

# AGENDA

**SCHEDULED COUNCIL MEETING  
WARRNAMBOOL CITY COUNCIL  
5:45 PM - MONDAY 6 MARCH 2023**



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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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can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

**Andrew Mason  
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**

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### **RECOMMENDATION**

**That the Minutes of the Scheduled Meeting of Council held on 6 February 2023, be confirmed.**

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## **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. S5 INSTRUMENT OF DELEGATION - COUNCIL TO CEO**

***DIRECTORATE/DEPARTMENT : Executive Services***

**PURPOSE:**

***The purpose of this report is to seek Council's consideration of the S5 Instrument of Delegation from Council to the Chief Executive Officer (CEO).***

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#### **EXECUTIVE SUMMARY**

The current S5 Instruments of Delegation to the Chief Executive Officer were adopted by Council on 4 October 2021.

With the commencing of the new Chief Executive Officer and in line with normal practice, the Instrument of Delegation has been reviewed to take account of changes to legislation and to make any administrative amendments required.

The S5 Instrument of Delegation is as found in **Attachment 1** is recommended by officers for adoption.

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#### **RECOMMENDATION**

**That Council, in the exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020:**

- 1. Delegates the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached S5 Instrument of Delegation – Council to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument; and in doing so:**
    - 1.1. Approves the S5 Instrument of Delegation to come into force immediately upon execution; and**
    - 1.2. Approves that on the coming into force of the S5 instrument of delegation, the previous s5 Instrument of Delegation is revoked.**
- 

#### **BACKGROUND**

Delegation of powers in local government is considered essential to enable day to day decisions to be made and actioned in a timely manner.

Council as a legal entity can only act in one of two ways, by resolution of Council or through others acting on its behalf. Where Council chooses to act through others, this must be formalised through a written means known as an 'Instrument of Delegation'.

Council subscribes to the Maddocks Delegation and Authorisations Services, Maddocks cite the following reasons why delegations should be made carefully and reviewed regularly. In particular:

- accountability and responsibility for decisions is possible only if decision-makers are identified
- in delegating responsibility, Council can set conditions, limitations and guidelines for decision-makers, including reporting requirements.
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

The current Instrument of Delegation to the Chief Executive Officer was last reviewed and adopted by Council on 4 October 2021.

## **ISSUES**

Following Council's recent decision to appoint a new Chief Executive Officer, it is recommended that the Instrument of Delegation be reviewed and updated accordingly. Other than minor administrative (date) changes, there has been no changes to the Instrument. It is therefore proposed that Council delegate as recommended the powers, duties and functions set out in the Instrument of Delegation at Attachment 1, subject to the conditions and limitations specified in that instrument.

It should be noted that the Instrument of Delegation empowers the Chief Executive Officer to sub-delegated the functions, duties and powers granted. It is the current practice for a Chief Executive Officer to grant an extensive Instrument of Sub-Delegation relating to many matters and to a range of staff. This instrument of Sub-Delegation is currently being updated for the approval of the Chief Executive Officer.

By effectively utilising its powers to delegate, Council can ensure that day-to-day operations continue unhindered and in a timely and efficient manner, allowing the Council to focus on strategic decision making for the municipality.

## **FINANCIAL IMPACT**

The cost to prepare and update the Instruments of Delegations is met from within the current approved departmental budget.

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

Section 11 of the 2020 Act allows Council to delegate any power, duty or function of a Council under the Act or any other Act, other than those specified in section 11(2). Through the s5 instrument of delegation, Council is enacting this authority and allowing for effective management and delivery of Council services to the municipal community.

Delegations provide for decision making in relation to specified Council activities to be fluid, timely and undertaken by appropriately skilled and qualified staff members. This ensures that, in accordance with the overarching governance principles, priority is given to achieving the best outcomes for the municipal community.

## **TIMING**

An Instrument of Delegation comes into force immediately the common seal of Council is affixed to the Instrument.

## **COMMUNITY IMPACT/CONSULTATION**

The operational risks associated with not delegating certain powers and duties include slowing of Council's operations and Council meetings being overwhelmed with day-to-day decisions. This would result in the community not being serviced adequately.

## **LEGAL RISK/IMPACT**

The attached Instrument of Delegation has been prepared based on the most recent advice provided by Maddocks.

The endorsement of Council's Instrument of Delegation to the Chief Executive Officer ensures that the core operational functions of the Council are not impeded.

## **OFFICERS' DECLARATION OF INTEREST**

Nil.

## **CONCLUSION**

The s5 Instrument of Delegation – Council to the CEO, as found at **Attachment 1**, is presented to Council for their consideration, and is recommended for approval.

## **ATTACHMENTS**

1. S5 Instrument of Delegation Council to CEO 8NFG March 2023 [7.1.1 - 4 pages]



## **7.2. S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF**

**DEPARTMENT : Executive Services**

### **PURPOSE:**

***The purpose of this report is to present the updated S6 Instrument of Delegation – Council to Members of Council Staff to Council for consideration.***

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### **EXECUTIVE SUMMARY**

Council as a legal entity can only act in one of two ways, by resolution of Council or through others acting on its behalf. Where Council chooses to act through others, this must be formalised through a written means known as an 'Instrument of Delegation'.

The current Instrument of Delegations to members of Council staff was adopted by Council on 6 September 2021.

Council is subscribed to a service provided by Maddocks Lawyers which provides updates for Council's Instruments of Delegation.

Upon receiving a recent update from Maddocks for the S6 Instrument of Delegation, Managers from relevant areas have been engaged to review and update as necessary.

The S6 Instrument of Delegation, as found at **Attachment 1**, has been updated with amendments and is now presented to Council and recommended for approval.

The most notable change is the increase in Officer delegations to determine a permit application under the Planning and Environment Act 1987 from a threshold of four (4) objections and below increasing to six (6) objections and below.

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### **RECOMMENDATION**

**That Council, in the exercise of the powers conferred by the legislation referred to in the attached S6 Instrument of Delegation:**

- 1) Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in that Instrument, the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument;**
- 2) Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation; and**
- 3) Approves the S6 Instrument of Delegation to come into force immediately upon execution;**
- 4) Approves that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to members of Council staff is revoked.**

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### **BACKGROUND**

Council's Instruments of Delegation are updated as advised by Maddocks Lawyers, and may also be updated from time to time as required to reflect changes in position titles, role responsibilities and organisational structure.

An update completed by Maddocks was issued in January 2023 and has been reviewed by applicable managers.

## ISSUES

The revised Instrument of Delegation from Council to members of Council staff is based on the previous Instrument adopted by Council on 6 September 2021. This has been updated to incorporate the following change in legislation, which is summarised as follows:

- 2.1. The execution of the S6 Instrument has been amended to enable Council's Chief Executive Officer (CEO) to sign the Instrument, where a resolution has been made by Council for the CEO to sign the Instrument.
- 2.2. Regulations 25(a) and (b) of the Planning and Environment Regulations 1987 have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.
- 2.3. Section 52 of the Cemeteries and Crematoria Act 2003 has been inserted relating to the duty to report annually to the Secretary.

In addition to the above legislative change, some minor administration changes with changes to staff position titles have been made to the document.

Notably, it is proposed that the delegated power to determine a permit application under the Planning and Environment Act 1987 *provision s 61(1) page 59* is amended whereby officer delegation is extinguished at once seven (7) objections are reached, up from the current threshold of four (4) objections.

## FINANCIAL IMPACT

Nil.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

Not Applicable

## TIMING

Nil.

## COMMUNITY IMPACT / CONSULTATION

Managers were consulted to ensure delegations remain current and to provide appropriate delegates where new or updated delegations were included.

## LEGAL RISK / IMPACT

The below sections of legislation identify the mechanisms by which Council is authorised to delegate the items in the S6 Instrument of Delegation to members of Council staff under the different Acts listed in the S6 Instrument of Delegation. Council's delegations are derived from the Maddocks Lawyers Instruments of Delegation package templates and have therefore been thoroughly vetted and reviewed by local government lawyers.

The relevant provisions are as follows:

- Domestic Animals Act 1984 - s41A(4)
- Food Act 1984 - s58A
- Heritage Act 2017 - s116(3)
- Planning and Environment Act 1987 - s188
- Residential Tenancies Act 1997 - s524(2)
- Road Management Act 2004 - s118(1)

A copy of the delegations showing these changes has been provided at **Attachment 2** of this report.

## **OFFICERS' DECLARATION OF INTEREST**

Nil.

## **CONCLUSION**

The S6 Instrument of Delegation has been reviewed and updated by officers to reflect legislative changes and is now presented to Council for adoption.

## **ATTACHMENTS**

1. Marked up version of S6 from previous update 5 (2) [**7.2.1** - 109 pages]
2. Maddocks Marked-up version of S 6 from previous update [**7.2.2** - 92 pages]

### **7.3. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987**

**DIRECTORATE : Executive Services**

#### **PURPOSE:**

***This report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to members of staff which reflect recent legislative changes within the Planning and Environment Act 1987.***

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#### **EXECUTIVE SUMMARY**

- The Chief Executive Officer has power to appoint the majority of authorised officers under the s5 Instrument of Delegation to the Chief Executive Officer. However, the appointment of authorised officers under the Planning and Environment Act 1987 cannot be delegated and are therefore required to be made by resolution of Council.
  - The attached instrument of authorisation has been updated due to staff changes within the planning team.
  - This instrument of authorisation is attached and is submitted for Council's consideration and adoption - refer **Attachment 1**.
- 

#### **RECOMMENDATION**

**That Council, in the exercise of the powers conferred by s 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument):**

- 1. Authorises the members of Council staff referred to in the instrument in Attachment 1 to be appointed and authorised as set out in the instrument.**
  - 2. Adopts the Instrument of Appointment and Authorisation as found at Attachment 1.**
  - 3. Authorises the instrument to come into force immediately upon the common seal of Council being affixed to the instrument by the Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**
- 

#### **BACKGROUND**

The appointment of authorised officers under the Planning and Environment Act 1987 cannot be delegated and must be made through resolution of Council.

#### **ISSUES**

Officers authorised to act under the Planning and Environment Act 1987 have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the Planning and Environment Act 1987 – appointment as an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
2. under section 313 of the Local Government Act 2020 authorisation generally to institute proceedings for offences against the Act and/or any regulations.

## **FINANCIAL IMPACT**

There are no financial implications with this item.

## **COMMUNITY IMPACT / CONSULTATION**

This is a statutory process. The Instrument of Appointment and Authorisation has been reviewed and updated in line with Maddocks Delegations and Authorisations service.

## **OFFICERS' DECLARATION OF INTEREST**

None declared.

## **CONCLUSION**

By authorising the relevant officers to act under the Planning and Environment Act 1987 Council will ensure they have the required authority to carry out their roles within legislated requirement

## **ATTACHMENTS**

1. P VIC S11A Delegations Instrument of Appointment P E Act DELS11A [7.3.1 - 2 pages]

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## **7.4. APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER**

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

#### **PURPOSE:**

***The purpose of this report is to recommend the appointment of a new independent member to Council's Audit and Risk Committee to fill an existing vacancy.***

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#### **EXECUTIVE SUMMARY**

- The Audit and Risk Committee (the Committee) is an independent advisory committee established under section 54 of the Local Government Act 2020.
- A vacancy for an independent committee member recently opened due to the resignation of a previous member.
- The charter for the Audit and Risk Committee states that Council must appoint independent members to the Committee and must appoint the chairperson.
- An expression of interest for the vacant position was recently conducted, including advertising in local media and on Council's website.
- Candidates were reviewed and this recommendation is based on assessment of their skills, experience, and expertise.

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#### **RECOMMENDATION**

**That Kevin Leddin be appointed as an independent member of Council's Audit and Risk Committee for a four-year term starting 6 March 2023, with full voting rights for the upcoming Committee meeting on 7 March 2023.**

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#### **BACKGROUND**

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

The purpose of the Committee is to advise Council on the effectiveness of the organisation's systems, processes and culture for complying with its legal and financial obligations. The committee also plays a key role in the oversight of key strategic risks. In fulfilling this role, the Committee aids in the implementation of the Council Plan.

The Committee is accountable to and reports directly to Council. The Committee's work is to be informed by the requirements of the Act and best practice in audit, risk and governance principles and processes, and works to a specific charter adopted by Council.

The Committee is made up of 3 independent members and 2 Councillors. The previous chairperson resigned from the Committee recently. This created a vacancy for an independent committee member and for the role of the chairperson.

The Independent member position became vacant due to the chairperson, Donna Porrit, accepting a role as an employee of Warrnambool City Council and subsequently resigning from the committee.

The Audit and Risk Committee would like to recognise Donna for her valuable contribution to the committee and Warrnambool City Council as independent member and chairperson of the Audit and Risk Committee and wish her well in her new employment with Council.

## **ISSUES**

An expression of interest (EOI) process for the vacant position has been conducted including advertisements in the Warrnambool Standard and on Council's website.

One Application was received, and this was reviewed based on the specialist skills, experience and expertise of the applicant. Consideration was also given to ensure that the applicants would contribute to the ideal balance of skills, experience and background for the Committee.

Based on the review it was determined that Kevin Leddin be recommended to the independent Audit & Risk Committee member position. The new member would be eligible to attend the 7th of March 2023 committee meeting with full voting rights.

A temporary chairperson will be appointed at the 7<sup>th</sup> March 2023 meeting until a recommendation can be arranged regarding the chairperson vacancy.

## **FINANCIAL IMPACT**

No Financial impact as committee member remuneration is budgeted.

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

### **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.

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

## **TIMING**

The next Committee meeting is on Tuesday, 7 March, 2023

## **OFFICERS' DECLARATION OF INTEREST**

No conflicts of interest declared.

## **CONCLUSION**

It is recommended that Kevin Leddin be appointed to Council's Audit and Risk Committee as an independent member.

## **ATTACHMENTS**

Nil

## **7.5. ACTIVITIES & INITIATIVES 2022-2023: OCTOBER - DECEMBER (QUARTER 2)**

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

#### **PURPOSE:**

***This report provides information on the progress in achieving the Activities & Initiatives (A&I's) set down for 2022-2023 as part of the Council Plan and Budget process. This report provides Council and the community with an update in the progress of actions across Councils' functional areas.***

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#### **EXECUTIVE SUMMARY**

This report reflects on the progress and achievements of a broad range of Activities & Initiatives set out in the Council Plan and Budget for the financial year 2022 –2023.

The A&I's give a brief insight to the extensive range of works services and projects undertaken by the organisation for the community.

The A&I's underpin activities Council undertakes to work toward the vision 2021 - 2025 of “*A thriving city at the heart of coast and country*”.

The 5 key objectives that support this vision are:

- 1. A healthy community**  
We will be a healthy, inclusive and thriving community with equitable access to services, cultural opportunities and recreational activities.
- 2. A sustainable environment**  
We will protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.
- 3. A strong economy**  
We will support a resilient local and self-sustaining regional economy that encourages economic growth and provides increased employment opportunities that attract ongoing investment.
- 4. A connected, inclusive place**  
We will provide high quality places that people value and want to live, work, play and learn in.
- 5. An effective Council**  
We will be recognised as a collaborative Council and a high-performing organisation that enables positive outcomes for Warrnambool's community, environment and economy and for Victoria's Southwest.

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#### **RECOMMENDATION**

**That the Activities & Initiatives 2022 – 2023: October – December (Quarter 2), be received.**

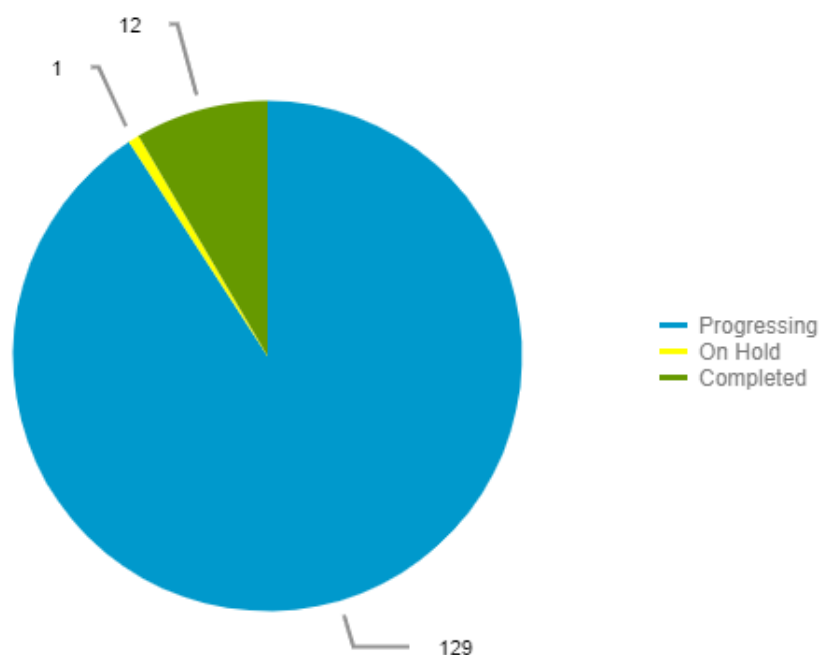
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#### **BACKGROUND**

The Warrnambool City Council Plan 2021 – 2025 (2022 revision) is the key planning and strategic document of the Council and details the strategic objectives for its community over a 4-year period.



Council is required to set down the A&I's on an annual basis that are to be funded and demonstrate how these actions will contribute to achieving the strategic objectives specified in the Council Plan and Budget.



## ATTACHMENTS

1. Activities & Initiatives 2022-2023: October - December (Q2) [7.5.1 - 36 pages]

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## **7.6. COASTAL CONNECT ICT PROCUREMENT POLICY**

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

#### **PURPOSE:**

***The purpose of this report is for the adoption of the Joint Venture ICT Procurement Policy.***

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#### **EXECUTIVE SUMMARY**

The attached policy satisfies the requirements of the JV Agreement. See JV Agreement Extract for the summary of the JV requirements for the contents of the policy and for the requirement of adoption by each Council.

The scope of the policy commits the Lead Council to act in accordance with the Joint Venture Agreement, the Joint Venture Terms of Reference and the direction of the Joint Venture Governance Committee.

Additionally, the contractual arrangements with the preferred supplier chosen by the JVGC have an impact on the Joint Venture ICT Procurement Policy. The Policy complies as per below.

“Section 186 of the LGA sets out the restrictions on Councils power to enter into contracts for the purchase of goods or services or carrying out of works and requires that Council conduct an expression of interest and/or public tender process when entering into such a contract”

The three Councils issuing a Request for Tender collaboratively for a single supplier but with separate but common Master Services Agreements with the preferred supplier fits with the requirement of section 186.

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#### **RECOMMENDATION**

**That Warrnambool City Council as a member of the South West Councils ICT Alliance Joint Venture consider and approve the Joint Venture ICT Procurement Policy as presented at Attachment 1.**

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#### **BACKGROUND**

The three Councils of Corangamite Shire, Moyne Shire and Warrnambool City have entered a joint venture for the purposes of procuring and implementing ICT shared services, namely an Enterprise Resource Planning (ERP) platform.

The joint venture commenced its journey as the SWCICTA before being renamed Coastal Connect.

The procurement process commenced in 2022 with a final recommendation due to be reviewed by the Joint Venture Governance Committee (JVGC) on February 21, 2023. The details of the procurement are contained in the SWCICTA RFT Procurement Evaluation Report (Information Professionals, February 2023).

The Coastal Connect Joint Venture Governance Committee is required to consider and approve an ICT Procurement Policy to comply with Section 8 of the South West Councils ICT Alliance Joint Venture Agreement (JV Agreement), Section 8.

In addition to the above this Policy has been developed in line with the Procurement Policies of the Member Councils and accordingly satisfies Section 108 of the Local Governance Act 2020. Section 2.14 of the Policy specifically deals with Collaborative Procurement.

## ISSUES

### JV Agreement Extract

#### 8. Procurement Activities

##### 8.1 Alignment of Council Procurement Policies

8.1.1 The JVGC must prepare a draft Model ICT Procurement Policy consistent with:

- (a) the requirements of section 108(3) of the LGA;
- (b) the Funding Agreement;
- (c) the Purpose and Functions of the Joint Venture;
- (d) the Strategic Plan; and
- (e) the terms of any existing MSA with a Supplier.

8.1.2 Each Council must consider the draft Model ICT Procurement Policy and, if thought fit, approve it as part of the Council's procurement policy under section 108 of the LGA.

8.1.3 If a Council declines to approve the draft Model ICT Procurement Policy it must provide the JVGC with written reasons for doing so.

8.1.4 The JVGC must consider the written reasons provided under clause 8.1.3 and make any appropriate amendments to the draft Model ICT Procurement Policy arising from them, for further consideration by each Council.

8.1.5 From time to time the JVGC may of its own motion or upon request by any of the Councils, review and update the Model ICT Procurement Policy. This clause 8.1 applies to any updated draft Model ICT Procurement Policy.

8.1.6 Any dispute or difference between the Councils in relation to the preparation, adoption or modification of the Model ICT Procurement Policy may be referred for dispute resolution under clause 13.2 (and without limitation to the Councils' general obligations under clause 13.1).

##### 8.2 Compliance with Model ICT Procurement Policy

8.2.1 Once adopted by all Councils, the JVGC and each Council must comply with the Model ICT Procurement Policy.

### References

Local Government Act 2020

South West Councils ICT Alliance Joint Venture Agreement

WCC Procurement Policy October 2021

MSC Procurement Policy November 2021

CSC Procurement Policy December 2021

SWC LGV Funding and Service Agreement

Maddocks Lawyers, Advice – South West Councils – ICT Shared Services 30 August 2019

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<sup>1</sup> Maddocks Lawyers, Advice – South West Councils – ICT Shared Services 30 August 2019

## LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

### 3 A strong economy

3.4 Workforce capability: Council will foster the development of a workforce capable of supporting the needs of the local and regional economy

#### **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

#### **ATTACHMENTS**

1. SWICT ICT Procurement Policy [7.6.1 - 12 pages]

## **7.7. WHITES ROAD GUM TREES**

**DIRECTORATE : City Infrastructure**

### **PURPOSE:**

***This report provides information on the proposed removal of a row of 22 gum trees adjacent to 150 Whites Road.***

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### **EXECUTIVE SUMMARY**

- The row of gum trees adjacent to 150 Whites Rd were planned to be removed in June 2022, following concerns raised by neighboring residents and subsequent inspections of the trees.
- Works were postponed during the planning phase, following the identification of koalas living in the trees, and additional concerns raised by local Wildlife groups about the lack of koala habitat in the City.
- An Arboricultural Consultant was engaged to develop a report to provide independent advice on the health, sustainability and future management concerns of the trees. This report was submitted to Council in December 2022.

### **RECOMMENDATION**

**It is recommended that Council approve the removal of these gum trees in line with the recommendations of the Arboricultural Report – refer Attachment 1.**

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### **BACKGROUND**

This row of gum trees was planned to be removed in June 2022, following concerns raised by neighboring residents and subsequent inspections of the trees. However, works were postponed during the planning phase, following the identification of koalas living in the trees, and additional concerns raised by local Wildlife groups about the lack of koala habitat in the City.

Following this, Council Officers engaged an Arboricultural Consultant to develop a report to provide independent advice on the health, sustainability and future management concerns of the trees. This report was submitted to Council in December 2022.

This information is now presented to Council make a decision on the future of the trees.

### **ISSUES**

The removal of these trees will impact the habitat of the existing koalas found in these trees. It may also have an effect on the total habitat available in Warrnambool, and subsequently, the overall koala population.

By leaving the trees to remain in place, the ongoing management of the trees is likely to become untenable. As they advance in size, they will develop larger trunks which will directly affect the adjacent fencing. In addition to this, advantageous roots will likely develop under the adjacent property buildings. As these roots increase in diameter, the likelihood of cracking or shifting of the ground under the existing infrastructure will increase, with damage inevitable.

### **FINANCIAL IMPACT**

It is estimated that removal works, including necessary spotters and associated wildlife protection, will cost less than \$10,000. There is sufficient budget in the tree and vegetation maintenance activity to cover these costs.

## **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.

### **TIMING**

Removal works will be planned following community consultation, and prior to the end of the financial year.

### **COMMUNITY IMPACT / CONSULTATION**

Planning of the removal works will include keeping the Community informed of the proposed works.

### **RISK**

The trees are currently home to a small cling of koalas. The trees may also benefit other wildlife in the area and their removal may have minor impacts to their habitat. Work Method Statements will be developed to mitigate these risks, and ensure wildlife aren't indiscriminately affected through the removal process.

### **ACTION**

1. If approved to proceed, Council Officers responsible for these works will ensure adequate controls are in place to mitigate loss of life and relocate the identified koalas.
2. Council Officers will continue to plan and implement tree planting programs that ensure adequate habitat is available for local and native fauna, in accordance with the Public Tree Planting Management Policy 2022.

### **OFFICERS' DECLARATION OF INTEREST**

No conflicts of interest have been identified.

### **CONCLUSION**

It is likely the subject trees will become unmanageable at maturity. Presently, the trees are semi-mature, medium sized. The trees are fast establishing and offer relatively minor arboricultural value to the surrounding area.

As the trees are recent plantings and relatively low value assets, it is recommended their removal is carried out prior to infrastructure conflict becoming costly and unmanageable.

The concerns for the identified koalas and loss of habitat can be addressed through appropriate planning of works and ongoing strategic planning in accordance with Council's Policies and Guidelines. If the trees

### **ATTACHMENTS**

1. 150 White Road, WCC - Arborist Report [7.7.1 - 19 pages]

## **7.8. PP2022-0047 - 5 MANUKA DRIVE, WARRNAMBOOL**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report summarises the planning assessment and provides a recommendation for the application to subdivide the land known as 5 Manuka Drive, Warrnambool into two lots, and recommends that Council issue a Notice of Decision to grant a permit subject to conditions.***

### **EXECUTIVE SUMMARY**

Council has received an application to subdivide the land known as 5 Manuka Drive, Warrnambool into two lots.

The application triggers a planning permit under the General Residential Zone – Schedule 1 and the Design and Development Overlay – Schedule 1 for the subdivision of land.

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

As a result of notification, seven objections were received, where grounds were primarily in regard to the proposed lot sizes and frontage not meeting the requirements specified in Design and Development Overlay – Schedule 1 (DDO1) and resulting in an outcome that is not consistent with the character of the area.

A key matter that is important to the consideration of this application is the meaning of the term 'should' in relation to specifying requirements and if this represents a mandatory requirement (e.g. cannot be varied) or a preferred outcome (e.g. has the ability to be varied if deemed suitable by the Responsible Authority). It is noted that within Planning Policy/Legislation the term 'should' represents a preferred outcome rather than something that is mandatory where the term 'must' would be used. It is also noted that this use of terms is the same as that used throughout legislation relating to all kinds of other matters.

As the subdivision requirements of the DDO use the term 'should' they are not mandatory and therefore become another matter that needs to be considered (similar to any other provision within the Planning Scheme) when forming a decision as to whether a proposal is reasonable.

The application and concerns raised by objectors have been considered against all of the relevant provisions of the Warrnambool Planning Scheme. It is considered that the proposal generally adheres to the relevant policies and the variations to the recommended subdivision requirements specified within DDO1 are reasonable and not detrimental to the proposal. Furthermore, it is considered that the application would result in an outcome that suitably respects the character of the area and 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 7 objections have been sustained.

### **RECOMMENDATION**

**That Council, having caused notice of Planning Application No. PP2022-0047 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme, and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to determine to approve the application for PP2022-0047 under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as ALLOT Lot 3 LP 98429 TSH WARR, 5 Manuka Dr WARRNAMBOOL VIC 3280, for the Two (2) lot subdivision in accordance with the endorsed plans, subject to the following conditions:**

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Before Certification of a Plan of Subdivision or the commencement of any construction activity (whichever occurs first), 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 the approved Development Plan 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 drainage outfall 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 levels;
  - g. 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;
3. The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance for the subdivision.
4. Vehicles entering and exiting from proposed Lot 2 are to do so in a forwards direction.
5. Any future vehicle access to/from either lots must be via the common property.
6. Prior to Statement of Compliance the common property 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 and
  - d. be drained.
7. Prior to the commencement of any works within the common property (e.g. construction of driveway or installation of services), tree protection fencing with a minimum radius of 3 metres measured from the base of the tree is to be erected around the *Eucalyptus sp.* located in the north eastern corner of the site. The tree protection fencing is to be maintained at all times during any works within the common property to the satisfaction of the Responsible Authority.
8. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
9. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.



**11. The owner of the land must enter into an agreement with:**

- a. **A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- b. **A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

**12. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**

- a. **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- b. **A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

---

## **BACKGROUND**

The proposal seeks to permit the subdivision of the land known as 5 Manuka Drive into two lots and common property. Details of the proposal are as follows.

- The configuration of the lots will be one behind the other with an area of common property located along the eastern side boundary.
- Details of each lot are as follows.

### Lot 1

- Is the northern lot and fronts Manuka Drive.
- The lot is irregular in shape and has an angled frontage to Manuka Drive of 54.26 metres, maximum depth of 39.8 metres and total area of 1897 square metres.
- There is no development on the proposed lot.
- A building envelope has been proposed which is approximately 655 square metres in area and is setback 18 metres from the front property boundary, 5 metres from the western (side) and southern (rear) boundaries and 1 metre from the eastern (side) boundary. It is noted that the east boundary abuts the area of common property.
- There are a number of small and medium/large trees located across the lot however the more meaningful vegetation is located towards the front property boundary.

### Lot 2

- Is the southern lot and does not have direct street frontage. Access is via the common property located to the east of Lot 1 which has a width of 6.1 metres.
  - The lot is irregular in shape and has a maximum width of 50.6 metres, maximum depth of 38 metres and total area of 1714 square metres.
  - The lot will contain the existing two storey dwelling and associated outbuildings.
  - Vegetation on the lot is primarily located along the site and rear property boundaries.
- The area of common property is located to the east of proposed Lot 1 and has a width of 6.1 metres and total area of 239 square metres.

It is noted that the proposed application is for a subdivision only with no buildings and/or works or vegetation removal involved with this application.

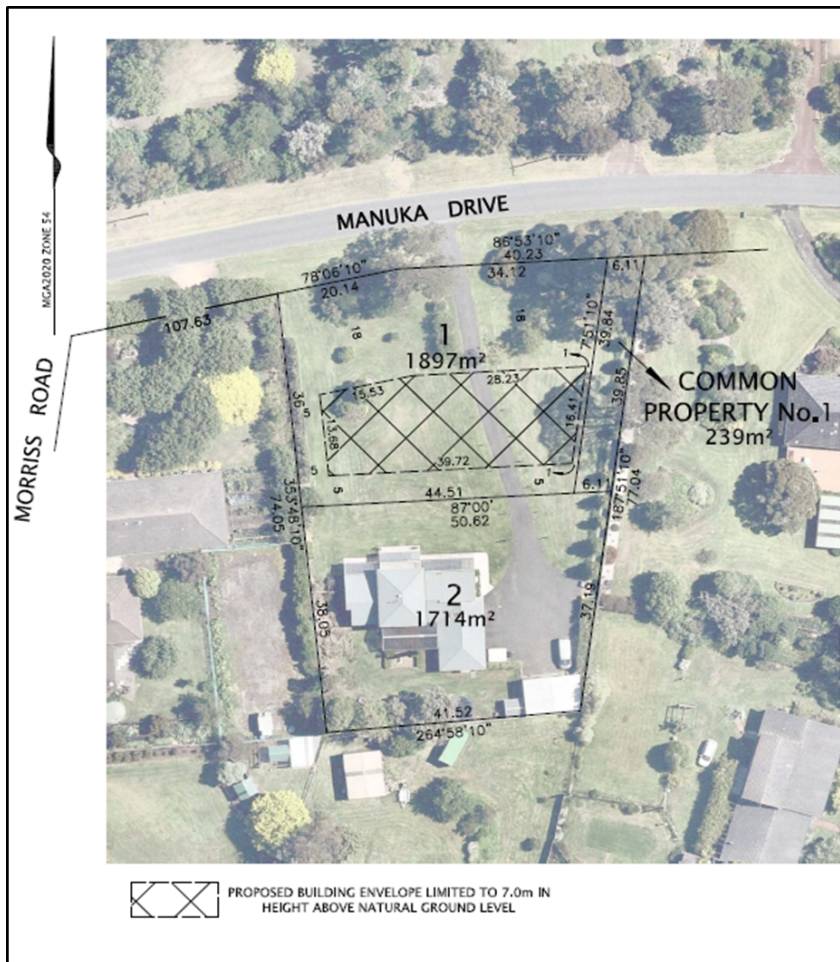


Image 1: Proposed plan of subdivision. Source: Applicants submission

## ISSUES

As a result of public notification, Council received seven submissions objecting to the proposal which therefore results in the application needing to be present to Council for a decision in line with its Delegation Policy.

The objections received raised a number of concerns with the application with the key areas of concern summarised as follows.

- The proposed subdivision does not comply with the minimum requirements specified within Design and Development Overlay – Schedule 1.
- Allotment 2 has no road frontage.
- The proposed subdivision would not be in keeping with the character of the area.
- The proposed subdivision would result in an increased density within the Manuka estate.
- The subdivision would result in increased traffic.
- Infrastructure within the locality will be impacted by further development.
- Loss of vegetation.

Having regard to the above, the following key areas of concern come through in the objections.

- Non-compliance with subdivision requirements within Design and Development Overlay Schedule 1.
- Neighbourhood character.
- Traffic.
- Infrastructure.
- Vegetation loss.
- Loss of large lots within the estate.

Councillors have previously been provided with copies of the objections.

A planning assessment relating to these grounds has also been included in the attached Delegate Report (**Attachment 2**).

The main issue that was raised throughout the majority of the objections relates to the fact that the proposal does not satisfy the specified subdivision requirements in relation to lot size (2000 square metres) and lot frontage (22 metres) set out in Schedule 1 of the Design and Development Overlay. It is important to note that the use of the term 'should' in the subdivision requirements means that the figures represent a preferred outcome and not a mandatory outcome making them another matter that needs to be considered as part of the overall planning assessment where an application is considered against the entirety of the Planning Scheme, not just one provision.

In light of the above, the following points are made in relation to the proposal when considered against the entire planning scheme.

- The development will provide an additional parcel of land capable of being developed with a dwelling on a site located in an established residential area and considered to be capable of supporting an increased density noting that the density outcome would still represent 'low density'. Furthermore, the development will assist with meeting the growing demand for housing within the areas consistent with Clause 02.03, Clause 16.01-1S and Clause 16.01-1L.
- Clause 15.01-5S (Neighbourhood Character) seeks to 'recognise, support and protect neighbourhood character, cultural identity, and sense of place'. The character of the area is considered to be defined by large lots containing relatively large dwellings and although the proposed subdivision would create an additional lot it is difficult to suggest that each lot would not still be considered large as they would be similar in size to other lots within the immediate locality. Furthermore, the provision of an area of common property for the purpose of vehicle access would mean there was not the introduction of a second vehicle access within the existing site frontage.

It is noted that the layout of the lots (one behind the other) would be new to the area however, given the overall lot sizes, a large street frontage would be retained (similar to existing conditions) and built form is already located towards the rear of the site (e.g. would not be introduced) it is arguable if the lot layout would unreasonably impact/alter the overall character of the area.

- While one purpose of the General Residential Zone (GRZ) is to respect existing character, another seeks to encourage housing diversity and increase densities. Therefore, given there is an envisaged increase to densities it would be counterproductive if it was expected that some elements of the neighbourhood character could not/would not alter or evolve.

While the application does propose to create an additional lot in a one behind the other layout, the area of each lot would remain consistent (larger even) to other lots within the locality and maintain a substantial frontage to Manuka Drive resulting in limited change as to how the site presents from the public realm.

Furthermore, the existing dwelling located on the site would be located on the rear lot resulting in any new development be located forwards of any existing buildings thereby not resulting in the introduction of built form towards the rear as this has already occurred/is already a character of the site. It is noted that if a dwelling was to be constructed on Lot 1 within the proposed building envelop, the siting of this dwelling would be more consistent with the built form pattern throughout the locality.

- While the proposed subdivision does not satisfy all of the quantitative design outcomes specified within Design and Development Overlay Schedule 1 (DDO1), the schedule does not specify that the approval of the variations are prohibited.
- The proposal is considered to satisfy the design objectives within DDO1 noting that:
  - Each lot will be fully serviced with power, water, electricity and sewerage all available.

- Following the subdivision, the density of the site would remain low (two lots in excess of 1700 square metres in size) and result in minimal disruption of existing vegetation with Lot 2 already developed and Lot 1 providing a building envelop of approximately 655 square metres which is free of any meaningful vegetation with the area consisting of predominately grass.
- The proposed lots will be 1897 square metres and 1714 square metres in size which is less than the recommended size of 2000 square metres. While there is a shortcoming, it is questionable as to whether the shortcoming would be noticeable particularly given the proposed lot layout results in Lot 1 having a frontage to Manuka Drive of 54.26 metres which is substantially more than the recommended 22 metres and retains a similar frontage to current conditions.
- Further to the above, while Lot 2 does not have a frontage as access would be via the proposed common property, it is considered that the proposed layout actually results in an overall better outcome as it allows for Lot 1 to have a far greater frontage than the recommended 22 metres. It is noted that this lot layout is possible given the location of the existing dwelling at the rear of the site meaning that it will not result in the introduction of built form towards the rear of the site as it already existing.

## **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

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

## **TIMING**

The application timeframes are already outside of statutory requirements.

## **COMMUNITY IMPACT / CONSULTATION**

The application was notified in accordance with the requirements of the Planning and Environment Act.

In line with Council's delegation policy, as a result of having more than 5 objections, a consultation meeting was held with Councilors on 15 November 2022.

The application was also referred to Council's Infrastructure and Sustainability departments who raised no objections to the proposal however a number of permit conditions have been recommended.

## **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.

## **COLLABORATIVE PROCUREMENT**

Not applicable.

## **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 all of the relevant provisions of the Warrnambool Planning Scheme as discussed within this report and the delegate report, it is considered that on balance the application warrants support and is recommended for approval.

## **ATTACHMENTS**

1. Attachment 1 - Plans [7.8.1 - 5 pages]
2. Attachment 2 - Delegate Report [7.8.2 - 29 pages]
3. Attachment 3 - Applicant Response to Objections [7.8.3 - 5 pages]

## **7.9. DP2022-0002 - APPLICATION TO APPROVE A DEVELOPMENT PLAN FOR THE HEIGHTS (RUSSELL STREET DENNINGTON)**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report considers 'The Heights' Residential Development Plan, describing future residential development in relation to Russell Street in Dennington, and recommends that Council approve the plan.***

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### **EXECUTIVE SUMMARY**

Council has received a Development Plan prepared by Milward Engineering Management for land situated in the South Dennington growth area west of Russell Street and overlooking the Merri River. The site has an area of approximately 4.8 hectares and is within the General Residential zone, which generally anticipates residential use and development.

The plan comprises:

- Residential subdivision primarily in conventional lot sizes that range from 500 to 600m<sup>2</sup> in size,
- An intended density level of approximately 12 lots per hectare,
- A medium density super lot in the northwest corner,
- Provision for required infrastructure and services.

The plan was subject to non-statutory referrals, and placed on exhibition for a period of two (2) weeks where no objections were received.

The 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 approve the development plan under the relevant provisions of the Warrnambool Planning Scheme in respect of the land described as Lot 97 on PS 636695, known as Russell Street, WARRNAMBOOL VIC 3280, which seeks to facilitate future residential development on site.**

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### **BACKGROUND**

The proposal seeks approval for a Development Plan which would facilitate the future development of the site via a residential subdivision. The area itself represents a current stage (referred to as The Heights) within a larger overall area south of Baynes Street and west of Harrington Road that is all affected by the Development Plan overlay, schedule 1. This specific area is largely proposed for standard sized (>500m<sup>2</sup>) residential lots, with some provision of space for required infrastructure. The logical extension of existing roadways is also proposed.

The following reports and appendices were also submitted in support of the application:

- Vegetation Assessment (Bill Richdale, March 2021)
- Cultural Heritage Management Plan (UCA Cultural Heritage Planners, November 2021)
- Stormwater Management Plan (Noyce Environmental Consulting, February 2022)
- Traffic Assessment (Milward Engineering, January 2022)
- Infrastructure Services Report (Milward Engineering, January 2022)

- Landscaping Plan (Milward Engineering, September 2022)
- Site Feature Survey (PM Design Group, September 2022)

The development plan generally seeks to achieve a minimum density of approximately 12 dwellings per net developable hectare, where most lots would reflect conventional sizing, and one area is marked as an opportunity for medium density development. The emerging grid pattern road network is to be extended, where connections to main arterial roads and public transport are maintained. There is some expansion of the footpath network in line with expectations, and a general pattern of development that can be continued in future expansion to the west.

An indicative landscaping plan has been provided which shows a standard cover of street trees and residential landscaping. The land is currently devoid of vegetation, and not subject to any environmental overlays.

## **ISSUES**

As a result of assessment, and responses from various referral sources, a number of concerns were raised in relation to the original application, where amended plans submitted in December 2022 have now addressed these concerns.

The application has been assessed as having appropriately addressed the requirements and objectives of the overlay, where the plan achieves the overall objective of adequately describing future development intent. As any remaining concerns can be further controlled at planning permit stage, the recommendation below has been reached.

## **FINANCIAL IMPACT**

Costs associated with the review and assessment of the Development Plan have been included in the 2021/2022 City Strategy and Development Budget.

## **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.

### **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 referrals, and a period of public exhibition. Exhibition of the DP is a non-statutory requirement to enable Council to make an informed decision on the future development of the site. No submissions were received.

It is acknowledged that not all referral authorities provided a response as of the time of writing, however their comments and input will be sought again within the planning permit process.

## **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**

No conflict declared.

## **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 0002 Delegate Report The Heights Dennington [7.9.1 - 11 pages]
2. D P 2022-0002 Development Plan Application partial appendices - The Heights Dennington [7.9.2 - 165 pages]



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## **7.10. DP2022-0003 - APPLICATION TO APPROVE AN AMENDED DEVELOPMENT PLAN FOR EMMANUEL COLLEGE (140-150 BOTANIC ROAD AND 13 CRAWLEY STREET)**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***This report considers an amended Development Plan for Emmanuel College, describing the implementation of a master plan for an existing education facility in relation to 140-150 Botanic Road and 13 Crawley Street, and recommends that Council approve the plan.***

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### **EXECUTIVE SUMMARY**

Council has received a Development Plan prepared by Myers Planning & Associates for land situated north of Raglan Parade which is currently being used as a secondary school. The site has an area of approximately 1 hectares and is within the General Residential zone, which generally anticipates residential use and development but allows for other appropriate uses where the education use is long standing.

The plan comprises:

- An amended master plan which largely retains existing buildings and infrastructure,
- A new Year 9 Centre on the adjoining land at 13 Crawley Street,
- A new teaching wing on the existing Goold Campus,
- A new 2-storey senior learning and arts centre,
- An updated landscaping concept.

The plan was subject to non-statutory referrals, and placed on exhibition for a period of two (2) weeks where no objections have been received.

The 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 approve the development plan under the relevant provisions of the Warrnambool Planning Scheme in respect of the land described as Lot 1 on PS 327562 and Lot 2 PS619541, known as 140-150 Botanic Road, WARRNAMBOOL VIC 3280 and Lot 2 PS724625, known as 13 Crawley Street, WARRNAMBOOL VIC 3280, which seeks to facilitate the implementation of a master plan for an existing education facility.**

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### **BACKGROUND**

The proposal seeks approval for an amended Development Plan which would facilitate the implementation of a master plan to guide future development of an Education Facility. Specifically, Emmanuel College has been operating with facilities and students in disparate locations, and has undergone a recent master planning exercise to explore the possibility of integrating facilities on one single 7-12 campus. The main development features of this plan would include the development of the 'Year 9 Centre' on the adjoining land on 13 Crawley (2200m<sup>2</sup> of total space with 10 classrooms and gathering spaces), a new teaching wing on the existing Goold Campus, and a new 2-storey senior learning and arts centre. An original master plan was prepared in 2012 and approved as a Development Plan which allowed oversight of the future intentions of the school for their needs at the time. Accordingly, this plan acts as an amendment to that document in an updated format.

In addition to the master plan report authored by Baldasso Cortese and associated development plan, the following reports and appendices were also submitted in support of the application:

- Landscape Plan (Baldasso Cortese)
- Draft Cultural Heritage Management Plan (Compass Heritage Services)
- Stormwater Management Plan (CSE Consulting Engineers)
- Traffic Assessment (T&TS)

The development plan generally seeks to meet future demands for the College in an organised and predictable way. In addition to the proposal of new and renewed spaces, the intent of the plan is to update the understanding of association infrastructure, stormwater, traffic, and amenity impacts.

Landscaping improvements include an enhanced soccer pitch with the potential for a synthetic surface, informal parkland spaces with meandering trees, upgraded hardcourts, a canteen courtyard, and a 'Village Green' as a central point of focus.

## **ISSUES**

As a result of assessment, and responses from various referral sources, a number of concerns were raised in relation to the original application, where amended plans were submitted in December 2022 and February of 2023. These amendments have largely addressed these concerns, where the opportunity to refine details is maintained via future permit requirements. .

The application has been assessed as having appropriately addressed the requirements and objectives of the Development Plan overlay, where the plan achieves the overall objective of adequately describing future development intent. As any remaining concerns can be further controlled at planning permit stage, the recommendation above has been reached.

## **FINANCIAL IMPACT**

Costs associated with the review and assessment of the Development Plan have been included in the 2021/2022 City Strategy and Development Budget.

## **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.

### **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.

## **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 referrals, and a period of public exhibition. Exhibition of the DP is a non-statutory requirement to enable Council to make an informed decision on the future development of the site. No submissions were received.

It is acknowledged that not all referral authorities provided a response as of the time of writing, however their comments and input will be sought again within the planning permit process.

## **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**

No conflict declared.

## **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 0003 Delegate Report Emmanuel College [7.10.1 - 14 pages]
2. D P 2022-0003 Emmanuel College Masterplan Report - M [7.10.2 - 83 pages]
3. D P 2022-0003 - Appendix A - Proposed Master Plan [7.10.3 - 1 page]
4. D P 2022-0003 - Appendix C - Landscape Master Plan [7.10.4 - 1 page]
5. Appendix D - Traffic Impact Assessment Report [7.10.5 - 101 pages]

## **7.11. STREET NAMING PROPOSAL**

**DIRECTORATE : City Growth**

### **PURPOSE:**

***Council has received a request to consider a road naming proposal. This report is to advise that the consultation process required under the “Naming rules for places in Victoria” – Statutory requirements for naming roads, features and localities - 2022 (Naming Rules) has been completed. <https://www.land.vic.gov.au/place-naming/understand-the-naming-process/the-naming-rules>***

### **EXECUTIVE SUMMARY**

- Council is the road naming authority for our municipality and must consider road naming requests using the Naming Rules.
- A request was submitted by Steve Myers, Director of Myers Planning Group (Applicant) to name the laneways at the rear of Timor Street, “Dispensary Lane” and “De Grandis Lane”. Please see attached the Applicant’s report which includes details of the location of the laneways, proposed name history and assessment against the principles of the Naming Rules.
- It is preferred that any new road name should have a historical link to the site or to the Warrnambool region. The applicant has provided information that demonstrates this and the proposed names have also been assessed in the DELWP VicNames Register and considered not to be duplicated with our municipality.
- Consultation has been undertaken in accordance with the Naming Rules.
- Two (2) submissions were received, one (1) in support of the proposed names and one (1) proposing an alternative name.
- An assessment has been provided of the alternative name, and it is recommended that the proposed road names of Dispensary Lane and De Grandi Lane be supported.

### **RECOMMENDATION**

**That Council support the proposed road names Dispensary Lane and De Grandi Lane.**

### **BACKGROUND**

Myers Planning Group have recently completed construction of a new office building and café with frontage and access to laneways off Timor Street. With the construction of the new building it does propose some confusion with regard to street addressing. There are units to the north of the new building which are addressed “to the rear of Timor Street” This could cause confusion for emergency services.

To name the laneways and revise current addressing is considered beneficial. No submissions were received from the residents of the units.

Council is required to follow the consultation process under the Naming Rules which has now been completed and a decision on the proposed names is required by Council.

### **ISSUES**

Two (2) submissions were received, one (1) in support of the proposed names and one (1) proposing an alternative name.

The proposed alternative name received was “L2P” in honour of the L2P driver mentor program which operates in Warrnambool not far from the laneway and provides benefit to the local community.

Whilst understanding of the sentiment, “L2P” does not meet the following naming principles;

- Principle A – Ensuring public safety – road names must not cause confusion for emergency services, communication and mail services.
- Principle J – Using commercial and business names – road names should not be named after commercial businesses including not for profit organisations.
- Principle K – Language – a road name cannot be a numeric value either in full alphabetised or numeric format.

Therefore, L2P is not considered suitable under the Naming Rules and the submitter will be advised accordingly.

## **FINANCIAL IMPACT**

There may be a financial impact once the road names are approved and Council may bear the cost of mail redirection for those residents impacted any revised street addressing.

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

### **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**

Routine

## **COMMUNITY IMPACT / CONSULTATION**

The Rates and Revenue team in collaboration with the Building & Planning Support team were responsible for the consultation process and it was completed in accordance with the Naming Rules.

## **LEGAL RISK / IMPACT**

Minimal impact. Consideration of proposed road names is the responsibility of Council and the Naming Rules advise that appropriate naming is essential to identify locations for emergency services, deliveries and the like.

## **OFFICERS' DECLARATION OF INTEREST**

None declared

## **COLLABORATIVE PROCUREMENT**

Not applicable

## **CONCLUSION**

Council is the road naming authority for our municipality and must consider road naming requests using the Naming Rules.

This report is to advise Council of the response from the consultation process and to recommend the proposed road names to Council for approval.

## **ATTACHMENTS**

1. Road Naming Request Rear of 190 Timor Street if Dm G Co Ldk 6 Hfa 0 B Oi 0 O 8 Q  
[7.11.1 - 7 pages]
2. Road Naming Consultation diagram 2022 [7.11.2 - 1 page]

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## **7.12. WARRNAMBOOL-CHANGCHUN SISTER CITY FRAMEWORK AGREEMENT AND PLAN**

**DIRECTORATE : City Growth**

**PURPOSE:**

***This report provides information and requests endorsement of the Warrnambool-Changchun sister city Framework Agreement and the 2023-2025 Warrnambool-Changchun Exchange and Cooperation Plan. The documents are proposed to be signed by the Chief Executive Officers at the 10th Anniversary Warrnambool-Changchun online ceremony in late March (TBC).***

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**EXECUTIVE SUMMARY**

Warrnambool City Council's sister city relationship with Changchun, China began in 2012, with several inbound and outbound business delegations travelling between the two cities to promote trade and investment. In 2015, Warrnambool City Council conducted the 'Food & Agriculture into Asia' assessment report between Warrnambool and Changchun and identified the opportunities for the export of agriculture and food products.

Post COVID-19, both cities have engaged in discussions to support our City and regional businesses to plan and conduct trade with Changchun. It is proposed that a new Framework and Three-Year Plan 2023-2025 be agreed to which will guide the ongoing cooperation between the two cities.

Upon signing the two agreements, Changchun Municipal Government will:

- Establish a Small and Medium Enterprise (SME) online platform on WeChat (Chinese communication platform) to share and promote the Great Warrnambool regional food information for export. Warrnambool City Council will provide product information from regional businesses who are willing to explore potential to export
- Facilitate with Warrnambool City Council to develop sister school relationships
- Work with Warrnambool City Council around the potential opportunity for an Agricultural Machinery Show to highlight their machinery industry

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**RECOMMENDATION**

**That Council note and approve the signing of the Warrnambool-Changchun Framework Agreement and Three-Year Plan 2023-2025 by the Chief Executive Officer at the 10<sup>th</sup> Warrnambool-Changchun Anniversary Online Ceremony.**

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**BACKGROUND**

The Warrnambool City Council's sister city relationship with Changchun, China has been strong in the past ten years with many visits made by delegations from both cities. The sister city agreement relates to "mutual benefit, exchanges and co-operation" in a variety of fields and to "promote common prosperity and development." With the easing of COVID restrictions and the improving diplomatic relationship between Australia and China It is an opportune time to capitalise on the momentum of the relationship for regional development.

A stronger trade and cultural relationship with Changchun will contribute to recognising a growing Chinese community in Warrnambool and will also support multiculturalism in our community by strengthening the people-to-people ties.

Several delegations from both cities have made visits between the two cities since the Sister City arrangement was confirmed, however COVID-19 has stymied the activity during the last three years. Changchun is now keen to reestablish productive relations and has floated the possibility of a visit by delegates to Warrnambool in the second half of 2023.

## **ISSUES**

In the past several years, there has been some diplomatic tensions between Australia and China. On February 6, 2023, Australian Trade Minister Don Farrell had a virtual exchange with China's Minister of Commerce Wang Wentao. Farrell said that this meeting, the first since 2019, represented "another important step in stabilizing Australia's relations with China." The announcement is the most recent sign that ties between the two countries are warming up.

With the Australian Government's stance viewed as positive and outward looking, it is now a good time to reconnect Warrnambool business community to the opportunities in our sister city, Changchun.

Council Officers have written to DFAT to get advice on how to register the proposed agreement as per the DFAT website.

## **FINANCIAL IMPACT**

None, administration and activity covered under operational budgets.

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

### **1 A healthy community**

1.1 Be a welcoming and inclusive city: Warrnambool will be a city that is more welcoming to all and which fosters diversity.

### **3 A strong economy**

3.2 Emerging industries: Council will encourage emerging industry sectors that contribute to Warrnambool's economic growth and diversity.

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.

### **5 An effective Council**

5.7 Effective advocacy: Council will pursue effective advocacy by providing compelling materials for desired support and funding for community priorities through establishing strong relationships with other levels of government, strategic partners and key stakeholders

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**

Online 10<sup>th</sup> anniversary ceremony planned for late March 2023.



## **COMMUNITY IMPACT / CONSULTATION**

The Economic Development Team will engage with targeted local businesses, while providing end-to-end support services to navigate the cultural and commercial complexities and build Chinese business capability and confidence in Warrnambool and the surrounding region.

## **LEGAL RISK / IMPACT**

Officers have written to DFAT to get advice on how to register the proposed agreement as per the DFAT website.

## **OFFICERS' DECLARATION OF INTEREST**

None

## **COLLABORATIVE PROCUREMENT**

N/A

## **CONCLUSION**

With the Changchun / Warrnambool Sister City relationship reaching 10 years and the improving diplomatic relationship between the two countries, it is an opportune time to reconfirm Council's commitment to the relationship.

## **ATTACHMENTS**

1. FINAL Framework Agreement between Changchun and Warrnambool [7.12.1 - 6 pages]
2. FINAL Three Year 2023 2025 Plan for Changchun and Warrnambool [7.12.2 - 3 pages]
3. FINAL Framework Agreement between Changchun and Warrnambool CHINESE [7.12.3 - 4 pages]
4. FINAL Three Year 2023 2025 Plan for Changchun and Warrnambool CHINESE [7.12.4 - 2 pages]

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## **7.13. 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:-

Monday 13 February 2023 – refer **Attachment 1**.

Monday 20 February 2023 – refer **Attachment 2**.

Monday 27 February 2023 – refer **Attachment 3**.

#### **ATTACHMENTS**

1. Assembly of Councillors Record 13 February 2023 [7.13.1 - 1 page]
2. Assembly of Councillors Record 20 February 2023 [7.13.2 - 2 pages]
3. Assembly of Councillors Record 27 February 2023 [7.13.3 - 2 pages]

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#### **RECOMMENDATION**

**That the record of the Informal Meetings of Council held on 13, 20 and 27 February 2023, be received.**

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#### **7.14. 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 / Event</b>
16 February 2023	Melbourne	Mayor & Acting Chief Executive Officer - Regional Cities Victoria General Meeting.
	Melbourne	Mayor – Emperor of Japan, 63 <sup>rd</sup> birthday celebration.
23 February 2023	Warrnambool	Mayor & Chief Executive Officer – Eastern Maar Aboriginal Corporation Quarterly Forum
24 February 2023	Warrnambool	Mayor & Chief Executive Officer – SouthWest Victoria Alliance Board Meeting.
	Warrnambool	Mayor – Welcome to Big Life cyclists riding from Melbourne to Warrnambool.
	Warrnambool	Mayor – South West Academy of Sport presentation evening.
1 March 2023	Warrnambool	Mayor & Chief Executive Officer – Club Connect March.
2 March 2023	Warrnambool	Mayor – Deakin University Warrnambool Campus Graduation for Faculties of Arts & Education, Business & Law, Health and Science, Engineering and Built Environment.
	Timboon	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**