

# AGENDA

**SCHEDULED COUNCIL MEETING**

**WARRNAMBOOL CITY COUNCIL**

**5:45 PM - MONDAY 5 DECEMBER 2022**



**WARRNAMBOOL**  
CITY COUNCIL

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**VENUE:**

**Lighthouse Theatre Studio**

**Timor Street**

**Warrnambool**

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**COUNCILLORS**

Cr. Debbie Arnott (Mayor)

Cr. Otha Akoch

Cr. Ben Blain

Cr. Vicki Jellie AM

Cr. Angie Paspaliaris

Cr. Max Taylor

Cr. Richard Ziegeler

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**Peter Schneider**

**CHIEF EXECUTIVE OFFICER**

## **AUDIO RECORDING OF COUNCIL MEETINGS**

All Open and Special Council Meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Audio recordings of meetings will be made available for download on the internet via the Council's website by noon the day following the meeting and will be retained and publicly available on the website for 12 months following the meeting date. The recordings will be retained for the term of the current Council, after which time the recordings will be archived and destroyed in accordance with applicable public record standards. By participating in Open and Special Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions.

## **BEHAVIOUR AT COUNCIL MEETINGS**

Thank you all for coming – we really appreciate you being here. These meetings are the place where, we as Councillors, make decisions on a broad range of matters. These can vary greatly in subject, significance and the level of interest or involvement the community has. As part of making these decisions, we are presented with comprehensive information that helps us to form our position – you will find this in the agenda. It should also be remembered that the Council meeting is a “meeting of the Council that is open to the public”, not a “public meeting with the Council.” Each Council is required to have Governance Rules that pertains to meeting procedures. Warrnambool City Council has followed best practice in this regard and its Governance Rules provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council's Governance Rules can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au). We thank you in anticipation of your co-operation in this matter.

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## **1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT**

Almighty God  
Grant to this Council  
Wisdom, understanding and Sincerity of purpose  
For the Good Governance of this City  
Amen.

### **ORIGINAL CUSTODIANS STATEMENT**

I wish to acknowledge the traditional owners of the land on which we stand and pay my respects to their Elders past, present and emerging.

## **2. APOLOGIES**

## **3. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

**That the Minutes of the Scheduled Council Meeting held on 7 November 2022, be confirmed.**

## **4. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA**

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

## **5. MAYORAL PRESENTATION**

## **6. PUBLIC QUESTION TIME**

## **7. REPORTS**

### **7.1. APPOINTMENTS TO ADVISORY COMMITTEES & EXTERNAL BODIES**

**DIRECTORATE : Executive Services**

**PURPOSE:**

***This report considers Councillor representation on the various Council Advisory Committees and external bodies with which Council is associated for the 2022-2023 Council year.***

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**EXECUTIVE SUMMARY**

- To appoint Councillor representatives to the various Council advisory bodies and external committees for 2022-2023 Council year.
- To increase the number of community members on advisory committees from five to eight.

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**RECOMMENDATION**

- 1. That Councillor representatives and delegates to the Advisory Committees and external committees for the 2022-2023 Council year be approved as per Attachment 1 to this report, and that relevant advisory bodies and external committees be advised accordingly.**
- 2. That community membership of the Community & international Relations Advisory Committee, Economic Development & Tourism Advisory Committee, Environment & Sustainability Advisory Committee and Planning Advisory Committee be increased from 5 to 8 members.**
- 3. That community nominations for 3 additional members on each of the listed advisory committees be advertised.**

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**BACKGROUND**

As in the past, there is a significant range of advisory, semi-external and external committees and organisations where the constituted membership includes representation from Warrnambool City Council.

Whilst the majority of these committees tend to be ongoing, they may also be subject to evolutionary change and in some cases may be established for a specific project ie; with “sunset” provisions.

For various committees, members of Council staff are already members and/or may attend to assist a Councillor representative. Generally, for committees of a more technical/operational nature, it is suggested that members of Council staff can best assist in sharing the overall representation workload, with appropriate reporting mechanisms to Council and/or briefing of Councillors according to representation or special interest areas.

Other relevant matters to consider in this area are:-

- The need for committees which are established by Council to fit into an efficiency “hierarchy” of overall advisory, consultative and networking processes, particularly having regard to the best use of resources from within and outside the organisation.
- As above, the need for Councillors’ time and energy to be primarily focused on policy development, business strategies and monitoring of performance.

- As a major service organisation, the need to have effective service standards and response mechanisms without placing reliance on Councillors to handle requests from residents and service users, as is the situation with members of other statutory agencies providing direct regional or local service delivery functions eg; hospitals, community health centres, various not-for-profit social/welfare agencies, water authorities, transport authorities etc.
- In some cases a “contact” function may be most appropriate rather than actual representation, particularly when the relevant committee is not directly relating to a municipal function.
- The need for good relationships, but of an independent arms-length type with any groups or organisations where Council has a contractual relationship, to avoid any possible conflict of interest.
- To use officer resources in an effective manner bearing in mind significant direct and indirect costs of committees servicing or representation.

## ISSUES

**Attachment 1** shows the various bodies/committees under various headings according to the “function” of the body or committee, from Council’s perspective. Obviously, such arrangements can be reviewed from time to time, but in any case, would need to be fully reviewed at the commencement of each Council Year.

Some of the Advisory Committees have had difficulty in obtaining a quorum for meetings due to the unavailability of some external committee members and it has been suggested that the number of external appointees to each Advisory Committee could possibly be increased.

Due to issues with only 5 external members for each Advisory Committee and it is suggested that this number be increased to 8 external members for each Advisory Committee and that recruitment for an additional 3 members for each Advisory Committee be commenced.

## FINANCIAL IMPACT

Nil.

## LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

Not Applicable

## TIMING

To be implemented as from adoption at Council meeting.

## COMMUNITY IMPACT/CONSULTATION

N.A.

## LEGAL RISK/IMPACT

Nil.

## ATTACHMENTS

1. 2022-2023 Appointment of councillor reps on Advisry bodies [7.1.1 - 1 page]

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## **7.2. GRANTS POLICY**

### ***DIRECTORATE : Executive Services***

#### **PURPOSE:**

***The purpose of this report is to present the Grants Policy to Council for consideration.***

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#### **EXECUTIVE SUMMARY**

A recommendation made as part of the VAGO audit in Local Government grants was that a policy regulating grants programs run by Council be created.

The Draft Grants Policy has subsequently been developed to support Council with any current and future grants programs.

The draft Grants Policy is now presented to Council for their consideration – refer **Attachment 1**.

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#### **RECOMMENDATION**

**That Council adopt the Grants Policy, as attached.**

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#### **BACKGROUND**

Warrnambool City Council was included in the VAGO audit into Fraud Control Over Local Government Grants which was tabled in the Victorian Parliament on 11 May 2022.

As part of the audit report, nine (9) recommendations were made, one of which was that Council implement a Grants Policy. The recommendation is as follows:

*Develop their own overarching grant policy that details:*

- *when and why the council uses grants to achieve its strategy*
- *how the council will administer grant programs across their life cycle*
- *the risk-based approach the council uses to determine if it will evaluate each grant program*
- *staff and councillors' roles in managing grants*
- *relevant council policies and procedures, including policies and procedures for declaring conflicts of interest.*

Council accepted the recommendation as part of the audit process, and the Grants Policy been created to support Council with the creation, operation and management of grants programs.

As well as achieving compliance with the VAGO recommendation, this policy will provide a solid structure, principles and specify the requirements for any newly created and existing grants programs administrated by the Warrnambool City Council.

#### **ISSUES**

It is noted that this policy will impact on some current unregulated payments made to clubs/groups of a historic nature. Where these have been identified, those payments have been placed on hold in anticipation of this policy being developed and implemented.

Based on the particulars within this policy, those payments will need to be assessed to determine whether they fall within the scope of this policy. Where they do, a review of those payments is to be completed, and those payments will either need to cease, or if a need is found that these payments continue, a grants program guideline will need to be developed and approved.

## **FINANCIAL IMPACT**

This policy will support Council in achieving the financial management principles.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

This policy has been developed in accordance with the VAGO audit into Local Government Grants and addresses relevant audit recommendations from that report.

## **TIMING**

The policy is to become effective upon adoption by Council resolution.

## **COMMUNITY IMPACT / CONSULTATION**

This policy, although addressing governance and risk management in relation to Council administrated grants, will benefit the community by applying consistency and structure to grants processes.

## **LEGAL RISK / IMPACT**

This policy provides risk mitigation and minimisation to Council management of grants programs.

## **OFFICERS' DECLARATION OF INTEREST**

NII.

## **COLLABORATIVE PROCUREMENT**

Not applicable.

## **CONCLUSION**

In accordance with the recommendation made by VAGO as part of the Fraud Control Over Local Government Grants, the draft Grants Policy has been created and is submitted to EMT for their consideration.

## **ATTACHMENTS**

1. DRAFT - Grants Policy - November 2022 (002) [7.2.1 - 11 pages]



### **7.3. CUSTOMER SERVICE CHARTER**

#### **DIRECTORATE : Corporate Strategies**

#### **PURPOSE:**

***This report seeks Council approval to release the Draft Customer Service Charter for community feedback.***

#### **EXECUTIVE SUMMARY**

Council's Customer Service Charter describes Warrnambool City Council's commitment to the community it serves. It describes the standards of customer service we strive to provide to customers across the whole of Council.

The current charter, adopted in 2019, has been reviewed by Councillors, staff and been through a Gender Impact Assessment as required under the Gender Equality Act (2020).

Once the Customer Service Charter is reviewed and a new draft adopted by Council, the Charter would then serve as a guiding document for the development of a new Customer Service Strategy.

#### **RECOMMENDATION**

**That Council releases the Draft Customer Service Charter 2022-2032 for community feedback.**

#### **BACKGROUND**

The Customer Service Charter is a key guiding document which sets out the standards Council staff strive to meet in our interactions with residents of, and visitors to, Warrnambool.

It is a guide for the whole of Council, not just for the front-of-house City Assist team.

Council has typically recorded strong customer service results in the annual Local Government Community Satisfaction Surveys and the Charter is a key to ensuring high customer service standards are maintained.

The table below shows the seven core measures, which include customer service, from the Community Satisfaction Survey.

<b>Services</b>	<b>Warrnambool 2022</b>	<b>Warrnambool 2021</b>	<b>Regional centres 2022</b>	<b>State-wide 2022</b>
Overall performance	62	55	59	59
Overall Council direction	63	59	52	50
<b>Customer service</b>	<b>73</b>	<b>71</b>	<b>69</b>	<b>68</b>
Waste management	73	71	68	68
Sealed local roads	60	59	54	53
Community decisions	58	49	54	54
Consultation and engagement	56	50	54	54

Last reviewed in 2019, the Charter is due for review.

The Charter has been revised after being reviewed by Councillors and key staff.

The recent Gender Equality Act required Council to undertake a Gender Impact Assessment of a draft Customer Service Charter.

## **ISSUES**

Discusses the current issues, relevant information, options, advantages and disadvantages of options.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **5 An effective Council**

5.2 Engaged and informed community: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.

## **TIMING**

The Charter is now due for review.

## **COMMUNITY IMPACT / CONSULTATION**

It is proposed that Council seek community feedback on the draft Charter.

## **LEGAL RISK / IMPACT**

Nil.

## **OFFICERS' DECLARATION OF INTEREST**

No conflict declared.

## **CONCLUSION**

Council is in a position to release the Draft Customer Service Charter for community feedback.

## **ATTACHMENTS**

1. 3313 CUSTOMER SERVICE CHARTER [7.3.1 - 6 pages]
2. Gender impact assessment Customer Service Charter 2022 [7.3.2 - 10 pages]

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## **7.4. SHORT STAY ACCOMMODATION LOCAL LAW**

**DIRECTORATE : Corporate Strategies**

**PURPOSE:**

***This report provides information on the introduction of a new Short Stay Accommodation Local Law and recommends that Council release the draft local law for community consultation.***

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### **EXECUTIVE SUMMARY**

Council's 2022-23 Budget proposed to introduce a \$400 fee for short-term accommodation providers. This was in line with actions taken by other municipalities to address the inequity between registered visitor accommodation providers (e.g. motels and hotels) who pay a commercial rate and must meet strict registration requirements, and those also providing visitor accommodation through newer platforms such as Airbnb who do not.

In order to implement the new fee, Council has proposed to develop and adopt a local law specific to short stay accommodation. This local law would also introduce a code of conduct for property owners places responsibilities on them for anti-social behaviour. As part of any local law change, it is subject to community consultation.

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### **RECOMMENDATION**

- 1. That Council authorise the publishing of a public notice outlining:**
  - a. the objectives of the proposed local law; and**
  - b. the intended effect of the proposed local law; and**
  - c. that a copy of the local law is available for inspection at the Council's office and on its website.**
- 2. That Council officers begin a public consultation process on the proposed local law for a period of not less than 28 days of the public notice being published.**
- 3. That Council request a report be returned to the Council meeting on Monday 6 February 2023, outlining responses from the public consultation process and any recommended changes to the proposed local law.**

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### **BACKGROUND**

In adopting the 2022-23 Annual Budget, Council signaled the introduction of a short stay accommodation fee to help address inequalities between registered accommodation and non-registered accommodation providers, whilst also contributing to services, events, infrastructure, and natural assets that support the local visitor economy.

In Warrnambool, motels and hotels (defined as "prescribed accommodation") must meet planning guidelines, are charged commercial rates, and must register and pay registration fees relating to:

- Providing an accommodation premises under the *Public Health and Wellbeing Regulations 2009*; and,
- if providing food, registration of a food premises under the *Victorian Food Act 1984*.

In considering the implementation of an annual fee, Council reviewed how other municipalities were addressing the inequalities between prescribed accommodation providers and short stay accommodation providers, and what application method was most appropriate for the fee. It concluded that the implementation of a new local law was the most appropriate method of imposing the fee.

The attached research paper was prepared for Councillors in early 2022 and presented at a budget briefing. It compared the options available to Council to impose a charge for short term rental accommodation and cited benefits and challenges from implementing these different types of charges. The paper recommended a Local Law and Fee as the most appropriate course of action.

## ISSUES

The short stay accommodation industry is not regulated, and many properties fall outside the definition of “prescribed accommodation” that requires registration. These properties benefit from investment in the local visitor economy, but do not directly contribute to that investment.

Whilst these non-traditional forms of accommodation have increased options for consumers looking for short stay accommodation, the rapid growth in the industry, together with gaps in regulatory oversight from State and Commonwealth governments, has led to challenges such as rental supply and availability, anti-social behaviour, and online scams.

The 2022-23 Warrnambool City Council Annual Budget outlined a fee of \$400 to be applied to short stay accommodation providers to help address this inequity and ensure the industry makes a contribution to the visitor economy that drives it.

At that time, it was estimated that on an average fee of \$200 per night and occupancy rates of 40%, short-term accommodation providers would yield \$29,200 annually. This suggests that the fee proposed by Council would not be considered an excessive amount.

Consideration of the fee implementation process found that the introduction of a new local law was the most appropriate method. Examples and experiences at other municipalities were taken into account when considering the proposed local law.

Division 3 of the *Local Government Act 2020 (Act)* outlines Council’s power to create local laws, and the requirements of a local law, including consistency with existing acts, laws, regulations, and planning schemes.

There are a number of relevant sections under the Act related to this proposed local law:

Section 73 of the Act states that before Council makes a local law, it must:

- Publish a notice stating:
  - the objectives of the proposed local law; and
  - the intended effect of the proposed local law; and
  - that a copy of the local law is available for inspection at the Council’s office and on its website.

Section 74 requires Council to obtain a legal opinion that the local law is consistent with the legal requirements of creating a local law.

Section 77 states that a local law may determine a fee, charge, fare, or rent in relation to any property, undertaking, good, service, or other act, matter or thing, and prescribe the conditions under which Council collects this revenue.

Section 79 allows penalties to be applied for contravention of the local law.

Section 83 states that a local law comes into operation at the beginning of the day on which the local law is made or at the beginning of such later day as expressed in the local law as the date it comes into operation.

The draft Short Stay Rental Accommodation Local Law (the local law) is presented to Council as an attachment to this report – refer **Attachment 4**. It states its objectives as to:

1. provide clear guidelines on the required standards for the operation of this type of accommodation;
2. ensure equity within the municipal tourism sector by Short Stay Rental Accommodation providers contributing to the tourism sector;
3. enhance neighbourhood amenity;
4. provide for the administration of this Local Law and of Council's powers and functions; and
5. assist with the Peace, order and good governance of the municipal district.

The local law requires owners of short stay accommodation properties to be registered with Council and maintain compliance with the Short Stay Rental Accommodation Code of Conduct – refer **Attachment 3**, which covers:

- displaying the code of conduct for occupants and visitors;
- taking responsibility for the behaviour of occupants and visitors and addressing unacceptable behaviour;
- informing occupants and visitors of waste disposal arrangements and removing any excess waste left by occupants and visitors;
- providing off-street parking for occupant's motor vehicles, and providing parking arrangement information to occupants prior to arrival;
- banning additional accommodation by way of tents, caravans, campervans, or similar facilities;
- restricting the use of outdoor areas between 11pm and 7am; and
- maintaining land connected to the dwelling in good condition.

With the aim of undertaking community consultation on the Short Stay Rental Accommodation Local Law in late 2022, a Community Impact Statement has been prepared to help inform community members.

## **FINANCIAL IMPACT**

The 2022-23 Annual budget includes an assumption of \$20,000 in revenue from the introduction of the Short Term Rental Accommodation fee.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **3 A strong economy**

3.3 Visitor growth: Council will facilitate Warrnambool's visitor growth and year-round visitation through industry development, effective destination management and promotion of attractions, experiences and by leveraging key events.

## **TIMING**

The Short Term Rental Accommodation Local Law is anticipated to be considered for adoption in the February or March 2023 Council meeting, with the registration fee payable from adoption for the 2023 calendar year.

## **COMMUNITY IMPACT / CONSULTATION**

Community consultation will take place in December 2022 and January 2023, meeting the requirements of the Act and in line with Council's Community Engagement Policy. Some informal prior engagement had been undertaken during the public exhibition of the 2022-23 Annual budget.

## **LEGAL RISK / IMPACT**

A legal certificate is to be provided confirming that the new local law is consistent with the requirements of a local law. This will include consideration of the objects of the local law and confirm that it is not addressing matters which are already covered by other laws.

## **OFFICERS' DECLARATION OF INTEREST**

Nothing to declare

## **CONCLUSION**

This report provides information on the introduction of a new Short Stay Accommodation Local Law and recommends that Council release the draft local law for community consultation.

## **ATTACHMENTS**

1. Short Term Rental Accommodation Research Paper [7.4.1 - 9 pages]
2. Local Law Community Impact Statement draft 20 Sept 22 (1) [7.4.2 - 6 pages]
3. Warrnambool City Council Code of Conduct Short Stay Accommodation [7.4.3 - 3 pages]
4. Short Stay Accommodation Local Law Warrnambool City Council Draft 25 [7.4.4 - 9 pages]
5. Solicitors Certificate Section 74(1) Local Government Act 2020 [7.4.5 - 3 pages]

## **7.5. GREAT SOUTH COAST REGIONAL DIGITAL STRATEGY**

**DIRECTORATE : City Growth**

**PURPOSE:**

***This report seeks Council's endorsement of the Great South Coast Regional Digital Strategy.***

### **EXECUTIVE SUMMARY**

- The municipalities of Warrnambool, Moyne and Corangamite have partnered to develop a Great South Coast Regional Digital Strategy ('the Strategy') to enhance liveability, productivity and promote sustainability in the region. The Strategy document is attached – refer **Attachment 1**.
- The Strategy was funded by the State Government and delivered by a consultancy and has been informed by input from community members, key stakeholders and Council staff across the Region. It aligns to and supports each of our communities' visions for 2040 in addition to the state aspirations of the Victorian Government Digital Strategy.
- The Strategy was also informed via a workshop with Councillors in May this year.
- The Strategy, considers both the commonalities between Corangamite, Moyne and Warrnambool municipalities as well as the unique characteristics of each. It is comprised of:
  - A vision statement that sets our aspirations towards a digital region;
  - Principles that collectively represent the values of this Strategy and our approach to digital technology across the Region;
  - Strategic themes that direct our goals as a Region; and
  - Area-specific objectives that guide individual Council priorities and initiatives.
- Four strategic themes have been developed to guide our action:
  - Enabling Digital Infrastructure
  - A thriving and sustainable Digital economy
  - A Digitally inclusive and liveable community
  - A smart and Digital Government.
- The implementation of the Strategy will be delivered via the following next steps:
  - Councils will develop project business cases and funding plans;
  - Ongoing communications and engagement for the Strategy/Implementation plan;
  - A plan to increase internal capability through training, knowledge, and sharing;
  - A combined effort by the three partner Councils to leverage the Strategy to get State and/or Federal Government support; and
  - A partnership model to guide, support and improve future collaboration.

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### **RECOMMENDATION**

**That Council:**

- 1. Endorse the Great South Coast Regional Digital Strategy; and**
- 2. Note the next steps that will include an Implementation and Communications Plan that will be brought back to Council by 30 June 2023.**

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### **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

#### **1 A healthy community**

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

Community learning pathways: Council will support and encourage lifelong learning that helps build community resilience and preparedness for change.

### **3 A strong economy**

3.1 Build on competitive strengths: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool's economic strengths and comparative advantages

### **4 A connected, inclusive place**

4.2 A connected community: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails and digital infrastructure.

### **5 An effective Council**

5.8 Regional role and relationships: Council will acknowledge Warrnambool's capability as the regional centre of southwest Victoria through appropriate leadership, advocacy and partnerships that enable greater opportunity for the region

## **TIMING**

Routine.

## **OFFICERS' DECLARATION OF INTEREST**

Nil.

## **ATTACHMENTS**

1. Delos Delta- Great South Coast- Digital Strategy v 7 [7.5.1 - 28 pages]



## **7.6. AMENDED PLANNING PERMIT APPLICATION PP2000-0135.04 – 355 KOROIT STREET**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report summarises the planning assessment that provides a recommendation relating to the application to amend an existing permit which allows use of the land for industry (waste transfer station), where the amendment would facilitate extended hours of operation, and recommends that Council issue a Notice of Decision to amend the permit.***

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### **EXECUTIVE SUMMARY**

An application to amend an existing permit has been received, where the permit allows use of the land known as 355 Koroit Street as a waste transfer station. The original proposal was to delete two existing conditions which restrict operating hours, leading to the ability for 24 hour operation. The application has since been amended to seek to change conditions, versus outright deletion. Public access hours are not intended to change, and the extended hours would relate to private operations only. All other operating procedures, site layout, and associated development of the land, would remain unchanged. An amended Environmental Management Plan would have been required as the previously endorsed version limits storage of waste to certain hours, where an amended plan has been submitted with the proposal.

The limitations around hours relating to putrescible waste were specifically introduced by VCAT within a decision relating to an earlier amendment. The condition was included as a result of Tribunal believing the operation of the nearby Sunday markets should be protected. The markets continue to operate in much the same way as they would have when the decision was made. Although the Planning Scheme allows the possibility for amendments to permits when justified, and various professional reports confirm that amenity impacts could be controlled, there is insufficient justification as to why Condition 14 should change in any way. Conversely, Condition 13 can be amended in line with justification provided in associated amenity reports, which will also align permit conditions with similar transfer station operations in the City. Accordingly, the recommendation below has been reached to issue a Notice of Decision to amend the permit, where Condition 13 only is to be amended, and Condition 14 remains unchanged, and an amended EMP is required under Condition 19. In summary, although the recommendation lists the entire set of conditions, the following changes are proposed:

1. Condition 13 is amended from having restricted hours to indicating the use “can operate at any time, except as limited by condition 14”.
2. Condition 14 was sought to be amended but is recommended to remain unchanged.
3. Condition 19 is amended to require an updated Environmental Management Plan with a new sub-condition that reads “An amended section on Operating Hours that no longer refers to permit conditions, and explains how the site will be managed at all parts of the day and week”.

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### **RECOMMENDATION**

**That Council, having caused notice of Planning Application No. PP2000-0135.04 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 should issue a Notice of Decision to indicate an intent to issue a permit under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 43L SEC 70 CA PSH WAN TSH WARR, 355 Koroit St WARRNAMBOOL VIC 3280, for the Amendment to facilitate extended operating hours of the waste transfer facility in accordance with the endorsed plans, subject to the following conditions:**

1. **(Amended 16/3/2015) Prior to the commencement of the works approved by the amended permit, a storm water management plan must be submitted to and endorsed by the Responsible Authority. The plan must be in accordance with the current Responsible Authority's Design Guidelines, and provide for the following:**
  - a) **Details and measures to enhance storm water discharge quality from the site and prevent the stormwater runoff onto neighbouring land as stated under the section Stormwater and Leachate Management under heading "Objectives" of the Environmental Management Plan.**
  - b) **The measures stated in the stormwater management plan must confirm the actions stated under the section Stormwater and Leachate Management under heading "Actions" in the Environmental Management Plan.**
  - c) **Levelling and paving of all waste storage areas with an impermeable surface.**

The endorsed storm water management plan is to be implemented prior to the use or occupation of the approved development.

2. **The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **The vehicular crossing is to be constructed in accordance with Warrnambool City Council specifications, to the satisfaction of the Responsible Authority. In this regard a permit is required from the Responsible Authority.**
4. **The amenity of the area must not be detrimentally affected by the use or development 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;**
  - 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.**
5. **(Amended 16/3/2014) Before the use and/or development starts, areas set aside for parked vehicles and/or storage of skips and equipment, and access lanes as shown on the endorsed plans (as amended) must be:**
  - a) **Constructed to the satisfaction of the Responsible Authority.**
  - b) **Properly formed to such levels that they can be used in accordance with the endorsed plans.**
  - c) **Surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority.**
  - d) **Drained and maintained to the satisfaction of the Responsible Authority.**
  - e) **Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.**
6. **(Amended 16/3/2014) Parking areas and access lanes must be kept available for these purposes at all times. The car parking area is to be set aside for the parking of passenger vehicles only. All other vehicles are to be parked at the rear of the site.**

- 7. A sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.**
- 8. The site shall be drained to the satisfaction of the Responsible Authority, and no stormwater, sullage, sewerage or polluted drainage shall drain or discharge from the land to adjoining properties. Collected leachate is to be removed from the site at regular intervals in accordance with the provisions of the Environmental Management Plan.**
- 9. All surface run-off must be contained and treated within the site.**
- 10. Prior to the commencement of the development/use hereby permitted, a landscaping plan shall be submitted to the Responsible Authority and when endorsed will form part of this permit. Such plan shall show the following to the satisfaction of the Responsible Authority:**
  - a) All surface treatments**
  - b) The botanical name, height and width at maturity, and location of all vegetation to be used**
  - c) Details of proposed perimeter fencing of the site.**
- 11. The area set aside for landscaping shall be used for no other purpose.**
- 12. Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.**
- 13. (Amended) The hours of operation of the waste transfer station can operate at any time, except as limited by condition 14.**
- 14. (Amended 22/12/2021) Putrescible wastes must not be stored on site after 6.00pm on a Saturday or prior to a public holiday. Nor is any putrescible waste permitted to be received by the facility on a Sunday or public holiday - unless with the prior written consent of the Responsible Authority.**
- 15. (Amended 16/3/2015) Loading and unloading of all goods, materials and items shall be carried out on the site. All waste entering the site is to be treated as follows, to the satisfaction of the Responsible Authority:**
  - a) All rubbish and recycling waste is to be set down, sorted and contained within the perimeter of the "Recycle Sorting Centre" building, including the part of the concrete pavement overhung by the roof. Rubbish and recycling materials must not be set down or stored in areas open to the sky, unless contained securely within a skip bin or approved receptacle.**
  - b) All green waste must be set down, and stored within the area marked "Green waste disposal area" on the endorsed plans. There is to be no storage of green waste outside this area.**
  - c) All areas for the storage of waste, including the household chemical collection point and storage area, are to be levelled and provided with an impermeable surface. All surfaces are to be maintained in a serviceable condition to the satisfaction of the Responsible Authority.**
  - d) A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.**

- 16. The external fabric including the roofing of the building/s shall be in muted tonings of non-reflective material and/or paint to the satisfaction of the Responsible Authority.**
- 17. The operation of the site must be in compliance with the requirements of the Environmental Protection Authority. In this respect the permit holder is to:**
  - a) Comply with the Guide to Best Practice at Transfer Stations, published by Eco Recycle Victoria.**
  - b) Comply with the South West Regional Waste Management Plan.**
- 18. (Amended 16/3/2015) No putrescible wastes shall remain on the premises for more than 24 hours. Green waste must not be stored longer than 7 days.**
- 19. (Amended) Prior to operating outside of previously approved business hours, an amended environmental management plan to the satisfaction of the Responsible Authority 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. The Environmental Management Plan must include, inter alia:**
  - a) Employee and contractor responsibilities;**
  - b) Use of chemicals, such as herbicides and rodenticides;**
  - c) Covering of all bins retained on site overnight;**
  - d) Cleaning, sanitation and housekeeping procedures;**
  - e) Vermin control and rodent baiting, insect control and spraying;**
  - f) Monitoring processes and corrective action;**
  - g) Procedures for odour, stormwater, noise and dust management;**
  - h) Procedures for the collecting and removal of leachate from the site;**
  - i) Emergency response procedures;**
  - j) Traffic management;**
  - k) Use and maintenance for all plant and equipment;**
  - l) Procedures for monitoring and reporting;**
  - m) A timetable for the review of the management plan.**
  - n) An amended section on Operating Hours that no longer refers to permit conditions, and explains how the site will be managed at all parts of the day and week.**

#### **SOUTH WEST WATER AUTHORITY CONDITIONS**

- 20. The provision at the developer's cost of the required sewerage works necessary to serve the proposed development. The works are to be constructed in accordance with the plans and specifications approved by, and under the supervision of the South West Water Authority.**
- 21. The provision at the developer's cost of the required water supply works necessary to serve the proposed development. The works are to be constructed in accordance with the plans and specifications approved by, and under the supervision of the South West Water Authority.**
- 22. The developer entering into an agreement with the Authority for contribution of the present day costs of any works that are used or will be able to be used for the provision of services to the proposed development.**

- 23. The developer obtaining the necessary consents and approvals for:**
- a) Alteration to or connection of on-site plumbing.**
  - b) Building over or within 1 metre horizontally of any water or sewerage works whether within or beyond the boundary of the property.**
  - c) The discharge of trade waste (other than domestic sewerage) from the property.**
  - d) Any changes to the natural surface levels that result in a portion of the building not being able to be provided with gravity sewerage services**

**Note:**

- 1. This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.**
- 2. The amended *Environment Protection Act 2017* came into effect on 1 July 2021. The amended *Environment Protection Act 2017* imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.**
- 3. For further information on what the new laws will mean for Victorian businesses go to <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business>**
- 4. For further information on what the new laws will mean for individuals and the community go to <https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>**

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## **BACKGROUND**

The proposal originally sought to delete existing conditions on a planning permit which allows the use of the land as Industry (waste transfer station) in the Industrial 1 zone. The proposal was then amended under Section 57a to revert to amending the same conditions originally proposed to be deleted. Specifically, the applicant is now seeking to amend permit conditions 13 and 14, where the current conditions read as follows:

- 13. The hours of operation of the waste transfer station are restricted to:*
- a. Monday to Friday 8.00am to 5.30pm*
  - b. Saturday 9.00am to 4.00pm*
  - c. Sunday 10.00am to 4.00pm except as limited by condition 14.*

*14. Putrescible wastes must not be stored on site after 6.00pm on a Saturday or prior to a public holiday. Nor is any putrescible waste permitted to be received by the facility on a Sunday or public holiday – unless with the prior written consent of the Responsible Authority.*

The overall intent of amended conditions would be to allow the facility to receive and store general waste at any time, but continue to require controls around the receipt of putrescible waste partially in line with the original permit conditions required by VCAT.

Justification for the proposed changes has not expressly been provided in the application, simply that the amendment is sought to allow the facility to receive waste outside of currently approved hours. It is assumed this is sought on the basis that the current permit for the facility is restricted in ways that other similar waste transfer stations are not restricted, and the operators of the facility are aiming to reduce competitive (dis)advantage.

In respect to other operating procedures, site layout, or associated development, the application does not propose to change anything previously approved.

## ISSUES

As a result of public notification, Council received thirty-three (33) objections, where one has since withdrawn. The grounds of objections almost exclusively relate to four themes:

- a. Noise – primarily relating to the impact of vehicle noise, the specific impact of noise after hours was seen as unsuitable in a location with proximity to both private residential and public space.
- b. Odour – the vast majority of objectors cited odour as a concern, and although it was conceded that odour is already an issue relating to the existing use (which is already approved and not being re-considered under this amendment), it was often specified that the underlying assumption must be that increased hours necessarily equates with increased input/output, and that there would therefore be an additional or marginal impact on the odour issues that already exist.
- c. Traffic – The impact of increased traffic movements was seen as having a negative impact on an already busy portion of the road.
- d. Property Value – The amendment was construed as having a negative influence on surrounding property values.

Across all themes, it could be said that although many objectors were opposed to the original use, the specific grounds of objection in relation to the amendment were identifying that the marginal impact of the amendment would result in a negative amenity outcome.

The application was then amended under Section 57a, and subject to re-notification. Two additional submissions were received from parties who had already objected to the original proposal. As per Section 57a(7)(b), all objections made in relation to the original application are to be taken to be objections to the amended application, therefore the application continues to have 32 submissions in objection.

## FINANCIAL IMPACT

The costs associated with the assessment of the application and any subsequent reviews have been allowed for in the City Strategy and Development budget.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

### 2 A Sustainable environment

2.5 Waste minimisation: Council will pursue programs to minimise waste throughout the community, industry and promote the benefits of reduction, re-use and recycling of materials.

### 4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

### 5 An effective Council

5.1 Leadership and governance: Council will be a high-functioning team committed to respectful relationships, collaboration and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making

5.6 Risk mitigation: Council will mitigate and manage organisational risks through sound management systems and processes.

## TIMING

Routine

## **COMMUNITY IMPACT / CONSULTATION**

- In line with Council's delegation instrument, any application that receives more than 4 objections is decided via Council meeting, and therefore a consultation meeting with Councillors in attendance was organised on site. The meeting was held 5 July 2022, and was attended by a quorum of Councillors, Council officers, approximately 18 objectors, and the applicant. As the application was then amended after notice, a second consultation meeting was held at Council offices 25 October 2022.
- Given the operation does not require any amendment to existing licenses, and does not involve any use for a purpose listed under Clause 53.10, the Environmental Protection Authority is not a determining referral; notwithstanding, a recommending referral request was sent under Section 52, and a response provided 8 June 2022. The response confirms that the EPA would typically only provide advice as a recommending referral, and that technical reviews of individual reports were not undertaken. The response does not specify that EPA objects to the proposal, and a proposed note is suggested to be added to the amended permit should it be issued. It can therefore be concluded that EPA as recommending referral does not directly object to the proposal.
- The application was also referred internally to Council's Health department. A response was provided 14 July 2022 with no comments and a number of suggested conditions. The conditions primarily related to ensuring the use complied with EPA regulations.

## **LEGAL RISK / IMPACT**

The proposal has been assessed against all relevant requirements of the Planning Scheme and the Planning and Environment Act 1987.

## **OFFICERS' DECLARATION OF INTEREST**

None.

## **COLLABORATIVE PROCUREMENT**

Not applicable.

## **CONCLUSION**

The amended proposal is not considering whether the use itself is warranted, given that this has been debated by Tribunal and approved. However, the location of the use continues to be directly at the interface between industry and residential areas, where the marginal impact of the amended proposal must be (re)considered in relation to the policy direction. The nature of adverse impacts to certain areas must be balanced against potential positive outcomes in other areas.

While the amenity impacts in question are shown to be contained within levels that are deemed reasonable relating to various regulations, it continues to stand that this entire debate has already been waged, and the Tribunal has already decided that the conditions were appropriate. While the planning system in Victoria is built on the ability to amend and adapt over time and in different circumstances, it has not been demonstrated that circumstances have changed in line with the suitability to simply delete the conditions. With the assistance of the various amenity reports as submitted can lead to the conclusion that operating hours on the whole should not be restricted, Condition 14 was created in relation to the sensitivity of the Sunday market, where the market continues to operate in much the same way as it would have previously. As a result, it would be unusual for Council to reverse a decision taken at Tribunal without sufficient cause, and there is consequently no cause to modify Condition 14 in any way. A review of other transfer stations across the City reveals that this same condition has been employed in other circumstances, and while each situation must be assessed using its own unique context, it can be concluded that a competitive disadvantage is not apparent in the context of receipt and storage of putrescible waste.

The assessment then turns to Condition 13, and whether or not it is reasonable to restrict general operations. Again, the written application posits that standard business hours (ie. access for the general public) will remain consistent, but that the loosening of restrictions will allow greater operational flexibility for the business to continue logistics after hours. In the context of the findings of the submitted reports, this would seem reasonable, however there are a wide range of objectors who are contending the results of the reports do not align with their lived experience. Again, it is not appropriate to solely model the outcome in this case with other transfer stations, however a review of recent approved permits relating to waste transfer stations reveals that other facilities do in fact conduct general operations over 24 hours, 7 days a week. Conversely, while this is the case, other permits have required both Environmental Management Plans (which outline procedures to control amenity impacts) and Site Management Plans (which outline operational procedures, including operating hours), where the endorsement of both plans helps Council regulate and understand operational intention. In this case, the applicant has submitted an EMP which includes a section on operating hours, but the section simply lists the hours as regulated by the permit, where that condition is now sought to be amended to remove reference to general hours. Accordingly, although it is reasonable to amend the condition (both on account of the evidence provided in associated reports, and on account of other similar transfer stations also not having restrictive conditions), it is also reasonable to require amendment to the EMP to establish intended hours, and strategies that will be employed to ensure that the scenarios described in the submitted reports can in fact be employed.

In summary, it is concluded reasonable to amend Condition 13 in line with the application's original intent, on the basis that Condition 19 require an amended EMP that embeds an understanding of how the site will be managed. Conversely, it is concluded unreasonable to make any change to Condition 14 as it was employed by Tribunal for a specific purpose, where it has not been demonstrated that circumstances have changed in any meaningful way to rule against that intent.

## **ATTACHMENTS**

1. PP2000 0135 04 Delegate Report [7.6.1 - 18 pages]
2. P P 2000-0135.04 - S 57 A Planning Report re 355 Koroi [7.6.2 - 16 pages]
3. P P 2000-0135.04 - S 57 A Environmental Noise Assessme [7.6.3 - 18 pages]
4. P P 2000-0135.04 - S 57 A Wbool WTS Odour Assessment ( [7.6.4 - 45 pages]
5. P P 2000-0135.04 - S 57 A Environmental Management Pla [7.6.5 - 108 pages]



## **7.7. PP2022-0052 - 19 PRESTON STREET, DENNINGTON**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report summarises the planning assessment that provides a recommendation for the application to develop the site known as 19 Preston Street, Dennington with three single storey dwellings, and recommends that Council issue a Notice of Decision to grant a permit subject to conditions.***

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### **EXECUTIVE SUMMARY**

Council has received an application to develop the land known as 19 Preston Street, Dennington with three single storey dwellings.

The application triggers a planning permit under the zone for the construction of two or more dwellings on a lot. It is noted that the use 'dwelling' does not require a permit.

The application was subject to internal and external referrals, and was subject to public notice.

As a result of notification, 10 objections were received, where grounds were primarily in regard to parking, traffic, neighbourhood character, overdevelopment of the site and waste collection.

The application and concerns raised by objectors have been considered against all of the relevant provisions of the Warrnambool Planning Scheme and it has been deemed that on balance the application warrants support, where the Officer's recommendation is approval subject to conditions.

If the application is supported, a Notice of Decision would be required as all objections have been sustained.

### **RECOMMENDATION**

**That Council, having caused notice of Planning Application No. PP2022-0052 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 determine to approve the application for PP2022-0052 under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as ALLOT Lot 1 TP 961744Y PSH WAN TSH DENN, 19 Preston Street, DENNINGTON VIC 3280, for the Construction of three (3) dwellings (following demolition of existing) in accordance with the endorsed plans, subject to the following conditions:**

- 1. Before the development start(s), 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, must be generally in accordance with the plans submitted with the application (received by Council on 22 June and 11 August 2022) but modified to show:**
  - a) The bin collection area within the street verge depicted on the Site Plan removed.**
  - b) The location of the two vehicle crossovers with a note confirming crossovers as existing or proposed as relevant.**
  - c) The following note included on the Site Plan 'existing redundant crossovers to be reinstated to kerb and channel to Council Standard'.**
  - d) Corner plays in accordance with Clause 52.06-9.**

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
- 3. 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;**
  - f) 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 pre-development 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.**
  - h) 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.**
- 4. The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the Responsible Authority prior to use or occupation of the new dwelling.**
- 5. Before the use or occupation of the development, the applicant must provide vehicle access to all lots to the satisfaction of the Responsible Authority. This includes the removal of existing substandard or 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.**
- 6. Before the use or occupation of the development the internal/common property traffic and parking area 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. Vehicles are to enter and exit Dwelling 2 and Dwelling 3 to/from Preston Street in a forwards direction.**
- 8. To safeguard the amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:**

- a) **Stockpiles of top soil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall 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 shall be undertaken on the building block. The pollutants from these building operations shall 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.**
9. **Before occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
10. **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.**
- 

## **BACKGROUND**

The proposal seeks to permit the construction of three single storey dwellings on the site. Details of the development are as follows.

- Three single storey dwellings sited in a 'one behind the other' layout.
- Two dwellings with three bedrooms and one four-bedroom dwelling.
- The development will have the following minimum setbacks.
  - 5.6 metres from the front property boundary.
  - On boundary construction to the northern (side) boundary.
  - 3.13 metres from the southern (side) boundary.
  - 1.69 metres from the western (rear) boundary.
- The development will have a site coverage of 45.3 percent.
- 42.4 percent of the site will be permeable.
- 35.2 percent Garden Area will be provided.
- Vehicle access will be via two crossovers. The northern crossover will provide access to Dwelling 1 while the southern crossover (existing) will provide access to dwelling 2 and dwelling 3 via a common driveway extending along the southern side of the site.
- Each dwelling will be provided with two dedicated parking spaces. Dwelling 1 includes a single garage and second tandem space in the driveway, while Dwelling 2 and Dwelling 3 are both provided with double garages.
- The dwellings are all traditional in style with pitched tiled roofs and a combination of brick and render walls.
- Landscaping is proposed throughout the site including within areas of secluded private open space and the common driveway area and includes six new canopy trees.

## **ISSUES**

As a result of public notification, Council received 10 submissions objecting to the development with the key areas of concern summarised as follows.

- Neighbourhood character/Overdevelopment.
- Traffic and car parking.
- Waste Collection

- Infrastructure.

A planning assessment relating to these grounds has been included in the attached Delegate Report, where it has been concluded that despite the possible amenity issues, the application should be supported.

## **FINANCIAL IMPACT**

The costs associated with the assessment of the application and any subsequent reviews have been allowed for in the City Strategy and Development budget.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **4 A connected, inclusive place**

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

## **TIMING**

The application timeframes are already outside of statutory requirements.

## **COMMUNITY IMPACT / CONSULTATION**

In line with Council's delegation policy, as a result of having more than 5 objections, a consultation meeting was held with Councillors on 18 October 2022.

The application was also externally referred to the Department of Environment, Land, Planning and Water and internally referred to Council's Infrastructure and Building departments. No objections to the proposal have been received from referral authorities.

## **LEGAL RISK / IMPACT**

The proposal has been assessed against all relevant requirements of the Planning Scheme and the Planning and Environment Act 1987.

## **OFFICERS' DECLARATION OF INTEREST**

No conflict of interest.

## **CONCLUSION**

Having given consideration to the planning permit documentation, referral advice and any concerns raised by objectors, and following an assessment of the proposal against the relevant provisions of the Warrnambool Planning Scheme as discussed within this report, it is considered that on balance the application warrants support and a recommendation for approval from Council Officers.

## **ATTACHMENTS**

1. Plans P P 2022-0052 19 PRESTON ST DENNINGTON [7.7.1 - 11 pages]
2. Landscape Plan - PP2022-0052 - 19 PRESTON ST DENNINGTON [7.7.2 - 1 page]
3. WSUD Plan - PP2022-0052 - 19 PRESTON ST DENNINGTON [7.7.3 - 1 page]
4. P P 2022-0052 - Applicants Response to Objections [7.7.4 - 4 pages]
5. Delegate Planning Assessment Report PP2022 0052 19 Preston St [7.7.5 - 29 pages]

## **7.8. DEVELOPMENT PLAN APPLICATION DP2022-0008 - 147 WOLLASTON ROAD**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report considers the North of the Merri River Development Plan, describing future residential development, a retirement village, and open space development in relation to 147 Wollaston Road, and recommends that Council endorse the plan.***

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### **EXECUTIVE SUMMARY**

Council has received a Development Plan (DP) prepared by proUrban planning consultants for land at 147 Wollaston Road (LOT 1 TP99782 and LOT 1 TP884446) situated between Wollaston Road and the banks of the Merri River.

The site has an area of approximately 24.8 hectares and is within the North of the Merri River Growth area, and jointly the General Residential zone (GR1Z) and Urban Floodway zone (UFZ), which anticipate residential use and development with appropriate consideration for flood prone areas.

A similar plan was previously presented to Council, where the area of open space was presented as a possible golf course. The Development Plan is similar in all aspects except the demonstration of the golf course, and as submitted now comprises:

- A nominated residential subdivision along the eastern boundary serviced by a single access from Wollaston Road and a carriageway easement for possible future access across the river,
- Fifty-two (52) lots ranging in size from 698m<sup>2</sup> to 957m<sup>2</sup> with a density level of 10.4 lots per hectare (slightly below target of 12),
- The balance of the residential zoned area shown as suitable for a retirement village on a single lot, where specific information about development has not been provided on the plan,
- The remainder of the urban floodway zoned area shown as open space, with a 36 metre section of 'creek reserve' showing retained/re-instated vegetation and an indicative future shared public pathway.

The new Development Plan was subject to re-referrals as required, but not placed on exhibition for a further period of two (2) weeks. Three (3) submissions were received in relation to the original plan, where those submissions are considered as carried over to the new proposal.

The new Development Plan is generally consistent with the Development Plan Overlay requirements and relevant provisions of the Warrnambool Planning Scheme, and is therefore appropriate to endorse. If the Development Plan is endorsed a planning application will be subject to further assessment by Council.

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### **RECOMMENDATION**

**That having considered all the matters normally required under Section 60 of the Act for planning applications, Council should endorse the development plan under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 on Title Plan 99782 and Lot 1 on Title Plan 8844446 at 147 Wollaston Rd, WARRNAMBOOL VIC 3280, which seeks to facilitate future residential, retirement village and open space development on site.**

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### **BACKGROUND**

The proposal seeks approval for a Development Plan which would facilitate the future development on site of 52 residential lots, a retirement village indicatively comprising 192 dwellings, open space and associated roads, infrastructure and facilities.

A Traffic Impact Assessment, Open Space Plan, CHMP, Stormwater Management Strategy, Services Plan and Urban Design Report have been submitted in support of the application. A land budget, vegetation assessment, and bushfire assessment were also submitted.

The proposed development plan broadly proposes residential and retirement village development on that part of the site within the General Residential zone, and open space within the floodplain area. The open space area also accommodates associated drainage infrastructure (one retarding basin and one wetland). The development is separated into three individual stages. Stage 1 includes 26 residential lots and, while the DP does not specify which lots, it is understood the land would be developed from the northeast corner. Stage 2 would contain the remaining 26 residential lots and stage 3 would combine the entire retirement village area (developed on one lot).

A 36m wide public open space corridor is proposed along the north of the Merri River with a 10m vegetation buffer and 2.5m shared path.

## **ISSUES**

Under the original referral, The Glenelg Hopkins Catchment Management Authority had raised concerns with the location of the retarding basin, wetland and associated infrastructure in the floodplain. The GHCMA had earlier sought further details including hydraulic modelling that demonstrates the retarding basin and wetland will not impact on the flood behaviour in the floodplain, and further details of any cut and fill proposed to accommodate infrastructure, which would also require hydraulic modelling. The updated plan was then re-referred, and a further response has now been received. Again, the CMA has indicated their preference for all infrastructure including retarding basins to be located outside the floodplain, and that if this cannot be achieved further modelling will be required. In this regard, the CMA has not objected to the development, and the underlying assumption is that as the CMA will be a determining referral at the time of any permit application, the details they are requiring can and will be pursued. Accordingly, although the development will undoubtedly require more precise details, it is appropriate to assess the plan in its context, with the underlying assumption that details can be worked out as the development progresses. The Structure Plan requires the floodplain area and river reserve to be vested to Council as public open space, and an open space plan has now been provided that indicates the layout for the site.

Three submissions were also received in relation to the proposal, indicating that there are elements of the plan that are not supported by other parties.

## **FINANCIAL IMPACT**

Costs associated with the review and assessment of the Development Plan have been included in the City Strategy and Development Budget.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **2 A Sustainable environment**

2.1 Natural environment: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

2.2 Water and coastal management: Council will protect and enhance the health of Warrnambool's coastline and inland waterways to protect and improve biodiversity

### **4 A connected, inclusive place**

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

## **TIMING**

In accordance with the Planning and Environment Act 1987.

## **COMMUNITY IMPACT / CONSULTATION**

All documentation forming part of the Development Plan (DP) has been subject to re-referrals, however a period of non-statutory public exhibition was not re-employed. Exhibition of the DP is a non-statutory requirement to enable Council to make an informed decision on the future development of the site, and based on the recent receipt of comments in relation to the previous plan, it was deemed appropriate to carry these over.

Three (3) submissions were previously received with the following concerns:

- Road Design
- Bromfield Street River Crossing and Road Extension
- Drainage Catchments
- Stormwater Management
- Wetland Preservation
- Golf Course and Public Open Space
- Inconsistency with the Merri River Development Control Plan

The Structure Plan has an overall density target of 15 dwellings per hectare. The proposed plan suggests lower density housing on the land which results in approximately 12 dwellings per hectare, in combination with much higher density in relation to the retirement village. The underlying zone (General Residential 1) seeks to 'encourage a diversity of housing types' that respects neighbourhood character. If the DP is approved a future planning application would require Council to have greater consideration to matters raised in the submission as part of a full planning assessment, however it can be concluded that development is generally consistent with the intent of the Structure Plan.

The development plan was originally referred to Wannon Water; Downer (Gas); Environmental Protection Authority; Glenelg Hopkins Catchment Management Authority; Country Fire Authority; Council's City Infrastructure; City Sustainability and City Strategy departments. Referral responses had indicated general consent, with specific and targeted concerns primarily relating to infrastructure provision, and the provision and management of appropriate open space. The river crossing is a DCP item and will be designed and constructed with the correct input from all authorities at the appropriate time. Specific details concerning road design and stormwater management can be dealt with at subdivision stage. The primary input from both objectors and referral sources, therefore, is the inappropriate provision of open space, where appropriate designation of open space has now been shown.

The DP is therefore considered an acceptable response to the Development Plan Overlay and as a concept for this area.

## **LEGAL RISK / IMPACT**

The Plan has been processed and assessed in accordance with the requirements of the Warrnambool Planning Scheme and the Planning and Environment Act 1987. The applicant has an avenue of appeal should Council refuse endorsement of the Plan.

## **OFFICERS' DECLARATION OF INTEREST**

None.

## **COLLABORATIVE PROCUREMENT**

Not applicable.

## **CONCLUSION**

The role of the Development Plan is to provide direction on the form and layout of future development of the land. The current plan provides an appropriate direction and description of the future form of development on the land. A planning application will be required if the plan is approved and this will allow Council to assess the proposal against the relevant provisions of the Warrnambool Planning Scheme.

## **ATTACHMENTS**

1. DP2022 0005 147 Wollaston Road delegate report [7.8.1 - 21 pages]
2. D P 147 Wollaston Road, Warrnambool - Development PI [7.8.2 - 33 pages]
3. DP 147 Wollaston Road, Warrnambool - Attachment 1 Ur [7.8.3 - 10 pages]
4. DP 147 Wollaston Road, Warrnambool - Attachment 2 Op [7.8.4 - 3 pages]
5. DP 147 Wollaston Road, Warrnambool - Attachment 3 C Tr [7.8.5 - 24 pages]
6. DP 147 Wollaston Road, Warrnambool - Attachment 4 [7.8.6 - 56 pages]
7. D P 147 Wollaston Road, Warrnambool - Attachment 5 Bus [7.8.7 - 38 pages]



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## **7.9. ALBERT PARK REVEGETATION PLAN**

**DIRECTORATE : City Growth**

**PURPOSE:**

***This report considers submissions to the draft Albert Park Revegetation Plan and recommends that the plan be adopted by Council.***

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### **EXECUTIVE SUMMARY**

- The Albert Park Revegetation Plan provides guidance on areas suitable for revegetation, taking into consideration all users of the park, and makes recommendations for planting within these areas.
- The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreational outcomes for park users.
- Community consultation and collaboration with key stakeholders has informed the plan and feedback has been provided by written submissions.
- The feedback has informed some minor changes to the Albert Park Revegetation Plan.

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### **RECOMMENDATION**

**That Council resolve to:**

- 1. Receive and consider the submissions in response to the draft Albert Park Revegetation Plan.**
  - 2. Adopt the Albert Park Revegetation Plan.**
- 

### **BACKGROUND**

The Albert Park Precinct is approximately 57 hectares of public land located one kilometre north-east of the Warrnambool town centre. The Precinct includes Warrnambool College, Wannon Water facilities, Grieve Street Park, Warrnambool Community Garden, Warrnambool Japanese Garden and the Albert Park Reserve.

Albert Park Reserve makes up approximately 41 hectares of the Precinct and contains facilities for a range of sporting groups and clubs. Facilities within the Reserve include the RW Mack Oval, Reid Oval, Walter Oval, Warrnambool Hockey Fields, City Memorial Bowls Club and infrastructure for the Warrnambool Pony Club. The location of Albert Park is shown in Figure 1.



**Figure 1.** Albert Park Site Location.

In 2019, the Albert Park Integrated Water Management Plan was prepared. This Plan identified a range of improvements for Albert Park, including increasing native vegetation within the park and possible future biodiversity link (biolink) between the park and Russells Creek. The benefits of increasing native vegetation with the park include:

- Increase cooling
- Mitigate the urban heat island effect
- Improve amenity
- Improve air quality
- Provide refuge for wildlife to move safely within an urban environment
- Create wildlife habitat, and
- Intercept stormwater runoff

The Integrated Water Management Plan plan highlighted increasing vegetation in the following areas:

- East of Mack Oval
- At the corner of Grafton Road and Cramer Street, as Warrnambool College has expressed interest in increasing vegetation in this area.
- The middle of Albert Park, creating a link from the existing established vegetation and the native kangaroo grass closer to Russells Creek.

The Albert Park Revegetation Plan draws on existing strategies, frameworks and policies relating to revegetation and 'greening' of Warrnambool, a site analysis and discussion with stakeholders.

Relevant plans, policies, strategies and frameworks applicable to landscaping and revegetation of Albert Park include:

- Warrnambool Planning Scheme, Warrnambool City Council
- Warrnambool Council Plan 2021-2025, Warrnambool City Council
- Warrnambool Open Space Strategy 2014, Warrnambool City Council
- Green Warrnambool 2018, Warrnambool City Council
- Warrnambool City Council Revegetation Policy and Guidelines 2021, and
- Albert Park Integrated Water Management Plan 2019, Warrnambool City Council

## ISSUES

The Albert Park Revegetation Plan has been developed in consultation with key stakeholders and the community.

The draft plan is in four parts: Introduction, Plant Ecology, Consultation Summary and Implementation. **Refer to Attachment 1 Albert Park Revegetation Plan.**

The Implementation Plan has a staged approach with Stage 1 considering the first to three years of implementation, Stage 2 three to five years, Stage 3 six to eight years and Stage 4 eight plus years. Each stage has a reference to the vegetation zone number, description of work, additional information and approximate size (m<sup>2</sup>).

Community consultation has been undertaken and included being on Councils Your Say website and notification in the newspaper and social media. Key stakeholders were notified of the release of the draft plan.

Council received 9 written submissions. There were submissions from four organisations and five individuals. A summary of submissions is provided at Appendix 5 of the plan. **Refer to Attachment 1 Albert Park Revegetation Plan (pg 44).**

Requests for changes included:

- Weed threats to be further discussed.
- Add more large trees for habitat and shade.
- Create biolinks through the park and to Russells Creek and the foreshore.
- Concern that species list has too many 'non-indigenous' species.
- Concern that species list will create homogenous parkland.
- Request for additional Eucalyptus spp. to be included for Koala habitat.
- Request for *Correa reflexa* var. *reflexa* 'Granny's Grave' to be planted in this park and to help secure the future population of this species in Warrnambool.
- Request for additional species to be added for small bird habitat, including Blue Wrens.

Majority of respondents support the overall intent of the Albert Park Revegetation Plan including the use of native vegetation. Many of the comments made in the submissions reflect or support recommendations of the Albert Park Revegetation Plan.

## FINANCIAL IMPACT

The preparation of the Albert Park Revegetation Plan has been funded by Council. The Revegetation Plan is intended to be implemented over a number of years. The timing for delivery of revegetation works may be dependent on:

- Council priorities and budget allocations.
- Availability of funding programs and grant opportunities.
- Community support and involvement from community groups.
- Timing of park projects, such as the construction of integrated water management infrastructure, including wetland and raingarden.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

### 1 A healthy community

1.2 Engage with the Aboriginal community: Council will pursue improved partnerships and meaningful engagement with Aboriginal people to grow opportunities and better outcomes for Aboriginal people.

1.3 Health and wellbeing : Council will take action to improve health, wellbeing and safety outcomes for Warrnambool's community.

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

1.5 Recreation, arts, culture and heritage: Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness.

## **2 A Sustainable environment**

2.1 Natural environment: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

2.2 Water and coastal management: Council will protect and enhance the health of Warrnambool's coastline and inland waterways to protect and improve biodiversity

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

2.4 Water resource management: Council will promote and encourage awareness of sustainable practices in our work and in the community, including water resource management.

2.6 Awareness and celebration: Council will foster community awareness and recognition of the benefits of positive outcomes for Warrnambool's environment

## **4 A connected, inclusive place**

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

## **5 An effective Council**

5.1 Leadership and governance: Council will be a high-functioning team committed to respectful relationships, collaboration and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making

5.2 Engaged and informed community: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.

## **TIMING**

The draft Albert Park Revegetation Plan has been exhibited, submissions and feedback considered and changes to the plan have been made accordingly. Once adopted the plan will provide guidance on areas suitable for revegetation in Albert Park, identifying areas for future planting and the recommended vegetation categories.

## **COMMUNITY IMPACT / CONSULTATION**

The draft plan was developed in collaboration with Council staff and key stakeholders and was released for public comment. This included being on Councils Your Say website and notification in the newspaper and social media. Key stakeholders were notified of the release of the draft plan.

## **LEGAL RISK / IMPACT**

The preparation of the Albert Park Revegetation Plan provides guidance and strategic direction to Council and the community on suitable areas for revegetation within the site and as such minimises risk and improves environmental outcomes.

## **OFFICERS' DECLARATION OF INTEREST**

None.

## **CONCLUSION**

The Albert Park Revegetation Plan provides guidance on areas suitable for revegetation, taking into consideration all users of the park, and makes recommendations for planting within these areas. The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreational outcomes for park users. It is proposed that the Albert Park Revegetation Plan be endorsed by Council.

## **ATTACHMENTS**

1. Albert Park Revegetation Plan WCC 28112022 [7.9.1 - 50 pages]

## **7.10. COUNCIL'S FUTURE ENERGY CONTRACTS - 30 JUNE ONWARDS**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report provide information to Council regarding Council future energy contracts from 1<sup>st</sup> July 2023 onwards and seek authorisation to commence the transition to the State Government and Power Purchase Agreement contracts.***

---

### **EXECUTIVE SUMMARY**

- Council has committed 40% of its electricity load to the Power Purchase Agreement (PPA) until the 31<sup>st</sup> December 2030 and the remaining 60% of the electricity and 100% gas load until the 30<sup>th</sup> June 2023.
- Council has committed to be a carbon neutral organisation by 2026, therefore there is no need at this stage to procure 100% green power.
- PPA prices are due to be reset on the 30<sup>th</sup> June 2023 and the new prices are unknown at this stage.
- Recent reports received are showing that State Government contract prices are better than current electricity prices received from Procurement Australia (PA)
- On the 31<sup>st</sup> May, EMT agreed on the following:
  - To increase the electricity load as part of the PPA to approximately 70% of Council's electricity usage (all large market sites).
  - The remainder 30% of the electricity to be purchased through the State Government contracts until the 30<sup>th</sup> June 2025.
  - All gas accounts to be also procured through the State Government Contracts.
- Procuring electricity through different methods will reduce Council's risk of exposure to the electricity market but also it will leave some flexibility to explore new technologies in the near future (for example: virtual power plant)

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### **RECOMMENDATION**

**That Council:**

- **Approve the transition from Procurement Australia Energy Contracts to State Government Energy Contracts for electricity and gas services;**
  - **Authorise the CEO the authority to sign, seal and vary the contracts as required.**
- 

### **BACKGROUND**

Council's current electricity and gas contract has been procured through different procurements methods. The actual electricity and gas contracts can be summarised below:

**Table 1. Council Energy Contracts Summary**

<b>Load</b>	<b>Procurement Agent</b>	<b>Expiration Date</b>
40% Electricity	PPA	31 <sup>st</sup> December 2030
60% Electricity	PA	30 <sup>th</sup> June 2023
100% Gas	PA	30 <sup>th</sup> June 2023

The PPA is showing the best prices for electricity, however, prices are due to be reset from 1<sup>st</sup> July 2023.

Historical Council has always committed to procure its energy needs through PA, however, recent experience has demonstrated that PA doesn't represent the best prices for electricity and gas contract.

## ISSUES

Council has committed to be a carbon neutral organisation by 2026. In order to achieve this goal, Council electricity needs have to come from renewable energy sources, however, there is no need to transition 100% renewable (for electricity) prior to 2026.

Recent reports shows that the State Government contracts still have better prices than current PA contracts. At this stage, Council have the following alternatives for the procurement of electricity and gas from 1<sup>st</sup> July 2023:

- **PA 2022 Tender** – there is opportunity for Council to roll-in into existing PA energy contracts which will expire in 2025. However, energy prices under this tender are unknown
- **MAV** – MAV runs energy tender contract on yearly basis of which Council can be part of.
- **State Government Contracts** – Council has received confirmation that any Local Government can participated in the State Government contracts at any time.
- **PPA (electricity only)** – Council can roll in the remaining of the electricity load to the existing PPA. However, if Council decides to do this, the electricity load will be committed until 2030.

Furthermore, transition 100% electricity to the PPA will means that Council will commit to the contract until December 2030 which could limit Council options to trial or participate in new technologies like virtual power plants for example in the near future.

Splitting Council electricity load into contracts (70% PPA and 30% State Government) will show the Warrnambool community Council's commitment to its carbon neutrality goals but also this approach will provide Council flexibility to explore new technologies within a shorter timeframe rather than having to wait until 2030.

**Table 2. Council Future Energy Contracts**

Load	Procurement Agent	Expiration Date
70% Electricity	PPA	31 <sup>st</sup> December 2030
30% Electricity	State Government Contracts	30 <sup>th</sup> June 2025
100% Gas (Small market)	State Government Contracts	31 <sup>st</sup> December 2024
100% Gas (Large market)	State Government Contracts	30 <sup>th</sup> June 2025

## FINANCIAL IMPACT

**Table 3** summarises the project contract costs based on the total length of each of the contracts. However, energy prices are expected to fluctuate on yearly basis and Council will continue to invest in renewable energy and energy efficiency. Therefore the projected costs on table 3 are only to be used as guidance.

**Table 3. Projected Contract Cost**

Load	Procurement Agent	Contract Length	Projected Cost
40% Electricity	PPA	6.5 years	\$1,230,257
30% Electricity	State Government Contracts	2 years	\$671,856
100% Gas (Small market)	State Government Contracts	1.5 years	\$200,000
100% Gas (Large market)	State Government Contracts	2 years	\$300,000

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **2 A Sustainable environment**

2.1 Natural environment: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

### **4 A connected, inclusive place**

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

### **5 An effective Council**

5.1 Leadership and governance: Council will be a high-functioning team committed to respectful relationships, collaboration and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making

5.5 Organisational and financial sustainability: Council will ensure organisational and financial sustainability through the effective and efficient use of Council's resources and assets.

## **TIMING**

PA contracts expired on the 30<sup>th</sup> June 2023. However, it might take some time to transition over 100 accounts to the State Government contracts (small market accounts)

## **LEGAL RISK / IMPACT**

Minimal impact, Council will reduce the risk of high electricity market prices splitting its electricity need through two separate contracts of which each one have different procurement methods. In addition, this approach will not commit 100% of Council electricity need for a 7 year period.

## **OFFICERS' DECLARATION OF INTEREST**

None declared.

## **CONCLUSION**

Procurement Australia has been used as energy procurement agent for years, however, it hasn't shown the best results recently. Currently, Council has several options of where and how the electricity and gas requirement can be purchased from. Current contracts (60% electricity and 100% gas) has been committed until 30<sup>th</sup> June 2023.

The two more feasible options for Council at this stage is to participate into the State Government energy contracts for a period of two years or roll in to the PPA. Due to the long term commitment and the limitations that will mean for Council to explore new technologies if it commits 100% of its electricity load to the PPA, it is recommended to procure Council's energy needs through two different contracts.

From the 1<sup>st</sup> July 2023 until the 30<sup>th</sup> June 2025 Council's energy portfolio provider will look like:

- All large electricity market accounts and street lighting through the PPA (until December 2030)
- All small electricity market accounts through State Government Contracts
- All gas accounts through State Government Contracts, all the small sites until December 2024 and the large gas site (Aquazone) until 30<sup>th</sup> June 2025 .

## **ATTACHMENTS**

Nil.



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## **7.11. PROPOSED CAR & BOAT PARKING ANGLING CLUB BOAT RAMP**

**DIRECTORATE : City Infrastructure**

### **PURPOSE:**

***This report provides information on a proposed new car and boat trailer parking for the Angling Club Boat ramp along the Hopkins River.***

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### **EXECUTIVE SUMMARY**

- A request was received for boat trailer parking at the Angling Club Boat ramp along the Hopkins River.
- Parking is not currently provided in the area for car and boat trailers.
- A plan has been prepared for consultation and funding considerations.
- The cost of the project is estimated to be \$170,000.

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### **RECOMMENDATION**

**That Council approves the enclosed concept plan for boat trailer parking at the Angling Club Boat ramp - Refer Attachment 2 for stakeholder engagement and budget consideration in the 23/24 budget.**

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### **BACKGROUND**

Council received correspondence from the Warrnambool District Angling Club concerned with no designated boat trailer parking being provided at the boat ramp near the club along the Hopkins River.

### **ISSUES**

Upon investigation of the site there is currently no designated boat trailer parking at the boat ramp. Parking is very informal, where several cars park on the grass which have worn out over time. There is also a Scout Hall and Playgroup facility that operate in the area. A layout plan for proposed parking has been prepared for stakeholder engagement and funding consideration - **Refer Attachment 2.**

The plan includes:

- 13 car parking spaces
- 1 Accessible car park space
- 6 Boat Trailer parking spaces

### **FINANCIAL IMPACT**

The cost to construct the proposed car park plan is estimated to be \$150,000. External funding for the project would be difficult to acquire as better boating funding programs do not include parking.

### **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

#### **1 A healthy community**

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

## **TIMING**

It is proposed to undertake stakeholder engagement in December and January in preparation for a 23/24 Budget Bid for the project.

## **COMMUNITY IMPACT / CONSULTATION**

It is proposed to consult the proposed project with the community and stakeholders.

## **LEGAL RISK / IMPACT**

Being near the Hopkins River, Environmental and Cultural Heritage Issues will need to be considered. This can be managed through the engagement of stakeholders.

## **OFFICERS' DECLARATION OF INTEREST**

No Officers Declaration of interest is declared.

## **CONCLUSION**

There is currently no formal parking area provided at the boat ramp near the Angling Club along the Hopkins River. A layout plan for proposed boat trailer and car parking has been prepared for stakeholder engagement and funding consideration.

## **ATTACHMENTS**

1. Attachment 1 PLAN PROPOSED PARKING ANGLING CLUB BOAT RAMP [7.11.1 - 1 page]

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## **7.12. DRAGON BOAT STORAGE SHED UPDATE**

**DIRECTORATE : City Infrastructure**

**PURPOSE:**

***This report provides an update on the Dragon Boat storage shed project and recommends additional budget be allocated from the Small Infrastructure Fund to complete the project.***

**EXECUTIVE SUMMARY**

The Warrnambool South C Dragon Boat Club requires a shed to store the boat in close proximity to the river. The current arrangement limits participation and creates a significant safety issue as moving and launching the boat from the current location is physically challenging.

Council committed \$70,000 from the 2021/22 Small Infrastructure Fund to the Warrnambool South C Dragon Boat Club to construct a storage shed behind the Warrnambool Ski Club at the Hopkins River.

A Feature and Levels Survey and Stormwater Management Plan has identified that the extent of works required for the project are more significant than initially understood. The earthworks required to level and make the site safe, install retaining walls, align the existing road and provide safe access into the shed is greater than originally proposed.

There is a budget shortfall of \$55,000 to complete the project.

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**RECOMMENDATION**

**That Council allocate an additional \$55,000 from the 2022/23 Small Infrastructure Fund budget to complete the Warrnambool South C Dragon Boat Club project.**

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**BACKGROUND**

The Warrnambool South C Dragon Boat Club is a group of women of various ages and backgrounds who meet within a social-sporting environment with a common goal of getting fit, keeping fit and having fun. The group is made up predominately of female breast cancer survivors aged 60-plus and have recently celebrated their 10<sup>th</sup> anniversary.

The group requires a shed to store the boat in close proximity to the river. The current arrangement of storing boats offsite limits participation and creates a significant safety issue as moving and launching the boat from the present location is physically challenging.

In 2021/22, Council committed \$70,000 from the Small Infrastructure Fund to the Warrnambool South C Dragon Boat Club to construct a storage shed behind the Warrnambool Ski Club at the Hopkins River. The proposed site currently contains a small garden/storage shed that is used solely for overflow storage for the Warrnambool Ski Club.

A Feature and Levels Survey and Stormwater Management Plan has identified that the extent of earthworks required for the project are more significant than initially understood. The earthworks required to level and make the site safe, install retaining walls, align the existing road and provide safe access into the shed is greater than originally proposed.

Additionally, construction costs have increased since the project was initially scoped.

Storage shed supply has been impacted by the pandemic with some contractors advising an 18-month wait on installation. One contractor has responded to the advertised Request for Quote and has confirmed they can commence works in the new year.

## ISSUES

A feature and levels survey, undertaken by CSE Consulting Engineers Group in April 2022, informed the earthworks required to install the 20m x 4m shed. A Stormwater Management Plan (SMP) and soil test was also completed by CSE.

A Request for Quote was publicly advertised for the construction of the storage shed and associated earthworks. One submission was received for \$125,000 excl. GST which is in line with pre-advertising internal estimates.

See attached **Civil Works Layout Plan – Attachment 1**.

## FINANCIAL IMPACT

Shed supply and installation, drainage management, earthworks and retaining wall, driveway and kerb construction resulted in a quote of \$125,000 excl GST. The submitted quote also includes the provisional costs for permits, tree protection, contractor implementation & site management and demolition of the existing small storage shed at the rear of the ski club.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

### 1 A healthy community

1.5 Recreation, arts, culture and heritage: Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness.

### 3 A strong economy

3.3 Visitor growth: Council will facilitate Warrnambool's visitor growth and year-round visitation through industry development, effective destination management and promotion of attractions, experiences and by leveraging key events.

## TIMING

Following approval of the additional funds, the contract can be awarded for works to commence. The timeframe proposed by the contractor is for all works to be completed by end of 2022/2023 financial year.

## COMMUNITY IMPACT / CONSULTATION

The project would support the group's ongoing pursuit to hold local regattas, which they currently travel statewide to attend. With the sport being titled Australia's fastest growing water sport with 350+ competitors in Ballarat's most recent regatta, with hundreds of supporters in attendance.

These events would be of great benefit to not only the group, but also the local economy due to visitor spending.

The new storage shed is to be constructed at the rear of the Warrnambool Ski Club building. The club agreed to the installation of the new shed when planning for the project commenced with the Dragon Boat club.

As the existing small storage shed is to be removed, the Ski Club will be able to utilize the new storage shed if required.

Prior to commencing works, Council Officers will liaise with the Warrnambool Ski Club regarding timing and scheduling of works to ensure impacts to club operations are mitigated.

## **LEGAL RISK / IMPACT**

The Club requires a shed to store the boat in close proximity to the river. The current arrangement limits participation and creates a significant safety issue as moving and launching the boat from the current location is physically challenging.

Access to the area and project works will not impact on the Ski Club's weekend operations.

## **OFFICERS' DECLARATION OF INTEREST**

Nil.

## **CONCLUSION**

Given the extent of civil works required and SMP considerations, approving the budget shortfall of \$55,000 will enable the project to be completed so that the Club can safely store their boat and launch into the river.

## **ATTACHMENTS**

1. Civil Works Layout Plan [7.12.1 - 1 page]

## **7.13. SOUTH WARRNAMBOOL CHANGE ROOM REFURBISHMENT**

**DIRECTORATE : City Infrastructure**

### **PURPOSE:**

***The purpose of this report is to present to the Council information on Minor Works Contract 2022017 – South Warrnambool Football Club Change Rooms Refurbishment and put forward a recommendation to award.***

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### **EXECUTIVE SUMMARY**

Funding was provided in the 21/22 budget to complete minor renewal works to the South Warrnambool Football Netball Club change rooms located at Friendlies Society Reserve, that were in poor condition. This has provided an opportunity to upgrade the facility's amenities to become both female friendly and all abilities accessible however the cost of works was prohibitive and so the budget was rolled over and combined with 22/23 changeroom renewal budget.

A public tender was advertised in early 2022 but no submissions were received to undertake the refurbishment project. A quote from a panel contractor under Council's Minor Works Panel Contract was obtained after failure to attract a submission through the tendering process. This quote aligned with cost expectations and has been determined to represent value for money.

It is proposed that Council award Minor Works Contract 202217 in order to allow appropriate time for the project to be completed in time for the football season in April 2023.

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### **RECOMMENDATION**

**That Council:**

- 1. Award Minor Works Contract 2022017 - South Warrnambool Football Club Change Rooms Refurbishment to O'Brien Building Pty Ltd for the quoted amount of \$412,350.00 excluding GST, with a total award of \$453,585.00 including GST;**
  - 2. Authorise the Chief Executive Officer to deliver Minor Works Contract 2022017 in accordance with the contract, with the Chief Executive Officer's financial delegation; and**
  - 3. Authorise the CEO to sign, seal and vary the contract as required.**
- 

### **BACKGROUND**

In a joint initiative between the Recreation Team, and Building Services Team, an assessment of change room facilities at Council owned and managed sporting reserves was undertaken in 2021 to determine suitability for minor renewal of facilities where female friendly and accessibility could be accommodated within the existing structure.

South Warrnambool Football Netball Club was identified as a priority location for achieving the relevant criteria being condition, safety, accessibility and provision of female teams.

South Warrnambool Football Netball Club are home to 513 (255 male and 228 female, and 30 with a disability) active participants across 25 teams in the Hampden League and Western Victoria Female Football League. This includes senior women's football, under 18 girls' football, and a Hurricanes all-abilities football team.

The change room building is well suited for these works due to the available space for provision of both accessible and female friendly options. These minor works will be completed within the existing footprint.

These works will also align Friendlies Reserve with recent upgrades at other facilities including neutral colour schemes, sharing and equal division of amenities, privacy elements such as screening between shower cubicles, and unisex amenities.

A public tender process was undertaken in February 2022; however, no submissions were received. The Hampden League Football season commences in the first week of April each year, which means that the failure to receive a submission impacted on Council's ability to push forward with the project until after the football season was completed.

The available window within which to complete the works is also now narrowed due to additional teams (Gunditjmara Bulls, the Warrnambool Raiders) currently active at the oval whilst participating in the Limestone Coast Rugby League competition which runs from October to December 2022.

Due to having already been subject to a public tender process and not having received any submissions, a procurement exemption has been completed as Council have a panel established for Minor Works under which the works involved in this project falls into.

This project is proposed to be awarded to the panel contractor to allow Council to complete the project between January and April 2023 whilst the facility is within its least used period of the year.

## **ISSUES**

The window to complete the works is designed to fall within the least disruptive time for the clubs and user groups of the facility. This window provides the best opportunity to get the work completed in the most efficient and cost-effective way due to not having a requirement to provide alternate facilities whilst the work is undertaken.

Council is working to deliver more female friendly facilities across the municipality. This project provides the dual benefit of undertaking scheduled renewal works at the facility and the incorporation of female friendly and improved accessibility elements, presenting a best value outcome in relation to Council asset management.

## **FINANCIAL IMPACT**

This project is funded through budget allocated to Recreation and Culture Branch 2021/2022 budget \$250,000 and 2022/2023 budget \$250,000.

\$7300 has been expended on design.

Remaining budget \$492,700.00

## **LEGISLATION/POLICY/COUNCIL PLAN CONTEXT**

### **1 A healthy community**

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

## **TIMING**

Contract Award            5 December 2022  
Practical Completion   30 April 2023

## **COMMUNITY IMPACT/CONSULTATION**

Consultation has been undertaken with the club and remains ongoing in relation to this project.

## **LEGAL RISK/IMPACT**

The renewal and refurbishment of the change rooms at Friendlies will provide a safe and inclusive facility for users of the reserve.

O'Brien Building has undertaken numerous minor works tasks for Council under the Minor Works Panel Contract. This is considered a low-risk contract due to the nature of the works and Council previous engagements of O'Brien Building.

## **OFFICERS' DECLARATION OF INTEREST**

None to declare.

## **CONCLUSION**

It is proposed that Council award the Minor Works Contract for the change rooms at Friendlies Society Recreation Reserve be awarded to O'Brien Building Pty Ltd in accordance with the officer's recommendation.

## **ATTACHMENTS**

Nil



## **7.14. WARRNAMBOOL HOCKEY SYNTHETIC TURF REPLACEMENT**

**DIRECTORATE : Community Development**

**PURPOSE:**

***This report provides an update on the hockey pitch - synthetic turf replacement tender process with a recommendation to delegate authority to the CEO to award the tender contract on the basis that all procurement and budget requirements are met.***

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**EXECUTIVE SUMMARY**

The synthetic turf hockey pitch was installed in 2006 and was due for replacement in 2018. Council had allocated \$400,000 in the 2022/23 capital works budget for turf replacement. Total budget for the replacement of the turf is expected to be \$600,000.00 with a \$200,000 contribution to be made by the Warrnambool Hockey Association.

The Warrnambool Hockey Association advised Council early in November 2022 that they had the opportunity to host the national selection trials for the Hockey 5's world cup team confirmed for 15 and 16 April 2023. The timing for completion of the turf replacement is 31 March 2023 to accommodate the hockey trials.

In order for this to occur, the tender was publicly advertised from Friday 18 November, for 2 weeks so that the tender assessment and awarding of the contract could be completed as a priority following the tender closure.

Given the tender assessment process and awarding of the contract cannot be achieved by the December 2022 council meeting, it is proposed that Council delegate authority to the Chief Executive Officer so that the contract can be awarded prior to Christmas, providing enough time for contractors to procure turf with the aim of completing the works by 31 March 2023. The contract will not be awarded until confirmation of the \$200,000.00 plus any additional funds required to meet the tender quotation above \$400,000.00, has been received in writing by 12 December 2022 from the Warrnambool Hockey Association.

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**RECOMMENDATION**

**That Council delegates authority to the Chief Executive Officer to award the contract for the hockey synthetic turf replacement project, on the basis that the following conditions are met:**

- 1. It is in accordance with the Procurement Policy.**
- 2. Meets the assessment criteria set out within the Tender.**
- 3. Council's total contribution will be no more than \$400,000.00.**
- 4. The Warrnambool Hockey Association will pay the residual amount of the tender above Council's contribution of \$400,000.00.**
- 5. The Warrnambool Hockey Association has confirmed in writing by the 12 December 2022, the Club's contribution of \$200,000.00 and any additional funds required to meet the tender quotation.**

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**BACKGROUND**

The installation of the hockey turf in 2006 was originally funded from local Philanthropic Trusts (\$570,000), Warrnambool Cheese & Butter (\$40,000) and the Hockey Association (\$80,000) after three unsuccessful funding applications with Sport and Recreation Victoria.

The Federation of International Hockey (FIH) provides the hockey turf and field standards to ensure fields are built to standard and playing surfaces are installed in line with their quality program. There is a requirement that the playing field be surfaced with an FIH approved turf according to the required category of field. Agents must be accredited to use and install FIH approved turf.

The Warrnambool District Hockey Association (WDHA) typically commence their winter season competitions in April and play through until September.

WDHA have been confirmed as the venue to host the national selection trials on 15 & 16 April 2023 for the World Cup Hockey 5's competition. This will only occur if the surface has been replaced.

## **ISSUES**

Timing for completion of works is proposed to be 24 March 2023, in readiness for the national selection trials for Hockey Australia Hockey 5's as advised in November 2022 by the Warrnambool Hockey Association.

In order for this to occur, it was imperative that the tender be advertised as soon as possible so that the tender assessment can be completed as a priority following the tender closure for the contract to be awarded. The successful contractor will need time to procure turf (order turf with their suppliers) to meet the works completion timeline. The capacity to deliver the works on time has been listed as the highest priority under the key selection criteria for assessment.

The tender was publicly advertised through eProcure on Friday 18 November for two weeks, closing on 2 December. Council has extended the closing date to 9 December 2022 following feedback from tenderers for an extension. Given the tender assessment process and award cannot be achieved by December 2022 Council meeting, it is proposed that the Council delegate authority to award the contract to the Chief Executive Officer so that the contract can be awarded prior to Christmas. This is to provide enough time for contractors to procure turf and aim to complete the works by end of March 2023.

As Council's contribution of \$400,000.00 for the turf replacement is set and allocated in 2022/23 budget, the tender assessment process will not proceed if tender prices were higher than expected and the WDHA were unable to meet the cost. The tender assessment process would also not proceed if confirmation of WDHA's \$200,000.00 plus contribution is also not met.

If the timing of the turf replacement cannot be achieved by March 2023, Hockey Australia will not assign any selection trials to Warrnambool in 2023.

## **FINANCIAL IMPACT**

Council has allocated \$400,000 in the 2022/23 Capital Works budget for renewal of the synthetic pitch. Total budget for the works is \$600,000.00. Warrnambool District Hockey Association will contribute \$200,000.00 which will be subject to a Funding Agreement between both parties. The Funding Agreement will also outline that any expenditure exceeding \$400,000.00 will be at the cost of the Warrnambool Hockey Association. If the cost is under \$600,000 then the contribution from the Hockey Association will be reduced.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **1 A healthy community**

1.5 Recreation, arts, culture and heritage: Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness.

## **TIMING**

A request for tender has been publicly advertised from Friday 18 November to Friday 9 December for pitch replacement works to be completed by 24 March 2023.

## **COMMUNITY IMPACT / CONSULTATION**

If tenderers are unable to install the new pitch prior to April 2023, then the WDHA will not proceed with Hockey 5 trials and works will commence after the winter season.

## **LEGAL RISK / IMPACT**

Should Council not receive written confirmation of the financial contribution from the WDHA, Council will not proceed with the replacement.

## **OFFICERS' DECLARATION OF INTEREST**

Perceived: Recreation Service Manager, Kyme Rowe has a personal association with the Mariners Hockey Club who participate in the Warrnambool Hockey Association competition. There is no personal gain to be made through the involvement in the tender process or procurement of works. Project Manager Jackson Fary will liaise with Recreation Facilities Coordinator Jason Elliott with any Hockey Association consultation.

## **CONCLUSION**

In order to meet the proposed works timelines, delegating the contract award to the CEO will enable contractors to procure turf prior to Christmas so that the project can aim to be completed by end of March 2023 in readiness for the national selection trials for the Hockey 5's world cup team confirmed for 15 & 16 April 2023.

## **ATTACHMENTS**

Nil

## **7.15. INFORMAL MEETINGS OF COUNCIL REPORTS**

### **DIRECTORATE : Executive Services**

#### **PURPOSE**

*The purpose of this report is to provide Council with copies of Informal Meetings of Council (previously known as “Assembly of Councillor Records”) as previously required under section 80A(2) of the Local Government Act 1989.*

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#### **BACKGROUND INFORMATION**

Section 80A(2) of the Local Government Act 1989 required the record of an Assembly of Councillors to be reported at an ordinary Council meeting.

Assembly of Councillor Records are no longer a requirement in the Local Government Act 2020 as of 24 October 2020. However, under Council’s Governance Rules, a summary of the matters discussed at the meeting are required to be tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

#### **REPORT**

The record of the following Informal Meetings of Council are enclosed:-

1. Monday 14 November 2022 – refer **Attachment 1**
2. Monday 21 November 2022 – refer **Attachment 2**
3. Monday 38 November 2022- refer **Attachment 3**

#### **ATTACHMENTS**

1. Assembly of Councillors Record 14 November 2022 [7.15.1 - 1 page]
2. Assembly of Councillors Record 21 November 2022 [7.15.2 - 2 pages]
3. Assembly of Councillors Record 28 November 2022 [7.15.3 - 2 pages]

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#### **RECOMMENDATION**

**That the record of the Informal Meetings of Council held on 14, 21 and 28 November 2022, be received.**

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## **7.16. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT**

### **DIRECTORATE : Executive Services**

#### **PURPOSE**

*This report summarises Mayoral and Chief Executive Officer Council activities since the last Ordinary Meeting which particularly relate to key social, economic and environmental issues of direct relevance to the Warrnambool community.*

#### **REPORT**

<b>Date</b>	<b>Location</b>	<b>Function</b>
9 November 2022	Warrnambool	Mayor – Brauer College Remembrance Day Service.
10 November 2022	Warrnambool	Mayor – Rankey's Zone Café & Restaurant Official opening.
11 November 2022	Warrnambool	Mayor & Chief Executive Officer - Remembrance Day Commemoration and Wreath Laying.
	Dennington	Mayor & Chief Executive Officer - Unveiling of World War 2 Memorial in Dennington and celebration of Anniversary of opening of the World War 1 Memorial in November 1922.
15 November 2022	Warrnambool	Mayor & Chief Executive Officer - Business Warrnambool Breakfast with Bernard Salt.
19 November 2022	Warrnambool	Mayor - We've Got You Gala Ball.
22 November 2022	Virtual	Mayor – Regional Capitals Australia Annual General Meeting.
23 November 2022	Warrnambool	Mayor - Clontarf Academy Warrnambool – End of Year Awards.
30 November 2022	Warrnambool	Chief Executive Officer – Standing Tall Annual General Meeting.
1 December 2022	Hamilton	Chief Executive Officer – Great South Coast Regional Partnership meeting.

#### **RECOMMENDATION**

**That the Mayoral & Chief Executive Officer Council Activities – Summary Report be received.**

**8. NOTICE OF MOTION**

No Notices of Motion have been received.

**9. GENERAL BUSINESS**

**10. URGENT BUSINESS**

**11. CLOSE OF MEETING**