

AGENDA

ADDITIONAL COUNCIL MEETING

WARRNAMBOOL CITY COUNCIL

4:00 PM - TUESDAY 13 DECEMBER 2022



VENUE:

**Reception Room
25 Liebig Street
Warrnambool**

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 B. Schneider
CHIEF EXECUTIVE OFFICER

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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.

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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. 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.

4. REPORTS

4.1. 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.

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.**
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BACKGROUND

The proposal seeks to permit the construction of three single storey dwellings on the site. The site is currently developed with one single storey dwelling, which is proposed to be demolished. 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.

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

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 [4.1.1 - 11 pages]
2. Landscape Plan - PP2022-0052 - 19 PRESTON ST DENNINGTON [4.1.2 - 1 page]
3. WSUD Plan - PP2022-0052 - 19 PRESTON ST DENNINGTON [4.1.3 - 1 page]
4. P P 2022-0052 - Applicants Response to Objections [4.1.4 - 4 pages]
5. P P 2022-0052 - Delegate Report - 19 Preston Street [4.1.5 - 29 pages]

5. RESOLUTION TO CLOSE MEETING

5.1. RESOLUTION TO CLOSE MEETING

RECOMMENDATION

That in accordance with Section 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public.

6. SECTION 66 (IN-CAMERA)

6.1. CITIZEN OF THE YEAR - AWARD NOMINATIONS

6.2. APPOINTMENT - CHIEF EXECUTIVE OFFICER

7. RESOLUTION TO RE-OPEN MEETING

7.1. RESOLUTION TO RE-OPEN MEETING

RECOMMENDATION

That the meeting be re-opened to members of the public.

8. CLOSE OF MEETING