

AGENDA

**SCHEDULED COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 1 MAY 2023**



VENUE:

**Reception Room
Warrnambool Civic Centre
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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can be obtained online at 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. We thank you in anticipation of your co-operation in this matter.

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1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 3 April 2023 be confirmed and that an Amendment to the Minutes of the Scheduled Council Meeting held on 1 August 2022 Item 7.8 Warrnambool Art Gallery to record Crs Arnott, Taylor, Jellie and Akoch voting for the motion and Crs Blain, Ziegeler and Paspaliaris voting against the motion.

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. ACTIVITIES & INITIATIVES 2022-2023: JANUARY - MARCH (QUARTER 3)

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.

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.

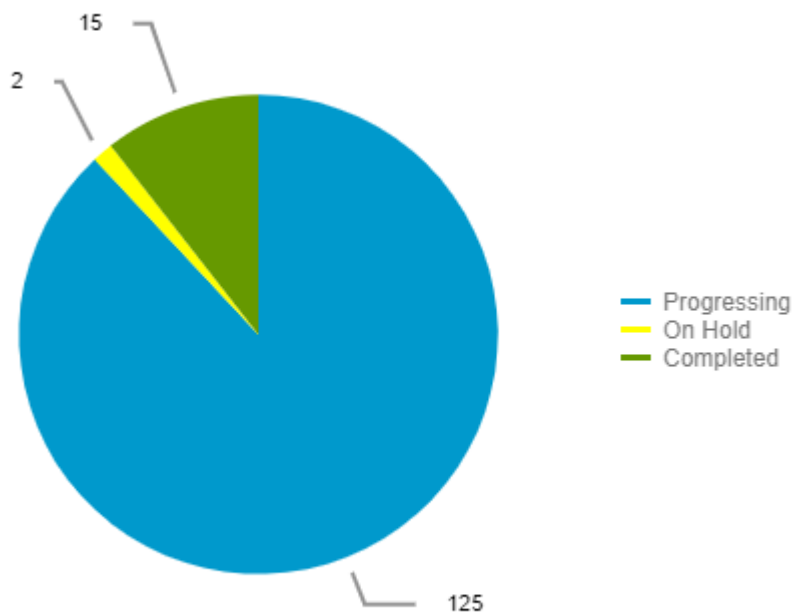
RECOMMENDATION

That the Activities & Initiatives 2022 – 2023: January – March (Quarter 3), be received.

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: January - March (Quarter 3) [7.1.1 - 37 pages]

7.2. MARCH 2023 MONTHLY FINANCE REPORT

DIRECTORATE : Corporate Strategies

PURPOSE:

This report updates Council on the financial performance for the 9 months ended 31st March 2023.

EXECUTIVE SUMMARY

- This quarterly finance report compares actual financial results to budget and forecast for the 9 months from 1 July 2022 to 31 March 2023 - **refer Attachment 1 Quarterly Finance Report.**
- The report sets out financial results for Council's recurrent (day-to-day) operations, projects, capital works, rates and borrowings.
- Overall, the actual results indicate an unfavourable financial position of (\$0.36m) compared to the YTD forecast. An updated forecast was completed in March resulting in a favourable full year forecast position of \$1.629m. The net impact was a favourable increase to the full year's forecast of \$1.665m, mainly resulting from savings in salaries due to vacancies, increased revenue at Holiday Parks and Flagstaff Hill, higher interest on investments and supplementary rates.
- This report meets the requirements of section 97 of the Local Government Act 2020 to present a quarterly financial report to Council at a public meeting that compares actual results against budget.

RECOMMENDATION

That the Quarterly Financial Report for the period January to March 2023 be received.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

5. An Effective Council

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.

ATTACHMENTS

1. Quarterly Finance Report Jan - Mar 2023 [7.2.1 - 10 pages]

7.3. DRAFT BUDGET 2023-24

DIRECTORATE : Corporate Strategies

PURPOSE:

To consider releasing Warrnambool City Council's 2023-24 Draft Budget for community exhibition and to invite submissions from the community about the budget.

EXECUTIVE SUMMARY

The *Local Government Act 2020* states that Council must prepare and adopt a budget each financial year being for the next 4 financial years (s.94), and that the budget must be developed in line with Council's community engagement policy (s.96).

Council's Draft 2023-24 Draft Budget is informed by the vision and objectives of the Warrnambool City Council Council Plan, with the vision to be a thriving city at the heart of coast and country.

The 2023-24 Draft Budget directs the allocation of Council's resources to best achieve the outcomes of the Council Plan.

In line with the requirements of the *Local Government Act 2020* and the *Local Government (Planning & Reporting) Regulations 2020*, the 2023-24 Draft Budget has been prepared according to best practice principles and include financial statements, services and initiatives data, rating and borrowings data, and fees and charges tables for the next four years, with particular emphasis on the next financial year.

Public notice of the draft budget will be released online and through local media following approval by council, and copies of the document will be made available online and in hardcopy at Council's service centre. Public submissions will be invited for a period of 28 days.

Members of the public making submissions to the budget will be able to do so either via a portal on Council's website, or in writing. Submitters wishing to be heard will be invited to attend Council's formal meeting of June 5, 2023 to speak in support of their submission.

The final budget for 2023-24 is planned to be presented to Council for adoption on Monday, 26 June 2023.

RECOMMENDATION

That Council:

- 1. Endorse the 2023-24 Draft Budget to proceed to public exhibition, and invite public submissions in accordance with section 55 of the *Local Government Act 2020*.**
 - 2. Authorise the Director Corporate Strategies to give public notice in accordance with section 94 of the *Local Government Act 2020* of Council's intention to adopt, at a Council meeting proposed to be held at 5:45pm on Monday 26 June 2023, the 2023-24 Warrnambool City Council Budget.**
 - 3. In accordance with Council's Community engagement policy, consider, and if requested in writing, hear any submissions received in relation to the 2023-24 Draft Budget at its formal meeting on Monday June 5, 2023.**
-

BACKGROUND

The 2023-24 Draft Budget allocates resources on an annual basis to achieve the objectives of the Council Plan in the most financially sustainable manner possible and whilst trying to continue to provide quality services to all sections of our community.

Section 94 of the *Local Government Act 2020* provides that Council must prepare and adopt a budget for each financial year and the subsequent 3 years.

The Act and regulations prescribe the information and format of the budget be presented in a consistent manner across local government authorities, based on a “model budget” updated and released each year by the state government.

The Model Budget 2023-2024 includes a range of information including financial statements, a proposed capital works listing, a list of services and initiatives funded in the budget, proposed Fees and charges, and rating and borrowing details.

The Draft Budget 2023-24 establishes the allocation of Council funding to provide services and infrastructure for the community. This is informed and guided by the Council Plan vision and objectives, which were developed with extensive and deliberative engagement with our community stakeholders over the last few years.

ISSUES

Council has prepared a Draft Budget for the 2023-2024 budget year in accordance with Council's budget principles. The Budget has been reviewed over a series of workshops with the executive and Council.

The draft budget has been prepared under the State Government's Fair Go Rates System. Under this system, the Minister for Local Government determines the maximum “average” rate cap for the next fiscal year.

The draft budget attempts to balance ongoing service and infrastructure needs of the Warrnambool community in an efficient and financially sustainable way.

The key drivers for the budget are:

- to maintain important community services,
- to fund renewal of infrastructure and community assets,
- focus on opportunities for our community to thrive in partnership with other levels of government.
- to consolidate a financial position that creates an opportunity to remain financial sustainable.
- to finalise delivery of some major capital projects that will enhance the communities' outcomes around learning, commerce, and recreation.
- to seed fund key strategic priorities for Councils long term aspirations for the community

It is noted that for every \$100 in taxes paid by Victorian residents, rates make up approximately \$3.50, the other \$96.50 is made up of State and Commonwealth Government taxes.

Council delivers a diverse and wide range of services to the community and the budget process requires the review and construction of annual income and expenditure budgets to assess the ongoing levels of resources necessary to deliver these services. Council is mindful of its requirement to be financially sustainable (low risk rating achieved for from the Victorian Auditor General) and assesses the changing environment within which it operates and the budget impacts of these changes.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

5 An effective Council

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

5.3 Customer-focused services: Council will continue to develop a program of Council services that are delivered to the community's satisfaction.

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

TIMING

- Public exhibition of the draft budget – 2 May 2023 to 30 May 2023
- Closing date for written submissions to the draft budget – 31 May 2023.
- Opportunity to be heard in support of a written submission at the Scheduled Council meeting – 5 June 2023.
- Additional Council meeting for the adoption of the 2023-24 budget – 26 June 2023.

Those wishing to make a submission will be able to do so in writing to PO Box 198 Warrnambool 3280 and submit this feedback either through the post or online at www.yoursaywarrnambool.com.au

Those making submissions must provide their name and contact details.

COMMUNITY IMPACT/CONSULTATION

The long-term viability of Council's services and infrastructure has key impacts on the community. Much of the consultation work undertaken by Council over the last few years has reinforced the view that the community wishes to see a strong vibrant and growing city.

Our leadership role in the region in attracting funds for a growing future will be essential. Council through the Council plan deliberations understands many of the key priorities for our community lay outside of Councils direct control, but the community wants to make sure that Council is doing its utmost to advocate for these critical issues on their behalf. Key advocacy priorities include improving rail services, upgraded highways, retention of tertiary education centers, and improving health infrastructure and access for our community.

The following engagement activities and values aid in decision-making which reflects the interests and concerns of the community:

- community engagement includes the promise that the public's contribution will be included in the decision-making process;
- community engagement promotes sustainable decisions by recognising and communicating the needs and interests of participants, the broader community and Warrnambool City Council decision-makers;
- community engagement seeks out and facilitates the involvement of those potentially affected by or interested in, a decision;
- community engagement provides people with the information they need to participate in a meaningful way;
- engagement will recognise the diversity within a community including ages, abilities and cultures;
- the Council will report to those involved in an engagement process to complete the information loop from community input to outcome for the community; and

- people will be informed of community engagement outcomes via means which may include Council meeting reports, outcomes published on Council's website, on Council's social media platforms, in Council's newsletter to the community.

The formation of the key objectives of the budget were deliberated through the development of the Council Plan and how Council would resource these objectives. The next stage of deliberation of the budget is focussed mainly on the consultation level given the broad ranging impacts of a budget and the breadth of community members affected. This is a meaningful form of engagement that allows for specific views to be raised and considered.

Now that Council has prepared the 2023-24 Draft Budget; it is giving the public an opportunity for 28 days to respond to its proposal.

Copies of the budget are available for inspection at the Council offices and that will also be published on the Council internet site. The community are encouraged to make submissions, in accordance with Council's Community engagement policy to the draft budget.

Council is seeking the views of the community on the draft budget through this formal submission process. Any person wishing to be heard must indicate this in writing in their submission. The maximum time permitted for any submitter to speak to their submission will be 5 minutes this is an opportunity for submitters to state their case directly to the Councillors. There is no limit to the supporting material that can be provided in support of a submission in writing.

CONCLUSION

The 2023-24 Warrnambool City Council Draft Budget has been prepared in line with the requirements of the Local Government Act 2020. It is presented to Council with the recommendation to place on public exhibition and invite submissions from the public.

ATTACHMENTS

1. Draft Budget 2023-2024 [7.3.1 - 85 pages]

7.4. COUNCIL PLAN 2021 - 2025 (2023 REVIEW) - ACTIVITIES & INITIATIVES

DIRECTORATE : Corporate Strategies

PURPOSE:

This report provides the revised activities and initiatives which is proposed will be included in the revised Council Plan 2021-2025.

EXECUTIVE SUMMARY

Section 90 of the Local Government Act (2020) requires Council to prepare and approve a Council Plan by October 31 following a general election.

The Council Plan, reviewed annually, is the feature document in Council's suite of strategic planning documents, formulated to guide the work for which Council has responsibility and will provide to our community over a four-year period.

The annual review ensures that the plan remains relevant and delivers on the objectives identified in the plan and in the long-term community vision, Warrnambool 2040.

The Council Plan lists key activities and initiatives Council will undertake over the financial year to deliver on the five objectives described in the plan. These actions and initiatives demonstrate to the community important areas of effort in the delivery of the plan's key objectives.

These objectives are:

1. **COMMUNITY:** To be a healthy, inclusive, and thriving community with equitable access to services, cultural opportunities and recreational activities.
2. **ENVIRONMENT:** To protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.
3. **ECONOMY:** Support a resilient local and self-sustaining regional economy that encourages economic growth and provides increased employment opportunities attracting ongoing investment.
4. **PLACE:** Provide quality places that all people value and want to live, work, play and learn in.
5. **COUNCIL:** To be recognised as a collaborative Council and a high-performing organisation that enables positive outcomes for Warrnambool's community, environment and economy and Victoria's South West.

Over recent weeks Council staff have reviewed and updated the activities and initiatives contained in the Council Plan.

A number of actions are no longer relevant such as those relating to capital works projects that are now completed. Other actions have been removed or revised in response to the community's needs.

RECOMMENDATION

That Council endorses the revised actions and initiatives in the Council Plan 2021-2025 and releases the revised plan for community feedback.

BACKGROUND

The Council Plan 2021-2025 was adopted in 2021 after a two-day workshop was held involving all seven Councillors, who reviewed Warrnambool 2040 and explored their aspirations for the community over the next four years. This process considered the realities of resource limitations, new legislative requirements and the implications of COVID-19.

The engagement process continued with a staff workshop, community listening posts and two deliberative engagement workshops to which the community was invited.

Further engagement included the release of the draft to the community with a call for review and submissions.

The annual review of the actions and initiatives identified in the Council Plan is now under way and has begun with a review by staff to ensure proposed 2023-2024 activities are relevant and aligned with the Council Plan objectives.

Council is now able to consider the 2023 revision of the Council Plan and make a decision on releasing the revised plan to the community for comment and submissions. There will also be an opportunity for those making a submission to speak directly to the Council, at an open council meeting, in support of their submission.

Council will then have an opportunity to consider those submissions prior to the proposed formal adoption of the Council Plan 2021-2025 (2023 revision).

ISSUES

N/A

FINANCIAL IMPACT

The Council Plan provides the strategic basis through which resources are allocated in the annual Budget.

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.

TIMING

Consideration of the revised Council Plan ensure timely adoption of not only the revised plan but informs the 2023-2024 Budget which is also under development.

COMMUNITY IMPACT / CONSULTATION

A comprehensive community engagement process was undertaken in the development of the four-year plan. With no significant changes proposed to the strategic objectives described in the plan this means that a “check-in” with the community is recommended to seek feedback on the revised actions and initiatives.

LEGAL RISK / IMPACT

It is anticipated that some actions and initiatives identified in the plan will be subject to a Gender Impact Assessment in accordance with the Gender Equality Act (2020).

OFFICERS' DECLARATION OF INTEREST

Nil.

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

Revised activities and initiatives reviewed by Council and the community help ensure a relevant Council Plan that ensures an appropriate allocation of Council resources.

ATTACHMENTS

1. 2918 council plan DRAFT May 2023 [7.4.1 - 35 pages]

7.5. ADDITIONAL COMMUNITY MEMBERSHIP OF COUNCIL ADVISORY COMMITTEES

DIRECTORATE : Executive Services

PURPOSE:

This report considers additional community membership appointments to Council's four Advisory committees - the Community & International Relations Advisory Committee, Economic Development & Tourism Advisory Committee, Environment and Sustainability Advisory Committee and the Planning Advisory Committee.

EXECUTIVE SUMMARY

- To appoint 3 additional community members to Council's 4 advisory committees for the period 1 May 2023 – 31 May 2025.

RECOMMENDATION

1. That the following community member appointments be made to the Council Advisory Committees for the period 1 May 2023 – 31 May 2025:

Community & international Relations Advisory Committee:-

- Daisy Ye
- Cameron Burgess
- Carly Jordan

Economic Development & Tourism Advisory Committee:-

- Sarah Fitzgibbon
- Zita Tattersall
- Rod Brugman

Environment & Sustainability Advisory Committee:-

- Juan Donis
- Andrew Schultz
- Danielle Rizzo

Planning Advisory Committee:-

- Willy Benter
- Kerri-Anne Tatchell
- Cameron McNeill

BACKGROUND

At the Scheduled Council meeting held on 5 December 2022, Council resolved to increase the community membership of the 4 Council advisory committees by an additional 3 members taking the community members from 5 members to 8.

The 4 Council advisory committees are :-

- Community & international Relations Advisory Committee,
- Economic Development & Tourism Advisory Committee,
- Environment & Sustainability Advisory Committee and
- Planning Advisory Committee

ISSUES

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

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

Expressions of Interest were advertised through Your Say on the Council website and through the Warrnambool Standard, with Expressions of Interest closing on 18 February 2023. Due to the small number of applications received, further advertising was undertaken which has resulted in additional Expressions of Interest being received. A total of 24 nominations were received for the 4 advisory committees.

FINANCIAL IMPACT

Nil.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

Not Applicable

TIMING

To be implemented as from adoption at Council meeting.

COMMUNITY IMPACT/CONSULTATION

N.A.

LEGAL RISK/IMPACT

Nil.

ATTACHMENTS

Nil

7.6. 15 MCKIERNAN ROAD - PP2022-0197

DIRECTORATE : City Growth

PURPOSE:

This report summarises the planning assessment that provides a recommendation for the application to develop the site known as 15 McKiernan Road, Warrnambool with two double-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 15 McKiernan Road, Warrnambool with two double-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 in this zone.

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

As a result of notification, five objections were received, where grounds related primarily to impact on drainage within the area as well as overshadowing of habitable room windows and areas of secluded private open space.

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. PP2022-0197 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to determine to issue a Notice of Decision for application PP2022-0197 under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as ALLOT Lot 9 PS 209862 PSH WAN TSH WARR, 15 McKiernan Rd WARRNAMBOOL VIC 3280, for the Construction of two (2) dwellings in accordance with the endorsed plans, subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
- 2. 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.
 - i) Address localised flooding on the property as identified in the Warrnambool City Council Drainage Strategy September 2016.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.

NOTES

- Before the commencement of any works within the road reserve, a Road Reserve Works Permit must be obtained from Council. All conditions on the Permit must be complied with.
- Before the commencement of any physical works to the site, an Asset Protection Permit must be obtained from Council. This purpose of this permit is to protect Council assets from damage which can result from the works and from the movement of heavy equipment and materials on and off the site. All conditions on the Permit must be complied with.
- Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be

discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

Refer to Environment Protection Authority Victoria (EPA) guidelines.

- **This permit will expire if one of the following circumstances applies:**
 - a) **The development is not started within two (2) years of the date of this permit.**
 - b) **The development is not completed within four (4) years of the date of this permit.**

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

- a) **Within six (6) months afterwards for commencement, or**
- b) **Within twelve (12) months afterwards for completion.**

BACKGROUND

The proposal seeks to permit the construction of two double-storey dwellings on the site. Details of the development are as follows:-

- Two double-storey dwellings sited in a side-by-side configuration.
- Both dwellings have the same layout, albeit mirrored and contain three bedrooms and two onsite car parking spaces.
- The development will have the following minimum setbacks.
 - 9.9 metres from the front property boundary.
 - 1.4 metres from the northern (side) boundary.
 - 1.4 metres from the southern (side) boundary.
 - 9.9 metres from the western (rear) boundary.
- The development will have a site coverage of 35.8 percent.
- 44.2 percent of the site will be permeable.
- 44.2 percent Garden Area will be provided.
- Each dwelling will have separate single width vehicle access from McKiernan Road.
- The dwellings are all traditional in style with pitched Colorbond roofs and brick walls.
- Landscaping is proposed throughout the site including the planting of four new canopy trees.

ISSUES

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

- Stormwater and flooding
- Overlooking.
- Overshadowing

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

It is noted that the primary issue raised by objectors was in relation to localised flooding during heavy rain events. Council Engineers are aware of potential flooding in the area during heavy rain events (1% and 5% AEP events) as a result of the Drainage Strategy which was prepared in 2016.

As a result of the information available in the drainage strategy, additional detail will be required in the Stormwater Management Plan (required by recommended permit condition 2) with the plan needing to address localised flooding in addition to other standard requirements to enable Council's Engineers to be comfortable that the proposed development will not increase the chances of flooding within the area.

A complete copy of all objections received was provided to Councillors prior to the Consultation Meeting.

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 at the time, as a result of having more than 5 objections, a consultation meeting was held with Councillors on 29 November 2022.

The application was also referred to Council's Infrastructure departments who raised no objections to the application subject to a number of recommended permit conditions.

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 the relevant provisions of the Warrnambool Planning Scheme as discussed within the delegate report, it is considered that on balance the application warrants support and a recommendation for approval from Council Officers and a Notice of Decision should be issued.

ATTACHMENTS

1. Attachment 1 - Delegate Report - 15 Mc Kiernan Rd [7.6.1 - 30 pages]
2. Attachment 2 - Application Documents - 15 Mc Kiernan [7.6.2 - 46 pages]

7.7. COMMUNITY DEVELOPMENT FUND 2022/23

DIRECTORATE : Community Development

PURPOSE:

This report provides information on the Community Development Fund 2022/23 applications and recommended allocation of grants for approval.

EXECUTIVE SUMMARY

- Council received 50 grant applications for the Community Development Fund 2022/23 program (total program funds of \$140,000)
- Of the 50 applications, 2 applicants were ineligible for funding, 19 applications did not meet funding criteria, 26 are recommended to be fully funded and 3 are recommended to be partially funded.
- Of the funded applications, 3 are recommended to be funded with conditions attached to the funding.
- The report recommends \$110,036 be allocated to 29 eligible local clubs and organisations under the Community Development Fund 2022/23 program.

RECOMMENDATION

That Council:

- 1. Approves the allocation of \$110,036 to fund 29 community clubs and organisations under the Community Development Fund 2022/23 program.**
 - 2. Requests that all applicants be advised of the outcome of the assessment process and where applicable, Council guidelines associated with the grant.**
-

BACKGROUND

Council allocated \$100,000 to the Community Development Fund (CDF) 2022/23 with \$40,000 rolled over as uncommitted from the 2021/2022 round. The guidelines were not altered from 2021/2022. Under the guidelines eligible community groups and clubs could submit applications for grants of up to \$5,000 without a requirement to meet a funding ratio.

Funding was available for not-for-profit organisations based in Warrnambool to fund projects, equipment and activities which meet the grant program eligibility and criteria and contribute to participation, club capacity and sustainability and the livability of the City.

Based on the total funding pool available (\$140,000), the following allocations were aligned to each category, noting that the Event Category was managed as a separate grant round for 2022/23. If the total pool of the funding in each category was not expended, then any remaining to be redirected to other categories where applications exceeded the funding pool.

- Sport and Recreation \$60,000
- Culture and Arts \$50,000
- Environment & Sustainability \$30,000

Applicants had to demonstrate an alignment with one of the listed grant categories and criteria and were assessed based on weighted criteria within the category. Refer 2022/23 CDF guidelines **Attachment 1**.

Applicants were also required to submit an audited financial statement or current bank statement to assist in determining their capacity to complete the project and their need for assistance.

ISSUES

COMMUNITY DEVELOPMENT FUND 2022/23 PROGRAM

Applications process

The 2022/2023 grant program was delayed pending findings from the Victorian Auditor General's Office grant audit in August 2021 and release of the findings report in May 2022. The audit report recommended that Council implement a Grants Policy. Council endorsed the Grants Policy in December 2022. The 2022/23 program opened on 16 February 2023.

This year, the program was advertised extensively through:

- Council's website and social media platforms, including South West Victoria Sports Link (private group with 262 members)
- CONNECT Warrnambool Facebook posts (7.9K followers) and email to website subscribers which is now linked to 253 local groups.
- Direct email to previous applicants.

Applications were submitted and managed through the online platform Smartygrants.

Applications were evaluated by a panel of Council officers that represented the three grant categories. Sport and Recreation, Arts and Culture, Environment and Sustainability, and a fourth panel member with a finance and compliance background. All panel members assessed all applications.

Assessment summary

Applications under the 2022/23 funding round closed midnight Sunday 26 March 2023. A total of 50 applications were received, requesting a total of \$196,875.

All applications were assessed against the CDF weighted criteria.

Under the program guidelines, the assessment panel identified that two applicants were ineligible to apply for funding; nineteen applicants were eligible but the submitted projects did not meet funding criteria, and three applications partially met criteria.

Of the two ineligible applicants, one had not completed an acquittal for a previous funding round and the other was a State Government entity and was therefore ineligible under the guidelines.

Nineteen applications from eligible applicants did not meet the funding criteria for the following reasons:

- capital improvement/building maintenance works
- recurrent funding for a project that had already received CDF funding in the past,
- already recently received substantial financial support from Council
- programs, or activities managed or already funded by Council,
- conflict of interest
- already commenced
- weak or incomplete application

Three applications are recommended to be partially funded, as some aspects of the applications did not meet funding guidelines, or the funding application was over the funding limit.

Twenty-four applications were fully funded.

Fund Budget

Council allocated \$140,000 to the CDF fund in 2022/23.

Fifty applications requesting \$196,875 were submitted under the 2022/23 funding round.

All applications were assessed against the CDF criteria. Once assessed, applications were ranked according to project merit, equity, and the balance of funds available. Based on ranking and the ability to meet eligibility a total of \$110,036 is recommended to be funded.

Allocation summary:

- Sport and Recreation \$63,753
- Culture and Arts \$30,587
- Environment and Sustainability \$15,696

The following organisations and projects are recommended to be funded.

| Organisation | Project Title | Total Amount |
|--|--|--------------|
| Warrnambool Rangers Football Club | Junior Goals | \$5,000 |
| Warrnambool Rifle Club | Purchase of essential equipment | \$5,000 |
| Warrnambool Roller Derby | Purchase of essential equipment | \$1,540 |
| Rotary Club of Warrnambool Daybreak | Purchase of essential equipment | \$4,429 |
| One Day Studios | Recycled bottle tops art project | \$5,000 |
| Warrnambool & District Historical Society | Purchase of essential equipment | \$3,147 |
| Warrnambool Ukulele Group | Purchase of essential equipment | \$1,554 |
| Beach Patrol 3280-3284 | Community Beach Cleans | \$4,793 |
| Coast Care Land Care | Weed control | \$2035 |
| Old Collegians Football Netball Club | Purchase of essential equipment | \$5,000 |
| Warrnambool Organ Festival | Faure's Requiem | \$4,250 |
| F-Project | Youth Arts Space | \$3154 |
| Friends of Victoria Park | Removal of invasive weed species | \$2,420 |
| Warrnambool Toy Library | Purchase of essential equipment | \$5,000 |
| Warrnambool Volleyball Association | Purchase of essential equipment | \$4,075 |
| Warrnambool Kayak Club | Increased Awareness of club activities | \$2,947 |
| Warrnambool Model Railway Club | Purchase of essential equipment | \$2,810 |
| Warrnambool Theatre Company | Microphones for The Wizard of Oz | \$4,653 |
| Warrnambool Squash Club | Purchase of essential equipment | \$4,974 |
| Warrnambool Little Athletics Centre | Purchase of essential equipment | \$5,000 |
| Warrnambool Camera Club | Purchase of essential equipment | \$4,400 |
| Warrnambool Ultimate | Purchase of essential equipment | \$3,535 |
| Warrnambool St Ayles Skiff Community Rowing Club | Purchase of essential equipment | \$5,000 |
| Warrnambool City Croquet Club | Purchase of essential equipment | \$5,000 |
| Breakwater Barbell | Purchase of essential equipment | \$5,000 |
| Warrnambool Men's Shed | Purchase of essential equipment | \$5,000 |
| Dennington Bowls Club | Purchase of essential equipment | \$1,740 |
| Warrnambool Wolves Soccer Club | Purchase of essential equipment | \$2,132 |

| | | |
|-------------------------|---------------------------------|---------|
| Friends of Swan Reserve | Purchase of essential equipment | \$1,448 |
|-------------------------|---------------------------------|---------|

FINANCIAL IMPACT

All allocations have been made within existing budgets and there are no other financial impacts to Council. The uncommitted amount of \$29,964 will be allocated to the 2023/24 Community Development Fund.

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.

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

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

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

2 A Sustainable environment

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

TIMING

Upon endorsement by Council of the recommendations, all applicants will be notified by email of the outcome of their application on 2 May 2023.

OFFICERS' DECLARATION OF INTEREST

Kyme Rowe, Recreation Service Manager has declared a conflict of interest with South West Hockey.

Alison Kemp, Manager Recreation and Culture has declared a conflict of interest with Warrnambool St Ayles Skiff Community Rowing Club.

While the Interest will not directly benefit either person, neither panel member was involved in the decision relating to these submissions.

CONCLUSION

Subject to Council endorsement of this report's recommendations, all applicants will be notified of the outcome of their application

ATTACHMENTS

1. Community Development Fund Guidelines V 3 [7.7.1 - 10 pages]

7.8. 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.

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:-

- Tuesday 11 April 2023 – refer **Attachment 1**
- Monday 17 April 2023 – refer **Attachment 2**
- Monday 24 April 2023 – refer **Attachment 3**

ATTACHMENTS

1. Assembly of Councillors Record 11 April 2023 [7.8.1 - 1 page]
2. Assembly of Councillors Record 17 April 2023 [7.8.2 - 1 page]
3. Assembly of Councillors Record 24 April 2023 [7.8.3 - 2 pages]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 11, 17 and 24 April 2023, be received.

7.9. ADVISORY COMMITTEE REPORTS

DIRECTORATE : City Growth

PURPOSE:

This report contains the record of one Advisory Committee meeting.

EXECUTIVE SUMMARY

1. Economic Development & Tourism Advisory Committee – 17 March 2023 – refer **Attachment 1**.

RECOMMENDATION

That the Minutes of the Economic Development and Tourism Advisory Committee meeting held on 17 March 2023, be received.

ATTACHMENTS

1. Economic Development & Tourism Advisory Committee Minutes - 17 March 2023 [7.9.1 - 6 pages]

7.10. 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

| Date | Location | Function |
|-------------------|-----------------|--|
| 18 April 2023 | Warrnambool | Mayor – Australian Citizenship ceremony with 10 residents becoming Australian citizens. |
| 20, 21 April 2023 | Hamilton | Mayor and Chief Executive Officer - South West Victoria Alliance Summit and Board Meeting. |
| 25 April 2023 | Dennington | Deputy Mayor – Dennington Anzac Day Service. |
| | Warrnambool | Mayor & Chief Executive Officer – Warrnambool Anzac Day Service |
| 27 April 2023 | Melbourne | Mayor & Chief Executive Officer – Regional Cities Victoria 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. 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.

12. SECTION 66 (IN-CAMERA)

12.1. MINUTES IN-CAMERA MEETING OF COUNCIL 5 DECEMBER 2022

12.2. AUDIT & RISK COMMITTEE MINUTES

12.3. CHIEF EXECUTIVE EMPLOYMENT MATTERS ADVISORY COMMITTEE MINUTES

13. RESOLUTION TO RE-OPEN MEETING

RECOMMENDATION

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

14. CLOSE OF MEETING