and for at least 20 minutes after closing time.
- Any staff member answering such a call must do so in a polite, sympathetic and courteous manner.
- Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the call to let the complainant

know what has been done to address the concerns/complaints expressed.

#### **STAFF TRAINING**

All staff responsible for the service of alcohol are required to complete RSA training.
 In addition, staff will be trained and familiarised with the Patron Management Plan as well as inducted on our RSA Guidelines and Prevention of Intoxication.

#### **AMENDMENTS TO THIS PLAN**

If, in circumstances where experience shows that it is reasonable or desirable to
modify any provision of the Patron Management Plan for the better management of
the Premises, the PMP may be updated and a copy of the amended Patron
Management Plan provided to the Responsible Authority and Victoria Police, as
necessary.



### FROLIC AND CO

## EMPLOYEE INDUCTION HANDBOOK

Responsible service of alcohol Guidelines and Prevention of Intoxication Strategies

#### PART 1: RESPONSIBLE SERVICE OF ALCOHOL

#### WHY RSA IS IMPORTANT?

- As a venue with a liquor licence, we have a moral and legal duty of care to our members and guests to ensure that can enjoy themselves in a safe environment.
- Under the Liquor Control Reform Act 1998 (the Act), we have responsibilities which
  we must meet to achieve this as well as contribute to minimising the risk of alcoholrelated harm.
- The RSA training program aims to assist organisations to develop policies and procedures for the service of alcohol. The RSA program also provides organisations with the knowledge and awareness to responsibly serve alcohol in licensed premises.
- Frolic and Co. strives to avoid problems caused by intoxicated members and guests.
- It is in everyone's interest to minimise problem drinking to ensure that:
  - o The overall atmosphere is pleasant
  - Frolic and Co enjoys a good reputation with the neighbourhood and community
  - o there is no damage to the premises
  - o potential legal problems are avoided
  - o police attendance is not required.

#### **RSA TRAINING REQUIREMENTS**

- RSA training is an important component of our risk management strategy to minimise alcohol-related harm.
- To update your RSA training knowledge, complete the RSA online refresher course available at <a href="https://www.vcglr.vic.gov.au.">www.vcglr.vic.gov.au.</a>.

#### PART 2: SERVING ALCOHOL RESPONSIBLY

#### **LEGAL AND MORAL OBLIGATIONS**

- Licensed venues need to be aware of offences related to the service of alcohol.
- The Act states it is an offence for a licensee or permittee to:
  - o supply liquor to a person in a state of intoxication, or
  - o permit drunken or disorderly persons to be on the licensed premises,
- A definition of intoxication is contained in the Liquor Control Reform Act 1998.
   Section 3AB (1) states:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

- The licensee and staff have a moral obligation to ensure a safe environment for its patrons at all times.
- It is also against the law to serve alcohol to a person who is intoxicated and to allow a drunken or disorderly person to be on the premises.
- If you have reasonable grounds to believe that someone is intoxicated, then you must refuse service to that person.
- If you have reasonable grounds to believe that someone is drunk or disorderly, then
  you must not allow them to be on the premises.
- Frolic and Co will ensure that members and guests are aware of their legal and social obligations.
- A patron must not:
  - o obtain liquor for a person in a state of intoxication or
  - o aid or assist a person in a state of intoxication to obtain liquor.
- A patron who is drunk, violent or quarrelsome must not refuse to leave the premises when asked to do so by:
  - o the licensee or permittee
  - o an employee or agent of the licensee or permittee, or
  - o a member of the Victoria Police
- Despite all attempts for licensees to comply with the law, incidents may occur at the premises.
- When such incidents happen, you must record them in an incident register. An
  incident register can be as simple as an exercise book.
- Examples of some incidents are:
  - o a drunk or disorderly patron on the premises refuses to leave
  - o entry is refused to a drunken or disorderly person
  - o a patron assaults another person within the premises or
  - a patron creates a nuisance when leaving the premises, thus creating a disturbance for neighbours.
- The incident register must include as many of the below details as it is possible to

#### gather;

- o incident date, time and location
- o name of the patron/s
- o details of witnesses
- incident details
- o description of offenders.

#### PROMOTING GOOD BEHAVIOUR

- Drinking behaviour depends on three different factors:
  - o The drink the amount and strength of alcohol.
  - The drinker the characteristics of the person drinking the alcohol and his or her state of mind and personal circumstances.
  - The environment the atmosphere and prevailing rules of the premises where the drinking is taking place.
- Frolic and Co employees serving alcohol are in a position to control or influence at least two of the three factors above: the amount and type of drink served and the environment.
- Some important preventative factors include:
  - o keeping the amenities and facilities at high levels of cleanliness and repair
  - o regularly removing glasses, containers and litter
  - providing adequate numbers of security staff or crowd controllers at special events, particularly where you believe there is a risk of intoxication or underage drinking
  - o ensuring toilet facilities are clean and adequate
  - o Use of CCTV to monitor behaviour across the venue
  - o ready availability of food and non-alcoholic drinks
  - adequate seating arrangements
  - o good communication between staff and patrons

#### **CONSEQUENCES OF NON-COMPLIANCE**

- When a liquor licence is granted to a venue, it agrees to obey the laws set out in the Liquor Control Reform Act 1998.
- Every licensed venue has a duty to serve alcohol within these legal requirements.
- Serving practices that result in drunkenness and alcohol abuse on licensed premises can result in action being taken against the it.
- The VCGLR or Victoria Police may take action seeking to vary, suspend or cancel the liquor licence.
- The VCGLR has published guidelines for responsible liquor advertising and promotions to assist licensees and promoters identify the standards and conduct expected of them when advertising or running liquor-related promotions.
- The guidelines are available on the VCGLR website at <u>www.vcglr.vic.gov.au.</u>
- The following table outlines the penalties for intoxication/drunk offences.
- [See: www.vcglr.vic.gov.au.and refer to the Breaches under the Liquor Control

Reform Act 1998 fact sheet for a completed and up-to-date list of penalties.]

Compliance history trigger offences  These offences are infringements considered when calculating the annual licence renewal fee.	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$19,343	\$1943
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$19,343	\$1934
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(a)	\$19,343	\$1934
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(b)	\$19,343	\$1934
Liquor is supplied to a person under 18 on licensed premises, other than as permitted	119(2)	\$19,343	\$1934
Permit a person under 18 on licensed premises, other than as permitted	120(1)	\$19,343	\$1934

#### **FACTS ABOUT ALCOHOL**

- Alcohol is a drug that depresses the central nervous system. It slows down the part of
  the brain that controls behaviour. While people become more outgoing after a few
  drinks, it is the loss of control over their behaviour that becomes a concern.
- The RSA training program provides information and facts on alcohol content and different effects regarding absorption of alcohol.
- As a licensed venue we need to understand the alcohol content in the drinks that are served on the premises and to have some understanding of the different effects.
- The following information provides a brief outline of alcohol content in drinks that may be served under a general liquor licence:
- A standard drink is typically defined as a drink that contains approximately 10 grams of pure alcohol.
- 10 grams of alcohol is normally contained in:
  - o 30mls of spirits
  - o 60mls of port
  - 100mls of red or white wine
  - 100mls of sparkling wine
  - o 285mls (a pot) of full-strength beer
- · A standard drink and a standard size glass are not the same thing.
- For example, wine served in a 200ml glass is equivalent to two standard drinks.
- Intoxication begins when the first drink of alcohol is consumed.
- When alcohol builds up in a person's bloodstream, it can significantly affect their understanding of events and their outward behaviour.
- The body quickly absorbs alcohol; however, the exact time that the body will take to absorb alcohol will vary from one person to another.
- The best way for people to avoid drunkenness is for drinkers to 'pace' themselves that is, drink at a rate no faster than it takes for the body to break down the alcohol.

#### PART 3: MANAGING INTOXICATED PATRONS

#### RECOGNISING SIGNS OF INTOXICATION

- The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is required to issue guidelines containing information which assists in determining if a person is in a state of intoxication.
- The VCGLR consulted with Victoria Police and industry bodies including the Australian Hotels Association and Community Organisations Victoria to ensure that guidelines are useful to licensees and easy to understand.
- The Intoxication Guidelines can be viewed in full at www.vcglr.vic.gov.au.
- You can also access additional information on identifying intoxicated patrons, what to
  do if someone is intoxicated and ways of helping reduce the risk of intoxication.
- For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, coordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.
- There are many noticeable signs that a person may display as they become intoxicated.

#### HOW CAN YOU DECIDE IF A PERSON IS IN A STATE OF INTOXICATION?

- You should consider whether the person is displaying one or more of the signs of intoxication which may include:
  - becoming loud, boisterous
  - o becoming argumentative
  - o annoying other patrons and staff
  - using offensive language
  - o spilling drinks
  - o fumbling and difficulty in picking up objects
  - swaying
  - o difficulty walking straight
  - o bumping into furniture or customers
  - rambling conversation
  - loss of train of thought
  - difficulty in paying attention
  - o not hearing or understanding what is being said
  - o drowsiness or dozing while sitting at a bar or table
- The above list is not exhaustive and is not necessarily conclusive of intoxication.
- Interaction with the person and their friends will help you determine whether someone is intoxicated and their level of intoxication.
- Becoming familiar with members and guests who frequent the premises will assist you to recognise when someone is intoxicated.
- However, there are strategies you can use to help recognise signs of intoxication even when the person is unfamiliar to you.

- Some strategies are provided below, but it is a good idea to discuss other ways to recognise and prevent intoxication.
  - o Talk with the person, ask them questions such as:
    - How much alcohol have you consumed?
    - When did you last eat and how much?
    - Do you consider yourself intoxicated?
  - Make further observations:
    - Does the person smell of alcohol?
    - When did the person enter the premises?
    - What type of alcohol has been consumed?
    - How much alcohol have you witnessed the person drink?
- If it is difficult getting a reasonable response from the person, talk to the people he or she is drinking with and ask similar questions.
- If the person has a medical condition or disability, it is likely that his or her friends will be able to tell you.
- Be sensitive to a person's right to privacy.
- Sometimes physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication.
- You should consider the possibility of the existence of any conditions prior to refusing service on the basis that a person is intoxicated.
- Prior to refusing service on the basis that a person is intoxicated, you must be able to rule out various medical conditions and disabilities that cause symptoms similar to intoxication.
- For example:
  - possible illness
  - o injury, or
  - o medical conditions, such as:
  - o brain trauma
  - hypoglycemia or
  - o pneumonia.

#### **REASONABLE GROUNDS FOR BELIEF**

- Remember that it is an offence to:
  - supply liquor to an intoxicated person or
  - o allow a drunken person on the premises.
- The law requires that you must have 'reasonable grounds' for the belief that the person is intoxicated as a result of alcohol consumption.
- 'Reasonable grounds' for belief is what a reasonable person would believe in the given situation, taking into account the relevant knowledge, facts you have and the circumstances you are in.
- A belief can be formed on the basis of observing the physical signs and symptoms, talking to the person and their friends, and then considering whether such symptoms

- could be the result of alcohol consumption or another condition.
- In Victoria, it is unlawful to treat someone unfairly or discriminate against them on the grounds of their actual or assumed disability.
- It is alright if you refuse service to a person on the basis of the belief they are intoxicated, even if you are wrong.
- Note: A person has the right to take the matter to the Equal Opportunity and Human Rights Commission if they feel they have been subjected to discrimination.
- You can use the following suggestions to refuse service to a member or guest:
- Use tact politely inform the person you will not serve them any more alcohol.
- Don't speak to the person in front of others.
- Repeat firmly that by law they cannot be served another drink.
- · Offer a non-alcoholic drink or food.
- · Notify the manager on duty or security.
- Also notify other relevant staff that you have refused service to the person.
- If considered necessary, the manager on duty may impose a short-term ban.

#### STRATEGIES TO PREVENT INTOXICATION

- It is the premises's responsibility to prevent members and guests from becoming intoxicated.
- All persons serving alcohol at Frolic and Co, need to ensure:
  - o they recognise the signs of intoxication
  - o they are not serving anyone who is intoxicated, and
  - o patrons do not become intoxicated.
- The Frolic and Co management can create a low risk, healthy culture and environment by implementing strategies and policies to prevent intoxication and underage drinking.
- Some ways organisations can work to prevent problems with intoxicated/underage patrons are:
  - o avoiding inappropriate promotion of events involving alcohol
  - o adopting a policy on serving strategies and the refusal of service
  - o having a plan to prevent intoxication
  - training staff regularly
  - providing safe transport alternatives, and
  - having a plan to prevent underage drinking.
- Venue management should ensure that people serving alcohol use the following methods to help prevent intoxication:
  - o Actively promote a healthy lifestyle for all Lounge members.
  - Actively promote low alcoholic drinks, non-alcoholic drinks and food accompaniments.
  - o Use standard drink measures when serving non pre-packaged alcohol.
  - Slow service down.

- o Point to the relevant sign outlining the licensees responsibilities.
- o Alert other staff to a person showing signs of intoxication.
- o Serve water with alcoholic drinks and keep water available.
- o Ensure only RSA trained staff serve alcohol.
- All employees are required to:
  - encourage moderation
  - o not serve intoxicated or underage people
  - o minimise drink driving.

#### **RECORDING OF INCIDENTS**

- All incidents need to be recorded in the Incident Report book.
- Details to include are:
  - o the date and time
  - o what happened
  - o who was involved
  - o the names of any witness(es) and their contact information
  - o how it was dealt with
  - o whether the police were called.

#### SAFE TRANSPORT STRATEGY

- Caution should be exercised so that you are aware if patrons are planning to drive.
- Nobody wants to see a patron become a road statistic.
- A safe transport strategy may help prevent this and may include the following:
  - o offering to call a friend or family member.
  - o offering to call a taxi/rideshare service.
  - o providing a telephone along with the telephone numbers of taxi companies.

#### **PART 4: SUMMARY**

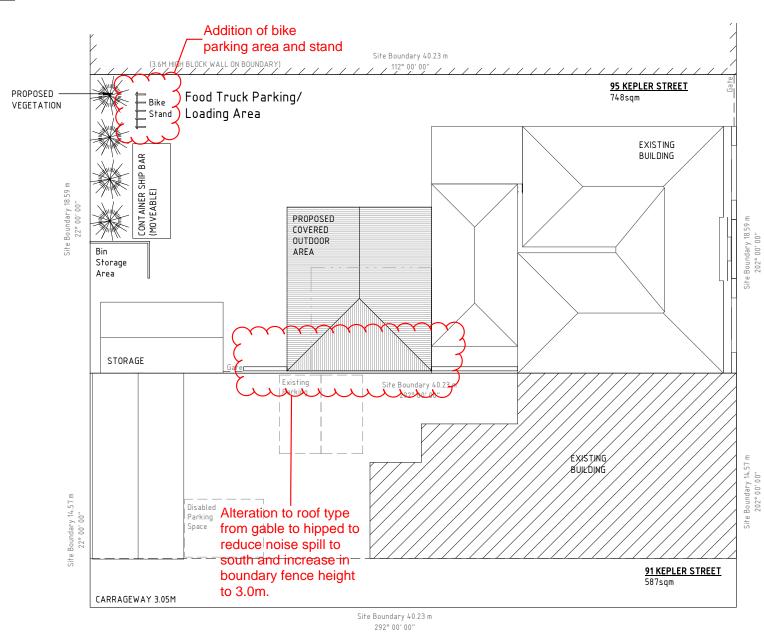
#### **GOLDEN RULES OF RSA**

- It is against the law to serve alcohol to an intoxicated person.
- Serving alcohol to an intoxicated person also places the person at risk.
- They may harm themselves in the premises or be at risk of harm on the way home.
- There are four things to remember when responsibly serving alcohol:
  - o Do not serve anyone who is underage.
  - o Recognise intoxication and try not to serve anyone to the point of intoxication.
  - o Do not serve anyone who is already intoxicated.
  - Discourage intoxicated people from taking part in activities that may cause harm to themselves and others.

#### **RESOURCES**

- The following resources are available at www.vcglr.vic.gov.au.
  - RSA training frequently asked questions
  - o Responsible serving of alcohol at functions
  - o Breaches under the Liquor Control Reform Act 1998 fact sheet

7 June 2021 Page | 421 Warrnambool City Council Agenda for Scheduled Council Meeting Attachment 7.7.2



- REFER TO GENERAL NOTES FOR ADDITIONAL DETAILS (SHT N1 & N2)

-PROVIDE SUB FLOOR TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1 - 2014
- BUSHFIRE ASSESSMENT LEVEL: BAL \_\_\_\_\_ (REFER TO SHEET) N3 FOR CONSTRUCTION REQUIREMENTS)

-ALL BRACING TO BE INSTALLED TO AS 1684.2 (REFER TO BRACING PLAN)

-SOIL CLASSIFICATION AS CLASS 'A'
-REFER TO ENGINEERS SOIL TEST FOR FOOTING & FOUNDING

PM DESIGN GROUP: JOB No. W.DES
-WIND CLASSIFICATION: N2



AREA ANALYSIS				
Name	Агеа	SQ'S		
Ground Floor	241.92 m <sup>2</sup>	26.03		
Basement Floor	236.66 m <sup>2</sup>	25.46		
Covered Outdoor Area	100 08 m <sup>2</sup>	10 77		

SITE IMAGE

PRELIMINARY ONLY

NATHAN DIVALL JUNE 2020 REVISION: E (FEB. 2021)

20-075

McILROY/ATKINS

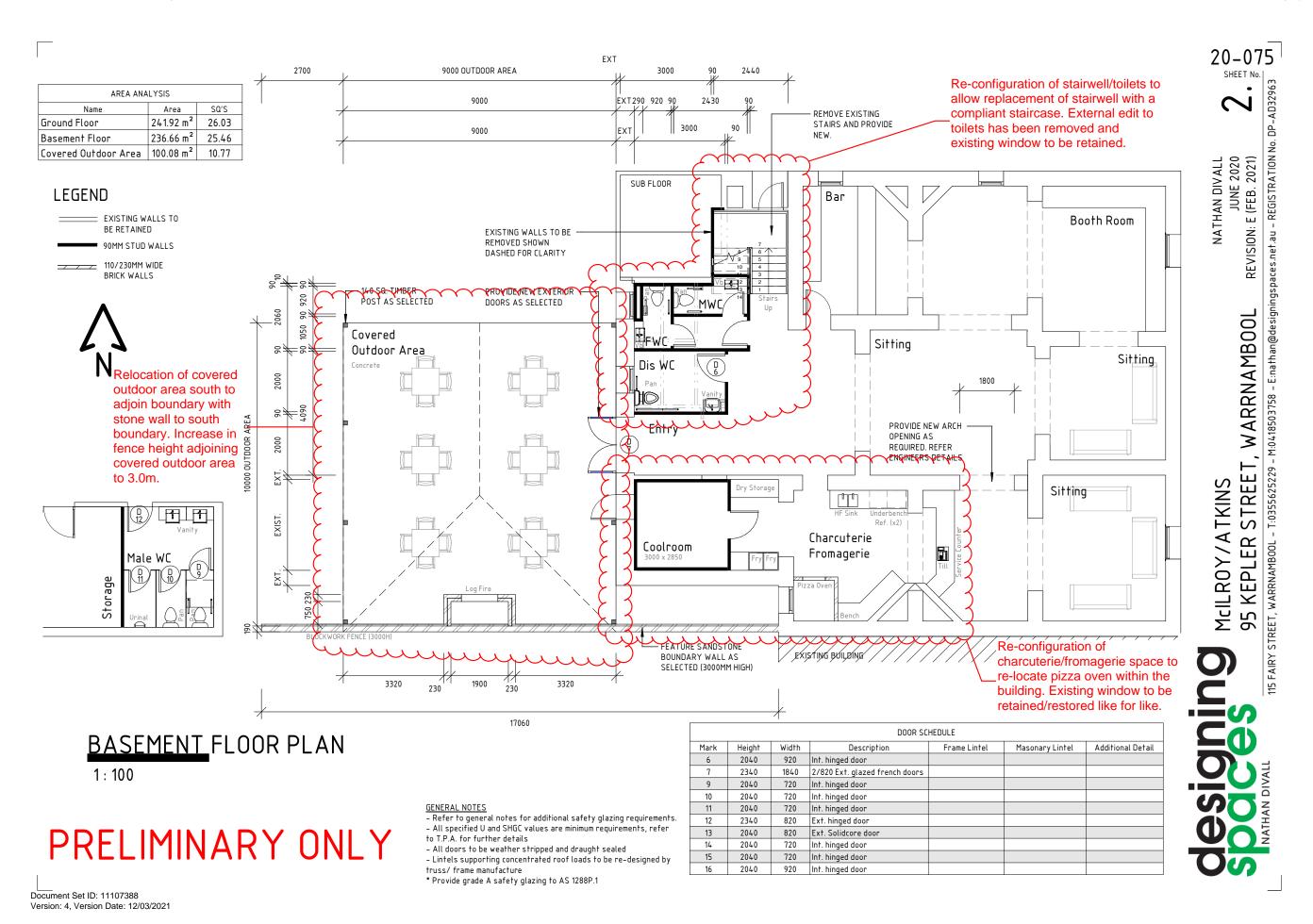
115 FAIRY STREET, WARRNAMBOOL - T:0355625229 - M:0418503758 - E:nathan@designingspaces.net.au - REGISTRATION No 95 KEPLER STREET, WARRNAMBOOL

Document Set ID: 11107388 Version: 4, Version Date: 12/03/2021

SITE PLAN

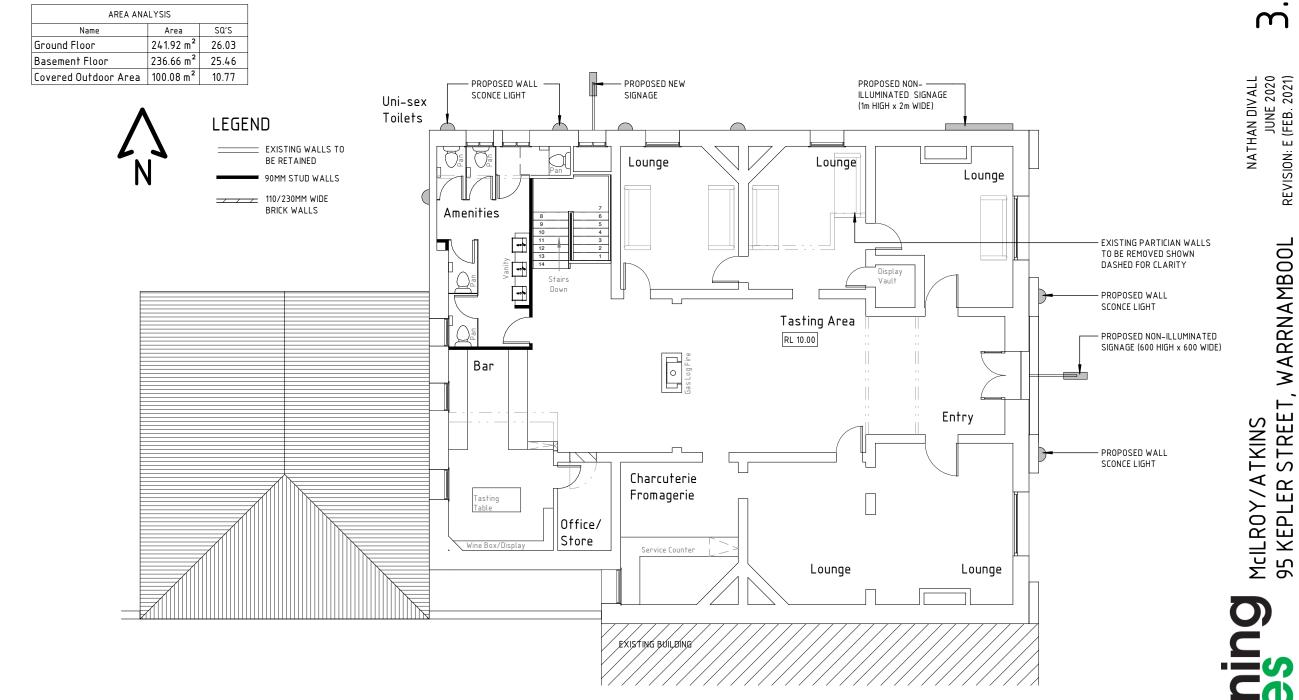
1:200

Warrnambool City Council Agenda for Scheduled Council Meeting 7 June 2021 Page | 422



20-075 SHEET No.

115 FAIRY STREET, WARRNAMBOOL - T.0355625229 - M.0418503758 - E.nathan@designingspaces.net.au - REGISTRATION No. DP-AD32963

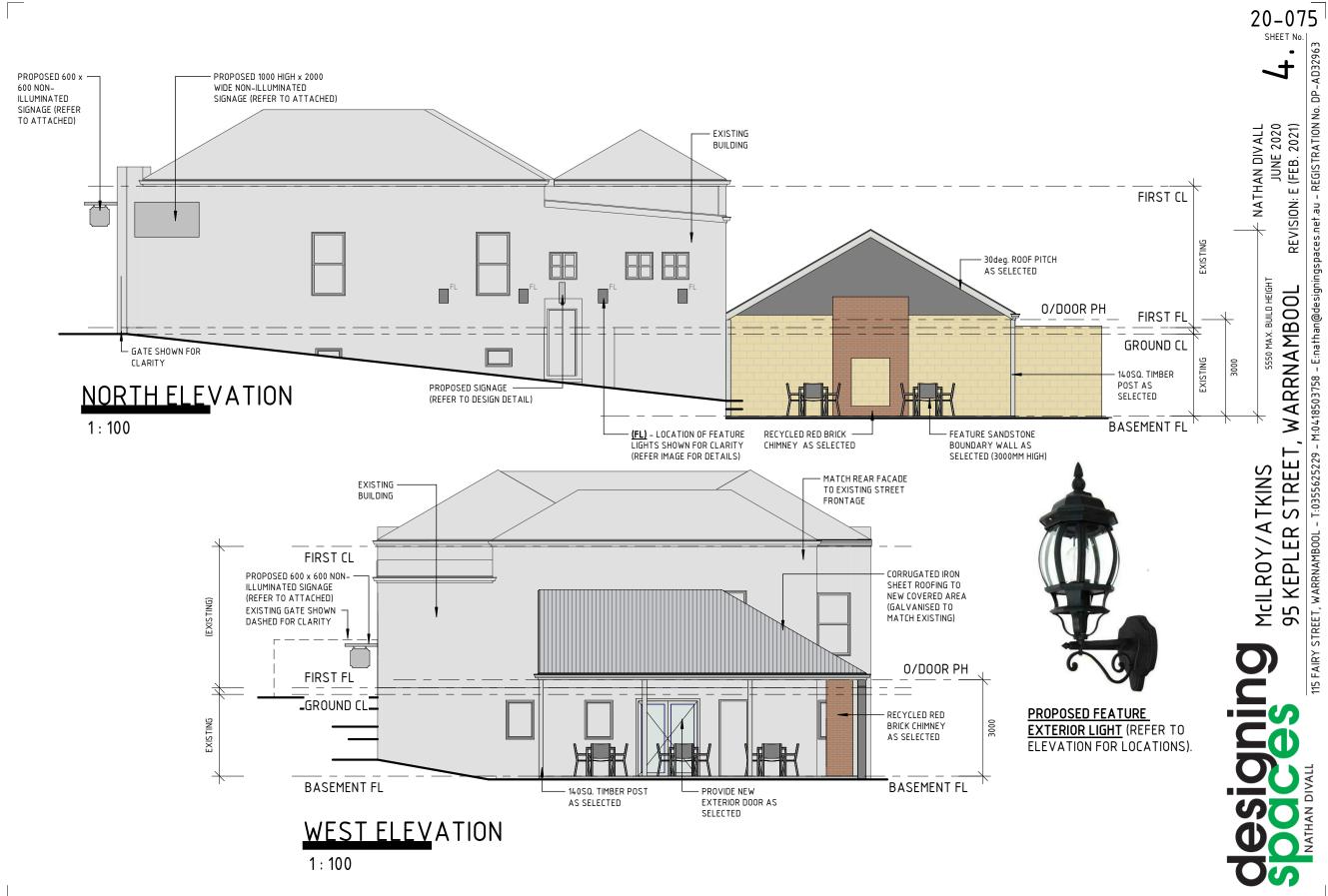


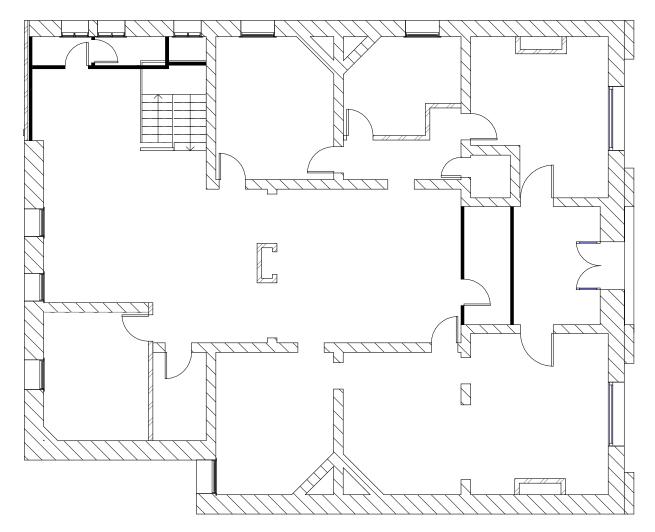
GROUND FLOOR PLAN

1:100

Warrnambool City Council
Agenda for Scheduled Council Meeting

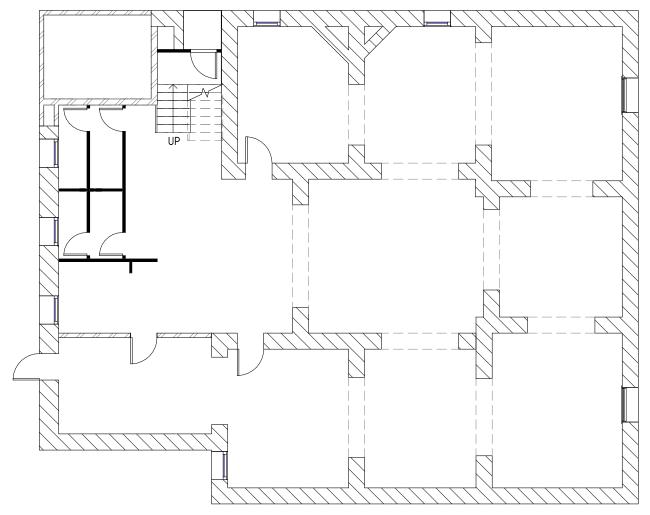
Attachment 7.7.2





EXIST. CONDITIONS – GROUND

1:100



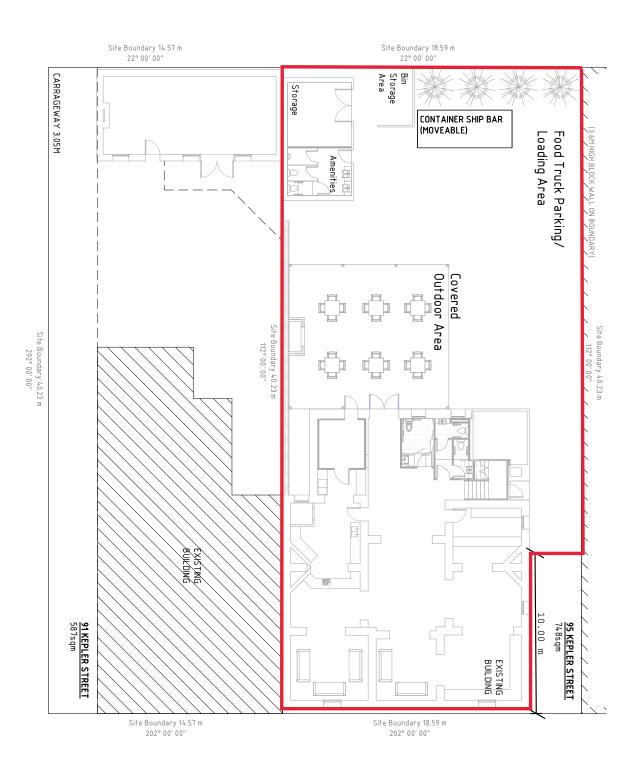
EXIST. CONDITIONS - BASEMENT

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Document Set ID: 11107388 Version: 4, Version Date: 12/03/2021



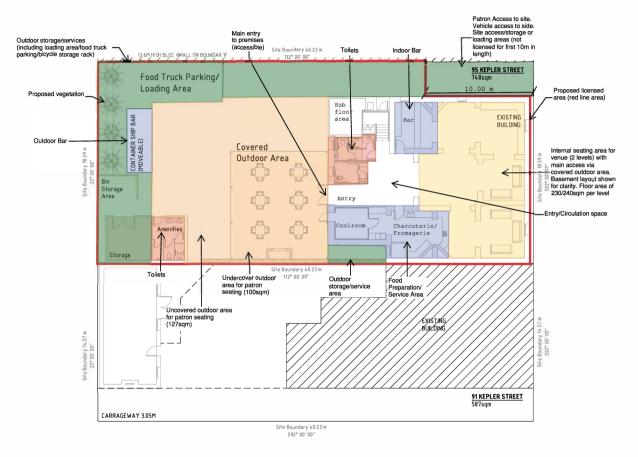
NATHAN DIVALL JUNE 2020



Version: 4, Version Date: 12/03/2021

20-075

NATHAN DIVALL JUNE 2020 REVISION: E (FEB. 2021)





27 March 2021

James Phillips
Coordinator City Development
Warmambool City Council
PO Box 198
WARRNAMBOOL VIC 3280

By email: planning@warrnambool.vic.gov.au

Dear James

#### Planning Permit No. PP2020-0264, 95 Kepler Street, Warrnambool

I write to you concerning the above application, which was recently advertised.

I am the owner of 53 Kepler Street, Warrnambool.

I am concerned tthe proposed use and development for a licensed premises and associated car parking waiver would cause material detriment to my household and property.

I am concerned about the potential large number of patrons, loud music disturbance, impacts arising from traffic and potential increase in anti-social behaviour along Kepler Street.

In its current form, the application does not give us confidence that the premises can be run without detrimental impacts to the surrounding area.

Sincerely,

Erica Baker Baler

Document Set ID: 11246184 Version: 1, Version Date: 04/05/2021 27 March 2021

James Phillips
Coordinator City Development
Warrnambool City Council
PO Box 198
WARRNAMBOOL VIC 3280

By email: planning@warrnambool.vic.gov.au

Dear James

#### Planning Permit No. PP2020-0264, 95 Kepler Street, Warrnambool

I write to you concerning the above application, which was recently advertised.

We are the owners of 63 Kepler Street, Warrnambool.

We are concerned that the proposed use and development for a licensed premises and associated car parking waiver would cause material detriment to our property which operates as bed and breakfast accommodation.

We are concerned about the proposed number of patrons, potential loud music noise disturbance for our guests from outdoor entertainment at the licensed premises, vehicle traffic impact and potential increase in anti-social behaviour along Kepler Street.

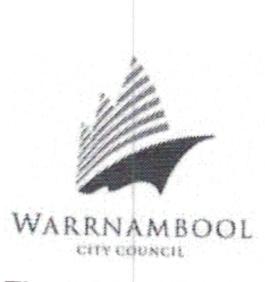
In its current form, the application does not give us confidence that the premises can be run without detrimental impacts to the surrounding area.

Sincerely,

Matthew Collins

Stephen Collins

Document Set ID: 11246184 Version: 1, Version Date: 04/05/2021



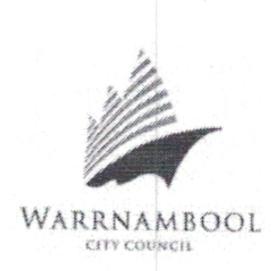
# Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?
Who is objecting?
I/We (Names in Block Letters)
Name(s) ADAM Surname MICCS
Name(s)VIIVCOSTT
3 1200
WARRNAMBOUL Post Code 3280
Telephone (Home)
Mobile 9731 538 600 Faccimile
Email westin timbero gmail - com.
Signatures(s)
Signatures(s) Date 25-01-2021
mnortant notes about abianti

## Important notes about objections to permit applications

- 1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
- 2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
- To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice – Application for Planning Permit.
- 4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
- 5. The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
- 6. Any person may inspect an objection during office hours.
- 7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- 8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- 9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
- 10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
- 11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



# Objection to Grant Planning Permit – Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?
Planning Application Number PP 2020 - 0264.
What is the address of the land that is proposed to be used or developed?
SO KEPLER STREET
WARRNAMBOOI
What is proposed? BAR - USE OF LAND FUR SALE
AND CONSUMPTION OF HOUDR.
What are the reasons for your objection? (If there is not enough room, attach a separate page.)
NOISE.
WE RESIDE IN THE BULDING DIRECTLY
ACROSS THE ROAD FROM THIS BUILDING. WE CONTINUE
TO HAVE EXCESS NOISE POLLUTION CATE INTO
THE EVENNA WITH INTOXICATED PEOPLE FROM
ALREADY EXISTING ESTABLISHMENTS IN THE AREA;
THIS APPROVAL WOULD JUST EXCASS INCRESSE THE
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)  SUTTE DEPENDENCE AND ANNUYANGE FROM
LOVP MUSIC AND PATRONS.
***************************************
***************************************
ivic Centre 25 Liebia Street  Telephone (03) 5550 4800

25 January 2021

Lucas Reid 112-114 Fairy Street WARRNAMBOOL VIC 3280 0413974710

Mr James Phillips Coordinator City Development Warrnambool City Council PO Box 198 WARRNAMBOOL VIC 3280

By email: <a href="mailto:planning@warrnambool.vic.gov.au">planning@warrnambool.vic.gov.au</a>

Dear Mr Phillips

#### Re: Planning Permit Application No. PP2020-0264, 95 Kepler Street, Warrnambool

I seek to lodge an objection to the abovementioned planning permit application as a resident of Banyan Street and as a business owner of The Caledonian Hotel located at 112-114 Fairy Street, Warrnambool.

I am concerned that the proposed use and development, in its current form, will cause material detriment to myself. The nature of my objection relates to the evidence provided within the planning permit application, issues with orderly planning, the number of patrons sought to be allowed on the premise and broader amenity issues. These are summarised below.

#### **Planning Permit Application**

- The permit preamble and the planning permit application form fail to refer to the demolition and works on site, which require planning permission, as per the Heritage Overlay that affects the site (Clause 43.01);
- The drawings refer to a new sign that would be visible from Kepler Street however no reference to this being a specific permit trigger (52.05) nor any specific design details appear to have been included within the application; and
- A planning permit has not been sought to reduce the number of bike parking spaces on site Under Clause 52.34.

Considering the above, it appears there is insufficient evidence provided within the application to determine whether the application has considered any relevant matters contained in Clause 43.01, Clause 52.34 or Clause 52.05.

If the application intends to seek approval for the above buildings and works, it would appear that Council has not given notice of the application in the correct prescribed form as required by Section 52 of the Planning and Environment Act 1987 and I would request the application be re-advertised with the appropriate matters under consideration clear for everybody to understand.

#### Misrepresentation of the application

The application describes the future use of the land as a bar – noting that under Clause 73.03 the definition of bar primarily relates to the sale of liquor. However, the application description and justification describe the venue primarily via its food offering with the sale of liquor as secondary.

I am also concerned with the way in which the application describes how the proposed number of patrons are to be accommodated on site. The number of people has been determined by 0.75 square metres per patron — a calculation typically applied to venues where no table provision is provided such as pubs and hotels. This appears counter to the nature of the venue that is proposed, and I am concerned that the appropriate patron and liquor licence management factors have not been considered due to this mischaracterisation.

I would seek Council to request a seating layout plan and reduce the permissible patron numbers in a manner that will be manageable to reduce any associated amenity impacts to the broader community and would enable appropriate patron management by the business. In turn, Council may seek to question the liquor licence that has been sought and see if it truly reflects the nature of the proposed business and therefore whether appropriate consideration has been given to the decision guidelines under Clause 52.27.

I also note that an article published in The Standard on January 22<sup>nd</sup> "Frolic Lane is under construction in Warrnambool in the former Desmond, Dunne and Dwyer building" refers to live music sought to be on premises. Again, if this is the case the application should appropriate reflect that and evidence should be provided within the application package that demonstrates that the business will appropriately manage any potential amenity impacts associated with it.

#### **Car Parking and Traffic Considerations**

I would request that prior to any decisions being determined, the application be amended to include an update traffic and car parking assessment. The assessment in the application relies on surveys that are over 5 years old that were conducted in April and May, not a traditionally busy period for Warrnambool. And therefore, the assumptions made and assessment against the decision guidelines within Clause 52.06 cannot be relied upon. I would request that an updated assessment be made once further consideration has been had to the associated patron numbers.

#### **Liquor Licence and Cumulative Impact Assessment**

As has been mentioned, it is not felt that the supporting assessment for the application has appropriately represented the future use nor has it given adequate consideration to the broader amenity impacts on the hours of operation on the surrounding amenity and the impact of the number of patrons on the surrounding area.

Due to the number of licenced venues proximate to the venue and the intention to operate past 11pm the site is located within a cluster as defined by Planning Practice Note 61 and therefore more evidence should be provided that proports that this venue will result in net negative cumulative impact.

#### **Next Steps**

I understand that, due to the location and nature of the existing commercial zoning that there is a broad range of as of right uses allowable on the site. However, given the current inadequacies with the application I feel it is only appropriate for Council to seek the application to be amended so that it truly reflects the intention of the future business. Otherwise, I do not feel that the appropriate

matters raised in this objection, which have the potential to result in adverse amenity impacts for the broader Warrnambool CBD business and residents, are able to have been appropriately addressed. I would also request that in the amendment the permit applicant consider significantly reducing the proposed number of patrons as this is likely to have the most material effect to addressing the issues raised in this objection.

I am happy to be contacted to discuss the above. Please keep me informed of any progress with the application.

Kind regards,

Lucas Reid

## Warrnambool Temperance Alliance Inc.

A0022767M ABN 15 930 858 108 195 Koroit Street, Warrnambool Vic 3280 Warrnambool Vic 3280

Ph: 0407 052 388

E: temphall@outlook.com



Ref. Proposal to establish Wine Bar at Kepler St premises
Previously occupied by Solicitors Desmond Dunne and Dwyer.

Warrnambool City Council

Dear Councillors,

We would like to bring to your attention and ask for your support by opposing the above proposal to establish a 'speakeasy' (illicit bar).

It is our contention that our CBD has more than enough bars supplying wine and liquor to our citizens.

Allowing another bar to operate adds to the risks associated with the consumption of wine to both the health of the consumers in our community and those affected by Alcohol abuse, e.g. families and road users.

As most wines have a high Alcohol content, the above problems amplify the risk factor to the public and those charged with policing the bar activities.

Yours truly,

Les Sketcher.

On behalf of the members of the Warrnambool Temperance Alliance.

22/1/21.

President: Mr R.Prout 28 George Ave Warrnambool 3280 Ph: 5562 0466 Secretary:
Mrs.S.McCullagh
9 Clonmel Court
Warrnambool 3280
0407 052 388
E: temphall@outlook.com

Promoting Drug Free Lifestyles That Lead to Health, Wealth and Prosperity In Australian Communities



26 March 2021

James Phillips Coordinator City Development Warrnambool City Council PO Box 198 WARRNAMBOOL VIC 3280

By email: planning@warrnambool.vic.gov.au

Dear James

#### Planning Permit No. PP2020-0264, 95 Kepler Street, Warrnambool

Myers Planning Group continues to represent Hotel Mansions Pty Ltd, landowner of 185 Koroit Street, Warrnambool (Hotel Warrnambool) regarding the above matter. The following comments are provided in response to the applicant's correspondence and accompanying documentation dated 11 March 2021.

A number of key items from the objection by Myers Planning Group dated 27 January 2021 remain outstanding based on the response from the applicant.

This correspondence forms a continuation of the original objection to the grant of a planning permit for the proposal for the following reasons:

- Orderly planning
- Characterisation of use and licenced premises
- Opening hours
- Traffic and parking
- Cumulative impact assessment

#### Orderly planning

Matters pertaining to the buildings, works and advertising signs illustrated on the advertised plan sets have been clarified by the applicant.

However, upon review of the applicant's response, we note that page 4, paragraph 2 of sub-heading 'Impacts on apartments in Kepler Street' describes a new component of buildings and works, as follows:

The front doors are proposed to be utilised as an accessible entrance to the first floor of the building to comply with building code requirements and will not be the main entrance to the venue.

Myers Planning Group Pty Ltd ABN 53 253 414 622 182B Lava Street, Warrnambool VIC 3280 Australia Telephone 61 3 5562 9443 admin@myersplanninggroup.com.au www.myersplanninggroup.com.au The front entrance to Kepler Street (i.e. the 'front door') comprises a two-step entranceway which would require works to bring it into compliance with *Australian Standard 1428.1-2009 Design for Access and Mobility.* These works are not documented in the application documents or plan sets provided. It follows that these works do not comprise part of the application. There remains insufficient evidence provided within the application to determine:

- whether the application has properly considered all relevant matters contained in the Warrnambool Planning Scheme; and
- whether the Responsible Authority has given notice of the application in the correct prescribed form as required by Section 52 of the *Planning and Environment Act 1987*.

Specifically, the application does not include external alterations to a building. These alterations require a planning permit under the Heritage Overlay (**Clause 43.01**).

In light of the above, it appears there is insufficient evidence provided within the application to determine whether the application has considered the relevant matters contained in **Clause 43.01**.

If the application intends to seek approval for the above buildings and works, notice of the application should be given in the correct prescribed form as required by Section 52 of the *Planning and Environment Act* 1987.

#### Characterisation of use and licenced premises

The applicant has not sufficiently addressed the items raised in the original objection, outlined below.

The applicant has not sufficiently addressed the matter of whether the licence to be applied for is valid or appropriate for the intended business model and commercial use and operation. The application provides conflicting descriptions on the nature of the proposal, patronage and land use characterisation.

#### Specifically:

- the advertised application describes the proposal as a 'bar', which is defined under **Clause 72.03** Land use terms as:
  - Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.
- the advertised application is at odds with the above definition, which
  describes a premise primarily used to sell food to be consumed by patrons
  on the premises. Page 10 of the Planning Application by Town and Country
  Building Approvals states (see overleaf):

The venue will be <u>primarily food</u> rather than alcohol focused with the charcuterie and woodfire pizza offering a key drawcard for patrons. (page 10)

(author underline)

 the advertised application also provides conflicting descriptions on the nature of patronage and how patrons are to be accommodated within the venue.

The application has relied on determining patron capacity solely on floor area, equating patron capacity to 0.75 square metres per patron within proposed indoor patroned areas. This method of determining patron capacity is typically applied to venues where no table service is proposed (i.e. 'vertical bars') and where there is restricted seating.

For sit-down venues (such as described in the application material), patron capacity should be determined based on a realistic interpretation of the premises' business model and seating layout plan.

Sit-down venues and stand-up/vertical bars comprise two models of operation with significantly different sets of patron behaviours and subsequent management procedures and amenity and cumulative impacts.

The application clearly describes the nature of the business as being primarily a food venue comprising substantial provision for seated patrons. Specifically:

The proposed 1am closing time will have no substantially greater impact on the amenity of the area than if a closing time of 11pm was proposed, due to the <u>sit down nature of the venue</u> (page 10, Town and Country Approvals Planning Application)

There is no dance floor, there is <u>no large standing service area</u> as is typically found in a nightclub. The building layout provides for a number of small spaces to gather in small groups and is not a large open venue. (page 11, Town and Country Approvals Planning Application)

(author underline)

A realistic patron capacity for liquor licensing purposes should be determined for the premises by assessing cumulative impacts, patron conditions, patron numbers and seating layout and not simply by a building's amenities.

A plan with mark ups describing areas for seated patrons has been provided with the updated planning permit application documentation. The plan does not illustrate a realistic seating layout consistent with the description of the proposal in the Town Planning Report accompanying the application.

Given the high number of proposed patrons and the purported 'sit down nature' of the premises (as described in the Town Planning Report), a realistic seating plan showing how the proposed number of patrons are likely to be accommodated and managed should accompany the application.

It stands that insufficient details about the business model and operations have been provided within the application to properly substantiate the rationale for the proposed licence type and conditions for patron capacity or to fully determine the impact of the proposed licenced premises and patron capacities on the locality.

#### **Opening hours**

The applicant has not addressed the items raised in the original objection, outlined below.

The proposed opening hours remain in conflict with the description of the proposed business model and intended commercial use and operation. Page 10 of the Planning Application by Town and Country Building Approvals states that:

The venue is not proposing to offer early morning meals/coffees as part of its offering and will not have any significant impacts on existing car parking capacity during Monday-Friday business hours.

Licensed premises such as that proposed do not usually operate before midday as a regular occurrence.

Realistic liquor licence hours and conditions consistent with the business model described in the application should be put forward if conclusions about the impact of the proposed operating hours are to be properly substantiated.

The above withstanding, it is understood that the applicant has put forward amended outdoor trading hours to address noise and amenity impacts. These changes are unrelated to the abovementioned items.

It follows, that insufficient details about the business model and operations have been provided within the application to properly substantiate the rationale for the proposed operating hours and to fully determine the impact of the proposed licenced premises on the locality.

#### Traffic and parking impacts

The applicant has not addressed the items raised in the original objection, outlined below.

The report prepared by Town and Country Building Approvals relies on data collected form parking survey's undertaken by Warrnambool City Council on 30 April 2009, 30 April 2015 and 1 May 2015. These surveys were conducted outside of summer holidays and during off-peak trade periods. May is historically a month where visitation and CBD activity is relatively low. Visitation in December-April are months where peak visitor, and thus traffic and parking demand, would be generated.

The data, and subsequent conclusions, are not an accurate reflection of actual conditions that would prevail and do not accurately reflect the level of impact the proposal may have on traffic and parking conditions within the locality.

As per previous commentary, the proposal also does not consider or put forward an accurate, realistic assessment of patron numbers, operating hours and characterisation of the proposal.

In light of the above, insufficient evidence has been provided to the Responsible Authority to conclude that a waiver of 144.8 parking spaces to cater for a proposed patron capacity of 362 patrons would not have a significant and detrimental impact on local traffic and parking conditions during extended peak periods.

#### **Cumulative impact assessment**

The applicant has not sufficiently addressed the items raised in the original objection, outlined below.

Insufficient evidence has been provided to the Responsible Authority to determine whether the advertised application will result in detrimental net cumulative impacts within the locality.

The decision guidelines of **Clause 52.27** require the Responsible Authority to consider the cumulative impact of any existing licenced premises and the proposed licenced premises on the amenity of the surrounding area. The applicant has not provided a cumulative impact assessment proportional to the proposal pursuant to

#### Clause 52.27.

As described in the advertised application, the licensed premises at the application site intends to open after 11pm and is located within the Warrnambool CBD, which contains approximately 63 liquor licences. A cursory review of licenced premises on the VCGLR database identifies:

- 44 licensed premises are located within 500 metres of the application site.
   These licences comprise predominantly general licences, on-premises and restaurant and café licences and a smaller mix of packaged liquor licences and limited renewable licences: and
- 5 licensed premises are located within 100 metres of the application site, comprising two (2) general licences, two (2) on-premises licences and one (1) packaged liquor licence.

In light of this information, the proposal is considered to meet the recommended criteria for a full assessment of cumulative impact given that the proposed licenced premises:

- is located within a licenced premises cluster as defined by Planning
   Practice Note 61 Licensed premises: Assessing cumulative impact (PPN61); and
- intends to open past 11pm.

The applicant has described on page 4, paragraph 2 under sub-heading 'Cumulative Impact', that "The assessment of cumulative impact is made by Warrnambool City Council and not by an objector or permit applicant."

We disagree with the applicant's approach and remain concerned that insufficient details have been provided to the Responsible Authority to determine whether the application will result in negative net cumulative impacts.

Planning Practice Note 61 (PPN61) provides guidance to applicants and Council's in relation to licensed premises in the planning system. PPN61 clearly states that the cumulative impacts should be considered in both assessing <u>and</u> preparing an application under Clause 52.27 of the planning scheme. PPN61 states further that a permit applicant should use the guidelines of PPN61 so that a proposal includes appropriate measures to address and manage any identified negative cumulative impact.

On page 5, PPN61 states, "...a permit application for a larger venue that has potential for greater impact should be accompanied with a detailed study or report prepared by a suitably qualified person that explains how any cumulative impact will be managed or mitigated."

The proposal described in PP2020-0264 is for a large venue, with a large number of proposed patrons. This is of concern, given the premises is described as a 'sit-down venue' yet comprises large areas where no seating layout is illustrated.

The application is unclear and provides conflicting descriptions of whether the likely operation is for a predominantly stand-up or sit-down venue. This is a relevant concern to the assessment of cumulative impact given sit-down venues and stand-up/vertical bars comprise different patron behaviours and subsequent management, operational procedures and cumulative impacts.

In light of the above, there is insufficient detail in the application for the Responsible Authority to determine whether the application will result in negative net cumulative impacts.

In its amended form, the applicant has provided insufficient information to enable Council to complete a thorough assessment of the proposal. Accordingly, the application should be refused.

Should you have any gueries please contact our office on 03 5562 9443.

Yours sincerely,

Dan Pech

Associate

**Myers Planning Group** 



27 January 2021

James Phillips Coordinator City Development Warrnambool City Council PO Box 198 WARRNAMBOOL VIC 3280

By email: planning@warrnambool.vic.gov.au

Dear James

#### Planning Permit No. PP2020-0264, 95 Kepler Street, Warrnambool

Myers Planning Group has been engaged by Hotel Mansions Pty Ltd, landowner of 185 Koroit Street, Warrnambool (Hotel Warrnambool). The following comments are provided in response to the recently advertised planning permit application PP2020-0264.

The application site is located approximately 35 metres southwest of 185 Koroit Street.

Our client is concerned that the proposed use and development would cause material detriment to our client. This correspondence forms an objection to the grant of a planning permit for the proposal for the following reasons:

- Orderly planning
- Characterisation of use and licenced premises
- Opening hours
- Traffic and parking
- Cumulative impact assessment
- Live music entertainment

#### Orderly planning

There is insufficient evidence provided within the application to determine:

- whether the application has properly considered all relevant matters contained in the Warrnambool Planning Scheme; and
- whether the Responsible Authority has given notice of the application in the correct prescribed form as required by Section 52 of the *Planning and Environment Act 1987*.

Myers Planning Group Pty Ltd ABN 53 253 414 622 182B Lava Street, Warrnambool VIC 3280 Australia Telephone 61 3 5562 9443 admin@myersplanninggroup.com.au www.myersplanninggroup.com.au

#### Specifically:

1. The application has been advertised with the following description of what the application is for:

Use of land for sale and consumption of liquor in association with a bar (general liquor licence) and waiver of car parking.

- 2. We note, the advertised application PP2020-0264 also appears to constitute:
  - o buildings, works and signs in a Heritage Overlay;
  - o advertising signage; and
  - a new use (bar), where no provision is made for bicycle parking facilities.
- 3. With respect to item 2 (above), we note the description of the advertised planning permit application does not reference:
  - a planning permit has been sought for buildings and works and to construct and display a sign within a Heritage Overlay (Clause 43.01), which is a permit requirement under Clause 43.01-1 Permit requirement.
  - a planning permit has not been sought for advertising signage under Clause 52.05 (Signs), despite the advertised plans clearly illustrating proposed 'internally illuminated signs' over 1.5 square metres on floor plans and elevation plans, which is a permit requirement under Clause 52.05-11 Category - Commercial areas.
  - a planning permit has not been sought to vary, reduce or waive bicycle facilities and associated signage under Clause 52.34 (Bicycle Facilities), which is a permit requirement under Clause 52.34-2 Permit requirement.

In light of the above, it appears there is insufficient evidence provided within the application to determine whether the application has considered any relevant matters contained in **Clause 43.01**, **Clause 52.34** or **Clause 52.05**.

If the application intends to seek approval for the above buildings and works, it would appear that Council has not given notice of the application in the correct prescribed form as required by Section 52 of the *Planning and Environment Act* 1987.

#### Characterisation of use and licenced premises

There is insufficient evidence provided within the application to determine whether the licence to be applied for is valid or appropriate for the intended business model and commercial use and operation. The application provides conflicting descriptions on the nature of the proposal, patronage and land use characterisation.

#### Specifically:

- the advertised application describes the proposal as a 'bar', which is defined under **Clause 72.03** Land use terms as:

Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.

the advertised application is at odds with the above definition, which describes a premise primarily used to sell food to be consumed by patrons on the premises. Page 10 of the Planning Application by Town and Country Building Approvals states:

> The venue will be <u>primarily food</u> rather than alcohol focused with the charcuterie and woodfire pizza offering a key drawcard for patrons. (page 10)

(author underline)

 the advertised application also provides conflicting descriptions on the nature of patronage and how patrons are to be accommodated within the venue.

The application has relied on determining patron capacity solely on floor area, equating patron capacity to 0.75 square metres per patron within proposed indoor patroned areas. This method of determining patron capacity is typically applied to venues (i.e. pubs and hotels) where no table service is proposed and where there is restricted seating.

For sit-down venues (such as described in the application material), patron capacity should be determined based on a realistic interpretation of the premises' business model and seating layout plan. No seating layout plan has been provided with the application. Despite this, the application clearly describes the nature of the business as being primarily a food venue comprising substantial provision for seated patrons. Specifically:

The proposed 1am closing time will have no substantially greater impact on the amenity of the area than if a closing time of 11pm was proposed, due to the <u>sit down nature of the venue</u> (page 10, Town and Country Approvals Planning Application)

There is no dance floor, there is <u>no large standing service area</u> as is typically found in a nightclub. The building layout provides for a

number of small spaces to gather in small groups and is not a large open venue. (page 11, Town and Country Approvals Planning Application)

(author underline)

A realistic patron capacity for liquor licensing purposes should be determined for the premises by assessing cumulative impacts, patron conditions, patrons and seating layout and not simply by a building's amonities

Based on the above details (and the proposed business model and land use) the licence type to be applied for would be more accurately defined as a 'restaurant and café licence' or 'on-premises licence'.

Insufficient details about the business model and operations have been provided within the application to properly substantiate the rationale for the proposed licence type and conditions for patron capacity or to fully determine the impact of the proposed licenced premises and patron capacities on the locality.

#### **Opening hours**

The proposed opening hours are in conflict with the description of the proposed business model and intended commercial use and operation. Page 10 of the Planning Application by Town and Country Building Approvals states that:

The venue is not proposing to offer early morning meals/coffees as part of its offering and will not have any significant impacts on existing car parking capacity during Monday-Friday business hours.

Licensed premises such as that proposed do not usually operate before midday as a regular occurrence.

Realistic liquor licence hours and conditions consistent with the business model described in the application should be put forward if conclusions about the impact of the proposed operating hours are to be properly substantiated.

#### Traffic and parking impacts

The report prepared by Town and Country Building Approvals relies on data collected form parking survey's undertaken by Warrnambool City Council on 30 April 2009, 30 April 2015 and 1 May 2015. These surveys were conducted outside of summer holidays and during off-peak trade periods. May is historically a month where visitation and CBD activity is relatively low. Visitation in December-April are months where peak visitor, and thus traffic and parking demand, would be generated.

The data, and subsequent conclusions, are not an accurate reflection of actual conditions that would prevail and do not accurately reflect the level of impact the proposal may have on traffic and parking conditions within the locality.

As per previous commentary, the proposal also does not consider or put forward an accurate, realistic assessment of patron numbers, operating hours and characterisation of the proposal.

In light of the above, insufficient evidence has been provided to the Responsible Authority to conclude that a waiver of 184 parking spaces to cater for a proposed patron capacity of 462 patrons would not have a significant and detrimental impact on local traffic and parking conditions during extended peak periods.

#### **Cumulative impact assessment**

Insufficient evidence has been provided to the Responsible Authority to determine whether the advertised application will result in detrimental net cumulative impacts within the locality.

The decision guidelines of **Clause 52.27** require the Responsible Authority to consider the cumulative impact of any existing licenced premises and the proposed licenced premises on the amenity of the surrounding area. The applicant has not provided a cumulative impact assessment proportional to the proposal pursuant to **Clause 52.27**.

As described in the advertised application, the licensed premises at the application site intends to open after 11pm and is located within the Warrnambool CBD, which contains approximately 63 liquor licences. A cursory review of licenced premises on the VCGLR database identifies:

- 44 licensed premises are located within 500 metres of the application site.
   These licences comprise predominantly general licences, on-premises and restaurant and café licences and a smaller mix of packaged liquor licences and limited renewable licences: and
- 5 licensed premises are located within 100 metres of the application site, comprising two (2) general licences, two (2) on-premises licences and one (1) packaged liquor licence.

In light of this information, the proposal is considered to meet the recommended criteria for a full assessment of cumulative impact given that the proposed licenced premises:

- is located within a licenced premises cluster as defined by Planning
   Practice Note 61 Licensed premises: Assessing cumulative impact; and
- intends to open past 11pm.

In light of the above, there is insufficient detail in the application for the Responsible Authority to determine whether the application will result in negative net cumulative impacts.

In its current form, the applicant has provided insufficient information to enable Council to complete a thorough assessment of the proposal. Accordingly, the application should be refused.

#### Live music entertainment

Information has been published about the proposed licenced venue's activities which are at odds with the description provided in the application. Specifically, an article with the headline 'Frolic Lane is under construction in Warmambool in the former Desmond, Dunne and Dwyer building' contained in 'The Standard' was posted online at 12:30pm, 22 January 2021 which describes the venue at the application site as follows (overleaf):

The venue will also cater for live music and outsource catering for larger events.

(accessed 25 January 2020, https://www.standard.net.au/story/7080372/new-bar-proposed-for-historic-city-building/)

The above statement is at odds with the description of the venue on page 9 of the Planning Application by Coast to Country Building Approvals, which states:

- Background music will be played within the internal and undercover external areas of the venue in accordance with the relevant SEPP levels.

No reference is made in the Planning Application to the provision of live music entertainment. The Draft Patron Management Plan also does not include any procedures for the management of a venue which includes live music entertainment.

An assessment against **Clause 53.06** Live music entertainment is required if the intent of the application site is to cater for live music. Given the application site is within 50 metres of a noise sensitive residential use, an application seeking approval for 'Live music entertainment venue' should be accompanied by acoustic assessments and plans demonstrating compliance against **Clause 53.06-3** Requirements to be met and **Clause 54.06-4** Application requirements. The following clauses of the Warrnambool Planning Scheme and relevant supporting documentation and policy should also be seriously considered for such an application:

- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility
- Clause 21.04-4 Noise and air
- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).

In light of the above:

 there is reason to doubt the accuracy of statements contained in the advertised Planning Application regarding the proposed licenced venue's intended commercial activities and subsequent operational requirements; - insufficient evidence has been provided to the Responsible Authority to determine whether the intended activities and running of the licenced premises will result in detrimental noise impacts within the locality.

In its current form, the applicant has provided insufficient information to enable Council to complete a thorough assessment of the proposal. Accordingly, the application should be refused.

Should you have any queries please contact our office on 03 5562 9443.

Yours sincerely,

Dan Pech

Associate

**Myers Planning Group** 

#### **Town Planning**

From: Dan Pech <dan@myersplanninggroup.com.au>

**Sent:** Wednesday, 19 May 2021 11:26 AM

To: James Phillips
Cc: Town Planning

**Subject:** RE: PP2020-0264 - 95 Kepler Street, Warrnambool

Attachments: Letter of Objection - PP2020-0264 - Response to Council.pdf

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Good morning James,

I write to you ahead of the on-site meeting scheduled with the applicant of PP2020-0264, Councillors, Officers and objectors today at 4:30pm.

Please find enclosed a brief summary of the key matters which remain outstanding from our objection to PP2020-0264.

We note that no response has been received from the applicant in reply to our most recent correspondence dated 26 March 2021 (attached for reference).

- The application has sought a permit for a licenced premises which is at odds with the activity described in the application.

The application (PP2020-0264) has sought a 'general licence' and describes the proposed activity (which is pertinent to the type of liquor licence sought after) as a 'pub'.

We note that a 'general licence' is typically sought after by venues which require service of alcohol on and off site, including packaged liquor.

The proposal comprising PP2020-0264 does not describe or characterise such a premises.

- Insufficient details have been provided within the application to enable a reasonable decision to be made on the application's impact on the locality.

No seating layout plan has been provided, which sufficiently describes and illustrates how a 'predominantly sit-down venue' (as described in the application) will manage over 350 patrons.

No cumulative impact assessment has accompanied the application. The decision guidelines of Clause 52.27 of the Warrnambool Planning Scheme and Planning Practice Note 61 provide explicit guidance on when and how cumulative impacts should be assessed by the applicant.

The applicant has stated that a cumulative impact assessment is not required in reply to our initial objection, despite clear guidance from the above sources.

Insufficient evidence has been provided to the Responsible Authority to reasonably conclude that a waiver of 144.8 parking spaces to cater for a proposed patron capacity of 362 patrons would not have a significant and detrimental impact on local traffic and parking conditions during extended peak periods.

- The proposal also does not consider or put forward an accurate, realistic assessment of patron numbers, operating hours and characterisation of the proposal.

All other items raised in the attached submission remain current and outstanding.

We look forward to expressing our concerns to Councillors in-person at the on-site meeting later today.

Thanks.

Regards,

## DAN PECH Associate

(03) 5562 9443 \\ 0436 016

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From: Town Planning @ Coast to Country Building Approvals

**Sent:** Thu, 11 Mar 2021 14:50:21 +1100

To: James Phillips

**Subject:** Amended Application and response to objections 95 Kepler Street

Warrnambool

**Attachments:** Combined Plans Amended PP2020-0264.pdf, Amended site layout plan PP2020-0264.pdf, Response to objections letter PP2020-0264.pdf, Letter to Council Amended Application PP2020-0264.pdf, Amended Planning Report PP2020-0264.pdf, Amended Patron Management Plan PP2020-0264.pdf, Amended red line plan PP2020-0264.pdf

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi James,

Please find attached the following documentation in relation to PP2020-0264

- Written Response to objections
- Request to amend application
- Amended plans (site layout plan, development plans (For reference only to be submitted for endorsement under PP2020-0265), and red line plan)
- Amended Planning Report
- Amended Draft Patron Management Plan

Please contact me if you have any questions, otherwise I look forward to the application progressing through the assessment process.

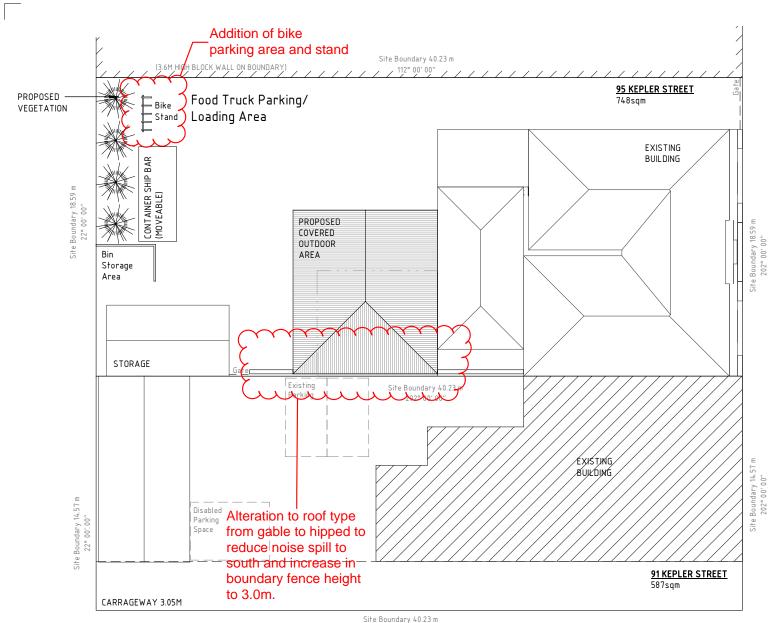
Kind Regards,

Fiona Castley
Director – Town Planning
Available Tuesdays and Thursdays



0419 696 911 2/8 Bank St Port Fairy 27 Learmonth St Hamilton

7 June 2021 Page | 453 Warrnambool City Council Agenda for Scheduled Council Meeting Attachment 7.7.4



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PRELIMINARY ONLY

SITE PLAN

1:200

- REFER TO GENERAL NOTES FOR ADDITIONAL DETAILS (SHT N1 & N2)

-PROVIDE SUB FLOOR TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1 - 2014
- BUSHFIRE ASSESSMENT LEVEL: BAL \_\_\_\_\_ (REFER TO SHEET)

N3 FOR CONSTRUCTION REQUIREMENTS) -ALL BRACING TO BE INSTALLED TO AS 1684.2 (REFER TO BRACING PLAN)

-SOIL CLASSIFICATION AS CLASS 'A'
-REFER TO ENGINEERS SOIL TEST FOR FOOTING & FOUNDING

PM DESIGN GROUP: JOB No. W.DES
-WIND CLASSIFICATION: N2



AREA ANALYSIS			
Name	Area	SQ'S	
Ground Floor	241.92 m <sup>2</sup>	26.03	
Basement Floor	236.66 m <sup>2</sup>	25.46	
Covered Outdoor Area	100.08 m <sup>2</sup>	10.77	



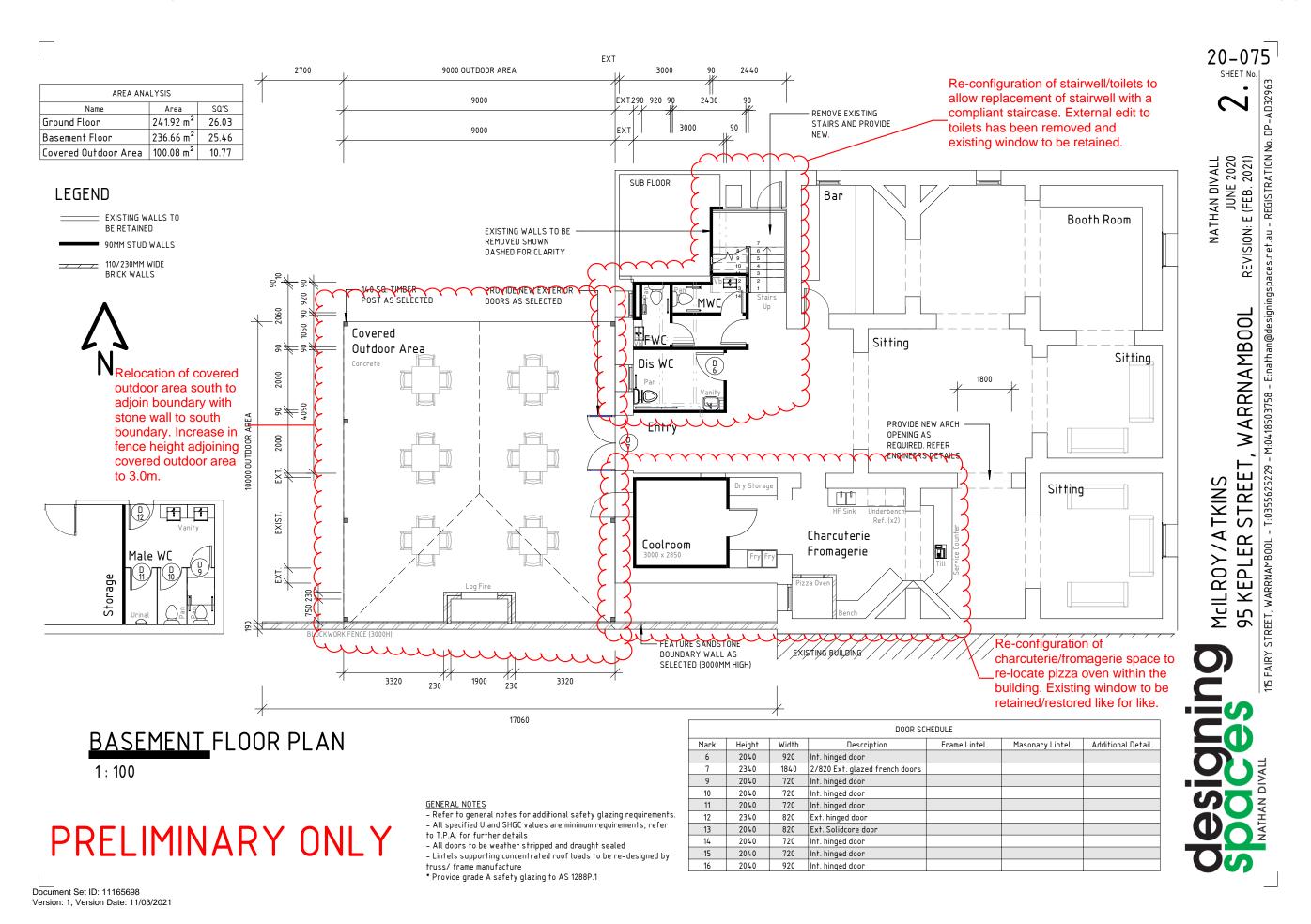
SITE IMAGE

115 FAIRY STREET, WARRNAMBOOL - T:0355625229 - M:0418503758 - E:nathan@designingspaces.net.au - REGISTRATION No 95 KEPLER STREET, WARRNAMBOOL McILROY/ATKINS

20-075

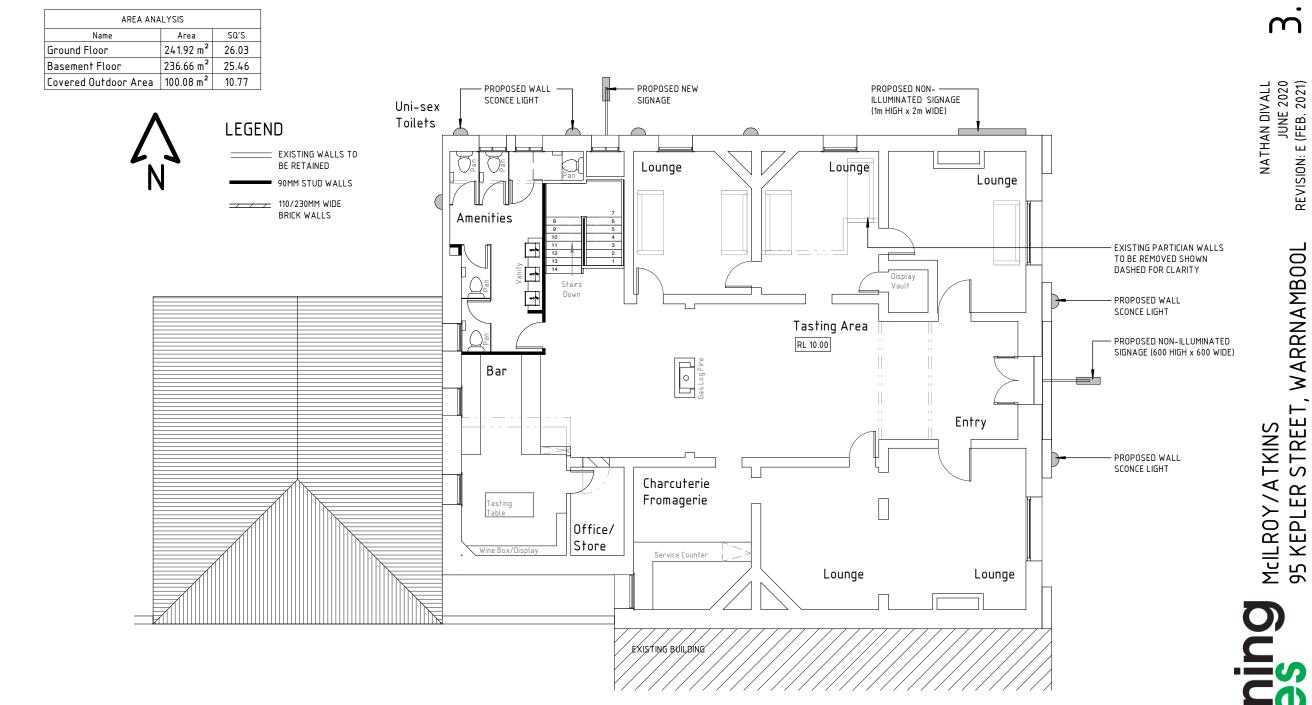
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20-075 SHEET No.

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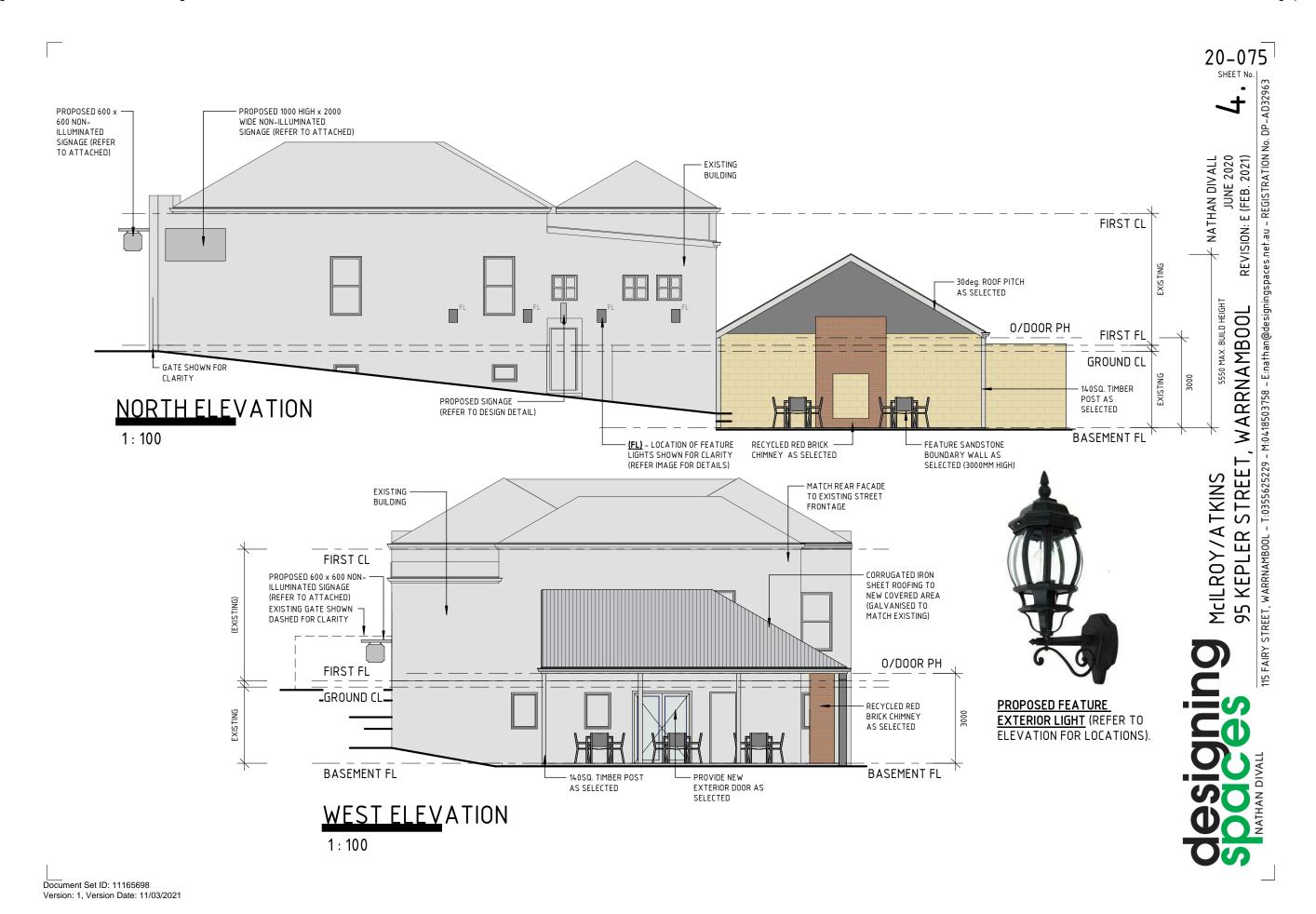


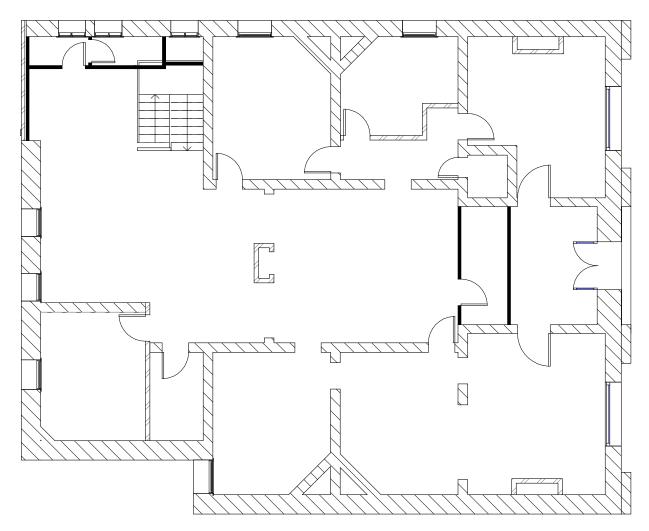
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Agenda for Scheduled Council Meeting

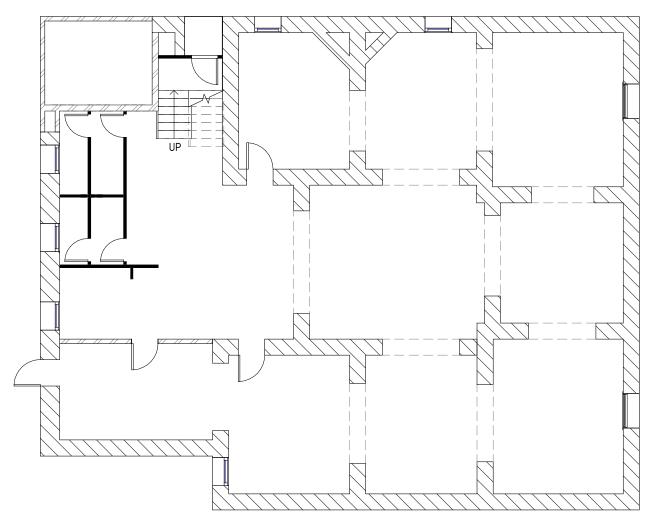
Attachment 7.7.4





EXIST. CONDITIONS - GROUND

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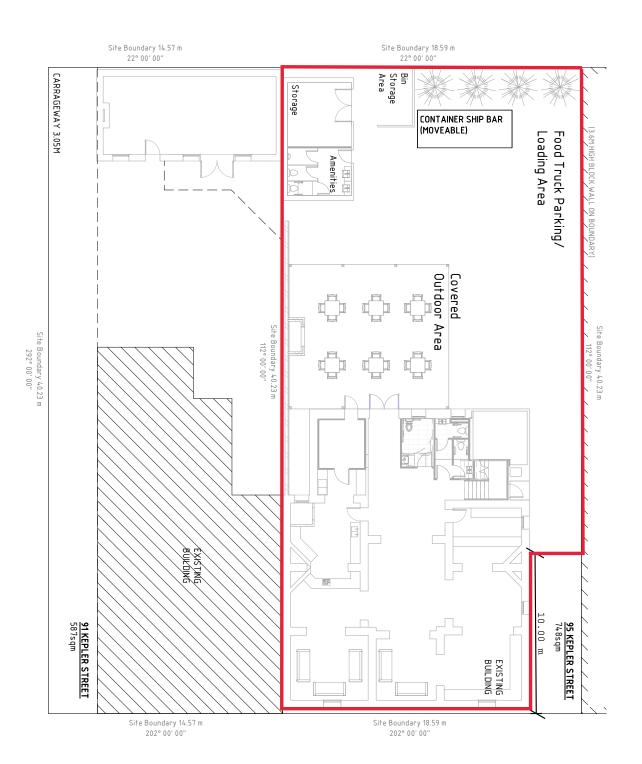
EXIST. CONDITIONS - BASEMENT

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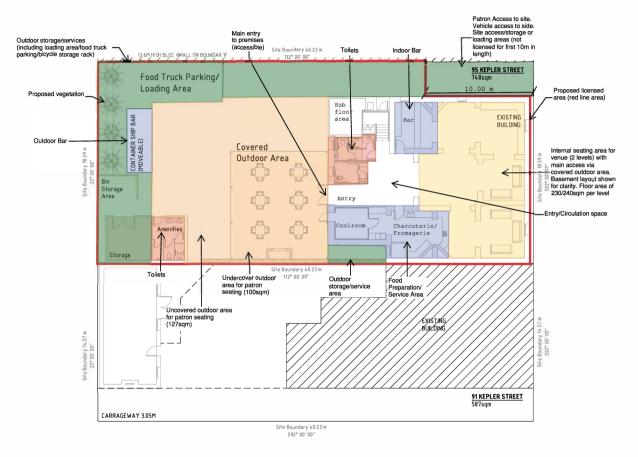


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Document Set ID: 11165698 Version: 1, Version Date: 11/03/2021 NATHAN DIVALL JUNE 2020 REVISION: E (FEB. 2021)



11/03/2021

James Phillips Coordinator Planning Warrnambool City Council 25 Liebig Street Warrnambool VIC 3280

### 95 Kepler St Warrnambool VIC 3280 PP2020-264 - Response to submissions

Dear Mr Phillips,

Thank you for forwarding the 4 submissions received in relation to PP2020-264 at 95 Kepler Street Warrnambool.

Please find a response to the concerns raised below.

#### **Planning Permit Application**

- PP2020-264 does not include an application for demolition, signage or works on site. These
  elements were considered and permitted by Warrnambool City Council as part of Permit
  PP2020-265.
- PP2020-265 allowed 'Alterations to an existing building, construction of an extension (covered outdoor area), demolition of a carport and display of advertising signage, some of which illuminated in accordance with the endorsed plans.'
- Should any of the submitters wish to view the permit, a copy is available for viewing at Warrnambool City Council in accordance with the requirements of the *Planning and Environment Act 1987*.
  - This application is for the following elements as stated on the application documentation and the public notice as prepared by Warrnambool City Council
    - Use of the land for sale and consumption of liquor in association with a bar (General Liquor Licence) and waiver of car parking.
    - For clarity in relation to the use of the land for the sale and consumption of liquor in association with a bar utilises the same set of plans as prepared by Designing Spaces for permit PP2020-265.
    - A note has been added to the plans indicating that the plans being considered under PP2020-264 do not seek approval for and works, demolition or signage.

#### **Patron Numbers**

Patron numbers have been reduced by 100 persons to 362 persons spread across the venue.

#### **Car Parking**

The waiver of carparking is considered appropriate to facilitate the use of the outdoor areas for patrons. The waiver of carparking is reduced to seeking a waiver of 144.8 spaces as a result of the reduction in patron numbers.

#### **Bicycle Parking**



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Building | Hamilton | 0429 909 546

manson@coasttocountry.com.au www.coasttocountry.com.au Town Planning | All Areas 0419 696 911

planning@coasttocountry.com.au

Clause 52.34 does not specify a rate of bicycle parking spaces for a Bar. As such, there is no requirement to vary, reduce or waive any requirement of Clause 52.34-5 or 52.34-6.

It is noted that Clause 52.34 specifies a rate of parking for a Hotel, which is a separate land use as set out under the definitions and nesting diagrams in the Warrnambool Planning Scheme. This rate does not apply to the proposed use of a Bar.

Notwithstanding the above, a bicycle storage rack for 5 bicycles has been added to the proposal, as noted on the amended site plans.

#### Misrepresentation of the application

The application does not misrepresent the land use proposed. The use of the land for a Bar does not require a permit under the commercial 1 zone.

The descriptions of the venue in the planning report accompanying the application are for information to assist in the decision-making process for the liquor licence, and do not describe any portion of use which does not fit within the definition of a Bar as set out under Clause 73.03.

As per the definitions included in the planning scheme, a Bar may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling.

The wording of the scheme does not mean that every bar will include the above descriptors in its use.

There are planning permit triggers for the provision of live entertainment, gambling and amusement machines elsewhere in the Warrnambool Planning Scheme which would need to be considered, if these individual aspects being considered or proposed as part of this application.

This application, and the ultimate land use does not seek approval for live entertainment, gambling or amusement machines within the site.

#### **Live Entertainment**

It is noted, reference is given to an article in the "Warrnambool Standard" referencing live music on the site. The landowner or lessees of the premises are not proposing to include any live music on site or as part of the application.

A reference in the "Warrnambool Standard" is not part of the application to Council or the matters under consideration.

If live entertainment were proposed, it would have been included as part of the application to Warrnambool City Council.

#### Live entertainment is not proposed on site.

Should the landowner or lessees wish to seek approval for the provision of live entertainment on site at any point in the future, the landowners and lessees are aware of the provisions and permit requirements in the Warrnambool Planning Scheme and would abide by the requirements in the scheme.

The lessees have no desire to undertake any activities on site which are outside the bounds of any planning approval given or to risk the venue being operated in a way which would result in Warrnambool City Council or the Victorian Commission for Gambling and Liquor Regulation undertaking enforcement action against them.

#### **Background music only**

The use of the site will abide by the noise regulations which apply to the site, and as specified under the EPA Act, and the SEPP N.2 guidelines.



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www.coasttocountry.com.au

Town Planning | All Areas 0419 696 911 planning@coasttocountry.com.au

The SEPP N.2 guidelines and standard liquor licence conditions restrict music to background level music only and exclude the provision of live entertainment.

Given there is no appetite from the lessees of the business to provide live music, should a NOD be recommended, a condition to this effect would be a reasonable outcome to ensure there are no unreasonable impacts on the surrounding area.

Following further consultation with nearby residential properties, the structure and fencing of the undercover outdoor area has been altered to provide additional noise attenuation measures for patron noise (ie talking) by replacing the southern portion of the roof structure with a lined hipped roof instead of a gable, and providing a sandstone wall to the southern boundary, extending 3m past the western end of the roof structure.

The boundary wall and lined roof structure will reduce patron noise spill in the immediate vicinity of the site. PP2020-265 will be amended via a secondary consent amendment to make this change to the structure.

The amended application proposed to cease provision of background music in outdoor areas between 11pm and 1am, as well as restricting the use of the outdoor area to patrons smoking only.

#### Alterations to site layout

The internal layout of the lower level has been altered to

- Comply with building code requirements in relation to access,
- Increase the cool room storage area
- Re-locate the pizza oven into the charcuterie/fromagerie space.

These changes ensure that all activities associated with the preparation and service of food and drink occur within structures on site – either within the main building or within the shipping container bar.

#### **Objections**

It is noted that three of the objections received are written on behalf of entities which have a vested interest in not supporting the proposal for either economic or social reasons.

The Warrnambool Hotel is the closest licensed venue to this site, and there would likely be some overlap in patrons between the venues at different times.

The Cally Hotel is located within a block of this site, and there would likely be some overlap of patrons between the venues at different times.

The written concerns raised in the submissions on behalf of the above licensees are technical in nature and addressed by way of this submission.

The Temperance Society is located in Koroit Street in the Temperance Hall and directly adjoins the subject property to the north.

All Temperance Societies hold concerns regarding the consumption of alcohol and the wider impacts on societies, and the Warrnambool Society is no different in this regard.

The concerns raised in their submission relate to the upholding of their society values and do not raise and direct concerns about the impact of this proposal on their building or activities taking place on their property.

There are no windows or access points between the Temperance Hall and the subject site – and as such, any direct impact on the use of the building are unlikely. It is also noted that the entrance to the Temperance Hall in in Koroit Street, and is not visible from the premises.



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Town Planning | All Areas 0419 696 911 planning@coasttocountry.com.au

As such, whilst their submissions and concerns are noted, the landowner, lessees and permit applicant are exercising their right to have the issue of liquor licence being considered by Warrnambool City Council and participating in this process.

#### **Cumulative Impact**

In relation to concerns raised in the submissions about the cumulative impact assessment submitted as part of the application documentation, if Warrnambool City Council had concerns regarding this part of the assessment, they could have used their right to request further information or clarification from the permit application to address these matters - Warrnambool City Council did not request any further information as part of their assessment process.

The assessment of cumulative impact of a proposal is made by Warrnambool City Council, not by an objector or permit applicant.

The lodgment of the application with Warrnambool City Council followed detailed pre-application discussions with Council staff and a detailed assessment against all relevant policy provisions by the permit applicant and lessees of the premises.

#### Impacts on apartments in Kepler Street

The lessees have designed the venue in a manner which minimises impacts on Kepler Street streetscape, and in conjunction with this on the nearby Apartments located at first floor level on the east side of Kepler Street.

The proposal utilises the Laneway as the main point of access for patrons to the property, with the access to the first floor to occur via the internal stairwell. The front doors are proposed to be utilised as an accessible entrance to the first floor of the building to comply with building code requirements and will not be the main entrance to the venue.

These simple access arrangements ensure that the overwhelming majority of external activities taking place on the land are located at the rear of the building which is 48.5m away from the façade of the apartment building at 50-52 Kepler Street.

The external activities are located directly to the rear of the building at 95 Kepler Street, and are located at a significantly lower elevation than the first-floor apartments at 50-52 Kepler Street.

The building and undercover area act as significant sound buffers to reduce patron noise from the rear outdoor space and the requirement to provide background music only should ensure that there is minimal audible impact of the premises from the internal habitable rooms of the apartments.

An accepted measure of what constitutes 'background music' is that the music is played at a level that enables patrons to conduct a conversation at a distance of 600mm without having to raise their voice to a substantial degree.

Given the substantial distance between the apartments and the rear open space of the building, background level voice, and patrons conversing on the site should not be audible within the apartments.

It is also noted that the application has been amended to restrict use of the outdoor areas after 11pm to smoking areas only, and that liquor will no be served outdoors after 11pm and no background music will be provided outdoors after 11pm.

It is noted that any concerns relating to existing impacts from nearby entertainment, food and drink and licensed premises cannot be automatically expected to be exacerbated by this proposal.



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Town Planning | All Areas

The proposal has been designed to reduce amenity impacts in the following ways

- The rear location of the main entrance and outdoor area at the greatest distance possible from the apartments,
- The large floor area available to patrons across the venue with soft furnishings and furniture to spread patrons throughout the spaces available,
- The structural layout of the building which is divided into smaller spaces to encourage small groups in a heritage atmosphere rather than large group in an open area.
- The alterations to the southern end of the undercover area to reduce noise spill from patrons talking in this area, and
- The restriction of playing only background music across the site and cessation of background music outside at 11pm.
- Restriction of the use of the outdoors areas for smoking purposes only after 11pm.

Whilst the lessees have considered amenity in the layout and operation of the venue, including to the revision to the undercover area as described above, a Bar is a use which does not require a permit in this location.

The lessees have no desire to run a venue which has unreasonable amenity impacts on the surrounding area and have designed a proposal to prevent (as much as possible) this from occurring.

#### **Patron Management Plan**

A licensed premise which is run in accordance with a patron management plan should not result in any unreasonable impacts on the surrounding neighbourhood, or if there are unexpected impacts, should provide policies and procedures to assist staff in addressing and rectify concerns to ensure they do not escalate.

Current best practice for licensed premises is to give weight to a patron management plan by referencing it in any conditions on a permit to ensure that there is a clear process to address any concerns which may arise in the future.

Though it is reiterated that, a well-considered patron management plan which is implemented at any licensed venue should prevent any concerns from being raised in the first place. A draft patron management plan has been submitted with the permit application and is being considered as part of this application. It is expected, that should a permit be recommended for issue, that a condition would be imposed relating to the endorsement and adherence with an approved patron management plan.

#### Summary

The amended proposal is a well-considered and appropriate to the scale of the venue, the clients brief and in managing concerns raised in the objections by reducing the scale of the venue. It is respectfully requested that Warrnambool City Council proceed with the statutory decision-making process based on the amended permit application.

Please contact me on 0419 696 911 or via planning@coasttocountry.com.au if you have any questions on the above application.

Yours faithfully,

Fiona Castley

**Director - Town Planning** 

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11/03/2021

James Phillips Coordinator Statutory Planning Warrnambool City Council 25 Liebig Street Warrnambool VIC 3280

#### 95 Kepler St Warrnambool VIC 3280

Dear Mr Phillips,

Please find attached an amended application for PL2020-264 at 95 Kepler Street Warrnambool.

In response to the objections received, the application is proposed to be amended in the following ways:

- Reduce red line area in the entry laneway by a length of 10m so the licensed area does not directly adjoin Kepler Street frontage.
- Amended hours for the service of liquor <u>outdoors</u> to 7am -11pm. This would include closing
  the outdoor bar at 11pm, not providing any background music outdoors after 11pm and
  restricting the use of the outdoor area (undercover area) as a smoking area between 11pm
  and 1am.
- Reducing patron numbers from 462 persons to 362 persons across the venue, a reduction of 100 persons. As an example, this would allow approximately 100 persons in the basement, 150 persons in the ground floor and 162 persons outdoors spread across an available floor area of
- Reducing the proposed waiver of car parking requirement by 40 spaces to cater for the reduction in patron numbers (0.4 spaces per person).

Please find attached an amended red line plan and indicative site layout plan to replace the documents previously submitted showing similar detail.

Please contact me on 0419 696 911 or via planning@coasttocountry.com.au if you have any questions on the above application.

Yours faithfully,

Fiona Castley

**Director - Town Planning** 

COAST TO
COUNTRY
BUILDING APPROVALS
CUMENT Set ID: 11165698

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# PLANNING APPLICATION

95 Kepler St Warrnambool VIC 3280 Service and Consumption of liquor in association with a Bar (General Licence) and waiver of car parking requirement



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#### **ACKNOWLEDGEMENTS**

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#### **DOCUMENT CONTROL**

This document has been prepared to aid the submission of a planning permit application for 95 Kepler Street Warrnambool, commissioned by Frolic and Co the tenants of the subject land.

Revision 1 November 2020

Revision 2 March 2021

#### **ATTACHMENT LIST**

- Application Form
- Copy of Title
- Plan Pack by Designing Spaces
- Draft Patron Management Plan
- Proposed red line plan
- Historical Photos reference
- Site analysis photographs

### **PROPOSAL**

This permit application seeks approval for the use of the site for sale and consumption of liquor, and waiver of additional car parking requirements.

This application does not seek approval for any matters under the Heritage Overlay or works under the Commercial 1 Zone. All works have been approved under PP2020-0265 issued by Warrnambool City Council. The works are described in this document for information purposes only.

No live or amplified music is proposed as part of this application. As such, no permit is required under Clause 53.06 Live Music Entertainment Venues.

#### USE

The use of the building does not require a permit under the Commercial One Zone. The existing use as an office has ceased, and the new use of a bar is proposed.

The bar will occupy both the ground and basement levels of the site (to be fitted out in stages, commencing with the basement), as well as a rear external courtyard and conversion of the existing outbuilding into an amenities building and storage space.

A bar is defined as land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.

The use of the site as a bar, includes in this circumstance, the sale of liquor for consumption on the premises and the sale of food for consumption on the premises.

A bar is nested under Food and Drink Premises, which in turn is classed as a Retail Premises and is a Section 1 Use (no permit required) without conditions in the Commercial 1 Zone.

#### DEMOLITION

It is proposed to demolish the rear carport area and make some minor alterations to the rear façade of the building. The carport appears to date

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from around the 1970s and does not contribute to the heritage characteristics of the site. This carport is 41sqm in area.

The rear façade of the building will be altered at basement level to provide new access points to the rear of the building. This area of the façade has been previously altered.

Other demolition works include internal demolition of partition walls within the building.

A planning permit for the demolition works was issued by Warrnambool City Council PP2020-0265.

### **NEW WORKS**

A planning permit for the new works was issued by Warrnambool City Council PP2020-0265.

It is proposed to construct a new rear outdoor pavilion on site, generally in the area previously occupied by the carport. The outdoor pavilion will include an open fire and wood fired pizza oven for use in associated with the bar, as well as the installation of a pre-fitted out, timber clad shipping container to be used as an external bar area.

### INTERNAL RE-CONFIGURATION

It is proposed to undertake internal works to re-configure the layout of the building, providing a variety of areas for patrons to experience the food and liquor offering to be provided on site, with the main venue entrance to be via the lane and basement.

The existing main entrance to the building is to be retained insitu and will act as a secondary entrance to the first floor of the building if required.

The internal areas of the heritage building are to be restored to their original layout and configuration, including restoration of the detailed cornicing, mantles and plasterwork. The majority of internal walls are constructed of sandstone and will be retained as is, while new walls will be erected to facilitate construction of the amenities area.

### **OUTDOOR AREA**

The main outdoor area is accessed from the laneway and the basement level of the building. This area is serviced by the basement level internal and timber clad shipping container bars and will be partially undercover and partially open. The roofline has been designed with a gable to ensure that the existing first floor windows are not impacted, and the undercover area can be built as a freestanding structure, minimising connection points to the heritage fabric of the main building.

The outdoor area will be fenced off from the existing car parking area at the rear of 93 Kepler Street to separate vehicles and pedestrians, as well as to form a physical barrier at the edge of the red line area. There are existing gates to the Kepler Street laneway frontage which will secure the site out of hours.

A garden bed, including feature trees will be installed on the western fence line behind the shipping container bar to screen the site from/to the adjoining private carpark, and prevent patron access to this area.

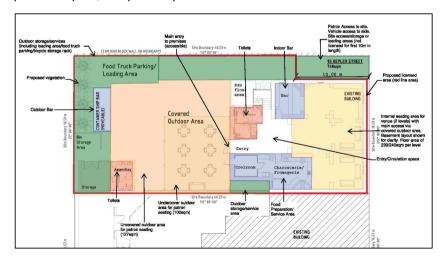


Figure 1 Proposed site layout

The waste storage area is also screened with a timber screen fence.

### EXTERNAL MATERIALS

External materials are simple in style. The rear of the building is to be painted to match the rest of the building (where not already painted), and the new doors/windows at basement level will be in keeping with the style of the existing features on site. The roof of the covered outdoor area is to be clad in galvanised iron sheeting, in keeping with the roof of the building. The shipping container bar is to be clad in raw timber to improve the appearance and create a contrast in finish to the masonry/render finish of the main building.

### LOADING

An on-site loading/unloading area is available at the end of the laneway. This site is also suitable for a food truck to park on site temporarily and serve a variety of food in addition to the on-site offerings of charcuterie/wood fired pizza. This area will also be used for waste collection vehicles, reversing into the site to collect the bins. A private collection service will be used.

### LICENSED AREA

It is proposed to license the whole of 95 Kepler Street.

The patron capacity is limited to that permitted under the building code, as is proposed to be 362 persons across the whole venue.

It is noted that the occupancy requirements as assessed by the building surveyor can only include the covered and internal areas of the building.

There is no provision in the legislation relating to 'certificate of public accommodation' that allows patron capacity to be considered in uncovered outdoor areas. That said, there is no desire to increase the patron numbers to include additional patrons in the uncovered areas.

The proposed hours permitted are

Any other day – 7am -1amSunday – 10am-1am

- Good Friday/Anzac Day 12 noon-1am
- Amended hours for the service of liquor <u>outdoor</u>s to 7am -11pm. This
  would include closing the outdoor bar at 11pm, not providing any
  background music outdoors after 11pm and restricting the use of the
  outdoor area (undercover area) as a smoking area between 11pm and
  1am.

### **PARKING**

The carparking rate for a bar is based on Patron numbers – there is a requirement to provide or waive 0.4spaces per patron.

A carparking waiver of 144.8 spaces is required for 362 patrons.

There are 8 carparks currently provided on site which are proposed to be removed to facilitate the outdoor bar area. There is no carparking waiver in place for the previous office use as the necessary carparking was provided on site for the office floor area.

5 bicycle parking spaces are to be provided on site, near the food truck parking are. No bicycle spaces are required to be provided under Clause 52.34 as a bar is not one of the uses listed in the provision.

### PLANNING CONTROLS

The site is located in the Commercial Zone.

The following overlays apply to the land;

• Heritage Overlay Schedule 324

### SITE ANALYSIS

### SITE AREA

The site is located on the western side of Kepler Street between Koroit and Timor Streets. The site is 748sqm in area, and includes the existing buildings on site, a rear carport and a sandstone outbuilding (which has recently been restored). The building is built to the street frontage, with a lane to the north side.

### SITE HISTORY

The building was designed by James McLeod Architect and the building was constructed in 1887 and known as the Royal Chambers. The building was originally built and fitted out for the McMeekin Brothers for their insurance and export merchant business.

It is unlikely that the original building had an internal connection between the two levels and a small rear extension was added in the mid 20<sup>th</sup> century to link the two levels. The internal layout at basement level appears to indicate it was originally used for storage purposes and the first floor for offices.

James McLeod was in partnership with George Jobbins who designed many of the other heritage shopfronts/offices of this era around town, banks around western Victoria and several of the homesteads/school across the region. The adjoining shops at 93 Kepler Street were constructed by another architect, Andrew Kerr, but built the same year.

Business didn't go that well for the McMeekin Brothers, and the building was converted to a lawyer's office in 1901 by Mr Desmond Dunn, expanding to include Desmond Dunn, Harty and Dwyer from 1937, who occupied the site until recently when they relocated further south on Kepler Street.

The property is listed on the National Trust Register – The National Trust is an advocacy body, rather than a statutory body (responsible for decision making) in relation to heritage matters. As such, there are no internal heritage controls on the building.

The property is in a precinct heritage overlay (Commercial Precinct), rather than an individual building heritage overlay. An individual building heritage overlay (HO64) applies to the adjoining shopfronts which contain Wytons Café (licensed until 1am) and a wedding dress shop.

### **IMMEDIATE ADJOINING USES**

The immediate adjoining uses are all commercial, reflecting the commercial nature of the area. There is a mix of uses including hospitality venues, shops, offices and the cinema in close proximity to the site.

The Warrnambool Hotel is located near the site on the corner of Koroit and Kepler Streets. It is a 2 storey hospitality venue, including a bar, restaurant, outdoor courtyard and function rooms with a capacity of 460 patrons and a licence to operate until 2am.

Within a 50m radius of the site there a few non-commercial uses, including a dwelling (used for short term holiday rental – Kepler Rose listed on Stayz and Airbnb) at 89 Kepler Street, apartments above the commercial tenancies at 50-52 Kepler Street and rear yards to residential properties at 216-218 Timor Street. All these properties are located in the Commercial Zone, like the subject site.

### **POLICY**

### **CLAUSE 17.01-1S**

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

### **CLAUSE 17.04 FACILITATING TOURISM**

- Concentrate coastal tourist and commercial recreation development within existing settlements or close to existing settlements where existing infrastructure and community services can be utilised and consider proposed major developments outside existing settlements only when:
  - A genuine need has been demonstrated in response to a regional tourism product strength, outlines the desired visitor experience to be achieved and demonstrates consistency with regional tourism strategies;

### RESPONSE

The development of this site provides complementary tourism development to that available within Warrnambool, whilst utilising existing infrastructure

and services to add to the regional tourism strength which is present in Warrnambool.

The redevelopment of this site provides for multiple local employment opportunities, through both the fitout and operation phases of the Bar.

### **CLAUSE 21.08 ECONOMIC DEVELOPMENT**

Whilst the policy outcomes are not strictly applicable to this development, the proposal is a significant investment to create a unique hospitality venue and revitalise the building, adding to the mix of hospitality venues within the city centre. The premises will service both a local and tourist catchment, building on the existing offerings within the CBD.

### **CLAUSE 21.11-1 CITY CENTRE**

- To support the Warrnambool City Centre as the principal activity centre for Warrnambool and southwest Victoria.
- Warrnambool City Centre supports an economically, sustainable and socially rich environment through its city spaces and landscape, land use activities, access and movement network and built form.

### RESPONSE

The restoration and revitalisation of this building supports the principal activity centre roll of the Warrnambool CBD and will complement the existing network of hospitality venues scattered throughout the area, including building on the laneway character by using the existing lane as the main entrance to the premises.

### **COMMERCIAL 1 ZONE**

The purpose of this zone seeks;

- To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

A permit is required to construct a building and construct or carry out works.

The decision guidelines for buildings and works required consideration of the following matters;

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design
  of Verandahs, access from the street front, protecting active
  frontages to pedestrian areas, the treatment of the fronts and backs
  of buildings and their appurtenances, illumination of buildings or their
  immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas. adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

### RESPONSE

The alterations and extensions to the buildings and work proposed on site provide for the efficient movement of pedestrians around the site and the efficient delivery of supplies and removal of waste from the site. The site layout does not impact on the ability of the site to be serviced by public transport or emergency services – both of which are available.

The provision of a loading space to the rear yard (to be also utilised by temporary food trucks). The delivery loads for the bar are not expected to be significant and can be walked into the building, with unloading in this area.

The design of the building, alterations and extensions are appropriate to both conserve and enhance the heritage features of the building and provide a contemporary treatment to other built form on the site.

A waste storage area is proposed to be located at the rear of the site, allowing bins to be collected from within the site, at a frequency appropriate

Warrnambool City Council Agenda for Scheduled Council Meeting

to their storage capacity. The bin storage area will be located behind the outdoor bar building and screened from patrons.

All services are available to the site and will be upgraded to current standards as part of this fit out of the premises on the site.

The buildings and works have been designed to provide for amenity to both the internal and external areas of site for future patrons. The external uses will be suited to use at different times of day depending on prevailing winds and sunlight. This is appropriate.

### **SUMMARY**

The proposed buildings and works meet the purpose of the Commercial 1 Zone by facilitating the use of the site by a vibrant contemporary use which uses both the heritage building and outdoor areas to provide a new venue to the hospitality offering in Warrnambool.

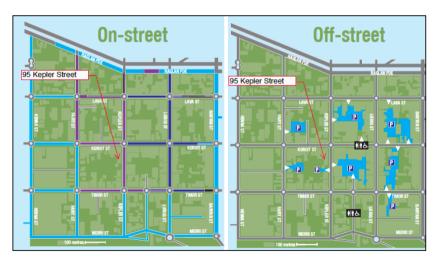


Figure 3 On Street and public car parking in proximity to site (Source: Warrnambool City Council)

### **CLAUSE 52.06 CAR PARKING**

The car parking rate for a bar is 0.4 spaces per patron.

The patron capacity on the liquor licence is proposed to be to 362 persons. This requires a car parking waiver of 144.8 spaces

Within a 150m radius of the site there are the following public carparks;

•	Kepler Street West	38 (1hr)
•	Kepler Street East	34 (1hr)
•	Kepler Street Car Park	17 (All day)
•	Koroit Street with a 150m radius of the site	80 (1hr)
•	Ozone Carpark	179 (2hr)
		100 (4hr)
	(Total within 150m of site)	
		448 spaces



Figure 2 Aerial photo showing existing public and private car parking within 150m radius of site (Source: Nearmap 2020)

It is noted that there are other public car parks and on street parking within a 150m radius of the site, including in Fairy Street, Grace Avenue and Timor Street, but as the do not have a direct path of travel to the subject site, their spaces are less likely to be utilised by patrons of the premises, than the closer spaces.

The total public carparking spaces within close proximity to the site is 448 spaces.

A licensed premise such as that proposed would have peak capacity of an evening or weekend when carparking is un-restricted and free, rather than during peak business hours during the week when on street parking is at capacity, and public car parks have a high turnover of spaces.

Whilst it is noted that the liquor licence is proposed to allow the service and consumption of liquor from 7am (standard licenced hours), licensed premises such as that proposed do not usually operate before midday as a regular occurrence.

Morning events would be pre-booked and occur on occasion. The venue is not proposing to offer early morning meals/coffees as part of its offering and will not have any significant impacts on existing car parking capacity during Monday-Friday business hours.

As such, the waiver of car parking spaces is appropriate,

- Given then walkable nature of Warrnambool CBD,
- The availability of formal unrestricted on street carparking including a public car parks in close proximity to the site,
- The availability of taxi/rideshare services and public transport in close proximity to the site.

Council's 2015 Car parking Strategy found that high demand for on street parking occurred during business hours on weekdays.

The study illustrated that there was low to very low demand for car parking on the west side of Kepler street after 6pm on a weeknight, as well as on a Saturday afternoon and evening.

It is noted that whilst the site is in proximity to a number of entertainment uses which operate of an evening/weekend, the other uses rely on on-street or public carparks for their patrons, and there is capacity within the wider on street parking network to cater for the car parking demand from the proposed patrons numbers and the existing uses.

It is noted that since the 2015 Car Parking Strategy, a number of changes have occurred in the Warrnambool CBD and the strategy is currently being reviewed by Warrnambool City Council.

### **CLAUSE 52.27 LIQUOR LICENCE**

A permit is required to use land to sell or consume liquor.

The decision guidelines require regard to be given to:

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

### IMPACT OF SALE AND CONSUMPTION OF LIQUOR ON AMENITY

The sale and consumption of liquor is not expected to unreasonably affect the amenity of the area. The sale of liquor will occur within the building with the exception of the time in which the shipping container bar is open (weather dependant). It is proposed to limit the operation of the outdoor area to 11pm, with this area to be used as a smoking area between 11pm and 1am only with no background music provided during these times.

The consumption of liquor will generally occur within the building or the undercover outdoor area, with the exception of the times the uncovered outdoor area is in use (weather dependant).

The outdoor areas have sufficient area to accommodate approximately half the patrons at peak capacity, without accounting for space taken up by furniture.

The amenity impacts from the sale and consumption of liquor across the whole premises are likely to be minimal as the venue will be primarily food rather than alcohol focused with the charcuterie and woodfire pizza offering a key drawcard for patrons.

As such, external amenity impacts are likely to be limited to patron noise when the outdoor areas are in use. Background music will be played within the internal and undercover external areas of the venue in accordance with the relevant SEPP levels. Background music will cease to be provided at 11pm in all outdoor areas.

The layout of the outdoor areas has been designed to ensure key activities are directed away from the closest residential properties.

The covered outdoor area, including the chimney/woodfire structure will provide a noise barrier for patrons, and the location of the outdoor bar/food truck area is as far as possible from the closest residential interfaces.

The use of the laneway as the primary entry point should prevent patrons congregating in Kepler Street before entering the premises.

The laneway entrance also allow staff to monitor patron numbers and capacity prior to patrons entering the main area of the venue without impacting adjoining public spaces. The use of gates to the laneway allows the site to be secured when not open.

It is noted that the closest residential property at 89 Kepler Street is not currently permanently occupied and is used as a short term tourist rental property (Kepler Rose), and as such is unlikely to be detrimentally affected by the venue.

The design and layout of the covered outdoor area has been revised to provide a 3m high boundary fence to the south side. This will further reduce noise spill to the south.

### IMPACT OF HOURS ON AMENITY

The hours of operation of the premises, are typical of a bar or hotel within Warrnambool. The proposed 1am closing time will have no substantially greater impact on the amenity of the area than if a closing time of 11pm was proposed, due to the sit down wine bar nature of the venue, the solid construction methods of the building, and the availability of internal spaces across the building. The amended application proposed to cease use of the outdoor areas at 11pm (with the exception of using this area to provide an on-site smoking area).

The proposed licensee is an experienced hotel/bar operator and has the ability to mentor and train staff to ensure that patron behaviour does not have a negative impact on the amenity of the area. A draft staff training manual and patron management plan are provided as part of the application documentation.

The site is in close proximity to taxi and rideshare services available in the CBD, including the main Taxi Rank off Timor Street.

The hours of operation proposed are similar to other larger venues in Warrnambool. Although it is noted the venue is not proposed to have the feel of a pub or nightclub and compete for the same patrons.

The venue is proposed to operate as a wine bar offering woodfired pizzas and charcuterie for patrons to consume.

The hours of operation are typical hours proposed in commercial areas, allowing for the service and consumption of alcohol until 1am.

Given the typical weather conditions in Warrnambool, the use of the uncovered outdoor area late into evenings is unlikely on a regular basis and will be reasonably restricted in times of inclement weather.

The covered outdoor area has been designed to protect land to the south from noise in the premises through the use of the chimney/fence structure.

When the outdoor areas are not being used, the use is restricted to indoor areas with amenities, food and bar service all available within the building.

The solid sandstone construction method of the building will also attenuate any noise impacts from the premises.

### **IMPACT OF PATRONS ON AMENITY**

Whilst the premises is proposed to have a large patron capacity, this is commensurate to the floor area and layout of the venue. The patron capacity has been reduced by 100 persons in response to the objections received during the public notification period.

Each level of the building includes several small scale areas which will facilitate seating for small groups with access to both the charcuterie and bars on each level.

Each level is serviced by toilets and has multiple exit points.

The draft patron management plan provides appropriate management measures to ensure that patrons have no negative impacts on the amenity of the area.

The use of the laneway to access the premises, allows for the control of entry and exit to the premises, as well as allowing staff to ensure that the laneway area and patrons entering or exiting the site do not cause any unreasonable amenity impacts and leave the premises safely.

### **CUMULATIVE IMPACTS**

There are 118 existing licensed premises in Warrnambool.

Of the 188 liquor licences across Warrnambool, 63 are located in the CBD. There are

Whilst the issue of a liquor licence to the venue will increase the number of licensed premises within the city, it will provide a different offering to the current licensed premises in the CBD. The venue is neither a pub, hotel or nightclub and will not have the same amenity impacts on the area as these uses may.

The venue is a wine bar and charcuterie with a variety of spaces to gather in small groups and socialise. There is no dance floor, there is no large standing service only area as is typically found in a nightclub. The building

layout provides for a number of small spaces to gather in small groups and is not a large open venue. An indicative furniture layout has been added to the layout plans to increase understanding of how the spaces will be used and provide for patron amenity.

### **COMPARABLE VENUES**

The Hotel Warrnambool, An Seanchaí, The Whalers Hotel and The Caledonian Hotel are all similarly sized venues operating under General or On-premises licences, with capacities in excess of 400 persons within the Warrnambool CBD.

There are also 9 restaurant and café licences of various sizes which operate until 1am.

- Caledonian Hotel (500 Patrons 1am)
- Hotel Warrnambool (460 patrons 2am)
- Whalers Hotel (700 patrons 3am)
- An Seanchaí (686 patrons 3am)

The use of this venue in terms of amenity impacts is likely to be more like that of the Caledonian Hotel which does not regularly provide patrons with live or amplified music.

The Hotel Warrnambool, Whalers Hotel or An Seanchaí all regularly include live amplified music for their patrons and operate until later in the night than proposed in this application, and as such, are likely to have more significant impacts on the area than the current proposal.

As such, the venue will not unreasonably increase the cumulative impacts of licensed premises in Warrnambool or within the CBD itself, but will add to the variety of licensed venues available across the Warrnambool CBD.

The venue theme and heritage building style lend itself to a drink before or after dinner, a drink after attending the cinema, an outdoor drink on a sunny afternoon or a glass of red with a charcuterie board, followed by woodfired pizza as a main meal with a small group of friends.

The patron capacity of the venue has been reduced to 362 persons, following receipt of objections. It is considered the reduction in 100 persons across the venue reduces any cumulative impact that venue may have on the Warrnambool CBD.

### **SUMMARY**

The proposed venue Frolic and Co is a high quality licensed venue which will showcase the significant heritage features of the existing building, whilst providing a food and drink offering currently not available within Warrnambool.

The venue is focused on small groups and sharing charcuterie with matching alcohol. The venue is not a nightclub and is not proposed to operate beyond 1am.

Frolic and Co will not have any unreasonable amenity impacts on the surrounding area and will be managed by a team of highly regarded and experienced hospitality veterans to provide a new offering to the Warrnambool CBD.

The venue is in close proximity to a significant number of existing public car parking spaces which are not at capacity during the expected peak operating hours of the premises – evenings, and weekend afternoons. There is sufficient capacity in the existing street parking network to accommodate the car parking waiver required for the patron numbers proposed.

Loading, unloading and waste collection will occur on site to prevent impacts on the surrounding street network, and the existing laneway access is being retained and will be used for entering/exiting the site.

It is respectfully submitted, that the proposal of a licensed premises and waiver of car parking requirement is appropriate to the existing heritage features of the building, the efficient use of the floor area of the building and the proposed outdoor areas of the building for a licensed premises, in the format described in this report.

The proposed licensees hope to open the venue during 2021, with the basement and outdoor areas to operate initially, followed by the first floor to open later in 2021.

It is therefore respectfully requested that this application be supported, and a planning permit be issued by the Responsible Authority.

## FROLIC AND CO

# DRAFT PATRON MANAGEMENT PLAN

Prepared March 2021

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A copy of the Patron Management Plan (PMP) will be kept at the premises and made available for inspection immediately upon request by Council Officers, Police Officers and Inspectors of VCGLR.

### **RELEVANT ATTACHMENTS**

The Licensee must comply with the provisions of

- Liquor Licence;
- Floor Plan of Licensed Premises as attached to the liquor licence
- Intoxication Guidelines issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR);
- The Frolic and Co Employee Induction on RSA Guidelines and Prevention of Intoxication;
- The Responsible Liquor Advertising and Promotions Guidelines promulgated by the Victorian Commission for Gambling and Liquor Regulation (VCGLR); and
- The Patron Management Plan.

In the event of an inconsistency between the PMP and the documents referred to above, the documents take precedence as listed above in descending order.

### PERMITTED HOURS OF TRADE

The Proposed Liquor Licence authorises trade:

Day	Start Time	End Time
Monday	7:00am	1:00am
Tuesday	7:00am	1:00am
Wednesday	7:00am	1:00am
Thursday	7:00am	1:00am
Friday	7:00am	1:00am
Saturday	7:00am	1:00am
Sunday	7:00am	1:00pm

Good Friday/ANZAC Day: 12pm to 1am

Amended hours of trade for outdoor areas (March 2021)

- Amended hours for the service of liquor <u>outdoors</u> to 7am -11pm.
- This includes closing the outdoor bar at 11pm, not providing any background music outdoors
  after 11pm and restricting the use of the outdoor area (undercover area) as a smoking area
  between 11pm and 1am.

### CAPACITY

• The capacity the licensed premises is 362 patrons or the number as authorised on the 'Certificate of Public Accommodation'.

### **KEEPING LICENSED PREMISES SAFE**

- The Licensee must keep the licensed area safe and properly secured at all times.
- The Licensee must through the implementation of the PMP and generally, implement
  measures to ensure that at all times patrons within the licensed premises do not
  create any disturbance or nuisance and do not act in a disorderly manner and to
  ensure the responsible service of alcohol.
- The Licensee is responsible for monitoring patron behaviour and the responsible service of alcohol.
- The Licensee will identify which parts of the licensed premises are in operation from time to time that need to be the subject of close management including the application of the POM to better ensure the responsible service of alcohol and that responsible service practices are being applied

### BEHAVIOUR OF PATRONS AND RESPONSIBLE SERVICE OF ALCOHOL

- The licensee supports the object of harm minimisation, that is, the minimisation of harm associated with the misuse and abuse of liquor (such as harm arising from violence and other anti-social behaviour).
- The General Licence must be exercised at all times in accordance with the provisions of the Liquor Control Reform Act 1988.
- The following operational policies for the responsible service of alcohol apply:
  - All staff involved in the sale and supply of liquor shall have completed an approved course in the Responsible Service of Alcohol, VIC.
  - The Licensee will maintain a register containing copies of the certificates showing the satisfactory completions of Responsible Service of Alcohol course undertaken by the Licensee and all staff required to complete that course. That register must be made available for inspection on request by a Police officer or VCGLR Inspector.
  - No person under the age of 18 years will be permitted to be sold or suppled liquor. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification are:
    - Photo driver's licence;
    - Keypass photo ID card; or
    - Current passport.
- We will remind our staff of their obligations under the law and under the requirements of our policy in regular discussions between managers and staff.
- We will not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- Any person who is intoxicated shall not be served alcohol as per the VCGLR, Intoxication Guidelines.
- Any person who is intoxicated will be denied entry to the licensed premises.
- The Licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons on the licensed premises.
- Any person causing such a disturbance shall be refused service and asked to leave the licensed premises.
- It is our intention by implementing these strategies to ensure that no harm flows to members of the public from the service of alcohol by our staff. To do this, we will:

- Continually apply our PMP on harm minimisation and responsible service of alcohol.
- Continually update our PMP on harm minimisation and responsible service of alcohol
- Provide low alcohol beverages and non-alcoholic beverages (including water) when full strength liquor is available.
- Food of a nature and quantity consistent with the responsible service of alcohol will be available at the licensed premises at any such time that the General Licence is being exercised.

### **AMENITY OF NEIGHBOURHOOD**

- The Licensee will consider the amenity of the licensed premises' neighbourhood and will implement all reasonable steps to ensure that its operation does not impact adversely on the local community.
- The business will be conducted in such a manner so as not to interfere with, or
  materially affect, the amenity of the neighbourhood by reason of noise, vibration,
  smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or
  otherwise.
- The Licensee will ensure that the entry points to and the curtilage of the licensed premises are kept clean and tidy during trading hours.
- The Management will ensure that the manner in which the licensed premises is conducted and/or the behaviour of persons entering and leaving the licensed premises does not cause undue disturbance to the amenity of the neighbourhood.

### **SIGNAGE**

- Signage will be erected at the entrance to and throughout the licensed premises so as to ensure compliance with the Liquor Regulations:
  - https://www.vcglr.vic.gov.au/print-my-liquor-signage
- Signage to be displayed:
  - o Drunk and Disorderly VCGLR0022018V1
  - Under 18 No Entry VCGLR0032018V1
  - o Under 18 No Supply VCGLR0042018V1

### **EMERGENCY PROCEDURE**

- Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
- All managers and other staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises.

### **COMPLAINT HANDLING**

- Persons wishing to make a complaint about liquor related matters concerning the licensed premises should contact the manager on duty.
- Calls to this number are to be answered at all times when the premises are trading and for at least 20 minutes after closing time.
- Any staff member answering such a call must do so in a polite, sympathetic and courteous manner.
- Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the call to let the complainant

know what has been done to address the concerns/complaints expressed.

### **STAFF TRAINING**

All staff responsible for the service of alcohol are required to complete RSA training.
 In addition, staff will be trained and familiarised with the Patron Management Plan as well as inducted on our RSA Guidelines and Prevention of Intoxication.

### **AMENDMENTS TO THIS PLAN**

If, in circumstances where experience shows that it is reasonable or desirable to
modify any provision of the Patron Management Plan for the better management of
the Premises, the PMP may be updated and a copy of the amended Patron
Management Plan provided to the Responsible Authority and Victoria Police, as
necessary.



## FROLIC AND CO

## EMPLOYEE INDUCTION HANDBOOK

Responsible service of alcohol Guidelines and Prevention of Intoxication Strategies

### PART 1: RESPONSIBLE SERVICE OF ALCOHOL

### WHY RSA IS IMPORTANT?

- As a venue with a liquor licence, we have a moral and legal duty of care to our members and guests to ensure that can enjoy themselves in a safe environment.
- Under the Liquor Control Reform Act 1998 (the Act), we have responsibilities which
  we must meet to achieve this as well as contribute to minimising the risk of alcoholrelated harm.
- The RSA training program aims to assist organisations to develop policies and procedures for the service of alcohol. The RSA program also provides organisations with the knowledge and awareness to responsibly serve alcohol in licensed premises.
- Frolic and Co. strives to avoid problems caused by intoxicated members and guests.
- It is in everyone's interest to minimise problem drinking to ensure that:
  - o The overall atmosphere is pleasant
  - Frolic and Co enjoys a good reputation with the neighbourhood and community
  - o there is no damage to the premises
  - o potential legal problems are avoided
  - o police attendance is not required.

### **RSA TRAINING REQUIREMENTS**

- RSA training is an important component of our risk management strategy to minimise alcohol-related harm.
- To update your RSA training knowledge, complete the RSA online refresher course available at <a href="https://www.vcglr.vic.gov.au.">www.vcglr.vic.gov.au.</a>

### PART 2: SERVING ALCOHOL RESPONSIBLY

### **LEGAL AND MORAL OBLIGATIONS**

- Licensed venues need to be aware of offences related to the service of alcohol.
- The Act states it is an offence for a licensee or permittee to:
  - o supply liquor to a person in a state of intoxication, or
  - o permit drunken or disorderly persons to be on the licensed premises,
- A definition of intoxication is contained in the Liquor Control Reform Act 1998.
   Section 3AB (1) states:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

- The licensee and staff have a moral obligation to ensure a safe environment for its patrons at all times.
- It is also against the law to serve alcohol to a person who is intoxicated and to allow a
  drunken or disorderly person to be on the premises.
- If you have reasonable grounds to believe that someone is intoxicated, then you must refuse service to that person.
- If you have reasonable grounds to believe that someone is drunk or disorderly, then
  you must not allow them to be on the premises.
- Frolic and Co will ensure that members and guests are aware of their legal and social obligations.
- A patron must not:
  - o obtain liquor for a person in a state of intoxication or
  - o aid or assist a person in a state of intoxication to obtain liquor.
- A patron who is drunk, violent or quarrelsome must not refuse to leave the premises when asked to do so by:
  - o the licensee or permittee
  - o an employee or agent of the licensee or permittee, or
  - o a member of the Victoria Police
- Despite all attempts for licensees to comply with the law, incidents may occur at the premises.
- When such incidents happen, you must record them in an incident register. An
  incident register can be as simple as an exercise book.
- Examples of some incidents are:
  - $\circ\quad$  a drunk or disorderly patron on the premises refuses to leave
  - o entry is refused to a drunken or disorderly person
  - o a patron assaults another person within the premises or
  - a patron creates a nuisance when leaving the premises, thus creating a disturbance for neighbours.
- The incident register must include as many of the below details as it is possible to

### gather;

- o incident date, time and location
- o name of the patron/s
- o details of witnesses
- incident details
- o description of offenders.

### PROMOTING GOOD BEHAVIOUR

- Drinking behaviour depends on three different factors:
  - o The drink the amount and strength of alcohol.
  - The drinker the characteristics of the person drinking the alcohol and his or her state of mind and personal circumstances.
  - The environment the atmosphere and prevailing rules of the premises where the drinking is taking place.
- Frolic and Co employees serving alcohol are in a position to control or influence at least two of the three factors above: the amount and type of drink served and the environment.
- Some important preventative factors include:
  - o keeping the amenities and facilities at high levels of cleanliness and repair
  - o regularly removing glasses, containers and litter
  - providing adequate numbers of security staff or crowd controllers at special events, particularly where you believe there is a risk of intoxication or underage drinking
  - o ensuring toilet facilities are clean and adequate
  - o Use of CCTV to monitor behaviour across the venue
  - o ready availability of food and non-alcoholic drinks
  - adequate seating arrangements
  - o good communication between staff and patrons

### **CONSEQUENCES OF NON-COMPLIANCE**

- When a liquor licence is granted to a venue, it agrees to obey the laws set out in the Liquor Control Reform Act 1998.
- Every licensed venue has a duty to serve alcohol within these legal requirements.
- Serving practices that result in drunkenness and alcohol abuse on licensed premises can result in action being taken against the it.
- The VCGLR or Victoria Police may take action seeking to vary, suspend or cancel the liquor licence.
- The VCGLR has published guidelines for responsible liquor advertising and promotions to assist licensees and promoters identify the standards and conduct expected of them when advertising or running liquor-related promotions.
- The guidelines are available on the VCGLR website at <u>www.vcglr.vic.gov.au.</u>
- The following table outlines the penalties for intoxication/drunk offences.
- [See: www.vcglr.vic.gov.au.and refer to the Breaches under the Liquor Control

Reform Act 1998 fact sheet for a completed and up-to-date list of penalties.]

Compliance history trigger offences  These offences are infringements considered when calculating the annual licence renewal fee.	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$19,343	\$1943
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$19,343	\$1934
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(a)	\$19,343	\$1934
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(b)	\$19,343	\$1934
Liquor is supplied to a person under 18 on licensed premises, other than as permitted	119(2)	\$19,343	\$1934
Permit a person under 18 on licensed premises, other than as permitted	120(1)	\$19,343	\$1934

### **FACTS ABOUT ALCOHOL**

- Alcohol is a drug that depresses the central nervous system. It slows down the part of
  the brain that controls behaviour. While people become more outgoing after a few
  drinks, it is the loss of control over their behaviour that becomes a concern.
- The RSA training program provides information and facts on alcohol content and different effects regarding absorption of alcohol.
- As a licensed venue we need to understand the alcohol content in the drinks that are served on the premises and to have some understanding of the different effects.
- The following information provides a brief outline of alcohol content in drinks that may be served under a general liquor licence:
- A standard drink is typically defined as a drink that contains approximately 10 grams of pure alcohol.
- 10 grams of alcohol is normally contained in:
  - o 30mls of spirits
  - o 60mls of port
  - 100mls of red or white wine
  - 100mls of sparkling wine
  - o 285mls (a pot) of full-strength beer
- A standard drink and a standard size glass are not the same thing.
- For example, wine served in a 200ml glass is equivalent to two standard drinks.
- Intoxication begins when the first drink of alcohol is consumed.
- When alcohol builds up in a person's bloodstream, it can significantly affect their understanding of events and their outward behaviour.
- The body quickly absorbs alcohol; however, the exact time that the body will take to absorb alcohol will vary from one person to another.
- The best way for people to avoid drunkenness is for drinkers to 'pace' themselves that is, drink at a rate no faster than it takes for the body to break down the alcohol.

### PART 3: MANAGING INTOXICATED PATRONS

### RECOGNISING SIGNS OF INTOXICATION

- The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is required to issue guidelines containing information which assists in determining if a person is in a state of intoxication.
- The VCGLR consulted with Victoria Police and industry bodies including the Australian Hotels Association and Community Organisations Victoria to ensure that guidelines are useful to licensees and easy to understand.
- The Intoxication Guidelines can be viewed in full at www.vcglr.vic.gov.au.
- You can also access additional information on identifying intoxicated patrons, what to
  do if someone is intoxicated and ways of helping reduce the risk of intoxication.
- For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, coordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.
- There are many noticeable signs that a person may display as they become intoxicated.

### HOW CAN YOU DECIDE IF A PERSON IS IN A STATE OF INTOXICATION?

- You should consider whether the person is displaying one or more of the signs of intoxication which may include:
  - becoming loud, boisterous
  - becoming argumentative
  - o annoying other patrons and staff
  - using offensive language
  - o spilling drinks
  - o fumbling and difficulty in picking up objects
  - swaying
  - o difficulty walking straight
  - bumping into furniture or customers
  - o rambling conversation
  - loss of train of thought
  - difficulty in paying attention
  - o not hearing or understanding what is being said
  - o drowsiness or dozing while sitting at a bar or table
- The above list is not exhaustive and is not necessarily conclusive of intoxication.
- Interaction with the person and their friends will help you determine whether someone is intoxicated and their level of intoxication.
- Becoming familiar with members and guests who frequent the premises will assist you to recognise when someone is intoxicated.
- However, there are strategies you can use to help recognise signs of intoxication even when the person is unfamiliar to you.

- Some strategies are provided below, but it is a good idea to discuss other ways to recognise and prevent intoxication.
  - o Talk with the person, ask them questions such as:
    - How much alcohol have you consumed?
    - When did you last eat and how much?
    - Do you consider yourself intoxicated?
  - Make further observations:
    - Does the person smell of alcohol?
    - When did the person enter the premises?
    - What type of alcohol has been consumed?
    - How much alcohol have you witnessed the person drink?
- If it is difficult getting a reasonable response from the person, talk to the people he or she is drinking with and ask similar questions.
- If the person has a medical condition or disability, it is likely that his or her friends will be able to tell you.
- Be sensitive to a person's right to privacy.
- Sometimes physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication.
- You should consider the possibility of the existence of any conditions prior to refusing service on the basis that a person is intoxicated.
- Prior to refusing service on the basis that a person is intoxicated, you must be able to rule out various medical conditions and disabilities that cause symptoms similar to intoxication.
- For example:
  - possible illness
  - o injury, or
  - o medical conditions, such as:
  - brain trauma
  - hypoglycemia or
  - o pneumonia.

### REASONABLE GROUNDS FOR BELIEF

- Remember that it is an offence to:
  - supply liquor to an intoxicated person or
  - o allow a drunken person on the premises.
- The law requires that you must have 'reasonable grounds' for the belief that the
  person is intoxicated as a result of alcohol consumption.
- 'Reasonable grounds' for belief is what a reasonable person would believe in the given situation, taking into account the relevant knowledge, facts you have and the circumstances you are in.
- A belief can be formed on the basis of observing the physical signs and symptoms, talking to the person and their friends, and then considering whether such symptoms

- could be the result of alcohol consumption or another condition.
- In Victoria, it is unlawful to treat someone unfairly or discriminate against them on the grounds of their actual or assumed disability.
- It is alright if you refuse service to a person on the basis of the belief they are intoxicated, even if you are wrong.
- Note: A person has the right to take the matter to the Equal Opportunity and Human Rights Commission if they feel they have been subjected to discrimination.
- You can use the following suggestions to refuse service to a member or guest:
- Use tact politely inform the person you will not serve them any more alcohol.
- Don't speak to the person in front of others.
- Repeat firmly that by law they cannot be served another drink.
- · Offer a non-alcoholic drink or food.
- · Notify the manager on duty or security.
- Also notify other relevant staff that you have refused service to the person.
- If considered necessary, the manager on duty may impose a short-term ban.

### STRATEGIES TO PREVENT INTOXICATION

- It is the premises's responsibility to prevent members and guests from becoming intoxicated.
- All persons serving alcohol at Frolic and Co, need to ensure:
  - o they recognise the signs of intoxication
  - o they are not serving anyone who is intoxicated, and
  - o patrons do not become intoxicated.
- The Frolic and Co management can create a low risk, healthy culture and environment by implementing strategies and policies to prevent intoxication and underage drinking.
- Some ways organisations can work to prevent problems with intoxicated/underage patrons are:
  - o avoiding inappropriate promotion of events involving alcohol
  - o adopting a policy on serving strategies and the refusal of service
  - o having a plan to prevent intoxication
  - training staff regularly
  - o providing safe transport alternatives, and
  - having a plan to prevent underage drinking.
- Venue management should ensure that people serving alcohol use the following methods to help prevent intoxication:
  - o Actively promote a healthy lifestyle for all Lounge members.
  - Actively promote low alcoholic drinks, non-alcoholic drinks and food accompaniments.
  - o Use standard drink measures when serving non pre-packaged alcohol.
  - Slow service down.

- o Point to the relevant sign outlining the licensees responsibilities.
- o Alert other staff to a person showing signs of intoxication.
- o Serve water with alcoholic drinks and keep water available.
- o Ensure only RSA trained staff serve alcohol.
- All employees are required to:
  - encourage moderation
  - o not serve intoxicated or underage people
  - o minimise drink driving.

### **RECORDING OF INCIDENTS**

- All incidents need to be recorded in the Incident Report book.
- Details to include are:
  - o the date and time
  - o what happened
  - o who was involved
  - o the names of any witness(es) and their contact information
  - o how it was dealt with
  - whether the police were called.

### SAFE TRANSPORT STRATEGY

- Caution should be exercised so that you are aware if patrons are planning to drive.
- Nobody wants to see a patron become a road statistic.
- A safe transport strategy may help prevent this and may include the following:
  - o offering to call a friend or family member.
  - o offering to call a taxi/rideshare service.
  - o providing a telephone along with the telephone numbers of taxi companies.

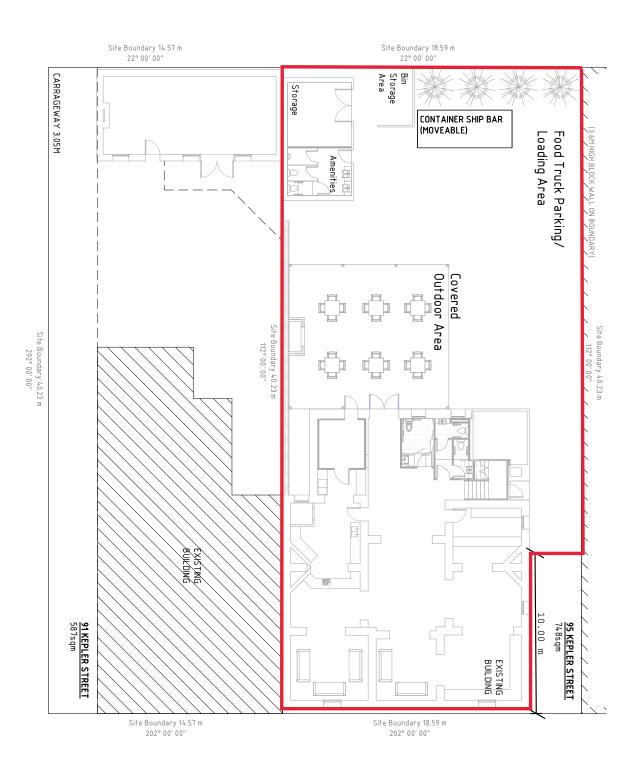
### **PART 4: SUMMARY**

### **GOLDEN RULES OF RSA**

- It is against the law to serve alcohol to an intoxicated person.
- Serving alcohol to an intoxicated person also places the person at risk.
- They may harm themselves in the premises or be at risk of harm on the way home.
- There are four things to remember when responsibly serving alcohol:
  - o Do not serve anyone who is underage.
  - o Recognise intoxication and try not to serve anyone to the point of intoxication.
  - o Do not serve anyone who is already intoxicated.
  - Discourage intoxicated people from taking part in activities that may cause harm to themselves and others.

### **RESOURCES**

- The following resources are available at www.vcglr.vic.gov.au.
  - RSA training frequently asked questions
  - o Responsible serving of alcohol at functions
  - o Breaches under the Liquor Control Reform Act 1998 fact sheet



Document Set ID: 11165698 Version: 1, Version Date: 11/03/2021



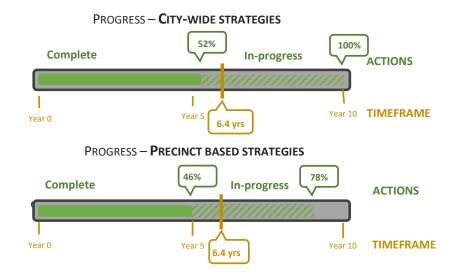
### WARRNAMBOOL'S OPEN SPACE NETWORK

### - THE LAST SIX YEARS -

The Warrnambool Open Space Strategy was adopted in 2014 after an extensive process of analysis and community consultation. The purpose of the Strategy was to provide an overarching framework to direct open space planning and management in Warrnambool to 2024.

The planning and management of open spaces in Warrnambool is a collaborative effort across three directorates in Council - City Growth, City Infrastructure and Community Development. Progress on the strategy is tracked on an ongoing basis by the City Strategy unit.

This document provides the second interim report on the implementation of the Open Space Strategy (the first being in 2017). It highlights the achievements and progress that has occurred in the six years since the strategy was adopted.



4

newly developed local / neighbourhood parks

105

parcels of land rezoned to reflect an open space function 3100

residents given access to a developed local or neighbourhood park within 500m of home for the first time\*



6.4km

of new footpaths, connections and footbridges connecting residents to open spaces 5km

of Russell's creek trail now fully connected



New open space section in Local Planning Scheme

2

new Master Plans/Precinct
Plans/ Landscape Plans informed
by the Open Space Infrastructure
Guidelines

5

new pedestrian crossings over roads and waterways, connecting residents to open spaces

\* Due to: Daltons Road footbridge, new park at Cnr Whites and Aberline, development of open space at Barton Court, development of Woolen Mill open space, footbridge at Jubilee Park Woodford, Mortlake Rd pedestrian crossing.

Since the last progress report, a new dashboard display has been set up as part of the existing process for tracking progress on the Open Space Strategy (Figure 1). It automatically updates as progress is made on individual recommendations. It provides a snapshot of where strategy implementation is currently at, allowing any issues can be quickly identified. It is hoped this approach can be applied to the tracking of other planning strategies, to aid transparency and accountability.

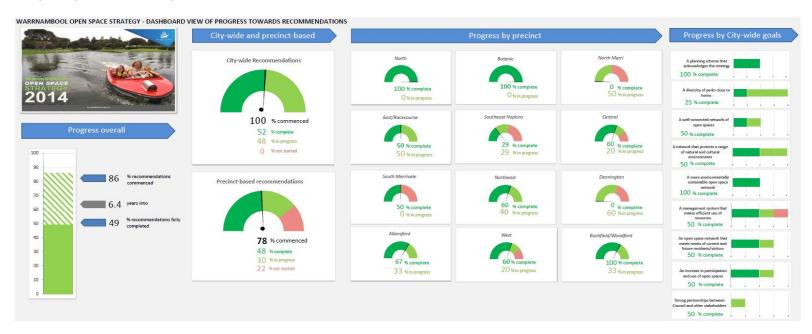


Figure 1. Snapshot of progress on the Open Space Strategy. The dashboard view updates as the spreadsheet that tracks progress on individual recommendations is updated.

### **OPEN SPACE FRAMEWORK PLAN**

A map of the open space network in Warrnambool in 2014 reveals a lack of connectivity between open spaces across parts of the City (Figure 2).

A number of new riverside and coastal reserves have or are planned to come in to public ownership as a result of growth area developments. The Open Space Framework Plan was introduced in the Open Space Strategy. Figure 3 shows Warrnambool's future Open Space network in the next ten

to twenty years as these areas are transferred to public ownership. The addition of these reserves will greatly improve open space connectivity across the City, including a 'green loop' connecting the coastline, Merri River, and Russell's creek corridors.

Since 2014, 17.6ha of new open space identified in the framework plan has already been transferred to Council for puplic purposes, with a further 11.9ha 'in the pipeline'.

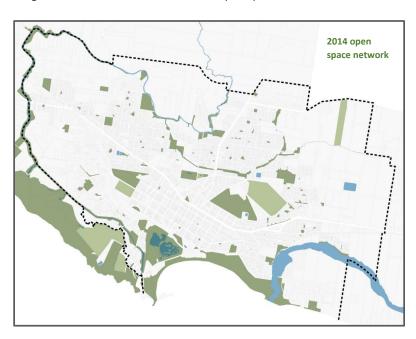


Figure 2. Warrnambool's open space network in 2014.

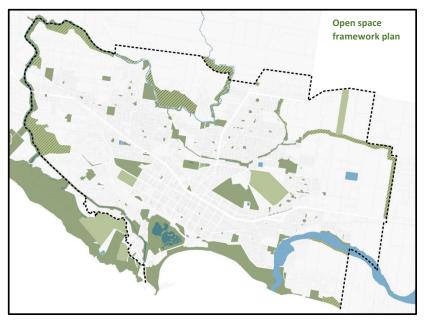


Figure 3. Warrnambool's Open Space Framework Plan

### WARRNAMBOOL'S OPEN SPACE PRINCIPLES

Seven principles were developed as part of the Warrnambool Open Space Strategy:



**Accessible** a variety of open spaces that are accessible to all residents, regardless of age, ability and culture. Residents should have at least one open space within walking distance of their home

**Adaptable** be flexible, multi-use and provide opportunities for passive and active recreation that is responsive to community needs

**Connected** open space corridors and shared trails that improve the connectivity of the network and provide links for walking, cycling and biodiversity movement

**Diverse** provide a variety of experiences and cater for a range of recreational needs

**Efficient** consider adaptability and maintenance in the development and management of open space

**Equitable** access to open space will be distributed as fairly as possible across the municipality

**Protective of the environment** preserve and enhance areas with environmental values and provide appropriate public access to waterways and coastal environments

### CITY-WIDE STRATEGIES - FRAMEWORK

The Open Space Strategy identifies four key strategic areas to work towards, which include nine goals (below). Progress towards these recommendations is indicated over the following pages as: *complete, in progress, ongoing* or *not started*. Progress is also regularly tracked via the dashboard display on page 4.

## PROTECTING AND ENHANCING THE OPEN SPACE NETWORK

- GOAL 1: A planning scheme that acknowledges and contributes to the strategic priorities presented in this Strategy
- GOAL 2: A diversity of parks that everyone can access close to home
- GOAL 3: A wellconnected network of open spaces across the municipality

## BUIDLING A SUSTAINABLE NETWORK

- GOAL 4: A network that protects a range of natural and cultural environments and contributes positively to biodiversity and water quality
- GOAL 5: A more environmentally sustainable open space network
- GOAL 6: A management system that makes efficient use of available resources whilst maintaining quality of provision

## PROVIDING FOR A CHANGING POPULATION

 GOAL 7: An open space network that meets the needs of current and future residents and visitors

## ENCOURAGING GREATER USE AND PARTICIPATION

- GOAL 8: An increase in participation and use of open spaces
- GOAL 9: Strong partnerships between Council and other stakeholders in delivering the recommendations outlined in the Open Space Strategy

## PROTECTING AND ENHANCING THE OPEN SPACE NETWORK

## GOAL 1: A planning scheme that acknowledges and contributes to the strategic priorities presented in this strategy

### Recommendations

- Amend the Local Planning Policy Framework to reflect the Warrnambool Open Space Vision and Principles and make reference to the Warrnambool Open Space Strategy COMPLETE
- Review zoning of all open spaces and where required include in an amendment to the Planning Scheme **COMPLETE**

## GOAL 2: A diversity of parks that everyone can access close to home

### Recommendations

- Fill gaps in open space provision and accessibility through a number of methods, including shared use agreements, streetscape improvements, upgrading existing parks, open space contributions, and where necessary, direct purchase IN PROGRESS
- Undertake further strategic assessment at the sub-precinct level where gaps in provision have been identified IN PROGRESS

- Adopt a policy that all-abilities access be incorporated when open spaces with a recreational function are created or upgraded **COMPLETE**
- Develop a consistent, transparent policy for assessing proposals for disposing of or changing the use of open space IN PROGRESS

### GAPS ADDRESSED IN OPEN SPACE NETWORK 2014 - 2017

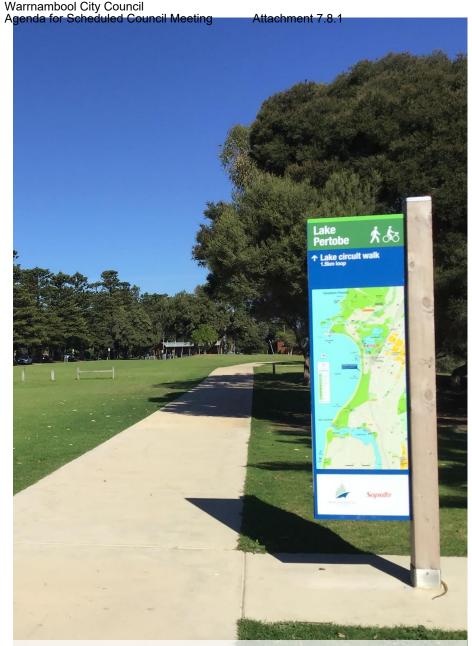
- **Barton Court** 300-400 properties gaining access to a developed local park (will increase with further residential development)
- Garden Street gap in Russell's Creek trail completed approx.
   3 800 people now have access to a 5km continual off-road shared trail
- Mortlake/ Wollaston Road crossing opened up access by nearly 400 properties east of Mortlake Road to St James Park and the Sth of Merri precinct. The propoerties previously had limited open space access
- Streetscaping in Liebig Street redevelopment helps address lack of access to open space in Central Warrnambool

### GAPS ADDRESSED 2017-2021

- 353m **new off-road path** to improve access to river for residents off **Mahoneys Rd** (plus two pontoon upgrades)
- 14.6ha new parkland along Merri River off Waldock Way, Stewart Court (provided via development process)
- CBD streetscape and laneway improvements have contributed to useable public space where there are limited parks
- 5.9ha **new parkland adjoining Hopkins** (via development process)
- 2ha new open space along Russells Creek
- Separated pedestrian access added to bridge in Allansford, improving access to Hopkins River

### PARK REDEVELOPMENTS INCORPORATING UNIVERSAL ACCESS PRINCIPLES

- Whitham Park \* Swan Reserve \* Cnr Whites Aberline
  - Cramer Street play space \* Lake Pertobe
- Botanic Gardens Master Plan \* East parks \* Victoria Park



## New sealed path and wayfinding signage at Lake Pertobe. Provides all weather and universal access for walking around the lake.

## GOAL 3: A well-connected network of open spaces across the municipality

#### Recommendations

Address key connectivity issues as identified in the precinct analysis with priority given to closing gaps in waterway corridors along Russell's Creek and the Merri River IN PROGRESS

Undertake a pedestrian network analysis to help identify priority works that improve connectivity to open spaces **COMPLETE** 

#### **Merri River Parklands Framework**

Since the 2014 Open Space Strategy was adopted, a new Merri River Parklands Framework has been developed and adopted in response to a number of Council strategic documents, including Warrnambool 2040, Active Warrnambool, Green Warrnambool, and the formation of the Merri Alliance.

Whilst the framework isn't referenced in the Open Space Strategy, it is a notable open space strategic document that recognises the long-term value of the Merri River as a significant open space corridor for Warrnambool.

The vision of the framwor is that the Merri River corridor will form a series of connected and accessible parklands and trails through Warrnambool, that support the long term health of the river, as well as active river and riverside transport, nature-based recreation and events, and wildlife movement.

The objectives of the framework include: connecting place, connecting culture, connecting nature, connecting trails, connecting communities and connecting partners.

The framework supports the Open Space Strategy goal of a well-connected network of open spaces across the municipality.

EGY PROGRESS REPORT 2014-2017 - page 11

#### **CONNECTIVITY IMPROVEMENTS 2014 - 2017**

- 600m new internal walking trails at Brierly Reserve
- 2.4km new paths connecting residents to Brierly Reserve
- 650m new paths linking central Warrnambool residents to Victoria Park and the Friendly Society Reserve
- Key open space gap filled in Russell's Creek Trail, completing 5km of offroad trail through north Warrnambool
- New footbridge at Woodford, completing 2.7km of connected off-road trails, and providing pedestrian access by 98 properties north of the Merri to Jubilee Park and Woodford Primary School
- New footbridge at Wellington Street, providing access by 73 properties south of the Merri River to the Rail Trail
- 380 properties gained access to St James Park and the Merri River within 500m of the new Mortlake Rd pedestrian crossing

#### **CONNECTIVITY IMPROVEMENTS 2018 - 2021**

- New footbridge at Younger St, connecting 53 properties to the rail trail
- 714 new sealed paths at Lake Pertobe, providing all weather and Universal Access through the city's premier recreation park
- 355m new paths to Hokpins River access at Mahoneys Rd
- 1km new paths along or connecting to Russells Creek trail
- 211m new paths connecting East Parks to residential streets
- New footbridge at Daltons Road, connecting 96 properties within 500m to the start of the Russell's Creek trail, and connecting 83 properties within walking distance to the Karana Drive playspace



New riverside paths/seats at Mahoneys Rd have improved access to river



New paths at Lake Pertobe have improved all weather and abilities access

## BUILDING A SUSTAINABLE OPEN SPACE NETWORK

# GOAL 4: A network that protects a range of natural and cultural environments and contributes positively to biodiversity and water quality

#### Recommendations

- Adopt a policy that sites with high environmental values will be incorporated into the open space network as the opportunity arises **COMPLETE** (see *Warrnambool Open Space Policy* inset)
- Adopt a policy that where conservation has been identified as the primary function of a reserve, other uses must be compatible with this **COMPLETE**
- In future growth area structure plans, plan for biodiversity corridors along waterways **ONGOING**
- Protect areas of cultural significance within the open space network **ONGOING**

## GOAL 5: A more environmentally sustainable open space network

#### Recommendations

Adopt a policy that the design of new open spaces or redevelopments demonstrate environmentally sustainable design principles **COMPLETE** 

Adopt a policy that indigenous species only be planted in and adjoining open spaces where the primary function has been identified as conservation, unless there is a significant cultural or heritage reason otherwise COMPLETE

#### WARRNAMBOOL OPEN SPACE POLICY (REVIEWED 2021)

An Open Space Policy was adopted by Council at the same time as the Warrnambool Open Space Strategy. All city-wide recommendations starting with 'adopt a policy' were included. The policy can be referred to in any decisions relating to open space development.





#### **OPEN SPACE INFRASTRUCTURE GUIDELINES**

An important inclusion in the Open Space Strategy was the introduction of Open Space Infrastructure Guidelines. These were based on guidelines in the Parks and Leisure Australia *Open Space Planning and Design Guidelines*, modified to the Warrnambool situation. Prior to this there were no consistent guidelines to inform what infrastructure is suitable for different categories of open space in Warrnambool, resulting in possible over-development of some parks relative to their role in the open space network.

All Master Plans and open space / playground Landscape Plans developed since the open space strategy have followed the Open Space Infrastructure Guidelines. These have included:

- Lake Pertobe Master Plan Botanic Gardens Master Plan
- Barton Court play space Cramer Street play space
- Wollaston Way open space Jubilee Park Woodford
- East Parks project South of Merri Precinct Plan

# GOAL 6: A management system that makes efficient use of available resources whilst maintaining quality of provision

#### Recommendations:

- Adopt a policy that open space infrastructure in new or redeveloped open spaces should be appropriate to its hierarchy and category, using the Open Space Infrastructure Guidelines COMPLETE (see Open Space Infrastructure Guidelines inset)
- Undertake an audit of all open spaces against the Open Space Infrastructure Guidelines IN PROGRESS
- Adopt a policy that asset renewal, maintenance and whole of life costs should be considered in the design process for development and redevelopment of open spaces **COMPLETE**
- Develop a policy on the provision of infrastructure on encumbered land such as floodplains IN PROGRESS (state government)
- Prepare an open space asset management plan **COMPLETE**

## PROVIDING FOR A CHANGING POPULATION

## GOAL 7: An open space network that meets the needs of current and future residents and visitors

#### Recommendations

- Develop an Open Space Contributions Policy IN PROGRESS
- Adopt a position of no net loss of open space from the open space network ONGOING (NO NET LOSS TO DATE)
- Adopt a policy that adaptability and multi-functionality should be incorporated into the design and development of open spaces COMPLETE



## GOAL 8: An increase in participation and use of open space

#### Recommendations

- Continue to implement existing Open Space Master Plans **ONGOING** (see *Master Plans Summary* inset)
- Master Plans to be developed or reviewed for municipal and regional sports or recreation reserves, and for areas of open space that have complex issues to be addressed **ONGOING**
- Develop a Play Space Strategy to guide the priorities for redevelopment and provision of new play spaces IN PROGRESS
- Review or update the Recreation Plan to identify priority areas for Council investment in supporting sport and recreation activities in Warrnambool COMPLETE (Active Warrnambool Strategy)
- Identify existing open spaces that could be improved for safety and appeal ONGOING e.g. Crawley and Cramer Street playgrounds, new dog park at Victoria Park
- Expand the current planning for coastal way-finding signage to include the whole of Warrnambool COMPLETE



#### MASTER PLANS SUMMARY 2014 - 2021

#### Developed

- Lake Pertobe
- **Botanic Gardens**
- East Parks Landscape Plans
- South of Merri Precinct

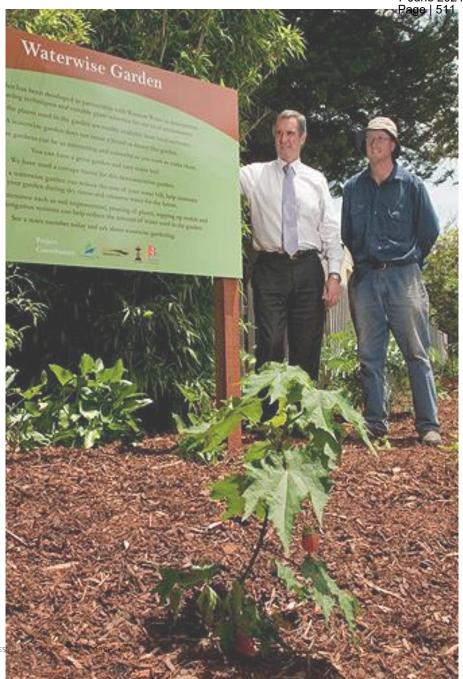
#### **Under implementation**

- Lake Pertobe
- Brierly Reserve
- Botanic Gardens
- South of Merri Precinct Plan
- Allansford Rec Reserve (complete)
- -Jubilee Park Woodford (complete)

# GOAL 9: Strong partnerships between Council and other stakeholders in delivering the recommendations outlined in the Open Space Strategy

#### Recommendations

Continue to engage with the community and partners and develop new partnerships where required to deliver the recommendations outlined in the Open Space Strategy **ONGOING** 





## CITY – WIDE SUMMARY

Of the twenty nine City-Wide recommendations in the Open Space Strategy, fifteen (52%) are considered complete, fourteen (48%) are in progress or ongoing, and none (0%) are yet to be started.

This is an improvement of six completed City-wide recommendations since the 2017 progress report, and four more 'in-progress' that were previously not started.

ROGRESS REPORT 2014-2017 - page 18

## WARRNAMBOOL (CENTRAL)

#### **IMPLEMENTED:**

Master Plan developed for Lake Pertobe – phase 1 implementation funded and underway

#### **PARTIALLY IMPLEMENTED:**

- Strengthen pedestrian and cycling access to Friendly Society Park and Vic Park (MEDIUM TERM)
- Seek to strengthen pedestrian and cycling links between the central grid and the Lake Pertobe / Foreshore precinct (MEDIUM TERM)

#### **STILL TO COMPLETE:**

Upgrade Cannon Hill to become a key municipal-level open space for central Warrnambool (MEDIUM - LONG TERM) - some consideration underway as part of Warrnambool Art Gallery feasibility study.





### **OUTCOMES**

PROGRESS: On track



- New Master Plan for Lake Pertobe stage 1 funded and being built

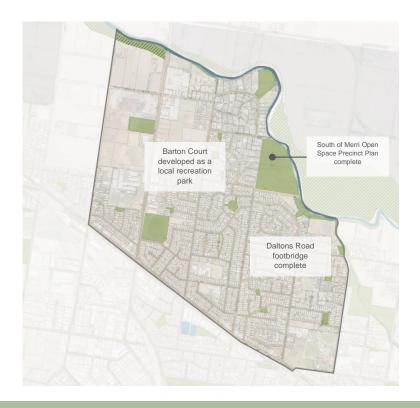
## **WARRNAMBOOOL (WEST)**

#### **IMPLEMENTED:**

- Barton Court upgraded to a Local Recreation Park (developer funded)
- Dalton's Bridge footbridge complete
- Plan completed for improving connectivity and activating the waterway open space between Manuka Dr Reserve and the Queens Rd Reserve, including upgrading Woodend Road Reserve with a recreation and environmental function (South of Merri Open Space Precinct Plan)

#### **STILL TO COMPLETE:**

- Seek to partner with local schools in providing out of school hours access to school grounds
- In future structure plans ensure that connectivity is provided to Brauerander Park and along the Merri River





## **OUTCOMES**

Progress: ON TRACK <

- South of Merri Precinct Plan complete with good public support
- New 0.2ha local recreation park developed at Barton Court
- 300-400 properties gained access to open space with Barton Crt park upgrade
- Daltons Bridge pedestrian crossing

#### SOUTH OF MERRI OPEN SPACE PRECINCT PLAN

The South of Merri Open Space Precinct Plan was adopted by Council in 2020. The plan addresses one of the key precinct-based recommendations from the Open Space Strategy covering the west and botanic precincts. This was to 'develop a plan for improving connectivity and activating the waterway open space between Manuka Drive Reserve and the Queens Road Reserve, including upgrading Woodend Road Reserve with an environmental/passive recreation focus, and creating a continuous trail between open space north and south fo the Merri River'.

The plan went through two rounds of public consultation, and overall had very positive community feedback. The plan aims to connect and activate seven riverside open spaces, without over-developing the space and being sensitive to the natural environment.

Once implemented, the precinct plan will help connect current and planned off-road trails spanning up to 25km across Warrnambool. It is the connection point between the Russells Creek trail and future structure plan trails north of the Merri and in North Dennington.

It will also help connect the existing communities south of the Merri with future communities north of the Merri, and help fill a gap in open space provision for the west Warrnambool community. The west Warrnambool precinct has the highest population in Warrnambool, but the poorest access to open space, including off-road trails.

An implementation plan is being developed to identify opportunities to incrementally implement the plan, including via external funding opportunities, the existing capital works budget, and the development process. It will also identify priorities for implementation under a budget-constrained environment.







## WARRNAMBOOL (NORTH)

#### **IMPLEMENTED:**

Pedestrian access across Mortlake Road upgraded to allow access to St James Park





## **OUTCOMES**

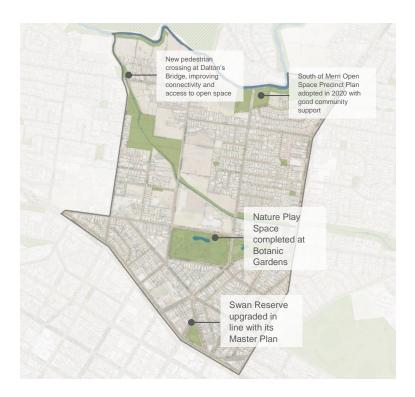
Progress: COMPLETE

 380 properties gained access to municipal level open space via Mortlake Rd pedestrian crossing

## **WARRNAMBOOL (BOTANIC)**

#### **IMPLEMENTED:**

- Upgraded Swan Reserve in line with its Master Plan
- Investigate options for a safe crossing point across Russell's Creek near Dalton's Bridge
- Developed a plan for improving connectivity and activating the waterway open space between Manuka Dr Reserve and the Queens Rd Reserve (Sth Merri Precinct Plan)
- St James Park Master Plan superceded by South of Merri Open Space Precinct Plan
- Nature Play Space completed at Botanic Gardens in line with Botanic Gardens Master Plan





## **OUTCOMES**

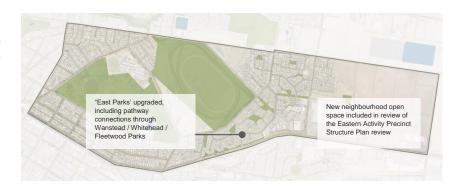
Progress: COMPLETE

- Swan Reserve upgraded
- New Master Plan for Warrnambool Botanic Gardens, including nature play space
- Nearly 1000 residents have access to Dalton's Bridge pedestrian crossing within 500m of home (all directions), improving access to the Russells Creek trail, Karana Dr playspace, and Bromfield weir
- South of Merri Open Space Precinct Plan adopted, implementation underway

## WARRNAMBOOL (EAST / RACECOURSE)

#### IMPLEMENTED:

- Provision of neighbourhood recreational open space made in the review of the Eastern Activity Precinct Structure Plan (SHORT MEDIUM)
- Pathway connections within the Wanstead/ Whitehead / Fleetwood Parks complete (SHORT MEDIUM)
- Pedestrian and cycling linkages to and within Brierly Recreation Reserve complete (SHORT MEDIUM)



#### PARTIALLY IMPLEMENTED:

- Where the opportunity arises, look to improve pedestrian and cycling links around and to Albert Park
- Ensure provision of passive and active open space is considered in structure planning for the long term growth corridor (East of Aberline Road)

#### STILL TO COMPLETE:

Investigate the potential to activate the perimeter of the racecourse as a linear trail (MEDIUM – LONG)



### **OUTCOMES**

## Progress: ON TRACK

- New neighbourhood park and pedestrian links included in the adopted Eastern Activity
   Precinct Structure Plan
- East Parks Project implemented to improve open space access
- 2.4km of new paths within or connecting to Brierly Reserve

## WARRNAMBOOL (SOUTH EAST / HOPKINS)

#### **IMPLEMENTED:**

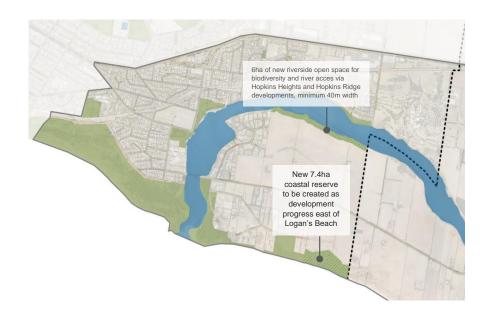
- Provided a continuous reserve along the coast as development occurs east of Logan's Beach
- Ensured an adequate biodiversity buffer is provided along the south side of the Hopkins River as development occurs
- Investigated potential trail south of railway line between Deakin University and City Centre (SHORT) feasibility study

#### **IN PROGRESS**

Investigate options of providing recreational open space to residents west of Mahoney's Road (SHORT – MEDIUM) - new paths have been put in to improve access to the Hopkins River

#### **STILL TO COMPLETE:**

- Investigate means for providing safe access to waterway open space to residents north of the railway line (MEDIUM LONG)
- Prepare a precinct master plan for the area from Scoborio Reserve to EJ King Reserve to maximise the riverside value of this area
- Seek to formalise shared use agreement with A Lady Help Primary School





#### **OUTCOMES**

Progress: ON TRACK

- New 7.4ha coastal reserve to come into public ownership as development occurs east of Logan's Beach
- 6ha river reserve to be provided via Hopkins Heights and Hopkins Ridge developments
- 353m of new path connecting residents off Mahoneys Road to the Hopkins River, plus two upgraded jetties improving access to Hopkins River

## WARRNAMBOOL (SOUTH / MERRIVALE)

#### **IMPLEMENTED:**

Looked at options for providing at least one more safe crossing point for residents south of the Merri River to access the rail trail (SHORT) – foot bridges complete at Younger and Wellington streets

#### PARTIALLY IMPLEMENTED:

Strengthen pedestrian and cycling access to Friendly Society Park and Vic Park (MEDIUM TERM)

#### STILL TO COMPLETE:

- Structure Planning for the future South Dennington Growth Area must provide a floodplain / biodiversity corridor along the Merri River
- Investigate opportunities to link the Rail Trail to future open space in the Merri River corridor (MEDIUM LONG)
- Look at the potential to upgrade Victoria Park with a trail (MEDIUM TERM)





### **PLANNING OUTCOMES**

## **Progress: WORK TO BE DONE**

- New pedestrian bridge at Wellington St Bridge, connecting 53 properties to the Port Fairy to Warrnambool Rail Trail (may increase with further development)
- New 630m footpath linking Victoria Park to the Central Warrnambool precinct

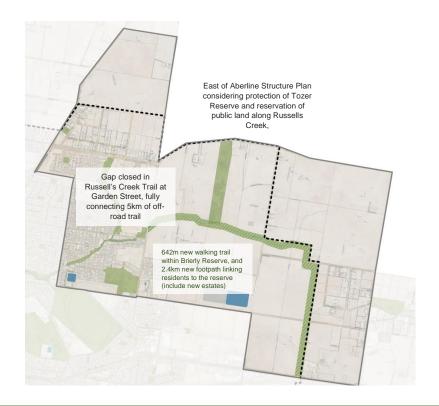
## WARRNAMBOOL (NORTH EAST)

#### **IMPLEMENTED:**

- Completed Russell's Creek Trail at Garden Street (SHORT)
- Completed pedestrian / cycling link along Russell's Creek (North East development area)
- Improve pedestrian and cycling links to Brierly Recreation Reserve

#### **PARTIALLY IMPLEMENTED:**

- Continue to implement the Brierly Recreation Reserve Master
- Structure planning for the future north east corridor must consider a biodiversity corridor along Russell's Creek, a connected pedestrian / cycle trail, protection of the Tozer Memorial Reserve, and provision of passive and active open space - East of Aberline Structure Plan, being led by the Victorian Planning Authority





## **PLANNING OUTCOMES**

Progress: ON TRACK



- residents to the reserve
- 458m new off-rd trail along russells creek between Garden St and Wangoom/Aberline rds

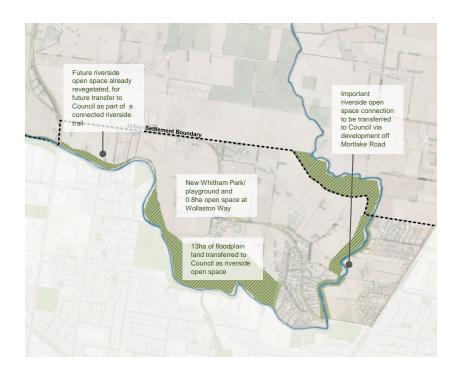
## WARRNAMBOOL (NORTH MERRI)

#### **PARTIALLY IMPLEMENTED:**

- Prepare a Master Plan for the planned open space corridor along the Merri River and connecting riverside (MEDIUM LONG) being undertaken by developers, approvals by Council
- As the area is developed south of Grange Road, ensure an adequate biodiversity and open space buffer is provided to complete the link between Grange Road and Wollaston Road provision made in most recent development off Mortlake Rd

#### STILL TO COMPLETE

- Plan for the provision of future active open space as per the North of Merri Structure Plan
- Investigate the possibility of Merri River link to Bushfield / Woodford





### **PLANNING OUTCOMES**

**Progress: ON TRACK** 



- New 0.8ha open space 'Whitham Park' off Wollaston Way
- 13.8ha of new open space north of the Merri River via development process
- 0.8ha new riverside open space on Merri off Mortlake Rd development, key connection

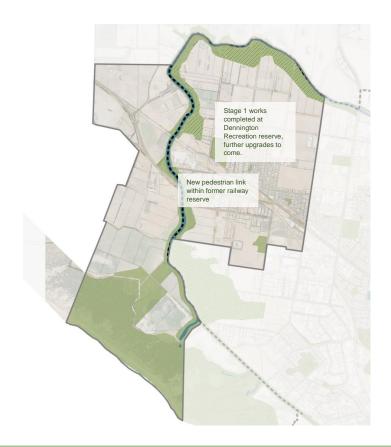
### **DENNINGTON**

#### **PARTIALLY IMPLEMENTED:**

- Ensure good linkages between the proposed residential area and linear open space in the North Dennington Structure Plan area
- Reserve flood prone land for drainage and biodiversity purposes, as per the North Dennington Structure Plan. Provide passive recreation opportunities (cycling / pedestrian trail) within the Merri River corridor
- Upgrade Dennington Reserve as required to accommodate the population growth in North Dennington (ONGOING) – phase 1 complete (footy change rooms updated)

#### STILL TO COMPLETE

- Investigate opportunities to link the Rail Trail to future open space in the Merri River Corridor (MEDIUM LONG)
- In any future structure plans for the area [near Brauerander Park] look to provide additional recreational open space and ensure that connectivity is provided to Brauerander Park and along the Merri River





### **OUTCOMES**

Progress: ON TRACK 🕢

- Additional pedestrian footpath link within former railway reserve
- Stage 1 of Dennington Reserve upgrade complete
- Path links created as development progresses to link to future rivertrail

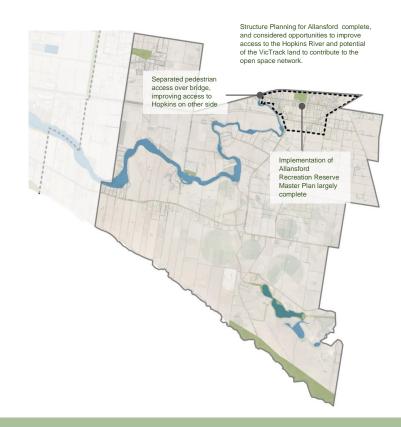
## **ALLANSFORD / RURAL EAST**

#### **IMPLEMENTED**

- Future structure planning for Allansford investigated opportunities to improve access to the Hopkins River, and consider the potential role of VicTrack land as open space with an environmental and connectivity role (SHORT) Structure Plan recently adopted by Council
- Allansford Recreation Reserve Master Plan largely complete, led by Committee of Management

#### PARTIALLY IMPLEMENTED:

Liaise with DEPI about managing the former Gun Club site for conservation purposes in conjunction with Maam Reserve – Warrnambool Coastcare Landcare Network have recently completed a three year project on-site for conservation purposes





## **OUTCOMES**

## Progress: ON TRACK

- Structure planning for Allansford has provided opportunities to improve river access and has proposed possible integration of Victrack land with the open space network
- Allansford Recreation Reserve Master Plan largely complete
- Former Gun Club site at Maam reserve being managed for conservation

## **BUSHFIELD / WOODFORD**

#### **IMPLEMENTED:**

- Created an accessible river crossing point between Jubilee Park and Jellie Reserve (SHORT MEDIUM)
- Jubilee Park Master Plan implementation complete

#### STILL TO COMPLETE

Investigate possibility of Merri River link to Warrnambool





### **OUTCOMES**

## Progress: ON TRACK ₩



- Footbridge at Jubilee Park complete and well used to connect residents to north to Jubilee Park and Woodford Primary School, and residents to the south to the Jellie Reserve walking trail
- Jubilee Park Master Plan fully implemented, with public toilets the last element
- Path connection off Rodger Place transferred to Council ownership after historic oversight

#### OPEN SPACE CHECKLIST FOR LOCAL GOVERNMENT

The state government has a best practice Open Space Checklist for Local Government.

Prior to the Open Space Strategy being developed, Warrnambool did not meet any of the items on the checklist. During the last six years, council has checked many items of the list, and made progress toward several others.

Of the items remaining, the next priority is to examine Warrnambool's policy for collecting and spending open space contributions. An Open Space Contributions Policy has been drafted however further external analysis is required to fully implement into the planning scheme.

OP	EN SPACE CHECKLIST FOR LOCAL GOVERNMENT
Ope	n Space Strategy
<b>4</b>	Do you have an Open Space Strategy? If so, is it less than ten years old?
<b>√</b>	Do you need to review your Open Space Strategy?
V	Do you have a current GIS layer of existing open space assets, including key attributes?
•	Is your Open Space Strategy on your website and publicly available?
mp	lementation
<b>√</b>	Do you have a dedicated officer/manager responsible for implementation of the Open Space Strategy?
P	Do you have an annual implementation plan? Is it aligned with the Council capital works budget?
1	Is your Open Space Strategy a reference document to your planning scheme?
P	Are there any other policies or strategies that need to be included in the Local Planning Policy Framework to support implementation of your OSS?
✓	Is there land that needs to be rezoned to reflect its open space designation?
P	How do you collect open space development contributions? Does this need to be reviewed?
P	Do you have a transparent process for documenting the funds and land that are accepted as open space contributions?
P	Do you have a transparent process for documenting how open space contributions are spent?
Outo	omes
P	Do you monitor changes in the quality, quantity and access of open space?
P	Do you provide Council with an annual report on open space improvements and additions?
	Do you communicate open space improvements and additions to the community and other stakeholders?
	Do you have information publicly available on your website about the open space in your municipality and the facilities it includes?

Source: Creating Liveable Open Space: Case Studies Department of Transport, Planning and Local Infrastructure 2013 (tick = yes/in place, P= partial or in progress)

#### **GOING FORWARD**

Whilst tracking of the Open Space Strategy will continue on a bi-annual basis (including the dashboard display), this will be the final progress report before a full re-fresh of the strategy will be due to commence.

In the final few years of strategy implementation, the following recommendations are priorities:

#### City-Wide

- Complete the Playspace Strategy
- Complete the Open Space Contributions review (draft report has been completed), and ensure open space contributions continue to be collected in a fair manner from developers to contribute towards the cost of providing open space in new developments.
- Continue to develop/review Master Plans for municipal and regional reserves and areas of open space with complex issues to be addressed (e.g. Foreshore Precinct Plan)

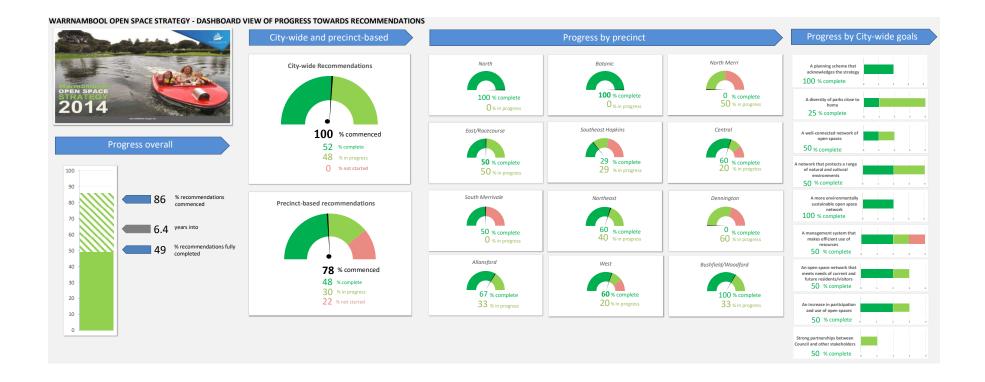
#### **Precinct Based**

- Complete an implementation plan for the South of Merri Open Space Precinct Plan and seek external funding opportunities when they arise
- Plan for open space requirements in the East of Aberline Structure Plan area (underway – led by Victorian Planning Authority)
- Complete pedestrian/cycling link along Russells Creek (between Wangoom Rd and Whites Rd)

 Upgrade Dennington Reserve as required to accommodate the population growth in North Dennington (stage 1 complete. Stage 2 includes netball change rooms, lighting etc.)

#### Opportunistic

- Continue to aquire important open space connections along waterways and in areas of low provision via the development process
- Continue to engage in partnerships that help implement the Warrnambool Open Space Strategy and its initiatives, including the South of Merri Open Space Precinct Plan





## **OPEN SPACE POLICY**

Version 1.1

APPROVAL DATE: [June 2014 May 2021]

### DOCUMENT CONTROL

Document Title:	Open Space Policy
Policy Type:	Council
Responsible Branch:	City Growth
Responsible Officer:	Director City Growth
Document Status:	Adopted
Approved By:	Council
Adopted Date:	June 2014
Reviewed:	<u>May 2021</u>
Current Version:	<u>1.1</u>

Policy Type: Council Responsible Branch: City Growth Approved Date: June 2014

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#### 1. INTRODUCTION

#### 1.1. Purpose

Warrnambool offers a large and well-used network of parks and reserves, which contribute significantly to our coastal lifestyle and attract visitors to our City.

From the wild coastline to the popular Lake Pertobe, the residents of Warrnambool value our open spaces and the benefits they provide. Ensuring the open space network is preserved and enhanced for current and future residents is an important role of Council.

Warrnambool City is experiencing significant population growth. By 2031, it is anticipated that the City's population will be around 434,000 people with the growth occurring across all age groups. This growth, along with accompanying population growth across the wider region, impacts on the demand for open space across the city.

The purpose of this policy is to provide the general community, developers and Council staff with an understanding of Council's objectives and approach to providing for open space in Warrnambool.

#### 1.2. Scope

The Warrnambool City Council Open Space Policy applies to all open space under the management or ownership of Warrnambool City Council, within the municipality of Warrnambool. It also applies to private land under agreement or negotiation to become future open space under the management or ownership of Warrnambool City Council.

#### 4.4.1.3. Definitions

**Open Space** 

Publically owned land set aside for leisure, recreation, and nature conservation purposes. It includes pockets of natural landscape within the urban area, sports reserves, and areas of high scenic, cultural or conservation value.

#### 2. REFERENCES

#### 2.1. Internal Council Documents

- Warrnambool City Council Council Plan
- Warrnambool 2040 Community Plan
- Warrnambool City Council Health and Wellbeing Plan
- Warrnambool Planning Scheme-
- Green Warrnambool Plan 2018
- Active Warrnambool Strategy 2019 Merri River Parklands Framework 2020

#### 2.2. External References

- Open Space Planning and Design Guide, Parks and Leisure Australia (2013)
- Safer Design Guidelines for Victoria, State of Victoria Department of Sustainability and Environment (2005).

**Commented [JE1]:** Policy will be added to the Council website following the review.

Policy Type: Council Responsible Branch: City Growth Approved Date: June 2014

#### 3. POLICY

#### 3.1. Policy Statement

Warrnambool will have a high quality, diverse, accessible open space network that supports cultural connection, reflects community needs, and enhances social connection, environmental protection and economic benefit.

Commented [JE2]: Added to reflect recent changes in Council policy (W2040, Green Warrnambool) to support greater involvement of Traditional Owners in decision making, and in self-determination.

#### 3.2. Principles

The Warrnambool Open Space Policy expresses Council's strategic policy in relation to the planning and delivery of open space. <u>The policy helps implement the Warrnambool Open Space Strategy.</u>

The Policy outlines Council's principles to provide an open space network that is: It is Council's position that the open space network of Warrnambool should be:

#### Accessible

- Provide a variety of open spaces that are safe and accessible to all residents, regardless of age, ability and culture.
- Ensure all-abilities universal access is incorporated when open spaces with a recreational function are created or upgraded.
- Ensure that all residents have access to at least one open space within walking distance of their home.

#### Adaptable

- Ensure open space is flexible, multi-use and provides opportunities for passive and active recreation that is responsive to community needs.
- Ensure that adaptability and multi-functionality is incorporated into the design and development of neighbourhood or above open spaces.

#### Connected

- Incorporate open space corridors and shared trails that improve the connectivity of the network and provide links for walking, cycling and biodiversity movement.
- Improve connectivity along the Merri River corridor and other major waterways

Commented [JE5]: Added for consistency with W2040, Green Warrnambool, Active Warrnambool, Merri River Parklands Framework, and Warrnambool Planning Scheme.

**Commented [JE3]:** Added for consistency with 'Warrnambool – A Healthy City'

**Commented [JE4]:** Updated term 'all-abilities' to reflect current language 'Universal Access'

#### Diverse

Provide a variety of experiences and cater for a range of recreational needs.

#### **Efficient**

- Consider adaptability and maintenance in the development and management of open space.
- Ensure that open space infrastructure in new or redeveloped open spaces is appropriate to its hierarchy and category.
- Ensure that asset renewal, maintenance and whole of life costs are considered in the design process for development and redevelopment of open spaces.

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#### Equitable

- Access to open space will be distributed as fairly as possible across the municipality.
- Ensure that there is no net loss of open space from the open space network.
- Provide new recreation infrastructure and open space when developing precinct structure plans, development plans, or in areas where significant gaps in provision are identified

#### Protective of the environment

- Preserve and enhance areas with environmental values and provide appropriate public access to waterways and coastal environments.
- Ensure that where conservation has been identified as the primary function of a reserve, other uses must be compatible with this.
- Ensure that new open spaces or redevelopments demonstrate environmentally sustainable design principles.
- Incorporate areas of high environmental value into the open space network as the opportunity arises
- Indigenous only species should be planted in and adjoining open spaces where the primary function has been identified as conservation (as per the Warrnambool Open Space Strategy)

#### Reflective of local knowledge and partnerships

- Work in collaboration with Eastern Maar people in decisions regarding cultural landscapes
- Work in community partnerships where possible to leverage Council resources and provide more collaborative outcomes that reflect community needs

#### 3.3. Open Space - Hierarchy

Council supports the development of open space as set out in Table 1.

The classification of individual open spaces can be found in the Warrnambool Open Space Strategy and corporate Council GIS.

Table 1. Hierarchy of open space

**Commented [JE6]:** Added for consistency with Active Warrnambool and the Warrnambool Planning Scheme.

Commented [JE7]: Added as it was in the Open Space Strategy as a recommended policy position but didn't make it into the 2014 Open Space Policy. Whilst it is partly covered by the first point above, it is a bit stronger in relation to its intent so we have decided to include both.

Commented [JE8]: Added as it was in the Open Space Strategy as a recommended policy position but didn't make it into the 2014 Open Space Policy.

**Commented [JE9]:** Propose adding a section for consistency with Green Wbool, W2040 and state government policy

Commented [JE10]: Added for consistency with W2040 and

Commented [JE11]: Added for consistency with W2040, Green Warrnambool, Active Warrnambool, Merri River Parklands Framework and original Warrnambool Open Space Strategy goals.

Open Space	Description
Regional	High-profile parks that attract users from within and beyond the municipality and cater for a broad cross-section of ages. Regional open spaces are characterised by their uniqueness and provide significant environmental, social, recreational, heritage, amenity or tourism value. They may offer a large range of recreational opportunities, or alternatively, highly specialised facilities not present in other open spaces in the region.
Municipal  Medium to large parks which provide recreational and leisure opp to residents primarily from within the municipality. Users may need a short distance to reach the park. Municipal open spaces offer a recreational opportunities and attract high visitation by local residuation.	
Neighbourhood	Relatively small parks that offer limited recreational opportunities to the community of an area, and provide a social meeting place for local residents. Intended for frequent, short duration visits within a walking or cycling distance of users.
Local	Small parks which cater primarily for residents in the immediate area. Local open spaces offer a limited number of recreational opportunities, such as a small playground and a grassed area for informal uses. These parks are intended for frequent, short duration visits within a short walking distance of users.

#### 4. GOVERNANCE

#### 4.1. Owner

Director of City Growth

#### 4.2. Review

The Director of City Growth will review the policy for any necessary amendments no later than 4 years after its formulation or after the last review.

#### 4.3. Compliance Responsibility

#### Executive Management Team

 The Chief Executive and Directors are responsible for ensuring Managers, Supervisors, and Employees under their control comply with the actions detailed in this policy.

### Managers and Supervisors

- Managers and Supervisors are responsible for ensuring Employees under their direct control comply with the actions detailed in this policy (and related procedures).
- Demonstrate Warrnambool City Council values through being positive role models for this policy.
- Ensure any revised or newly developed policies/procedures are communicated appropriately to all relevant staff.

#### 4.4. Charter of Human Rights Compliance

Policy Type: Council Responsible Branch: City Growth Approved Date: June 2014

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of its employees.

Document End

Policy Type: Council Responsible Branch: City Growth Approved Date: June 2014

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Name of Committee or Group (if applicable):	Informal Meeting of Council (Cou	ncillor Briefing)	
Date of Meeting:	10 May 2021		
Time Meeting Commenced:	3.00pm		
Councillors in Attendance:	Cr. V. Jellie AM, Mayor – arrived 3:05pm Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris – arrived 3:10pm Cr. M. Taylor Cr. R. Ziegeler Chair 3:00 to 3:05pm		
Council Officers in Attendance:	Vikki King, Acting Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure David Harrington, Manager Financial Services Nick Higgins, Manager Communications Julie Anderson, Manager, Governance, Property and Projects Jackson Fary, Construction supervisor Aarron Huttig, Manager Facilities and Projects Jen Mc Millan, Projects Officer		
Other persons present:			
Apologies			
Matters Considered:	<ul> <li>McGennans Public Amenities</li> <li>Road Management Plan Review 2021</li> <li>Port of Warrnambool and Rivers Funding Applications</li> <li>CCTV Steering Committee Meeting Minutes</li> </ul>		
Other Matters Considered	Henry Street traffic consideration     Harris Street Reserve partial naming considerations     Receipt of correspondence procedures     Reid Oval tenancies     New Warrnambool media firm     Accommodation provider meeting request     Strategies for stronger engagement with local indigenous community		
Councillor Conflicts of interest Disclosures:			
Councillor's Name	Type of Interest	Item	
Meeting close time:	5:30pm		
Record Completed by:	Peter Utri		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Director Corporate Strategies		

Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)		
Date of Meeting:	17 May 2021		
Time Meeting Commenced:	3.00pm		
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler		
Council Officers in Attendance:	Vikki King, Acting Chief Executive Officer Peter Utri, Director Corporate Strategies David Leahy, Director City Infrastructure David Harrington, Manager Financial Services James Phillips, Co-ordinator Statutory Planning		
Other persons present:	Roma Britnell MP, Member for South West Coast Jarrod Wooley, Media & Communications Officer, Member for South West Coast Clinton Northey – Visionstream- now Ventia Patrick Armstrong – Visionstream Stephen Tinker - Telstra Adriana Khoo - Telstra Renita Kwe – Telstra Van Vamenta – Telstra Michael Bangay – Michael Bangay Consulting		
Apologies			
Matters Considered:	<ul> <li>Local strategic priorities</li> <li>Bushfield telecommunications tower proposal</li> <li>Budget considerations</li> <li>Consideration for strategic meeting with DWELP update</li> <li>Lava Street traffic issues</li> <li>Meter signage</li> <li>Reid Oval user discussions</li> </ul>		
Other Matters Considered			
Councillor Conflicts of inter			
Councillor's Name	Type of Interest	Item	
Meeting close time:	5.44pm		
Record Completed by:	Peter Utri Director Corporate Strategies		

	T.		
Name of Committee or Group (if applicable):	Councillor Site Visit (Permit application PP2020-0264)		
Date of Meeting:	19 May 2021		
Time Meeting Commenced:	4.30pm		
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. M. Taylor Cr. B. Blain arrived 4.50pm		
Council Officers in Attendance:	Jodie McNamara, Manager City Strategy & Development James Phillips, Co-ordinator, City Development		
Other persons present:	Objectors: Peter Collins Erica Baker Dan Pech (Myers Planning) for for Hotel Mansions  For applicant: Fiona Castley (planner) Jayden, Brian & Jane Aitkins Karen Laura Sian Mark McIlroy		
Apologies	None received.		
Matters Considered:	Objections to planning application PP2020-0264 seeking use of land for sale/consumption of liquor and waiver of car parking  No. of places serving alcohol in area Behaviour of patrons Litter Noise Foot traffic- crowd control  Response No live music proposed Open to conditions Enclosure of outdoor area Crowd control Wine bar upstairs- speak easy downstairs		
Other Matters Considered	Aiming for different demographic		
	Councillor Conflicts of interest Disclosures:		
Councillor's Name	Type of Interest	Item	
Meeting close time:	5:00pm		
Record Completed by:	James Phillips		
	Co-ordinator, City Development		

Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)		
Date of Meeting:	24 May 2021		
Time Meeting Commenced:	3.00pm		
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris – arrived 3:10pm Cr. M. Taylor Cr. R. Ziegeler		
Council Officers in Attendance:	Vikki King, Acting Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Vanessa Gerrans, Art Gallery Director Ali Kemp, Manager Recreation & Culture Glenn Reddick, Manager City Amenity		
Other persons present:	<ul><li>Lisa McLeod &amp; Don Sharples, Populous</li><li>Adam Pustola, Lyons Architects</li></ul>		
Apologies			
Matters Considered:	<ul> <li>Profile briefing</li> <li>Warrnambool Art Gallery Feasibility Study</li> <li>Animal Shelter Feasibility &amp; Renewal</li> <li>Port of Warrnambool Boat Ramp Upgrade Funding</li> <li>Easter Marr Native Title Claim and Land Use Area Agreement</li> <li>Evidence development around city vitality</li> <li>Submissions process to council plan and budget</li> <li>Councillor professional development opportunities and community leadership role</li> </ul>		
Other Matters Considered			
Councillor Conflicts of inter			
Councillor's Name	Type of Interest	Item	
Meeting close time:	5:40pm		
Record Completed by:	Peter Utri Director Corporate Strategies		

Name of Committee or				
Group (if applicable):				
Date of Meeting:	25 May 2021			
Time Meeting Commenced:	2:08pm			
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. M. Taylor Cr. A. Paspaliaris Cr. O. Akoch Cr. D. Arnott Cr. R. Ziegeler – arrived at 3:28pm			
Council Officers in Attendance:	Gary Gaffney, Acting Chief Executive Officer Julie Anderson, Manager Governance, Property, Projects and Legal			
ther persons present:				
Apologies	Cr. B. Blain			
Matters Considered:	Introductions – new Acting CEO and Councillors Key challenges and priorities			
Other Matters Considered				
<b>Councillor Conflicts of inter</b>	Councillor Conflicts of interest Disclosures:			
Councillor's Name	Type of Interest	Item		
Meeting close time:	3:59pm			
Record Completed by:	Julie Anderson Manager Governance, Property, Projects and Legal			

Name of Committee or	Councillor Site Visit (Permit Appli	cation PP1996-3145 01)	
Group (if applicable):	Councillor Site Visit (Permit Application PP1996-3145.01)		
Date of Meeting:	25 May 2021		
Time Meeting Commenced:	4.30pm		
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. M. Taylor Cr. B. Blain Cr. R. Ziegeler Cr. A. Paspaliaris		
Council Officers in Attendance:	James Phillips, Co-ordinator, City Development Dan Searson, Planning Officer		
Other persons present:	Objectors: Val Densley Adam Peter Jewel Neville Heywood Michelle Butters John Hannah Julie Fleming Theresa & Chris Ann Marie & Morris  For applicant: Steve Myers (Myers Planning) & Emma Leach for applicant Chris Steel – designer Lana & Ash (honeypot employees) Tiffany (honeypot) Rebecca (co-owner)		
Apologies	Cr. D. Arnott		
Matters Considered:	Objections to planning application PP1996-3145.01 to extend the childcare into 17 Emma Av  Traffic & parking on both Bostock and Emma Avenue  Noise Safety of children on street due to increase in traffic  Response Open to conditions People spoke in favour of the application		
Other Matters Considered	Declarations of conflicts of interests – Cr Arnott not in attendance due to conflict of interest.		
Councillor Conflicts of inter	Councillor Conflicts of interest Disclosures:		
Councillor's Name	Type of Interest	Item	
Meeting close time:	5:00pm	1	
Record Completed by:	James Phillips		
. ,	Co-ordinator, City Development		

Informal Meeting of Council Record			
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)		
Date of Meeting:	31 May 2021		
Location:	Via Zoom (due to COVID lockdow	/n).	
Time Commenced:	3.03pm		
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler		
Council Officers in	Garry Gaffney, Acting Chief Exec		
Attendance:	Vikki King, Director Community D David Harrington, Acting Director		
	Andrew Paton, Director City Grow		
	David Leahy, Director City Infrastructure Julie Anderson, Manager Governance, Property, Projects and Legal Jodie McNamara, Manager City Strategy & Development Luke Coughlan, Manager Infrastructure Services Jackson Fary, Construction Supervisor Ali Kemp, Manager Recreation & Culture Kyme Rowe, Service Manager Recreation		
Other persons present:	Nil	, or oduon	
Apologies	Nil		
Matters Considered:	<ul> <li>Economy Update.</li> <li>MAV Self Insurance.</li> <li>Audit &amp; Risk Committee – Biannual Report of Activities.</li> <li>Planning Application – 62 Bostock Street, Warrnambool.</li> <li>Planning Application – 76 Bostock Street, Warrnambool.</li> <li>Planning Application 95 Kepler Street, Warrnambool.</li> <li>OpenSpace Strategy Implementation.</li> <li>Seaweed on Lady Bay Beach.</li> <li>Municipal Road Management Plan : Annual Compliance Report.</li> <li>Confidential recreation facilities items.</li> <li>Stadium User Agreements and Fees.</li> <li>April Finance report.</li> <li>Efficiency Report.</li> </ul>		
	Other Matters Considered   Declarations of conflicts of interest.  Councillor Conflicts of interest Disclosures:		
Councillor's Name	Type of Interest	Item	
Cr Debbie Arnott Left meeting @ 4.00pm Returned @ 4:11pm	General Conflict of Interest – has personal relationship with relative of applicant and personally knows objectors.	Planning Application – 76 Bostock Street.	
Meeting close time:	6:14pm	I	
Record Completed by:	Julie Anderson		
	Manager Governance, Property, Projects and Legal		