

# AGENDA

**ORDINARY MEETING**

**WARRNAMBOOL CITY COUNCIL**

**5:45 PM - MONDAY 4 FEBRUARY 2019**



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**VENUE:**

**Reception Room**

**25 Liebig Street**

**Warrnambool**

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**COUNCILLORS**

Cr. Tony Herbert (Mayor)

Cr. Robert Anderson

Cr. Sue Cassidy

Cr. Kylie Gaston

Cr. Peter Hulin

Cr. Michael Neoh

Cr. David Owen

Copies of the Warrnambool City Council's Agendas & Minutes  
can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

**Vikki King**

**INTERIM CHIEF EXECUTIVE**

## **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.

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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 and present.

## **2. APOLOGIES**

## **3. CONFIRMATION OF MINUTES**

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### **RECOMMENDATION**

**That the Minutes of the Ordinary Meeting of Council held on 3 December 2018, Minutes of Special Meetings held on 17 and 21 December 2018 be confirmed.**

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

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

- (a) direct financial interest
- (b) indirect interest by close association
- (c) indirect interest that is an indirect financial interest
- (d) indirect interest because of conflicting duties
- (e) indirect interest because of receipt of an applicable gift
- (f) indirect interest as a consequence of becoming an interested party
- (g) indirect interest as a result of impact on residential amenity
- (h) conflicting personal interest

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. REPORTS**

### **5.1. MAYORAL & COUNCILLOR ALLOWANCES - ANNUAL ADJUSTMENT**

#### **PURPOSE:**

***To allow Council to formally note the Minister for Local Government's adjustment of Mayoral and Councillor allowances.***

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#### **EXECUTIVE SUMMARY**

- The *Local Government Act 1989* (the Act) sets out the requirements for the fixing and review of allowance categories, limits and ranges of Mayoral and Councillor allowances, together with the general provisions relating to the review of allowances.
- Section 74 of the *Local Government Act 1989* (the Act) requires councils following a general election or by 30 June (whichever is later) to review and determine the level of Mayoral and Councillor allowances within the range set by the State Government.
- In accordance with Section 74 of the Act, Council at its meeting on 5 June 2017 set allowances at the top of the band for a category 2 council (the applicable category for Warrnambool City Council).
- Allowances are subject to annual automatic adjustments. In accordance with section 73B of the Act, the Minister for Local Government must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances.
- In October 2018, the Minister determined allowances would be increased by an adjustment factor of 2.0%, effective from 1 December 2018. Council has no discretion in applying this increase. Section 73B(5) of the Act requires councils to adjust allowances in accordance with the Minister's notice published in the Government Gazette.
- The recommendation in this report asks Council to note the Minister's annual review of Mayoral and Councillor allowances and the date when adjusted allowances apply.

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#### **RECOMMENDATION**

**That Council note the Minister for Local Government has reviewed the limits and ranges of Mayoral and Councillor allowances and applied a 2.0% adjustment factor, effective from 1 December 2018.**

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#### **BACKGROUND**

The *Local Government Act 1989* (the Act) sets out the requirements for the fixing and review of allowance categories, limits and ranges of Mayoral and Councillor allowances, together with the general provisions relating to the review and determination of allowances.

Section 74 of the Act stipulates that councils within 6 months of a general election or by 30 June, whichever is later must review and determine the level of Mayoral and Councillor allowances.

Council at its meeting held 1 June 2017 resolved to retain the Mayoral and Councillor allowances at the top of the band for a category 2 council\*, which (at the time) was set at \$76,521pa and \$24,730pa respectively, plus an amount equivalent to the superannuation guarantee contribution (currently 9.5%).

*\*Councils are divided into three categories based on the income and population of each council.*

Mayoral and Councillor allowances are subject to annual automatic adjustments. In accordance with section 73B(4) of the Local Government Act 1989, the Minister for Local Government is required to review allowance limits and ranges at least once every year.

In the first year following the general election (2017), the Minister approved an adjustment factor increase of 2.0% to the Mayoral and Councillor allowance rates, effective 1 December 2017. This was reported to Council on 2 April 2018. The motion that Council acknowledge the (2017) Ministerial review and adjustment to allowances was lost.

## ISSUES

In accordance with section 73B of the Act, the Minister for Local Government must, at least once every year, review the limits and ranges of Mayoral and Councillors allowances. If the review, conducted by the Minister under this section results in a finding that the allowances should be adjusted, an adjustment factor will be specified by the Minister by notice published in the Government Gazette

On 29 October 2018, the Minister for Local Government having regard to movements in executive remuneration within the meaning of the *Public Administration Act 2004* gave notice through the Gazette that Councillor and Mayoral allowances will be increased by an adjustment factor of 2.0% from 1 December 2018 - **refer attached**.

Council has no discretion in applying the increase. Section 73B(5) of the Act requires councils to increase the level of Mayoral and Councillor allowances in accordance with the adjustment factor specified in the Minister's notice. This report is to advise of the Minister's review and determination. A council resolution is also not required to apply the new allowance amounts nor can councils subsequently decide to only apply part of the increased adjusted amount or set new amounts altogether.

## FINANCIAL IMPACT

Provision has been made in Council's 2018/19 Budget.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report contributes to the ongoing achievement of the Council Plan 2017-2021 objective and strategies of:

### **5 Practice good governance through openness and accountability**

5.5 Reporting to the Community.

5.6 Provision of opportunities for the community to actively participate in Councils decision-making through effective promotion, communication and engagement.

Sections 73A, 73B, 74, 74A and 74B of the Local Government Act 1989 set out the provisions with respect to the Mayoral and Councillor allowances.

## TIMING

Ministerial adjustment to Mayoral and Councillor allowance rates is effective from 1 December 2018.

## **COMMUNITY IMPACT / CONSULTATION**

As this is a procedural report to note the Minister of Local Government's decision no specific engagement has been undertaken.

## **LEGAL RISK / IMPACT**

Council must pay an allowance specified under section 73A of the Act as advised by the Minister for Local Government.

## **OFFICERS' DECLARATION OF INTEREST**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

## **CONCLUSION**

The 2.0% adjustment set by the Minister for Local Government to Mayoral and Councillor Allowances, is to be noted by Council.

## **ATTACHMENTS**

1. Gazette 29 October 2018 **[5.1.1]**



# Victoria Government Gazette

No. S 514 Monday 29 October 2018  
By Authority of Victorian Government Printer

## Local Government Act 1989

### MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT

Pursuant to section 73B(4)(a) of the **Local Government Act 1989**, notice is hereby given that an adjustment factor of 2.0% applies to Mayoral and Councillor allowances.

Pursuant to section 73B(4)(b) of the **Local Government Act 1989**, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$8,660–\$20,636 per annum	Mayors: up to \$61,651 per annum
Category 2	Councillors: \$10,700–\$25,730 per annum	Mayors: up to \$79,612 per annum
Category 3	Councillors: \$12,866–\$30,827 per annum	Mayors: up to \$98,465 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 1 December 2018.

Dated 22 October 2018

MARLENE KAIROUZ MP  
Minister for Local Government

## City of Greater Geelong Act 1993

### GREATER GEELONG CITY COUNCIL – MAYORAL AND DEPUTY MAYORAL ALLOWANCES – ALTERATION

Pursuant to section 13(3) of the **City of Greater Geelong Act 1993**, notice is hereby given that the following new allowance amounts for the Mayor and Deputy Mayor of the Greater Geelong City Council are:

Mayor:	\$98,465 per annum
Deputy Mayor:	\$30,827 per annum

The new allowance amounts take effect on 1 December 2018.

Dated 22 October 2018

MARLENE KAIROUZ MP  
Minister for Local Government

## City of Melbourne Act 2001

### MELBOURNE CITY COUNCIL – LORD MAYORAL, DEPUTY LORD MAYORAL AND COUNCILLOR ALLOWANCES – ALTERATION

Pursuant to section 26A(3) of the **City of Melbourne Act 2001**, notice is hereby given that the following new allowance amounts for the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council are:

Lord Mayor:	\$196,931 per annum
Deputy Lord Mayor:	\$98,465 per annum
Councillors:	\$46,240 per annum

The new allowance amounts take effect on 1 December 2018.

Dated 22 October 2018

MARLENE KAIROUZ MP  
Minister for Local Government

**SPECIAL**



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## **5.2. COUNCILLOR REQUEST FOR LEAVE OF ABSENCE**

### **PURPOSE:**

***Request for Councillor Leave of Absence.***

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### **EXECUTIVE SUMMARY**

The following request for leave of absence from Councillor Peter Hulin has been received to be effective for the following Council meeting dates:-

- Ordinary Council Meeting – 4 March 2019
- Ordinary Council Meeting – 3 June 2019
- Special Council Meeting – 24 June 2019
- Ordinary Council meeting – 1 July 2019

Section 69 (2) of Local Government Act 1989 provides that the Council must not unreasonably refuse to grant leave to a Councillor who seeks it.

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### **RECOMMENDATION**

**That in accordance with the provision of Section 69(2) of the Local Government Act 1989, Council resolves to grant Councillor Peter Hulin leave of absence from the following Council meetings:-**

- **Ordinary Council Meeting – 4 March 2019**
  - **Ordinary Council Meeting – 3 June 2019**
  - **Special Council Meeting – 24 June 2019**
  - **Ordinary Council Meeting – 1 July 2019**
-

### **5.3. DECEMBER FINANCE REPORT**

#### **PURPOSE:**

***This report updates Council on the financial performance for the 6 months ended 31 December 2018.***

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#### **EXECUTIVE SUMMARY**

- This Finance Report compares actual financial results budget for the 6 months from 1 July 2018 to 31 December 2018.
  - The report sets out financial results for Councils recurrent (day to day operations) Projects, Capital Works, Rates and Loan activities.
  - Year to date budgets are profiled to reflect the timing of cash inflows and outflows. Overall the 6 month actual results indicate a favourable financial position of \$580,000 when compared to the YTD Budget.
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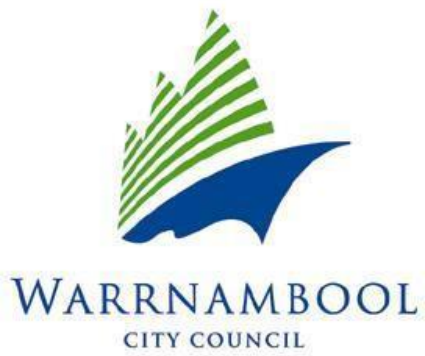
#### **RECOMMENDATION**

**That the Financial Report for the 6 months ended 31 December 2018, report be received.**

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#### **ATTACHMENTS**

1. Finance Report - December ( Council) **[5.3.1]**



# Monthly Financial Report

## December 2018

# Monthly Financial Report

December 2018

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# Monthly Financial Report

December 2018

## I. Executive Summary

The monthly report is designed to illustrate the financial performance and position of Warrnambool City Council compared to its adopted and revised seasonalised budget for the period ending 31 December 2018.

The 6 months actual results indicate a favourable financial position to budget of \$580k.

Key Financial Results	Adopted Budget	Revised Budget	YTD Budget	YTD Committed	YTD Variance	
	\$'000	\$'000	\$'000	\$'000	\$'000	
Rates	37,999	37,999	37,999	38,199	200	▲
Recurrent Income	39,674	37,968	18,722	19,167	445	▲
Recurrent Expenditure	(64,617)	(64,776)	(34,562)	(34,768)	(206)	▼
<b>Net Recurrent Surplus/(Deficit)</b>	<b>(24,943)</b>	<b>(26,808)</b>	<b>(15,840)</b>	<b>(15,601)</b>	<b>239</b>	▲
Project Income	847	2,176	1,309	1,301	(9)	▼
Project Expenditure	(1,127)	(4,592)	(1,351)	(1,318)	33	▲
<b>Net Project Surplus/(Deficit)</b>	<b>(280)</b>	<b>(2,416)</b>	<b>(42)</b>	<b>(18)</b>	<b>24</b>	▲
Capital Income	4,428	8,938	2,323	2,454	131	▲
Capital Expenditure	(19,085)	(23,778)	(15,910)	(15,917)	(8)	▼
<b>Net Capital Surplus/(Deficit)</b>	<b>(14,656)</b>	<b>(14,840)</b>	<b>(13,587)</b>	<b>(13,464)</b>	<b>123</b>	▲
Loan Drawdowns	3,600	5,950	0	0	0	■
Loan Repayments	(1,711)	(1,711)	(799)	(805)	(6)	▼
<b>Net Financing Position</b>	<b>1,889</b>	<b>4,239</b>	<b>(799)</b>	<b>(805)</b>	<b>(6)</b>	▼
Surplus / (Deficit) Brought Forward	0	1,881	1,881	1,881	0	■
<b>Total</b>	<b>8</b>	<b>54</b>	<b>9,613</b>	<b>10,193</b>	<b>580</b>	▲

December 2018

## 2. Statement of Comprehensive Income

	Adopted Budget	Revised Budget	YTD Budget	YTD Committed	Variance		
	\$'000	\$'000	\$'000	\$'000	\$'000	%	
<b>Revenue</b>							
Rates and Charges	38,089	38,089	38,037	38,235	198	0.5%	▲
Statutory Fees and Fines	1,677	1,677	746	781	35	4.8%	▲
User Fees	14,757	15,321	7,510	7,425	(85)	(1.1%)	▼
Recurrent Grants	13,729	12,312	6,151	6,384	234	3.8%	▲
Non-Recurrent Grants	3,963	6,170	2,561	2,728	167	6.5%	▲
Contributions - Cash	655	3,400	459	617	158	34.5%	▲
Contributions - Non Cash	4,000	4,000	0	0	0	0.0%	▼
Other Income	292	302	256	317	61	23.8%	▲
Interest Income	253	253	126	116	(11)	(8.6%)	▼
<b>Revenue Total</b>	<b>77,414</b>	<b>81,524</b>	<b>55,846</b>	<b>56,603</b>	<b>758</b>	<b>1.4%</b>	<b>▲</b>
<b>Expenses</b>							
Employee Benefits	33,129	33,342	16,192	16,083	109	0.7%	▲
Materials and Services	22,200	25,771	14,696	14,992	(295)	(2.0%)	▼
Bad and Doubtful Debts	112	112	6	4	2	36.7%	▲
Finance Costs	387	387	194	154	40	20.7%	▲
Other Expenses	846	838	442	405	37	8.4%	▲
Depreciation	12,000	12,000	0	7	(7)	0.0%	▼
Net loss / (gain) on asset disposal	1,208	1,108	(60)	(24)	(36)	(19.8%)	▼
<b>Expenses Total</b>	<b>69,882</b>	<b>73,558</b>	<b>31,470</b>	<b>31,620</b>	<b>(149)</b>	<b>(0.5%)</b>	<b>▼</b>
<b>Net Surplus / (Deficit)</b>	<b>7,532</b>	<b>7,966</b>	<b>24,375</b>	<b>24,984</b>	<b>609</b>	<b>2.5%</b>	<b>▲</b>
<b>Other Comprehensive Income</b>							
Net asset revaluation	10,000	10,000	0	0	0	0.0%	▬
<b>Total Comprehensive Income</b>	<b>17,532</b>	<b>17,966</b>	<b>24,375</b>	<b>24,984</b>	<b>609</b>	<b>2.5%</b>	<b>▲</b>
<b>Net Underlying Surplus / (Deficit)</b>	<b>3,532</b>	<b>3,966</b>	<b>24,375</b>	<b>24,984</b>	<b>609</b>	<b>2.5%</b>	<b>▲</b>

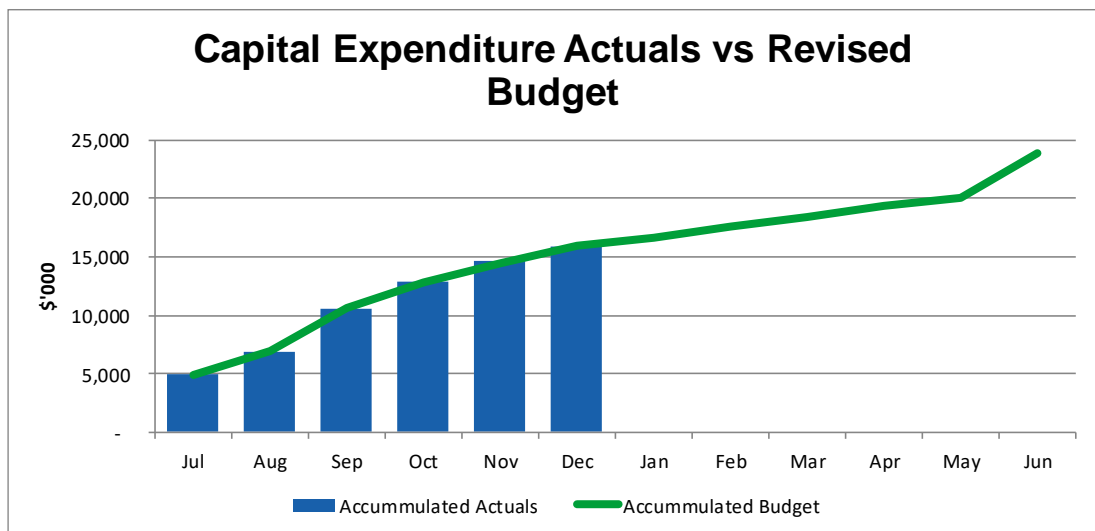
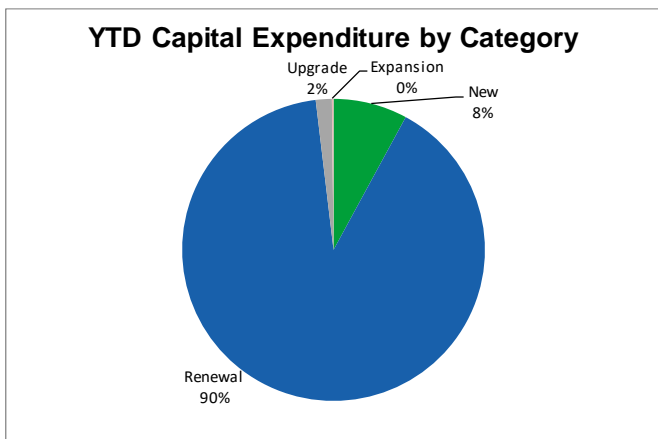
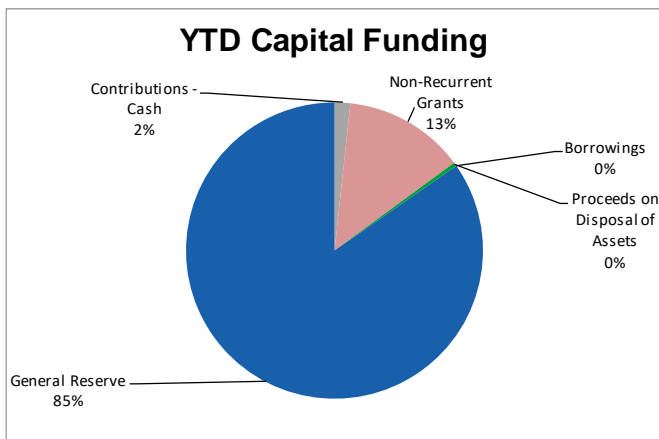
December 2018

### 3. Balance Sheet

	2018/19 Opening Balance \$'000	Movement \$'000	YTD Closing Balance \$'000
<b>Current Assets</b>			
Cash & Cash Equivalents	3,569	(411)	3,159
Investments	8,000	1,000	9,000
Trade and Other Receivables	2,865	18,669	21,534
Other Assets	1,436	(214)	1,222
<b>Current Assets Total</b>	<b>15,871</b>	<b>19,044</b>	<b>34,915</b>
<b>Non-Current Assets</b>			
Trade and Other Receivables	24	0	24
Investments in associates	569	0	569
Property Plant & Equipments	654,334	6,258	660,592
<b>Non-Current Assets Total</b>	<b>654,927</b>	<b>6,258</b>	<b>661,185</b>
<b>Total Assets</b>	<b>670,798</b>	<b>25,302</b>	<b>696,100</b>
<b>Current Liabilities</b>			
Trade and Other Payables	3,801	(329)	3,472
Trust Funds and Deposits	761	108	870
Provisions	6,604	0	6,604
Interest-bearing Loans and Borrowings	1,542	(805)	737
<b>Current Liabilities Total</b>	<b>12,709</b>	<b>(1,026)</b>	<b>11,683</b>
<b>Non-Current Liabilities</b>			
Provisions	1,221	0	1,221
Interest-bearing Loans and Borrowings	4,537	0	4,537
<b>Non-Current Liabilities Total</b>	<b>5,758</b>	<b>0</b>	<b>5,758</b>
<b>Total Liabilities</b>	<b>18,466</b>	<b>(1,026)</b>	<b>17,441</b>
<b>Net Assets</b>	<b>652,331</b>	<b>26,328</b>	<b>678,659</b>
<b>Equity</b>			
Accumulated Surplus	219,111	26,143	245,254
Reserves	433,403	0	433,403
<b>Total Equity</b>	<b>652,515</b>	<b>26,143</b>	<b>678,657</b>

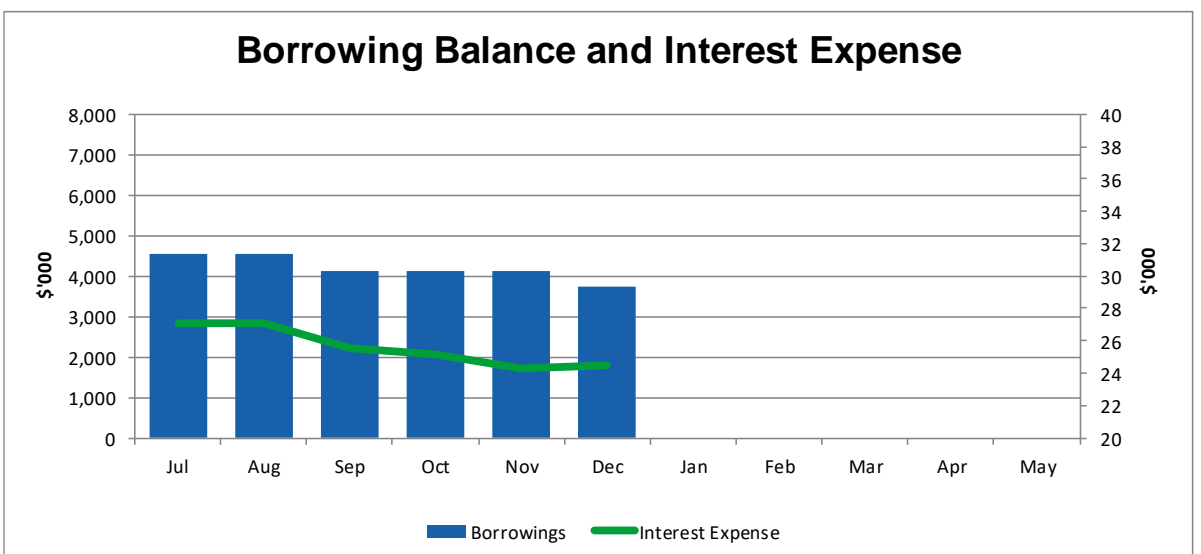
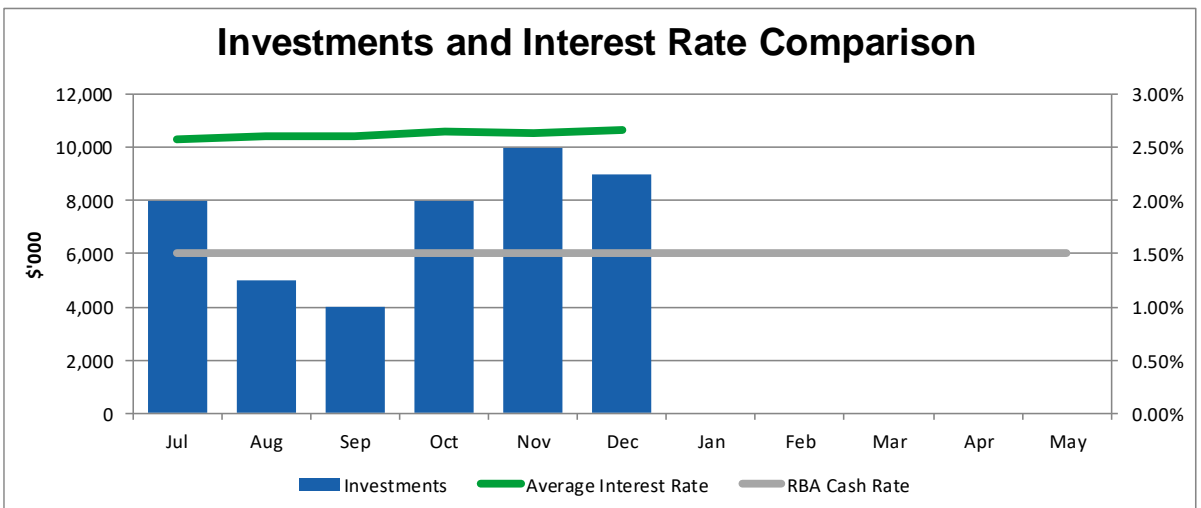
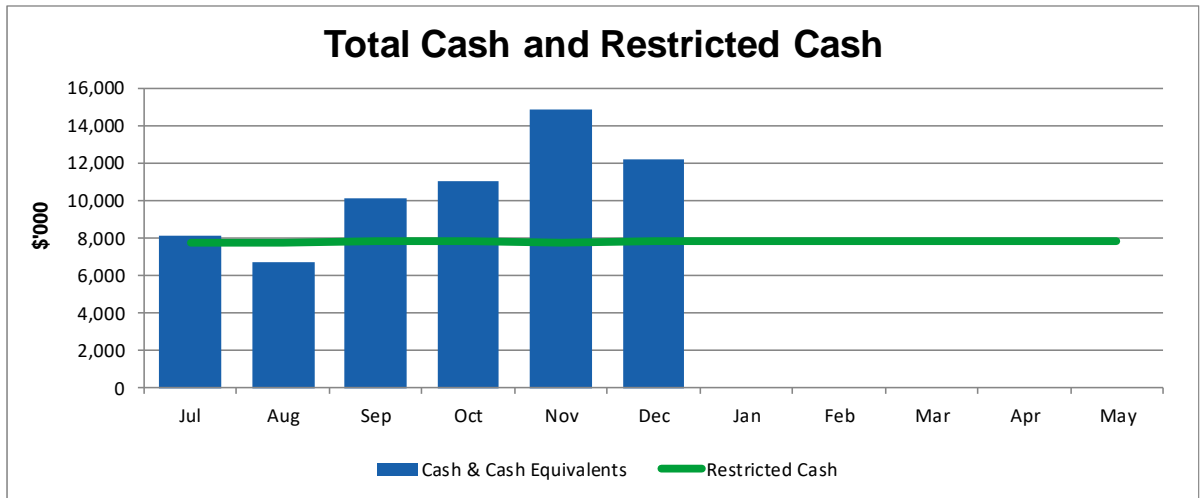
### 4. Capital Expenditure and Funding

	Adopted Budget	Revised Budget	YTD Budget	YTD Committed	Variance	
	\$'000	\$'000	\$'000	\$'000	\$'000	
<b>Expenditure</b>						
New	1,548	2,648	1,410	1,260	151	▲
Renewal	16,991	20,400	14,172	14,357	(185)	▼
Upgrade	495	662	297	272	24	▲
Expansion	51	68	31	28	3	▲
<b>Capital Expenditure</b>	<b>19,085</b>	<b>23,778</b>	<b>15,910</b>	<b>15,917</b>	<b>(8)</b>	▼
<b>Funding</b>						
Contributions - Cash	0	2,585	137	272	135	▲
Non-Recurrent Grants	3,963	5,518	1,981	2,101	119	▲
Proceeds on Disposal of Assets	465	565	97	65	(31)	▼
Borrowings	2,700	1,500	0	0	0	▬
General Reserve	11,956	13,611	13,695	13,479	216	▲
<b>Capital Funding</b>	<b>19,085</b>	<b>23,778</b>	<b>15,910</b>	<b>15,917</b>	<b>(8)</b>	▼

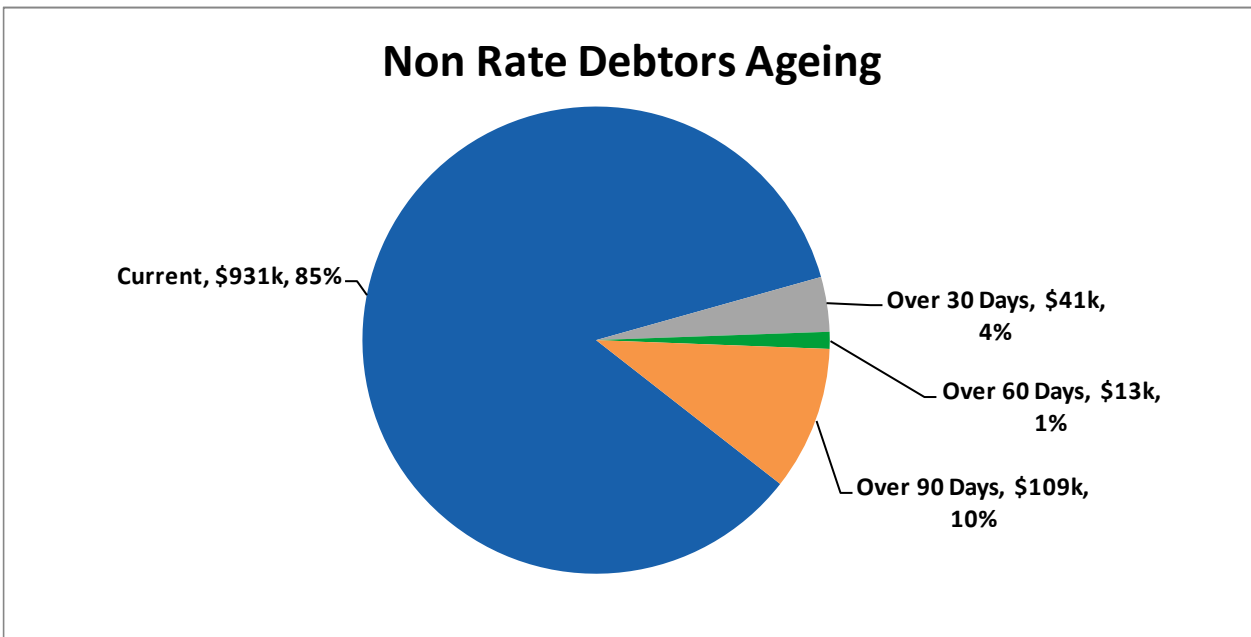
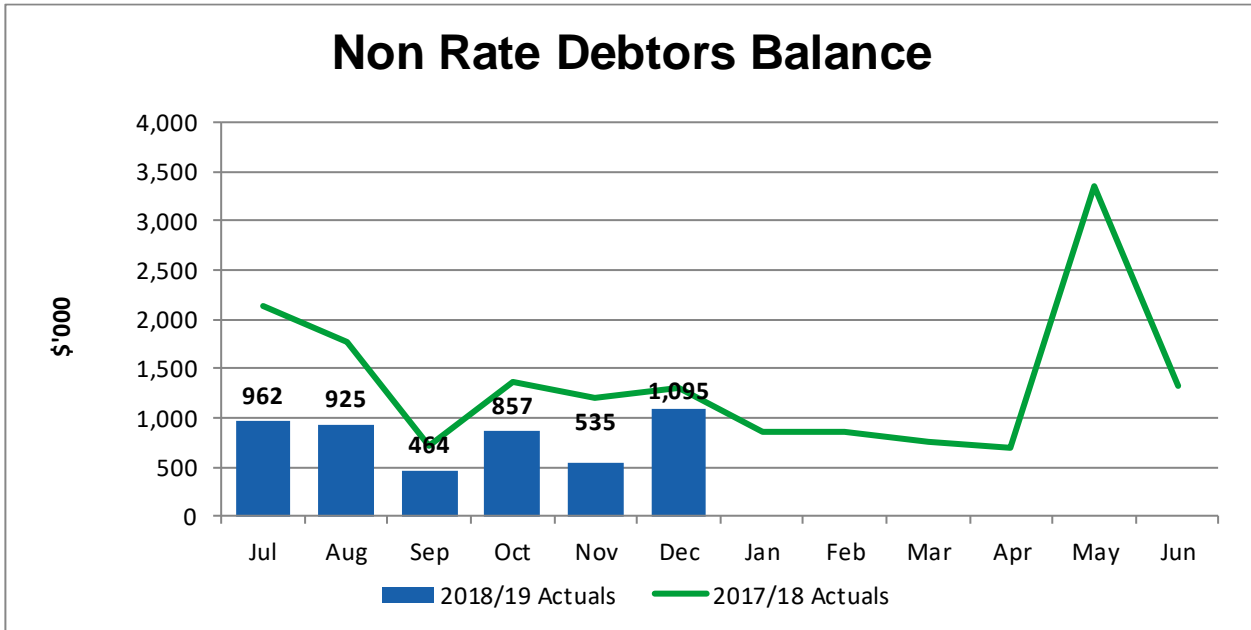




### 5. Treasury Report



## 6. Debtors Report



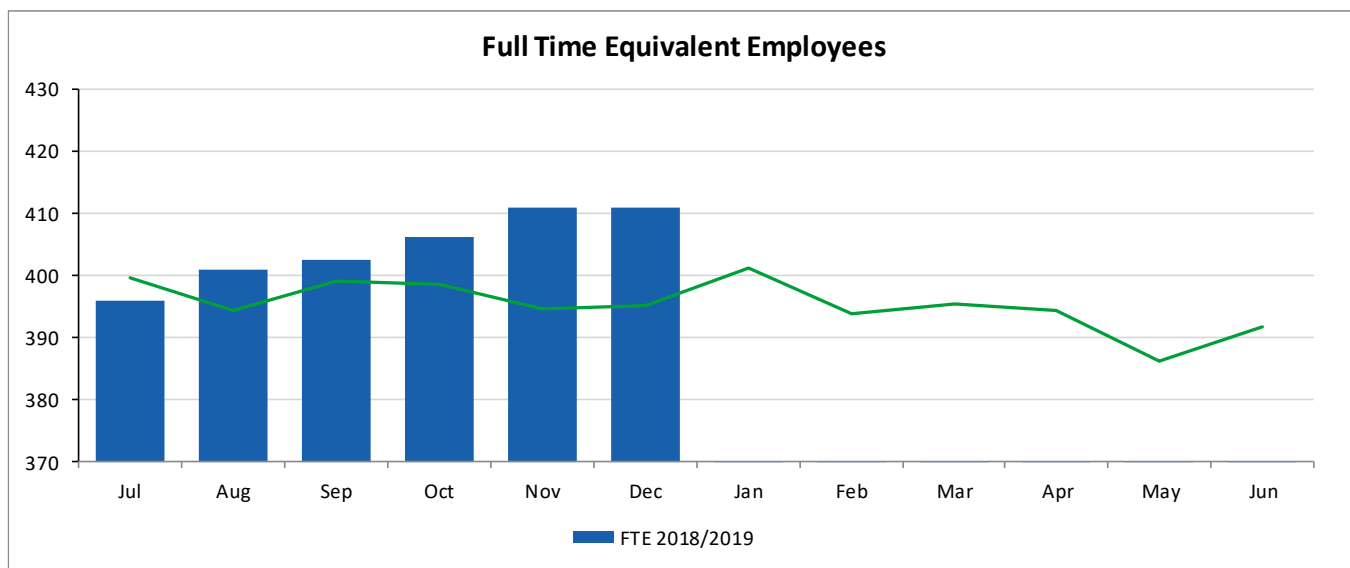
December 2018

## 7. Budget Variations and Impacts

### **Budget Variations:**

Item	Ledger No.	Variation Status	Budget Variation \$	Cumulative Total \$
Adopted Budget Surplus				8,041
Rollovers - Net			(1,835,199)	(1,827,158)
Cash Surplus Bought Forward			1,881,199	54,041
September Quarter Variations		Council		54,041
Youth Projects - Multicultural Leadership Grant	537500-3180		10,000	64,041
Youth Projects - Multicultural Leadership Expense	537500-3180		(10,000)	54,041
Parks - Street Tree Developer Contributions	620400-2103		9,660	63,701
Parks - Street Tree Developer Expense	620400-2103		(9,660)	54,041
Allansford Strategic Framework Plan - Grant	542000-2173		27,273	81,314
Allansford Strategic Framework Plan - Expenditure	542000-2173		(27,273)	54,041
City Wide Housing Strategy - Grant	542000-2137		52,250	106,291
City Wide Housing Strategy - Expenditure	542000-2137		(52,250)	54,041
Parks - Street Tree Developer Contributions	620400-2103		11,040	65,081
Parks - Street Tree Developer Expense	620400-2103		(11,040)	54,041
On & Off Street Parking Income	234000-1658		100,000	154,041
Carpark Fund (increase for Koroit St Expenditure)	623200-2198		(100,000)	54,041
RSL War Memorial - Additional State Funding	500000-1290		20,000	74,041
RSL War Memorial - Expenditure	500000-1290		(20,000)	54,041
Moyne Warrnambool Road Share Group Funding	523500-3035		4,275	58,316
Moyne Warrnambool Road Share Group Expenditure	523500-3035		(4,275)	54,041
China Host Participation Income	540000-2186		9,000	63,041
China Host Expenditure	540000-2186		(9,000)	54,041
Neighbourhood House Coordination Grant Funding	532250-3181		78,039	132,080
Neighbourhood House Coordination Expenditure	532250-3181		(78,039)	54,041
Regional Roads Program Grant Funding	622600-2029		695,000	749,041
Road Rehabilitations (Boiling Down Rd/Wollaston Rd)	622600-2029		(695,000)	54,041
Blackspot Road Grant Funding	622600-2032		29,000	83,041
McMeekin, Giffen & Koroit St Intersection	622600-2032		(29,000)	54,041
Warrnambool Art Gallery Contribution	634000-2086		10,500	64,541
Warrnambool Art Gallery Acquisition	634000-2086		(10,500)	54,041
'Warrnambool - A City for Living' Economic Dev Grant	540000-3182		27,000	81,041
'Warrnambool - A City for Living' Economic Dev Expenditure	540000-3182		(27,000)	54,041
WAG Foundation/Deakin University Funding	325750-3173		32,000	86,041
Paul Jennings Exhibition Contributions	325750-3173		2,000	88,041
Paul Jennings Exhibition Expenditure	325750-3173		(34,000)	54,041
Home Care Growth Funding	302000-1833		52,495	106,536
Home Care Growth Expenditure	302000-1366		(52,495)	54,041
<b>Revised Budget Surplus</b>				<b>54,041</b>

### 8. FTE Report



### YTD Headcount by Directorate

Directorate	Active Headcount by Employee Type				Grand Total 12 mths Ago
	Full Time	Part Time	Casual	Grand Total	
Community Development	58	170	100	328	328
City Infrastructure	92	50	15	157	150
City Growth	41	33	20	94	83
Corporate Strategies	30	29	2	61	60
Executive	4	1	1	6	5
<b>TOTAL</b>	<b>225</b>	<b>283</b>	<b>138</b>	<b>646</b>	<b>626</b>

## **5.4. HORSES AT LEVY'S BEACH - COUNCIL CONSENT**

### **PURPOSE:**

***This report recommends that Council provide a letter of consent to the Warrnambool Racing Club to accompany an application/s to the Department of Environment Land Water and Planning for Coastal and Marine Act approvals.***

---

### **EXECUTIVE SUMMARY**

- A letter has been received from the Warrnambool Racing Club seeking a letter from Council that provides consent for the Racing Club to apply for Coastal and Marine Act approvals.
- Council is the Committee of Management for Levy's Beach.
- The Warrnambool Racing Club (Racing Club) is seeking approval to resume commercial racehorse training at Levy's point.
- Various approvals are required to be obtained by the Racing Club which are issued by State Government agencies under various legislative requirements to enable the Racing Club to commence training at Levy's Beach.
- If State Government approval is provided, the consent will be until November 30<sup>th</sup> 2019 in accordance with the Planning Scheme Amendment undertaken by the Minister for Planning.
- Before the Racing Club can submit applications to the State Government, Council as the Committee of Management must provide consent.

---

### **RECOMMENDATION**

**That Council, as Committee of Management for Levy's Beach, provides a letter of consent to the Warrnambool Racing Club to accompany its applications to State Government for the required permit applications to undertake commercial racehorse training at Levy's Beach.**

---

### **BACKGROUND**

Correspondence was received on January 16<sup>th</sup> 2019 from the Warrnambool Racing Club seeking consent from Council as the Committee of Management, prior to the Racing Club making application to the respective State Government agency/s to conduct racehorse training at Levy's Point. – **Refer Attachment 1.**

### **ISSUES**

Consent is required to be given by Council as Committee of Management for Levy's Point before the Racing Club is able to apply for approval to conduct racehorse training at Levy's Point.

If State Government approval is provided, approval will be until November 30<sup>th</sup> 2019 in accordance with the Planning Scheme Amendment undertaken by the Minister for Planning.

### **FINANCIAL IMPACT**

The cost of providing Council consent, if given or otherwise, is covered within the budget of the City Infrastructure Directorate.

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

### **4 Develop a modern economy with diverse and sustainable employment**

4.1 Grow the City's population through local economic growth

4.2 Encourage more sustainable local business.

### **5 Practice good governance through openness and accountability**

5.7 Develop policies, strategic plans and processes to address local and regional issues, guide service provision and ensure operational effectiveness.

## **TIMING**

Council must provide consent before the Racing Club can apply for approval.

## **COMMUNITY IMPACT/CONSULTATION**

Consultation was undertaken by the State Government through the Belfast Coastal Reserve Management Plan 2018.

## **LEGAL RISK/IMPACT**

The risks associated with the horses on beaches are environmental, reputational and financial.

A review of the risk management plan and permit regulations will be undertaken prior to any commencement of training at Levy's Beach. This will identify any necessary actions to reduce risks associated with horses training in this area.

## **OFFICERS' DECLARATION OF INTEREST**

There were no conflicts of interest disclosed.

## **CONCLUSION**

The key consideration for this report is whether Council will provide consent for the Racing Club to apply for the various State Government approvals.

## **ATTACHMENTS**

1. Access to Levys Beach **[5.4.1]**

---

**From:** Nick Rule <nickrule@hammonds.com.au>  
**Sent:** Wednesday, 16 January 2019 2:49 PM  
**To:** Tony Herbert <THerbert@warrnambool.vic.gov.au>  
**Cc:** Peter Downs <p.downs@countryracing.com.au>; Scott Whiteman <S.Whiteman@countryracing.com.au>; Scott Cavanagh <scavanagh@warrnambool.vic.gov.au>  
**Subject:** Access to Levy's Beach

Hi Tony,

As per our discussion earlier today.

I am writing to initiate a request that the Warrnambool City Council provide the below in relation to horses accessing Levy's Beach.

- A letter, addressed to the Warrnambool Racing Club with written endorsement from Warrnambool City Council, as land manager of a portion of the land that is required for beach access for the purpose of training horses as detailed in the Belfast Coastal Reserve Management Plan, specifically that includes justification that the consent is consistent with all coastal and marine management plans and policies that apply to the land where the application is for.
- Provide the ability for Warrnambool City Council Executive staff to issue Warrnambool Racing Club a licence to access Levy's Beach as per the permitted use detailed in the Belfast Coastal Reserve Management Plan.

These two actions are a critical requirement for the WRC to submit to DWELP to fulfil our postal consent requirements.

If you require any further information, please do not hesitate to contact me.

Kind regards,

Nick

Nicholas Rule  
Managing Director  
Hammonds Paints P/L  
Ph: 5564 4655 Mob: 0407 504 794



## **5.5. PRINCES HIGHWAY WEST ACTION ALLIANCE - UPDATE REPORT**

### **PURPOSE:**

***To update Council on the actions and progress achieved by the Princes Highway West Action Alliance.***

---

### **EXECUTIVE SUMMARY**

- In September 2018 Warrnambool City Council joined with Colac Otway Shire Council, Corangamite Shire Council and Moyne Shire Council to form the Princes Highway West Action Alliance.
- The Princes Highway West Action Alliance was formed with the purpose to lobby both the State and Federal Governments for \$300M of urgently needed road infrastructure works on the Princes Highway between Colac and the South Australian Border
- The Alliance has actively been requesting that the State and Federal Governments prepare a plan which identifies road safety and improvement opportunities for this 297 km stretch of Princes Highway.
- The Action Alliance is also actively seeking the inclusion of the Princes Highway West on the National Land Transport Network.
- The Alliance is running an active social media campaign and is also undertaking an independent review which will deliver an accurate assessment of the current state of the road and confirm key priorities for urgent improvements.
- The alliance has prepared six 1-2 minute videos with prominent business people who support the need for these upgrades and during November 2018 over 11,200 minutes were viewed on social media. This period coincided with the State election campaign.
- During November 2018 the alliance facebook page had over 22,000 engaged users and reached almost 280,000 users. In the week prior to the state election the page had almost 3,000 engaged users per day.

---

### **RECOMMENDATION**

**That Council note the key activities of the Princes Highway Action alliance and the Social Media Metrics.**

---

### **BACKGROUND**

In September 2018 the Warrnambool City Council joined with Colac Otway Shire Council, Corangamite Shire Council and Moyne Shire Council to form the Princes Highway West Action Alliance.

The purpose of the alliance is to push for urgently needed works across the 297km of the Princes Highway between Colac and the South Australian border.

### **ISSUES**

The Great South Coast region of Victoria produces a third of Victoria's beef, a third of its dairy, a third of its lamb and on quarter of its wool. The Princess Highway West has seen a major increase in traffic patterns and usage over recent years and it has been 19 years since the last VicRoads strategy for the highway was produced.



Since 2012 this stretch of the highway has seen 9 fatalities and 109 people suffer serious injuries and many more who have been injured as a result of accidents.

The poor state of the road is creating real and tangible impacts for our communities which must be addressed.

The Alliance has identified a range of key project priorities which it estimates will require \$300M in funding over the next 4 years and is currently completing an independent report which it anticipates will confirm the need for investment on key sections of the road linkage.

The Alliance is also advocating to the Federal Government for the inclusion of the Princes Highway West on the National Land Transport Network. This classification will ensure that the Princess Highway West is recognised as a nationally important road link which connects nationally significant places for freight and identifies the road as a corridor which supports our economic prosperity.

With the upcoming federal election Council needs to ensure that the perilous condition of the highway remains a priority issue.

## **FINANCIAL IMPACT**

The Princes Highway West Action Alliance has been funded with contributions from the Great South Coast, and from each of the municipalities that partner in the Alliance.

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

### **3 Maintain and improve the physical fabric of the City**

3.3 Build Infrastructure that best meets current and future community needs.

3.6 Advocate for better regional connections.

### **4 Develop a modern economy with diverse and sustainable employment**

4.4 Advocate for and improve infrastructure including transport, services and digital infrastructure.

### **5 Practice good governance through openness and accountability**

5.3 Council Plan

## **TIMING**

The Princes Highway West Action Alliance is working to again highlight the serious and perilous nature of the highway prior to the upcoming federal election.

## **COMMUNITY IMPACT/CONSULTATION**

The Alliance will continue to develop and prepare its social media campaign in readiness for the upcoming federal election and will soon release its independent assessment on the priority projects for the Princes highway west.

## **LEGAL RISK/IMPACT**

There are no legal or risk implications associated with this report.

## **OFFICERS' DECLARATION OF INTEREST**

No officer involved in the Princes Highway West Action Alliance has declared any conflict of interest.

## **CONCLUSION**

The Princes Highway West Action Alliance has and continues to advocate on behalf of South West Councils for improvements to the highway.

## **ATTACHMENTS**

Nil

## **5.6. LOCAL LAW ADOPTION POST COMMUNITY CONSULTATION**

### **PURPOSE:**

***To present Local Law 2 Community Amenity to Council for Adoption after seeking community feedback.***

---

### **EXECUTIVE SUMMARY**

- Local Laws are subservient to State and Federal Legislation and cannot contradict or override relevant legislation.
- Most of Council's current Local Laws sunset (expire) in April 2019. The Governance Local Law does not sunset until 2026 and has been excluded from this review.
- Council must Gazette the new Local Laws 2019 before the existing Local Laws sunset in April. The Draft Local Laws 2019 are attached- **Refer Attachment 1.**
- Before Council can adopt and Gazette new Local Laws, it must first consult the community and consider feedback.
- The draft Local Laws were released for public comment from the 12<sup>th</sup> of October 2018 until the 8<sup>th</sup> of November 2018. 5 submissions were received. Minor amendments were made to the Local Laws and were re-advertised from December 13<sup>th</sup> 2018 until January 25<sup>th</sup> 2019. One further submissions was received. Copies of the Gazette notice and sample adverts are attached - **Refer Attachment 2.**
- A community impact statement was also exhibited simultaneously - **Refer Attachment 3.**
- The submissions included a submission on wheeled toy use, horses on beaches, increased areas for dog walking off leash, unsightly and dangerous land, storage of machinery, power of authorised officer to impound and one general comment. – **Refer Attachment 4.** An assessment of the submissions is included in the "Consultation/Communication" section of this report.
- In reviewing the Local Laws, the essence of the new Local Laws remain unchanged however new Local Laws have been added where gaps existed, the document has been streamlined for practicality and better interpretation, and some Local Laws which were redundant or unenforceable have been deleted.
- Additionally, some Local Laws have been removed and will be dealt with under State Legislation, i.e. Road Safety Road Rules Act, Livestock Act, etc. This does not diminish Council's ability to enforce matters under this legislation as Council is authorised to issue infringements under relevant legislation.
- Removal of schedules and maps, the contents of which will now be provided on Council's website for flexibility when changes occur. This will negate amending the Local Laws whenever Council wishes to make changes to matters like prohibited alcohol areas, off leash dog areas etc. Webpages for adoption are attached – **Refer Attachment 5.**
- New local laws have been added to allow itinerant trading to be permitted via a permit process, for dilapidated buildings or buildings which are visually repugnant to be addressed under local laws, and separating and clarifying the Local Laws on wheeled toys and motorised vehicles.
- Local Laws 2 through to 7 have been condensed into a single Local Law now titled Local Law No 2 Community Amenity Local Law.
- A separate report will be submitted to Council requesting adoption of prohibited activity areas relevant to specific Local Laws in relation to dog off leash areas, and restrictions to alcohol consumption. Adoption of these matters separately allows the flexibility for Council to revise these aspects without going through the lengthy process of amending the local laws.

---

## RECOMMENDATION

That Council, having:

- a) completed the statutory process under Part 5 of the Local Government Act 1989 for the making of the proposed Local Law No 2 – Community Amenity Local Law;
- b) undertaken, and been satisfied with, the evaluation of the proposed Local Law No 2 – Community Amenity Local Law, as set out in the Community Impact Statement attached to this Report as Attachment B; and
- c) considered all submissions received in respect of the proposed Local Law No 2 – Community Amenity Local Law,

resolves to:

1. make Local Law No 2 – Community Amenity Local Law in the form of the proposed Local Law attached to this Report as Attachment A;
2. revoke the previous Local Laws No. 2 through to No. 7; and
3. authorise the Chief Executive Officer to:
  - a) give public notice, and notice in the Victorian Government Gazette, of the making of Local Law No 2 – Community Amenity Local Law; and
  - b) send a copy of Local Law No 2 – Community Amenity Local Law, as made, to the Minister for Local Government.

---

## BACKGROUND

Local Laws are subservient to State and Federal Legislation and cannot contradict or override relevant legislation.

Most of Council's current Local Laws sunset (expire) in April 2019. The Governance Local Law does not sunset until 2026 and has been excluded from this review.

Council must Gazette the new Local Laws 2019 before the existing Local Laws sunset in April. The new Local Laws 2019 are attached.

As the Local Laws have been in place for almost 10 years they have lost some relevance and gaps have appeared as community standards have changed over time which has required modifications or new local laws to be included. The key changes are highlighted in the "issues" section of this report.

## ISSUES

The major changes include:

- Consolidating Local Laws 2 through 7 into a single – Local Law titled Local Law No. 2 Community Amenity Local Law.
- Removal of Saleyards and Airport Local Laws. Saleyards Local Law to be replaced by procedures if required. Airport Local Law was unenforceable as it is located outside the Municipality, and the contents are covered by CASA legislation.
- Removal of Local Laws which are in conflict with or covered by State Legislation such as Road Safety Road Rules, Livestock Act, Domestic Animals Act etc.
- Removal of schedules and maps, the contents of which will now be provided on Council's website for flexibility when changes occur. This will negate amending the Local Laws whenever

Council wishes to make changes to matters like prohibited alcohol areas, off leash dog areas etc.

- Re- formatting the Local Laws to ensure all information in relation to each Local Law is found in one place rather than having to refer to different sections which was confusing and led to misinterpretation.
- New local laws have been added to allow itinerant trading to be permitted via a permit process, for dilapidated buildings or buildings which are visually repugnant to be addressed under local laws, and separating and clarifying the Local Laws on wheeled toys and motorised vehicles.
- Distinguishes camping on private and public land and provides guidance and clarity.

## FINANCIAL IMPACT

The Local Law review process and subsequent Gazettal of Local Laws 2019 is covered in the budget of City Infrastructure.

## LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

The detailed and timely review of Council's Local Laws ensures that Council is meeting its statutory obligations under Part 5 of the Local Government Act 1989.

The Local Law No.2 – Community Amenity has also been considered by Council's legal representatives to check and verify the legality of the proposed Local Law.

This report and the review of Council's Local Laws contributes to the ongoing achievement of the Council Plan 2017-2021 objective and strategies of:

Objective 5: Practice good governance through openness and accountability

Strategies: 5.6 Provision of opportunities for the community to actively participate in Council's decision-making through effective promotion, communication and engagement

5.7 Develop policies, strategic plans and processes to address local and regional issues, guide service

## TIMING

Council must Gazette the new Local Laws 2019 before the existing Local Laws sunset in April 2019.

## COMMUNITY IMPACT/CONSULTATION

The draft Local Laws 2019 were placed on public exhibition, from the 12<sup>th</sup> of October 2018 until the 8<sup>th</sup> of November 2018.

Due to the nature of the submissions and the resultant changes to the Local Laws from the first consultation, it was decided to re-advertise the draft local laws inviting further submissions. The Local Laws were re-advertised in from 13<sup>th</sup> December 2018 until 25<sup>th</sup> January 2019. Advertisements included the Government Gazette, Warrnambool Standard, Council website and copies at City Assist. No further submissions were received. **Refer Attachment 2.**

Six submissions overall were received **Refer Attachment 3:**

- Wheeled toy use;
- Horses on beaches;
- Increased areas for dog walking off leash; and

- Unsightly and dangerous land,
- Storage of machinery,
- Power of authorised officer to impound,
- One general comment.
- And one duplicate comment

Additional ongoing community consultation and media campaigns will be undertaken to highlight any new Local Laws and applicable penalties to ensure that every effort is made to inform the community of the new Local Laws and any penalties which apply.

### **Assessment of Submissions**

#### **Submission 1 – General comment.**

Noted.

#### **Submission 2 and 3 (duplicated) – Horses on beach.**

*All animals fit in with other animals. People on the beach disturb the birds more than horses. My grandfather trained horse on the beach over 100 years ago. they were one of Warrnambool's first settlers. Racing has been kind to Warrnambool's economy you are killing history and what is part of Warrnambool's identity for minority unproven so-called illegal planning. Kill off a special part of Warrnambool. Quite sad resll (SIC)*

The Local Laws states:

*A person must not, without a permit, allow any horse in that person's charge to enter the foreshore reserve areas, including beaches, other than on the places and at the times determined by the Council from time to time.*

*Penalty: 5 penalty units*

Submission comments noted. The submission is not suggesting a change to the Local Laws, moreover expressing the submitters opinion on the subject and drawing the matter to the attention of Council.

The Local Law is intended to provide flexibility for Council to permit or prohibit horses on beaches without amending the Local Law.

#### **Submission 4 – Use of wheeled toys**

Clause 59(1) should provide that wheeled recreational devices may be used unless Council designates a certain place otherwise. A prohibition should not apply to an entire municipality, unless there is good reason. If council wants to ban rollerblades, roller skates, skateboards and scooters (which are wheeled recreational devices under the Road Safety Road Rules) then areas should be designated with signage. Residents and visitors (including tourists) should not be assumed to just "know" that these devices are banned in the municipality.

Clause 59(2) of the proposed Laws effectively bans rollerblades, roller skates, skateboards and scooters on total fire ban days. Surely this is not the intention of the draft Laws. Leave it up to the CFA/state government to sort out the risks and issues with use of devices on total fire ban days, such as currently apply to tools and machinery that create sparks (eg. welding).

The Local Laws state:

## Use of Wheeled Toys:

*A person must not use a wheeled toy on any municipal place in the area bounded by Raglan Parade, Fairy Street, Timor Street and Banyan Street.*

*The Council may, by resolution, declare a municipal place or part of a municipal place to be an area in which wheeled toys are prohibited.*

*Signage will be erected on any municipal place or part of a municipal place which has been declared by the Council to be an area where wheeled toys are prohibited.*

*A person must not use a wheeled toy on any municipal place or part of a municipal place which has been declared by the Council to be an area in which wheeled toys are prohibited.*

Penalty: 1.25 penalty units

## Conduct When Using A Wheeled Toy

Any person who uses a wheeled toy or causes or authorises another person to use a wheeled toy in or on a municipal place must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the use of that municipal place by any other person.

Penalty: 1.25 penalty units

The Local Law is not in conflict with this submission. Wheeled Toys are only prohibited in the area of the CBD specified. This may change by Council resolution which would be consulted should Council determine a change is required.

The suggestion does however have relevance to Section 59 of the proposed Local Law which is intended to control motor bike activity in municipal places but has inadvertently prohibited all wheeled toys. The Local Laws have been amended to be specifically address motor bike activity.

The Local Law which prevents wheeled toys from being used on total fire ban days has been deleted.

## **Submission 5 – Dog Walking at Thunder Point and behind the Woollen Mill**

The submission requests the area from Thunder Point car park to the footbridge over the mouth of the Merri River from behind the Woollen Mill on the gravel pathway to the Mozart Hall be used as permitted on leash dog walking areas.

The Local Laws have been made to provide flexibility for Council to alter prohibited places for dogs and cats and areas for dogs permitted off leash by passing a Council resolution. This enables Council to change these areas without amending the Local Laws.

Should Council wish to pursue this submission, a review of Dog on lead and off lead areas should be undertaken outside of the Local Law review process in consultation with the community.

## **Submission 6 – Use of wheeled devices, unsightly and dangerous land and storage of machinery**

The submission is critical that Council used the Christmas period for community consultation, however the consultation period commenced on October 12 2018 until 8 November 2018 and was re-advertised from 13 December 2018 to 25 January 2019. This notification period is considerably longer than the required period of notice.

Wheeled devices are defined on page 10 and 11 on the definitions. The intent of prohibiting wheeled recreational devices in the CBD is to protect the community in high traffic and pedestrian flow areas. It is not recommended Council increases access for wheeled recreation devices and does not alter the Local Law to this effect.

### **Unsightly and Dangerous land**

The intent of this local law is to preserve the amenity of the area by which an owner or occupier of the land allows the land to be kept to become unsightly or dangerous. The submission specifically refers to the presence of unregistered motor vehicles. The presence of unregistered vehicles would not automatically be considered in breach of this local law unless unsightly or dangerous Council should retain this local law as it is relevant as rusty and unsafe vehicles can be unsightly or dangerous and attract vermin.

### **Storage of Machinery or Second-hand goods**

The intent of the local law is to require persons to obtain a permit to ensure that any machinery or second-hand goods are stored in the open or for the dismantling of such machinery or goods.

Returning to the intent of Local Laws to protect "Community Amenity", a permit would only be required if the scale of the activity poses a detriment to community amenity.

Council should retain this local law where there are instances where storage of machinery or second hand goods proposes a detriment.

### **Power of authorised officer to impound**

The submission states that Local Law 13 exceeds the authority that local Councils should have to impound items.

Council must retain the right to impound items which are unsafe, not lawful or pose a risk to the safety and amenity of the Municipality.

Council frequently works in conjunction with the Police and does not impound items without sound legal grounds and takes the matter of equity and transparency fully into consideration before any items are impounded.

Instances include abandoned vehicles, fire damaged items or items of personal property which have or are being used for illegal purposes.

It is entirely appropriate for local Councils to have this power and is a critical element in protecting the amenity of the municipality.

It is not recommended that Council amends the local laws in view of this submission.

### **LEGAL RISK/IMPACT**

Local Laws can be contentious. Associated risks are mainly reputational but can be financial if Council were involved in legal proceedings.

Every effort is made to ensure decisions in relation to the issue of infringements are backed up by law, and are rigorously considered prior to the issue of an infringement and through any subsequent infringement review process. Council also seeks legal advice where necessary to minimise risk.

Specialist legal advice has been obtained in the process and preparation of the new Local Laws.



## **OFFICERS' DECLARATION OF INTEREST**

There were no conflicts of interest disclosed.

## **CONCLUSION**

That Local Law number 2 Community Amenity be adopted.

## **ATTACHMENT**

1. Draft Amenity Community Local Law **[5.6.1]**
2. Standard Noticeboard Advertisement **[5.6.2]**
3. Victorian Government Gazette Notice **[5.6.3]**
4. Community Local Law Community Impact Statement **[5.6.4]**
5. Submissions 1-6 **[5.6.5]**
6. Maps **[5.6.6]**

Warrnambool City Council  
25 Liebig Street  
Warrnambool 3280  
Telephone (03) 5559 4800  
Facsimile (03) 5559 4900  
P.O. Box 198, Warrnambool 3280

# Warrnambool City Council



## Local Law Number 2.

# Community Amenity Local Law

Adopted by Council ###

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## **PART 1 - ADMINISTRATION OF LOCAL LAW**

### **DIVISION 1 PRELIMINARY**

#### **1. TITLE**

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This Local Law is the Warrnambool City Council Local Law No. 2 – Community Local Law and referred to below as this Local Law.

#### **2. OBJECTIVES OF THIS LOCAL LAW**

---

The objectives of this Local Law are to:

- (1) provide for and ensure equitable, orderly and enjoyable use of community facilities and infrastructure by persons within the municipal district;
- (2) protect Council property and other community assets from loss and damage;
- (3) provide for the administration of this Local Law and of Council's powers and functions;
- (4) promote a physical and social environment free from hazards to health, safety and welfare of persons within the municipal district;
- (5) prevent, suppress and regulate activities which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
- (6) provide for the peace, order and good government of the municipal district.

#### **3. POWER TO MAKE THIS LOCAL LAW**

---

The Council's power to make this Local Law is contained in section 111 of the *Local Government Act 1989*.

#### **4. DATE THIS LOCAL LAW COMMENCES OPERATION**

---

This Local commences operation on [##insert date].

#### **5. DATE THIS LOCAL LAW CEASES OPERATION**

---

Unless this Local Law is revoked sooner, its operation will cease on the day prior to the 10<sup>th</sup> anniversary of the date specified under clause 4.

#### **6. REPEAL OF OTHER LOCAL LAWS AND BY LAWS**

---

From the date of commencement of this Local Law, the following Local Laws will cease to operate and are revoked:

- (1) Local Law No.2 – Administration of Local Laws Local Law;
- (2) Local Law No. 3 – Environment Local Law;
- (3) Local Law No. 4 – Municipal Places Local Law;



- (4) Local Law No. 5 – Streets & Roads Local Law;
- (5) Local Law No. 6 – Warrnambool Regional Airport Local Law; and
- (6) Local Law No. 7 – Livestock Exchange Local Law.

## **7. SCOPE OF THIS LOCAL LAW**

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This Local Law applies to the whole of the municipal district save where the provisions thereof specifically provide to the contrary.

## **8. WORDS USED IN THE WARRNAMBOOL CITY COUNCIL LOCAL LAWS**

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- (1) In this Local Law:
  - (a) “the Act” means the Local Government Act 1989.
  - (b) “advertising sign” means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of a service, event or situation.
  - (c) “applicant” means a person who applies for a permit under this Local Law.
  - (d) “appropriate fee” means the appropriate fee determined by the Council in accordance with clause 18.
  - (e) “authorised officer” means a person appointed as an authorised officer under section 224 of the Act.
  - (f) “bulk rubbish container” means a bin, container or other receptacle designed or used for holding a substantial quantity of rubbish which is unlikely to be lifted without mechanical assistance and excludes containers used in connection with the Council's regular domestic rubbish collections.
  - (g) “busking” means a street performance by an itinerant musician or actor, whether for donations or otherwise.
  - (h) “camping area” means land which is declared by the Council to be a camping area for the purposes of this Local Law.
  - (i) “Chief Executive Officer” (“CEO”) means the person appointed by the Council to be its Chief Executive Officer and any person acting in that position.
  - (j) “Council” means the Warrnambool City Council.
  - (k) “detached dwelling” means a building used, or intended, adapted or designed to be used, for residential purposes which is not attached to any other dwelling or building.
  - (l) “farming area” means the area within a "Farming Zone" as defined in the Planning Scheme.
  - (m) “fire ban day” means a day or part of a day that has been declared a day or partial day of total fire ban by the Country Fire Authority under the *Country Fire Authority Act 1958*.

- (n) “FOGO” means Food Organics and Garden Organics, being organic material which is able to be composted and reused for farming or gardening purposes.
- (o) “footpath” means any path or walkway that is provided for the use of pedestrians only or that is habitually used by pedestrians and not vehicles and includes a segregated or shared footway.
- (p) “houseboat” means a vessel containing enclosed or semi-enclosed sleeping accommodation.
- (q) “incinerator” means a structure, device or contraption (not enclosed in a building) which:
  - (i) is used or intended, adapted or designed to be, or capable of being, used for the purpose of burning any matter, material or substance;
  - (ii) is not licensed or otherwise subject to control under the provisions of any Act; and
  - (iii) is not a barbeque.
- (r) “jetty” means a wharf, pier, jetty or landing place which is the property of, or located within an area under the control of, the Council.
- (s) “leased mooring” means areas of public jetty that can be the subject of a lease or licence pursuant to the *Crown Lands (Reserves) Act 1978*.
- (t) “licensed premises” means a premises for which a licence or permit has been granted under the *Liquor Control Reform Act 1998*.
- (u) “livestock” has the same meaning as in the *Impounding of Livestock Act 1994*.
- (v) “liquor” means a beverage or other prescribed substance intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.
- (w) “minor building work” means building work valued at \$10,000 or less but excludes the construction of any masonry structure and the demolition and removal of buildings and structures (regardless of value).
- (x) “mobile garbage bin” means a bin supplied by the Council for the purposes of providing waste collection services and includes a bin provided for the disposal of household waste, recyclables and FOGO.
- (y) “mooring” means to hold a vessel by means of anchoring, tying up to or fixing to something that prevents drifting.
- (z) “motorised recreational vehicle” means a motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a road) and includes, but is not limited to, the following motor vehicles:
  - (i) a motor vehicle with two (2) wheels, with or without a sidecar attached that is supported by a third wheel;
  - (ii) a motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels; and

- (iii) any other motorised recreational vehicle including, but not limited to, mini-bikes, trail bikes, monkey bikes, motorised scooters, motorised go-carts and quad bikes, but excludes:
  - (iv) a motorised wheelchair, or other aid used by a person with a disability or limited mobility;
  - (v) a motorised farm vehicle that is being used for farming purposes; and
  - (vi) a motorised bicycle with a maximum capacity of 22-watt aggregate power.
- (aa) “municipal building surveyor” means the Municipal Building Surveyor appointed by the Council from time to time.
- (bb) “municipal district” means the municipal district of the Council.
- (cc) “Municipal Engineer” means the person appointed to, or acting in, the position of Director of City Infrastructure or equivalent position.
- (dd) “municipal fund” means the Council’s general revenue.
- (ee) “Municipal Environmental Health Officer” means the person appointed to, or acting in, the position of Municipal Environmental Health Officer or equivalent position.
- (ff) “municipal place” means any land (and improvements) vested in or under the control of the Council other than roads.
- (gg) “Notice to Comply” means a Notice to Comply issued under clause 11.
- (hh) “nature strip” means a section of the road under Council control located between the property boundary and the thoroughfare, but not including the footpath or kerb and channel.
- (ii) “outdoor eating facility” means any tables and/or chairs located outside on a municipal place or a road at which food and/or drink is served by a business and may be consumed by customers of that business.
- (jj) “penalty unit” has the same meaning as in section 110 of the *Sentencing Act 1991*.
- (kk) “permanent mooring” means an area allocated by the Council for the purposes of mooring for a period up to 12 months at a time.
- (ll) “permit” means a permit issued by the Council under this Local Law.
- (mm) “permit holder” is a person to whom a permit has been issued under this Local Law.
- (nn) “person” includes the owner or occupier or the person in charge of any property and includes a corporation.
- (oo) “planning permit” means a permit required by the Planning Scheme.
- (pp) “Planning Scheme” means the Warrnambool Planning Scheme as may be in force from time to time.

- (qq) “processions” means an organised group of people proceeding along a road or gathering for a ceremony or function on a road or on a municipal place and includes fun runs and bicycle events.
- (rr) “prohibited waste” means:
- (i) slops, hot ashes, liquid waste or offensive material;
  - (ii) broken glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless;
  - (iii) oil, paint, solvents or similar substances and any other substance which may damage the bin or reduce its strength or effectiveness;
  - (iv) trade wastes of any kind;
  - (v) chemicals, solid or liquid, used in the household, in water treatment, in photography, in the garden or in the garage;
  - (vi) medical infectious and prescribed waste;
  - (vii) building rubble and excavation material; and
  - (viii) other waste as specified by the Council from time to time.
- (ss) “property” means any land, building, premises, dwelling or flat separately rated within the municipal district and excludes personal property.
- (tt) “recyclables” means any material that is able to be recycled and is collected by the Council through the regular kerbside collection service.
- (uu) “residential area” means the area within a “Residential Zone” as defined in the Planning Scheme.
- (vv) “road” has the same meaning as in the Act.
- (ww) “street festival” means an organised recreational, cultural, commercial or social gathering of people which is held on a road.
- (xx) “street party” means an organised social gathering that is held on a road by people who live on that road and/or on one or more adjacent or nearby roads.
- (yy) “traffic” means the movement of people, by foot or in or on vehicles, along, across or within a road.
- (zz) “traffic control item” means a traffic control item within the meaning of the *Road Safety Road Rules 2017*.
- (aaa) “vehicle” means a conveyance that is designed to move, to be moved, or to be towed on land. It includes an animal that is either driven or ridden and a trailer but does not include:
- (i) a train;
  - (ii) a wheeled toy; or

- (iii) in respect of an injured or disabled person, a wheelchair or a motorised wheelchair that is capable of a speed of no more than 7 kilometres per hour.
- (bbb) “vessel” means any kind of vessel that is used, or capable of being used, in navigation by water however propelled or moved, and includes:
  - (i) a barge, lighter, floating restaurant, houseboat, hire boat, punt, yacht, boat or other floating vessel; and
  - (ii) an air-cushioned vehicle, or other similar craft that may be used in navigation by water.
- (ccc) “waste” means any material which cannot be reused or recycled.
- (ddd) “watercourse” means a body of water within the municipal district under the control and management of the Council.
- (eee) “wheeled recreational device” has the same meaning as in the *Road Safety Road Rules 2017*.

## **9. GENERAL INTERPRETATION**

---

In this Local Law, unless the context otherwise requires:

- (1) words denoting the singular number shall include the plural and vice versa;
- (2) words denoting any gender shall include all genders;
- (3) where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall have corresponding meanings;
- (4) words denoting natural persons shall include corporations and vice versa;
- (5) headings are for convenience only and do not affect interpretation;
- (6) references to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislative provision substituted for, and all regulations and statutory instruments issued under, such legislative provision; and
- (7) references to dollars and “\$” shall be taken as referring to amounts in Australian Currency.

## **DIVISION 2 ADMINISTRATION OF THIS LOCAL LAW**

### **10. EXERCISE OF DISCRETIONS**

---

- (1) In exercising any discretion given by this Local Law the Council will have regard to:
  - (a) the objectives of this Local Law; and
  - (b) any guidelines prepared by the Council.
- (2) For the avoidance of doubt:
  - (a) the Council may prepare guidelines for use by the Council, authorised officers and other persons for the purposes of administering this Local Law; and

- (b) any guidelines prepared by the Council must not be inconsistent with the objectives of this Local Law or with the standards contained in it.

## **11. NOTICES TO COMPLY**

---

- (1) The Council or an authorised officer may, by serving a Notice to Comply, direct any owner and/or occupier and/or other relevant person to remedy any thing which constitutes a breach of this Local Law.
- (2) A Notice to Comply issued under this Local Law must state the:
  - (a) thing which contravenes this Local Law;
  - (b) clause of this Local Law which the thing contravenes; and
  - (c) date and time by which the contravention the subject of the Notice to Comply must be remedied.
- (3) The time by which a contravention must be remedied must be reasonable and, in determining what is reasonable, the Council or the authorised officer, as the case may be, will have regard to:
  - (a) the amount of work involved;
  - (b) the degree of difficulty;
  - (c) the availability of materials or other items necessary for compliance;
  - (d) climatic conditions;
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant matter.
- (4) Any person who fails to comply with a Notice to Comply is guilty of an offence.

Penalty: 5 penalty units

## **12. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES**

---

- (1) If:
  - (a) a person contravenes this Local Law; and
  - (b) the contravention is such as to give rise to a risk to the health or safety of any person, animal, property or the environment; and
  - (c) the time involved or difficulties associated with serving a Notice to Comply will exacerbate that risk,

an authorised officer may take such action as is required to abate or minimise the risk without issuing a Notice to Comply, provided that:

- (d) the Chief Executive Officer, Municipal Engineer, Municipal Building Surveyor or Municipal Environmental Health Officer, not being the authorised officer seeking to use this provision, approves of the proposed action;
  - (e) details of the urgent circumstances and action taken are as soon as possible forwarded to the person on whose behalf the action was taken; and
  - (f) the Council is advised as soon as practicable, and by such means as the authorised officer sees fit, of the action taken.
- (2) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of, or to minimise, the risk or danger involved.
- (3) In determining whether urgent action is required, an authorised officer will have regard to:
- (a) the seriousness of the risk to health and safety;
  - (b) the ease with which the person who contravenes the Local Law can be found;
  - (c) the cost of remedying the contravention; and
  - (d) any other matter that the authorised officer considers relevant.

### **13. POWER OF AUTHORISED OFFICER TO IMPOUND**

---

- (1) An authorised officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
- (2) Where any thing has been impounded under this Local Law, the Council or an authorised officer must, as soon as possible after the impounding, serve notice of the impounding on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and the time by which the item must be retrieved.
- (3) An impounded thing must be released to:
- (a) its owner; or
  - (b) a person acting on behalf of its owner who provides evidence to an authorised officer of his or her authority from the owner –  
on
  - (c) evidence being provided to an authorised officer of the owner's right to the thing; and
  - (d) payment of any fee determined by the Council or an authorised officer from time to time.
- (4) If after the time specified in a notice of impounding an impounded item is not retrieved, an authorised officer may dispose of the impounded item.
- (5) When the identity or whereabouts of the owner or person responsible for an impounded item is unknown, the authorised officer:
- (a) must take reasonable steps to ascertain the identity or whereabouts of that person; and

- (b) may proceed to dispose of the impounded item in accordance with sub-clause (4) only after:
  - (i) reasonable steps have been taken to identify and to contact the owner or person responsible for the impounded item; and
  - (ii) not less than 14 days has passed since the item was impounded.
- (6) Any proceeds from the disposal of impounded items will be paid to the owner except for the reasonable costs incurred by the Council in connection with its impounding and disposal.
- (7) In the event that the owner cannot be identified or located within 1 year of an impounded item being disposed of, any proceeds as described in sub-clause (6) may be paid into the municipal fund.
- (8) The Council may dispose of impounded items in the following manner:
  - (a) where the Chief Executive Officer or Municipal Engineer determines that the item has no saleable value, it may be disposed of in the most economical way, as determined by the Chief Executive Officer or Municipal Engineer; or
  - (b) where the Chief Executive Officer or Municipal Engineer determines that the item has some saleable value, the item may be disposed of by tender, public auction or private sale, as directed by the Chief Executive Officer or Municipal Engineer.

### **DIVISION 3 PERMITS**

#### **14. PERMIT APPLICATIONS**

---

- (1) A person may apply to the Council for a permit under this Local Law.
- (2) The Council or an authorised officer may require an applicant to provide additional information to enable assessment and determination of their application.
- (3) The Council or an authorised officer may require an applicant to give notice of their application to specified persons, or a specified class of persons, who may be affected by the granting of the permit in such form as the Council or the authorised officer determines.
- (4) In considering an application for a permit, the Council or an authorised person, as the case may be, will have regard to any:
  - (a) applicable policy, code of practice or guideline approved by the Council from time to time;
  - (b) relevant written submission or comment received from any person or community organisation in respect of the application; and
  - (c) other relevant matter.
- (5) A permit may be refused or issued with or without conditions.
- (6) If a permit is issued with conditions, those conditions may include, but are not limited to, conditions concerning:
  - (a) the payment of a fee or charge;



- (b) a standard to be applied;
  - (c) a time limit to be applied either specifying the duration, commencement or completion date;
  - (d) the permit being subject to the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance;
  - (f) where the applicant is not the owner of the subject property, obtaining the consent of the owner;
  - (g) the granting of some other permit which may be required whether under this Local Law or otherwise; and
  - (h) such other matters as the Council or an authorised officer thinks fit.
- (7) A person must comply with the conditions of any permit.
- Penalty: 5 penalty units

#### **15. DURATION OF PERMITS**

---

Unless otherwise provided in this Local Law or in the permit, a permit will operate from the date it is issued and will expire one year after the date of issue.

#### **16. AMENDING, CANCELLING AND CORRECTING PERMITS**

---

- (1) The Council or an authorised officer may amend or cancel a permit at any time if:
- (a) requested to do so by the permit holder; or
  - (b) there has been a:
    - (i) material misstatement or concealment of fact in the application;
    - (ii) material mistake in relation to the issuing of the permit;
    - (iii) material change of circumstances since the permit was issued; or
    - (iv) failure to comply with a permit condition or a Notice to Comply relating to the permit.
- (2) The Council or an authorised officer may correct a permit if the permit contains a:
- (a) clerical mistake or an error arising from any accident, slip or omission;
  - (b) material miscalculation of figures; or
  - (c) material mistake in the description of any person, thing or property referred to in the permit.
- (3) Except in the case of a minor correction that does not affect the operation of a permit, if the Council proposes to amend a condition of a permit, cancel a permit or correct a permit, it or they must:

- (a) give the permit holder an opportunity to make a submission on whether the amendment, cancellation or correction should occur; and
  - (b) take into account those submissions (if any) in deciding whether to amend a condition of a permit, cancel a permit or correct a permit.
- (4) If a permit holder is not the owner of land to which the permit relates, the owner of the land must be notified of any amendment, cancellation or correction of the permit.

#### **17. STANDARDS FOR ISSUING PERMITS**

---

- (1) When determining whether to issue a permit, the Council or an authorised officer will have regard to the matters outlined in clause 10 above as well as the:
- (a) location of any land the subject of an application;
  - (b) zoning of any land the subject of an application;
  - (c) proximity of any land the subject of an application to other properties;
  - (d) general amenity of the area in which any land the subject of an application is located;
  - (e) nature of any machinery, materials or other items to be used in connection with a permit;
  - (f) suitability of any land the subject of an application for the activity or use contemplated by the permit;
  - (g) existence of necessary permits, licences, approvals and authorisations under any other legislation; and
  - (h) any other matter that the Council or an authorised officer thinks relevant.

#### **DIVISION 4 FEES, CHARGES AND COSTS**

##### **18. SETTING FEES AND CHARGES**

---

- (1) The Council may from time to time by resolution determine the fees and charges to apply under this Local Law.
- (2) Notice of fees and charges fixed under this clause 18 will be given annually in the Council's Fees and Charges Register included in the Budget.

##### **19. PENALTIES**

---

Unless otherwise specified in this Local Law, the:

- (1) maximum penalty for an offence is 5 penalty units; and
- (2) infringement penalty for an offence is:
  - (a) two fifths of the relevant maximum penalty; or
  - (b) such other amount determined by the Council from time to time.

## **PART 2 - ENVIRONMENT**

### **DIVISION 1 SAFETY, PEOPLE AND PROPERTY**

#### **20. UNSIGHTLY AND DANGEROUS LAND**

---

- (1) An owner or occupier of land must not keep that land or allow that land to be kept in a manner which causes the land to become:
- (a) unsightly; or
  - (b) dangerous.
- (2) Without limiting the generality of sub-clause (1), land may be:
- (a) unsightly because of the presence of:
    - (i) unconstrained rubbish;
    - (ii) dead trees and/or excessive vegetation;
    - (iii) waste;
    - (iv) unregistered motor vehicles or any parts of them;
    - (v) scrap metal;
    - (vi) a disused excavation; or
    - (vii) a building or structure which is incomplete and not currently under construction; and
    - (viii) a building that is dilapidated or visually repugnant
  - (b) dangerous by being:
    - (i) a haven for vermin, noxious weeds, insects or excessive vegetation;
    - (ii) used without a permit for the storage of any substance which is dangerous or is likely to cause danger to life, property or personal property; or
    - (iii) otherwise kept in a state which is dangerous or is likely to cause danger to life, property or personal property.

Penalty: 5 penalty units.

#### **21. STORAGE OF MACHINERY OR SECOND-HAND GOODS ON PROPERTY**

---

- (1) A person must not, without a permit:
- (a) store or allow to be stored in the open on their property any machinery or second-hand goods of any kind; or

- (b) undertake or allow to be undertaken the assembly or dismantling of such machinery or goods.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council must have regard to the standards contained in clause 17 of this Local Law.

## **22. INCINERATORS**

---

- (1) No person may light, or on their property allow to be lit or remain alight, an incinerator in any part of the municipal district.

Penalty: 5 penalty units

- (2) Sub-clause (1) does not apply to land in a farming area.

## **23. OPEN AIR BURNING**

---

- (1) No person on their property may, without a permit, cause or allow any uncontained or open air burning in any part of the municipal district.

Penalty: 1<sup>st</sup> offence: 5 penalty units.

2<sup>nd</sup> and subsequent offences: 20 penalty units

- (2) Sub-clause (1) does not apply to:

- (a) land in a farming area; or

- (b) any barbeque, oven fire or other enclosed fire used, or intended, adapted or designed to be used, for the sole purpose of cooking food, heating or cultural purposes and which is not offensive.

- (3) Where a person has applied for a permit under this clause 23, and that application has been refused, that person is guilty of an offence if they contravene sub-clause (1).

Penalty: 20 penalty units

- (4) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) any alternative means of disposing of any materials to be burned;

- (b) the type and volume of any materials to be burned;

- (c) whether the burning will be adequately supervised;

- (d) whether adequate measures will be implemented to control and extinguish the fire;

- (e) the degree to which any materials to be burned may produce offensive, toxic or unpleasant smells or smoke; and

- (f) any relevant policies of the Environment Protection Authority.

#### **24. ADVERTISING, BILL POSTING AND JUNK MAIL**

---

- (1) A person must not, without a permit, distribute any handbills, place cards, notices, advertisements, books, pamphlets, goods, gifts or samples to any person on any road or municipal place.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the nature of the material to be distributed;
  - (b) the likelihood that the distribution will interfere with the free passage of any pedestrians or vehicles;
  - (c) the likelihood that the distribution will cause a nuisance; and
  - (d) the likelihood that the distribution will cause any other kind of detriment.

#### **DIVISION 2 THE ENVIRONMENT**

#### **25. CAMPING**

---

- (1) A person must not, without a permit, camp on any municipal place in a tent, caravan or any other temporary or makeshift structure unless they are within an area declared by the Council to be a camping area.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the suitability of the land for camping;
  - (b) the number of tents or other structures to be located on the land;
  - (c) the length of time the tents and other structures will be erected on the land;
  - (d) the availability of sanitary facilities to the land; and
  - (e) the likely damage to be caused to the land.

#### **26. CARAVANS**

---

- (1) No owner or occupier of private land may, without a permit, place, or permit or suffer the placement of, more than one caravan on that land for the purposes of providing accommodation for a total of more than 30 days in any 12-month period.

Penalty: 5 penalty units

- (2) A person must not, without a permit, occupy any caravan placed on private land for a total of greater than 30 days in any 12-month period.

Penalty: 5 penalty units

- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the proposed location of the caravan on the land in relation to other dwellings (including a neighbour's dwelling) and public view;
  - (b) the written consent of the land owner;
  - (c) the availability of cooking and sanitary facilities on the land; and
  - (d) the potential for nuisance to arise.

## **27. BUSKING, CIRCUSES, CARNIVALS AND FESTIVALS**

---

- (1) A person must not, without a permit, busk within the municipal district.

Penalty: 5 penalty units

- (2) A person must not, without a permit, conduct a circus, carnival or other similar event within the municipal district.

Penalty: 10 penalty units

- (3) Any person with a permit to conduct a circus, carnival, or other similar event in the municipal district shall comply with the standards and guidelines contained in the "Good Neighbour" Code of Practice for a Circus or Carnival, April 1997, ("the Code of Practice for a Circus or Carnival").

Penalty: 10 penalty units

- (4) For the purposes of this Local Law and the accompanying standard, the words "carnival" and "circus" shall have the meaning ascribed to them in the Code of Practice for a Circus or Carnival.

- (5) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) the suitability of the land for the proposed activity or event;
- (b) the duration of the proposed activity or event;
- (c) the proposed hours of operation for the proposed activity or event;
- (d) the availability of sanitary facilities to the land;
- (e) the likely damage to be caused to the land;
- (f) the availability of parking;
- (g) the likely effects on traffic in the area; and

- (h) in the case of a carnival or circus, the requirements and standards of the “Good Neighbour” Code of Practice for a Circus or Carnival, April 1997.

## **28. SALE OF GOODS**

---

- (1) A person must not, without a permit, use or allow to be used property to sell or offer for sale any goods unless the use is permitted under the Planning Scheme.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the suitability of the property for the proposed activity;
  - (b) the duration of the sale;
  - (c) the proposed hours of operation;
  - (d) the availability of parking;
  - (e) the likely effects on traffic; and
  - (f) whether any other necessary consents have been obtained.

## **29. AMPLIFIED SOUND FROM SHOPS OR ON FOOTPATHS**

---

- (1) A person must not, without a permit, emit or allow to be emitted amplified sound from shops or on roadways within the municipal district.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the proposed hours of during which amplified sound will be played; and
  - (b) whether any other necessary consents have been obtained.

## **DIVISION 3 ANIMALS**

### **30. KEEPING ANIMALS**

---

- (1) No owner or occupier of property may, without a permit, keep or house or allow to be kept or housed more than 4 different types of animals on that property at any time and must not keep or allow to be kept any more in number for each type of animal than as set out in the following table:

<b>Type of Animal</b>	<b>Maximum Allowed</b>
Dogs	2
Cats	2
Poultry (not including Roosters)	10
Roosters	Nil
Peafowl	Nil

Guineafowl	Nil
Domesticated Birds	100
Domestic Mice	10
Guinea Pigs	6
Ferrets	4
Domestic Rabbits	4
Domestic Fish	No maximum limit
Domestic Turtles, Tortoises, Frogs	No maximum limit
Horses, Donkeys, Mules	Nil
Cattle	Nil
Sheep	Nil
Goats	Nil
Pigs	Nil
Reptiles	Nil
Any other agricultural animals	Nil

Penalty: 5 penalty units

- (2) Sub-clause (1) does not apply to the housing or keeping of any animals where the use is permitted under the Planning Scheme.
- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the type and additional numbers of animals to be kept;
  - (b) the likely effects on adjoining owners or occupiers; and
  - (c) the adequacy of any enclosures or other shelters for the animals.
- (4) In determining the adequacy of any enclosures or other shelters, consideration should be given to:
- (a) the number and type of animals to be kept in or under it;
  - (b) the height of the proposed enclosure or other shelter;
  - (c) the distance of the proposed enclosure or other shelter from the street frontage of the property;
  - (d) the distance of the proposed enclosure or other shelter from any other street or road;
  - (e) the distance of the proposed enclosure or other shelter from the boundary of any adjoining property;
  - (f) the distance of the proposed enclosure or other shelter from any dwelling; and
  - (g) the overall method of confining animals to the property.
- (5) All enclosures or other shelters must be maintained so that:
- (a) all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition;



- (b) all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise appropriately disposed of;
- (c) the ground surrounding the shelter is adequately drained;
- (d) all land within 3 metres of the enclosure or other shelter is kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- (e) all food, grain or chaff is kept in vermin proof receptacles; and
- (f) the enclosure or other shelter is thoroughly cleaned and maintained at all times in a clean and sanitary manner.

Penalty: 5 penalty units

### **31. PROHIBITED PLACES FOR DOGS AND CATS**

---

Dogs and cats are prohibited in a number of locations throughout the municipality as determined by Council from time to time. The specified locations are listed on Council's website.

Penalty: 5 penalty units

### **32. DOGS PERMITTED OFF LEASH**

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Dogs are permitted off leash in a number of locations throughout the municipality as determined by Council from time to time. The specified locations are listed on Council's website.

Penalty: 5 penalty units

### **33. CONTROL OF CATS**

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The owner of any cat must confine the cat to the owner's property either within the dwelling or within another escape proof building between the hours of sunset and sunrise.

Penalty: 5 penalty units

### **34. LITTERS OF ANIMALS**

---

For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any dog or cat lawfully kept will be exempt for a period of 12 weeks after birth.

### **35. ANIMAL LITTER**

---

- (1) No person in charge of an animal may allow any part of the animal's excrement to remain on any road or municipal place.

Penalty: 5 penalty units

- (2) Any person in charge of an animal on a road or in a municipal place must have at all times in their possession bags, containers or other facilities suitable for removal of that animal's excrement from the road or municipal place and must produce such facilities upon the request of an authorised officer.

Penalty: 5 penalty units

### **36. KEEPING OF BEEHIVES**

---

- (1) A person must not, on their property, without a permit, keep or allow to be kept any more than the number of beehives specified in the Apiary Code of Practice as amended from time to time, (“the Apiary Code”).

Penalty: 5 penalty units

- (2) Any person keeping bees within the municipal district must comply with the Apiary Code.

Penalty: 5 penalty units

- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) the location and distance of the hives from the property's boundaries;
- (b) the numbers and types of boxes to be kept on the property;
- (c) whether activities of a commercial or industrial nature will be carried out on the property including the sale of honey and other consumable goods;
- (d) the likely nuisance or annoyance which could be caused to any person;
- (e) the availability and proximity of a permanent supply of water to the hives;
- (f) the ability to protect surrounding properties by a screen that is impenetrable to bees and which forms a continuous barrier around the hives;
- (g) whether the hives will comply with any relevant requirements of Agriculture Victoria; and
- (h) the provisions of the Apiary Code of Practice, May 1997 as amended from time to time.

### **37. CONTROL OF EUROPEAN WASPS**

---

Any owner or occupier of a property must destroy English, European or other non-native wasps nesting on the property.

Penalty: 5 penalty units

### **38. HORSES ON BEACHES**

---

A person must not, without a permit, allow any horse in that person’s charge to enter the foreshore reserve areas, including beaches, other than on the places and at the times determined by the Council from time to time.

Penalty: 5 penalty units

**DIVISION 4 DISPOSAL OF WASTE****39. DOMESTIC WASTE**

---

- (1) A person to whose property the Council (or any party contracted by the Council) provides a waste collection service must:
- (a) place all domestic waste in the mobile garbage bin supplied by the Council;
  - (b) place the mobile garbage bin out for collection not more than 24 hours before the time scheduled for waste collection and in the following manner:
    - (i) on the nature strip or, in the absence of a nature strip, on the footpath, adjacent to the property within one metre of the kerb;
    - (ii) to provide clearance from any structure, tree or vehicle of at least three metres above the lid and 500mm either side; and
    - (iii) with the hinges securing the lid facing away from the street and towards the property;
  - (c) return the mobile garbage bin to their private land within 24 hours after collection;
  - (d) not place any material which Council has specified as 'prohibited material' in the mobile garbage bin;
  - (e) not place any waste in a mobile garbage bin supplied to a property occupied by another person without that person's consent;
  - (f) not place any waste in a mobile garbage bin that prevents the lid from closing; and
  - (g) keep any mobile garbage bin supplied to the property in a clean and sanitary condition.

Penalty: 5 penalty units

- (2) A person must not, remove a mobile garbage bin from the property to which it has been supplied by the Council.

Penalty: 5 penalty units

- (3) A person must not remove or otherwise interfere with waste contained in a mobile garbage bin other than a mobile garbage bin that has been supplied to a property of which they are the occupier.

Penalty: 5 penalty units

**40. TRADE WASTE AND WASTE SKIPS**

---

- (1) A person must not, without a permit, place any trade waste in any mobile garbage bin.

Penalty: 5 penalty units

- (2) A person must not, without a permit, place a skip on any road or municipal place.

Penalty: 5 penalty units

- (3) A person must not, without a permit, use any skip which does not comply with the requirements of this clause 40.
- Penalty: 5 penalty units
- (4) A person must not, without a permit, deposit any trade waste in a skip other than that which is described on the notice displayed in accordance with sub-clause (8).
- (5) Skips used for the collection and storage of trade waste must:
- (a) be constructed of impervious material to prevent leakage or absorption of any refuse or rubbish that may be deposited in it;
  - (b) be water-tight, fly and vermin proof;
  - (c) contain a removable drainage plug for the purpose of cleaning;
  - (d) be fitted with a fly and vermin proof lid with overlapping flanges; and
  - (e) be locked when to in use.
- (6) Skips used for the collection of trade waste must be emptied at least weekly or more regularly if the contents become offensive.
- (7) The occupier of land on, or adjacent to, which a skip is located must ensure that:
- (a) the skip is stored and maintained in a clean, sanitary and inoffensive condition;
  - (b) any footway, pavement or ground surrounding the skip is kept clean at all times;
  - (c) the surface upon which the skip is stored is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as the Council or an authorised officer requires;
  - (d) the land is supplied with a tap connection and hose; and
  - (e) the skip is cleaned thoroughly after each emptying.
- (8) Every skip must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.
- Penalty: 5 penalty units

#### **41. TRANSPORTATION OF WASTE**

---

A person must not convey or cause to be conveyed in any vehicle on any road in the municipal district, any manure, dead animal or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the vehicle is constructed, fitted, loaded and covered so that:

- (1) no leakage occurs or material is dripped or deposited from the vehicle onto the road or an adjacent area; and
- (2) the possibility of escape of offensive odours is reduced.

Penalty: 5 penalty units

#### **42. DRAINAGE TAPPINGS**

---

- (1) A person must not, without a permit, tap into or interfere with any drain under the control of the Council.

Penalty: 5 penalty units

- (2) Sub-clause (1) does not apply where the Council has certified a plan of subdivision or given its approval under any other legislation administered by it for the drain to be tapped.

### **DIVISION 5 BUILDING SITES**

#### **43. OFF SITE DISCHARGES**

---

Where any building work is being carried out on any land, the builder engaged to carry out building work on the land must ensure that the building site is developed and managed to minimise the risk of run-off by chemicals, sediments, animal wastes or gross pollutants by adopting measures to:

- (1) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
- (2) prevent building clean up, wash down or other wastes being discharged offsite or allowed to enter the stormwater system.

Penalty: 5 penalty units

#### **44. WASTE DISPOSAL FACILITIES**

---

Where any building work (other than minor building work) is being carried out on any land, the owner of the land and the builder engaged to carry out building work on the land must, unless a permit is issued:

- (1) provide a refuse facility for the purpose of disposing of builder's refuse and, provided the facility contains all builder's refuse on the land, its size, design and construction will be at the discretion of the builder;
- (2) place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) until the building work is completed;
- (3) ensure that the refuse facility is kept covered or lidded except when in use;
- (4) not place the refuse facility on any Council land or road without a permit; and
- (5) empty the facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

Penalty: 5 penalty units

#### **45. CONTAINMENT OF WASTE**

---

The builder engaged to carry out building work must ensure that:

- (1) all builder's refuse which requires containment is placed in the refuse facility referred to in clause 44;
- (2) the builder's refuse is contained entirely within the building site and is not deposited in or on any other land other than in accordance with clause 44; and
- (3) the builder's refuse is not deposited in or over any part of the stormwater system.

Penalty: 5 penalty units

#### **46. DISPOSAL OF WASTE**

---

On any land where building work is being, or has been, carried out, the builder engaged to carry out the building work must remove and lawfully dispose of all builder's refuse, including, without limiting the generality of the above, the builders' refuse in the refuse facility referred to in clause 44, within seven (7) days of the building work being completed or an occupancy permit being issued, whichever occurs last.

Penalty: 5 penalty units

#### **47. SITE ACCESS**

---

The driver of any vehicle involved in placing or removing a refuse facility on or from a building site must access the building site by way of a temporary vehicle crossing, unless otherwise permitted by the Council and in accordance with that permission.

Penalty: 5 penalty units

#### **48. PROVISION OF TOILET FACILITIES**

---

The builder engaged to carry out the building work must not undertake or carry on, or cause, suffer or permit the undertaking or carrying on of, any building, engineering or other work necessitating the employment or engagement of persons on a building site unless a toilet is provided on the site which is serviced as required (but at least monthly) for the use of persons on that building site.

Penalty: 5 penalty units

#### **49. EXCEPTIONS**

---

No offence is committed under clause 48 if:

- (1) buildings are being constructed on adjacent building sites simultaneously by the same person; and
- (2) there is provided one toilet, provided that the toilet does not service more than three (3) building sites.

#### **50. WASTE MANAGEMENT PLANS**

---

If required by the Council, and before commencing any building work on any land, the owner of the land and the builder engaged to carry out building work on the land must prepare a waste management plan for approval by the Municipal Environmental Health Officer.

Penalty: 5 penalty units

**51. COMPLIANCE WITH WASTE MANAGEMENT PLAN**

---

Where any building work is being carried out on any land, the owner of the land and the builder engaged to carry out building work on the land must:

- (1) comply with the waste management plan referred to in clause 50; and
- (2) ensure that all work is carried out on the building site in strict accordance with any waste management guidelines adopted by the Council from time to time.

Penalty: 5 penalty units

**52. ASSET PROTECTION PERMITS**

---

(1) If building work other than minor building work is to be carried out on any land the:

- (a) owner of the relevant land;
- (b) builder engaged to carry out the building work;
- (c) agent appointed for the purpose; or
- (d) demolition contractor engaged to carry out demolition as part of the building work

must:

- (e) not carry out, or allow to be carried out, any building work on that land unless an asset protection permit has been obtained;
- (f) not carry out, or allow to be carried out, any building work on that land in contravention of any conditions attached to the asset protection permit that has been obtained; and
- (g) pay any bond specified in the asset protection permit.

Penalty: 5 penalty units

(2) The person to whom an asset protection permit is issued must notify the Council, in writing:

- (a) of the proposed date for commencement of the building work at least 7 days prior to its commencement if it is different from that stated, or a commencement date was not specified, in the permit application; and
- (b) prior to the commencement of works, of any damage to any road (including a road reserve, footpath or nature strip) or other public asset within the area of the asset protection permit existing at the time of that notice.

(3) The person to whom an asset protection permit is issued must repair or reinstate any damaged road, drain, nature strip, kerb, channel, vehicle crossing or other asset vested in the Council which is within the area of the asset protection permit or which is otherwise affected by the building work, and any repairs must be performed to the satisfaction of the Council.

Penalty: 5 penalty units

- (4) Upon completion of the building work, the Council may:
- (a) retain all or part of the bond paid under the asset protection permit to offset the costs to the Council of repairing any damage to any public asset;
  - (b) upon being satisfied that no damage has been caused to any public asset, or that any damage has been repaired to the Council's satisfaction, refund the bond paid under the asset protection permit in full to the person who paid it; or
  - (c) refund to the person who paid the bond under the asset protection permit such portion of it as remains after the Council has undertaken work necessary to repair any damage to any public asset.
- (5) For the purposes of determining whether any damage to any road, drain, nature strip, kerb, channel, vehicle crossing or other asset vested in Council has been caused by, or otherwise resulted from, the execution of any building work, failure to provide notice of such damage under sub-clause (2) is prima facie proof that there was no existing damage to such public assets prior to the building work taking place.
- (6) The Council may, in its absolute discretion, accept an alternative form of security to bond under an asset protection permit.
- (7) Where a person to whom an asset protection permit is issued has caused damage to any public asset and the cost to repair the damage exceeds the amount of the bond paid, the Council may seek to recover the additional costs of repair from that person.

## **DIVISION 6 CONTROL OF STRUCTURES AND MOORING IN RIVERS**

### **53. ERECTION OF A WHARF OR JETTY**

---

A person must not, without a permit, erect, demolish, enlarge or re-erect on or adjacent to the foreshore or the bank of any watercourse any wharf, jetty, boat ramp or other structure, whether fixed or floating.

Penalty: 5 penalty units

### **54. COMMERCIAL OPERATORS**

---

A person must not, without a permit, operate a vessel or use a mooring for the conduct of a commercial enterprise or for any purpose connected directly or indirectly with that enterprise.

Penalty: 5 penalty units

### **55. USE OF JETTIES AND OTHER STRUCTURES**

---

- (1) A person must not, without a permit, fasten or moor any vessel, log or thing of any kind to any wharf, jetty, piles, steps, or to any pontoon, staging, shed, or other structure attached to or alongside any wharf or jetty or upon the foreshore or the bank of a watercourse within the area determined by the Council from time to time in a manner that prevents free access to that wharf, jetty, piles, steps, pontoon, staging, shed or other structure.

Penalty: 5 penalty units



- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the safety of other users;
  - (b) the passage of vessels;
  - (c) disturbance, annoyance or disruption to adjacent property owners or occupiers;
  - (d) arrangements, if any, for:
    - (i) waste water disposal;
    - (ii) litter and garbage disposal; and
    - (iii) lighting;
  - (e) duration; and
  - (f) location.

#### **56. LIMITATION OF TIME AT JETTIES AND OTHER STRUCTURES**

---

- (1) A person must not, without a permit, moor any vessel to any jetty or wharf for any period exceeding the time indicated on signage applicable to the jetty or wharf.
- Penalty: 5 penalty units
- (2) Where no signage applies to the jetty or wharf for the purposes of sub-clause (1), a person must not, without a permit, moor any vessel to any jetty or wharf for a period exceeding one hour.
- Penalty: 5 penalty units
- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the safety of other users;
  - (b) the passage of vessels;
  - (c) disturbance, annoyance or disruption to adjacent property owners or occupiers;
  - (d) arrangements, if any, for:
    - (i) waste water disposal;
    - (ii) litter and garbage disposal; and
    - (iii) lighting;
  - (e) duration; and
  - (f) location.

**57. USE OF LAKE OR WATERCOURSE**

---

- (1) Notwithstanding clause 56, a person must not, without a permit, allow a vessel to remain on a lake or watercourse, other than on a jetty or mooring, for a continuous period exceeding 24 hours.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) the safety of other users;
- (b) the passage of vessels;
- (c) disturbance, annoyance or disruption to adjacent property owners or occupiers;
- (d) duration; and
- (e) location.

**DIVISION 7 MANAGEMENT OF ON-SITE WASTEWATER DISPOSAL SYSTEMS****58. USE OF SEPTIC TANK SYSTEMS OR WASTEWATER MANAGEMENT SYSTEMS**

---

- (1) No person shall operate a septic tank system or a wastewater management system:

- (a) without a permit; and
- (b) contrary to any condition, limitation or restriction of the permit.

Penalty: 5 penalty units

- (2) The owner of a property where a septic tank system or a wastewater management system is installed must ensure that the system is de-sludged at least once in every three-year period.

Penalty: 5 penalty units

## PART 3 - MUNICIPAL PLACES

### DIVISION 1 BEHAVIOUR

#### 59. BEHAVIOUR IN MUNICIPAL PLACES

---

- (1) A person must not, without a permit, in any municipal place:
- (a) behave in a manner which is harmful or which causes, or is likely to cause, interference with the quiet enjoyment by any other person using the municipal place;
  - (b) behave in a manner which is, or is likely to be, detrimental to the municipal place or public assets;
  - (c) being an occupier of land adjacent to that municipal place, allow trees, plants or any other matter on that land to cause damage to or interference with that municipal place;
  - (d) use language or behave in a manner which is indecent, offensive or abusive or which annoys, disturbs, interrupts or obstructs any other person's enjoyment of that municipal place;
  - (e) act in a way which endangers any person;
  - (f) use any explosive or flammable matter;
  - (g) damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or other structure of any kind;
  - (h) shoot, snare, injure or in any way harm or interfere with any bird or animal;
  - (i) use any life saving or fire fighting device unless during an emergency or with the approval of an authorised officer;
  - (j) act contrary to any conditions of use of the municipal place; or
  - (k) being a person who is the driver or operator of a moving or stationary vehicle in a municipal place, or a person responsible for or in control of any vehicle parked without a driver or operator present, must not cause or allow to be emitted from that vehicle amplified music or sound which is of an unreasonable volume.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the safety of other users of the municipal place;
  - (b) the nature and ordinary use of the municipal place;
  - (c) the nature of the activity to be permitted;
  - (d) duration; and

- (e) location.

## **DIVISION 2 WHEELED TOYS**

### **60. USE OF WHEELED DEVICES**

---

- (1) A person must not use a wheeled recreational device on any municipal place in the area bounded by Raglan Parade, Fairy Street, Timor Street and Banyan Street.

Penalty: 1.25 penalty units

- (2) The Council may, by resolution, declare a municipal place or part of a municipal place to be an area in which wheeled recreational devices are prohibited.
- (3) Signage will be erected on any municipal place or part of a municipal place which has been declared by the Council to be an area where wheeled recreational devices are prohibited.
- (4) A person must not use a wheeled recreational device on any municipal place or part of a municipal place which has been declared by the Council to be an area in which wheeled recreational devices are prohibited.

Penalty: 1.25 penalty units

### **61. CONDUCT WHEN USING A WHEELED DEVICE**

---

Any person who uses a wheeled recreational device or causes or authorises another person to use a wheeled recreational device in or on a municipal place must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the use of that municipal place by any other person.

Penalty: 1.25 penalty units

### **62. MOTORISED RECREATIONAL VEHICLES**

---

- (1) A person must not, without a permit:

- (a) drive, ride on or otherwise use; or
- (b) cause or authorised another person to drive, ride on or otherwise use,

a motorised recreational vehicle on any municipal place unless the municipal place has been designated by the Council for that purpose.

Penalty: 5 penalty units

- (2) No person may use any motorised recreational vehicle in the municipal district on any fire ban day.

Penalty: 5 penalty units

- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) the number of motorised recreational vehicles for which the permit is required;

- (b) the days, times and hours the motorised recreational vehicles are to be used; and
- (c) the likely damage which may be caused to land as a result of the use of the motorised recreational vehicles.

### **DIVISION 3 GLASS CONTAINERS**

#### **63. GLASS CONTAINERS IN MUNICIPAL PLACES**

---

- (1) The Council may, by resolution, declare a municipal place or part of a municipal place to be a glass container free area.
- (2) Signage will be erected on any municipal place or part of a municipal place which has been declared by the Council to be a glass container free area.
- (3) A person must not, without a permit, take glass containers into or onto any municipal place or part of a municipal place which has been declared by the Council to be a glass container free area.

Penalty: 2.5 penalty units

- (4) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
  - (a) the nature of the event at which glass containers are to be used;
  - (b) the duration of the event at which glass containers are to be used;
  - (c) the location of the event at which glass containers are to be used;
  - (d) plans in place to ensure that glass containers are cleared from the municipal place; and
  - (e) the likelihood of any risk to safety arising from the use of glass containers.

### **DIVISION 4 CONSUMPTION OF LIQUOR**

#### **64. MUNICIPAL PLACES WHERE LIQUOR MAY NOT BE CONSUMED**

---

- (1) The Council may, by resolution, declare a municipal place or part of a municipal place to be a liquor free area during the times specified in the resolution.
- (2) Signage will be erected in any municipal place or part of a municipal place which has been declared by the Council to be a liquor free area.
- (3) A person must not, without a permit, consume or have in their possession or under their control any liquor, other than in a sealed container, in or on any municipal place or part of a municipal place which has been declared by the Council to be a liquor free area during the times specified.

Penalty: 2.5 penalty units

- (4) Where the Council fails to erect signage under sub-clause (2) no person will be prosecuted for an offence under this clause.

- (5) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the nature of the event at which liquor is to be consumed;
  - (b) the duration of the event at which liquor is to be consumed;
  - (c) the location of the event at which liquor is to be consumed; and
  - (d) the effect that the consumption of liquor may have on the quiet enjoyment of people in the municipal place.

## **PART 4 - STREETS AND ROADS**

### **DIVISION 1 THE MANAGEMENT OF ROADS FOR TRAFFIC**

#### **65. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE**

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- (1) An occupier of land adjacent to a road must not allow any tree or plant in or growing on that land to obstruct or interfere with the passage of traffic by:
- (a) overhanging any footpath or other part of the road used by pedestrians so that there is a clearance of less than 2.4 metres from the ground;
  - (b) extending over any part of the road in such a way that it:
    - (i) obstructs the view between vehicles at an intersection;
    - (ii) obstructs the view between vehicles and pedestrians where they come close to each other;
    - (iii) obscures a traffic control item from the view of an approaching vehicle or pedestrian; or
    - (iv) obscures street lighting;
  - (c) obstructs the view between vehicles and trains at a railway level crossing which does not have gates, booms or flashing lights; or
  - (d) otherwise constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road.

Penalty: 5 penalty units

- (2) In determining whether there has been an infringement of sub-clause (1)(c) the Council must have regard to Australian Standard AS1742.7 Railway Crossings.

#### **66. PLACING OF SIGNS AND POSTS**

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A person must not place a sign, post or other similar object in such a way that it causes an obstruction of a type referred to in sub-clauses (b), (c) and (d) of clause 65.

Penalty: 5 penalty units

#### **67. FENCES AT INTERSECTIONS**

---

An owner or occupier of property must not, without a permit, construct a boundary fence at an intersection of roads which interferes with or obstructs the clear visibility between vehicles and/or pedestrians at that intersection.

Penalty: 5 penalty units

**68. PROPERTY NUMBERS TO BE DISPLAYED**

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The owner or occupier of any property which has been allocated a property number must mark the property with the allocated number in a size and position, and made of such material and kept in such state of repair, to be clearly read from the road under normal lighting conditions.

Penalty: 5 penalty units

**69. A VEHICLE CROSSING IS REQUIRED**

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(1) The owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty: 5 penalty units

(2) For the purposes of this clause a vehicle crossing is properly constructed if:

- (a) it was constructed in accordance with the terms of an approval by the Council; or
- (b) the Council has approved in writing the method of construction of the particular vehicle crossing.

**70. A PERMIT IS REQUIRED**

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A person must not, without a permit, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

Penalty: 5 penalty units

**71. TEMPORARY VEHICLE CROSSINGS**

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(1) Where it is likely that building work on a property will involve vehicles leaving the carriageway or entering the property, the person responsible for the works must obtain a permit for the construction of a temporary vehicle crossing which protects the existing road, kerb, drains and footpath.

Penalty: 5 penalty units

(2) Where an existing vehicle crossing, footpath, kerb or other part of the road may be damaged, the person responsible for the works must, when requested, obtain an asset protection permit under clause 52 and pay a bond to the Council.

**72. REDUNDANT VEHICLE CROSSINGS**

---

(1) Where building work on a property involves the relocation or closure of a point of vehicular access, any redundant part of a vehicle crossing must be removed and the kerb, drain, footpaths, nature strip and any other part of the road must be reinstated to the satisfaction of the Council.

(2) The Council may require the owner or occupier of a property to remove any part of or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road and the requirement must be fulfilled within the time specified.

Penalty: 5 penalty units



**DIVISION 2 CONTROL OF ANIMALS ON ROADS****73. CONTROL OF LIVESTOCK ON ROADS**

---

- (1) A person in charge of livestock must not, without a permit, move, drive or graze livestock across, over, along or on a road or allow another person to do so unless:
- (a) the livestock is being driven or moved between two pieces of land forming part of a single farming enterprise; and
  - (b) the pieces of land are separated only by a road, railway line, waterway or other geographical feature; and
  - (c) the livestock leaves one piece of land at the point that is closest to the piece of land to which the livestock is being moved and enters the other piece of land at the point closest to the point where the livestock exited the piece of land from which the livestock was moved; and
  - (d) the safety of a road user is not adversely affected.

Penalty: 5 penalty units.

- (2) A permit issued by the Council under sub-clause (1) for the movement or driving of livestock may specify the route to be taken.
- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the number and type of livestock to be driven;
  - (b) in respect of moving or driving livestock, whether the most direct or practicable route from the point of departure to the destination is through or within the municipal district;
  - (c) in respect of moving or driving livestock, whether there will be adequate supervision of the livestock while they are camped overnight;
  - (d) whether appropriate reflective signs or flashing lights are necessary while livestock are camped overnight or should be displayed at the beginning and end of the herd while it is travelling along any street or road;
  - (e) in respect of moving or driving livestock, whether the livestock are capable of travelling the specified distance each day;
  - (f) whether it is necessary to have the health and fitness of the livestock certified by a stock inspector or veterinary;
  - (g) in respect of grazing livestock, the location of the proposed grazing; and
  - (h) the impact, if any, on other users of the road.

**74. SPECIFIED ROADS**

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- (1) The Council may specify roads in the municipal district which may be used for the driving of livestock without the need to obtain a permit under clause 73.

- (2) An authorised officer may, where practicality requires it or where hardship may be caused to the owner of any of the livestock, vary a specification made by the Council under sub-clause (1).

#### **75. DEPARTURE FROM ROUTE**

---

- (1) The route specified in any permit issued under clause 73 must not be departed from or varied without the consent of an authorised officer.

Penalty: 5 penalty units

- (2) Consent to any change or variation to the route must be endorsed on the permit.

#### **76. RESPONSIBILITY OF APPLICANT**

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- (1) In considering an application for a permit to move or drive livestock under clause 73, an authorised officer may, if he or she is satisfied that the livestock may not be able to travel the minimum distance specified, require the applicant to make a declaration to the effect that the livestock are fit, healthy and free from disease and able to travel the minimum distance specified.

- (2) Any person making a false declaration under sub-clause (1) is guilty of an offence.

Penalty: 5 penalty units

### **DIVISION 3 CONTROL OF VEHICLES ON ROADS**

#### **77. TIME LIMIT FOR PARKING LONG VEHICLES ON ROADS**

---

- (1) A person must not, without a permit, park a vehicle longer than 7.5 metres (including any trailer and fittings) on any road for longer than one hour, unless the area is specifically designated by the Council for parking such vehicles.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) the likely impact on the residential amenity of the neighbourhood as a result of:

- (i) the intrusion of long vehicle traffic;
- (ii) excessive noise from long vehicles;
- (iii) pedestrian and motorist safety;
- (iv) the likely damage to be caused to Council assets and street trees; and
- (v) fumes or related smells resulting from the parking of heavy vehicles;

- (b) the traffic function, traffic volume and width of other roads in the vicinity;

- (c) the unobstructed sight distance when exiting forward from nearby properties;

- (d) whether the manoeuvring requirements of the vehicle and the roadway width will enable the vehicle to be turned within a maximum crossing width of 4 metres; and
- (e) any load limit restriction in force on the relevant road.

#### **78. PARKING HEAVY VEHICLES ON PRIVATE PROPERTY IN RESIDENTIAL ZONES**

---

- (1) A person must not, without a permit, allow a vehicle weighing more than 4.5 tonne (including any load) to be parked, kept, stored or repaired on any land in a residential area.  
  
Penalty: 5 penalty units
- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
  - (a) the likely impact on the residential amenity of the neighbourhood as a result of:
    - (i) the intrusion of heavy vehicle traffic;
    - (ii) excessive noise from heavy vehicles;
    - (iii) pedestrian and motorist safety;
    - (iv) the likely damage to be caused to Council assets and street trees; and
    - (v) fumes or related smells resulting from the parking of heavy vehicles;
  - (b) the traffic function, traffic volume and width of other roads in the vicinity;
  - (c) whether the unobstructed sight distance when exiting forward from the property is a minimum of 80 metres;
  - (d) whether the manoeuvring requirements of the vehicle and the roadway width will enable the vehicle to be turned within a maximum crossing width of 4 metres;
  - (e) any load limit restriction in force on the relevant road; and
  - (f) whether the property is of sufficient size and layout to enable the vehicle to be properly garaged.

#### **DIVISION 4 SECONDARY ACTIVITIES ON ROADS**

##### **79. ERECTING OR PLACING ADVERTISING SIGNS**

---

- (1) A person must not, without a permit, erect or place, or cause to be erected or placed, an advertising sign on any part of a road.  
  
Penalty: 5 penalty units
- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
  - (a) the location of the advertising sign;

- (b) the width and height of the advertising sign;
- (c) any other advertising signs displayed for the applicant's premises or event; and
- (d) whether the construction of the advertising sign will create a hazard to pedestrians.

#### **80. ROADSIDE TRADING**

---

- (1) A person must not, without a permit, erect or place, or cause to be erected or placed, on any road a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) any impact on the safety of road users and the passage of traffic;
- (b) whether all necessary permits have been obtained;
- (c) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers; and
- (d) whether appropriate arrangements will be made for:
  - (i) waste water disposal;
  - (ii) litter and garbage disposal;
  - (iii) lighting; and
  - (iv) advertising signs.

#### **81. TRADING TO A PERSON ON A ROAD**

---

- (1) A person must not, without a permit, sell or offer for sale, or cause to be sold or offered for sale, any goods or services from a property or a municipal place adjacent to a road to any person who is on that road or municipal place.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) any impact on the safety of road users and the passage of traffic;
- (b) whether all necessary permits have been obtained;
- (c) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers; and
- (d) whether appropriate arrangements will be made for:

- (i) waste water disposal;
- (ii) litter and garbage disposal;
- (iii) lighting; and
- (iv) advertising signs.

## **82. LOCATING GOODS FOR SALE**

---

- (1) A person must not, without a permit, place or display, or cause to be placed or displayed, any goods, including vehicles for sale, on:
- (a) any footpath;
  - (b) any part of a carriageway designed for the use of passing vehicles;
  - (c) within 700mm of an area where vehicles may stand; or
  - (d) any other part of a road including a road reserve and nature strip.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) whether the goods will be displayed outside the applicant's premises;
  - (b) whether adequate lighting of the display area can be achieved if the normal business hours include hours of darkness; and
  - (c) whether the goods or the display will be of such material, layout or construction as to create a hazard pedestrians or vehicles.

## **83. OUTDOOR EATING FACILITIES ON ROADS**

---

- (1) A person must not, without a permit, establish an outdoor eating facility on any footpath or other part of a road.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) whether the facility is conducted in conjunction with, and as an extension of, food premises located immediately abutting the facility, and the applicant is the person conducting such food premises;
  - (b) whether the food premises is registered in accordance with the *Food Act 1984*;
  - (c) whether the facility will obstruct visibility at an intersection;
  - (d) whether appropriate and safe pedestrian access can be maintained; and

- (e) whether the tables, chairs and other equipment to be used will be a hazard.

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**84. REMOVAL OF OUTDOOR EATING FACILITY ON REQUEST**

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The person responsible for an outdoor eating facility must move or remove the outdoor eating facility when requested to do so by an authorised officer.

Penalty: 5 penalty units

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**85. BULK RUBBISH CONTAINERS ON ROADS**

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- (1) A person must not, without a permit, place, or cause or permit to be placed, a bulk rubbish container on a road.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
  - (b) whether the placement will contravene any traffic control signs;
  - (c) whether hazard lights can be securely attached on the side of the container nearest passing traffic or placed on a carriageway; and
  - (d) protection of any Council assets.

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**86. OCCUPATION OF THE ROAD FOR WORKS**

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- (1) A person must not, without a permit, on a road:

- (a) occupy or fence off part of a road;
- (b) erect a hoarding or overhead protective awning;
- (c) use a mobile crane or travel tower for any building work;
- (d) make a hole or excavation; or
- (e) reinstate a hole or excavation.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the nature and duration of the works;
  - (b) the likely hazard that the works may constitute to users of the road; and
  - (c) the impact of the works on the amenity of the adjoining area.

**87. REPAIR OF VEHICLES IS PROHIBITED**

---

- (1) A person must not, without a permit, dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a vehicle or cause or authorise another person to do so.

Penalty: 5 penalty units

- (2) Sub-section (1) does not apply to running repairs undertaken as a result of breakdown.

**88. SUBSTANCES FROM VEHICLES, ANIMALS AND LIVESTOCK**

---

- (1) A person must not permit any grease, oil, mud, sand, clay or other substance to fall or run off a vehicle or livestock onto a road into any drain on or under the road or permit or authorise another person to do so.

Penalty: 5 penalty units

- (2) A person in charge of a vehicle or livestock from which any substance has fallen or run onto a road must take all reasonable steps promptly to remove the substance, make good any damage and remove any consequent hazard.

Penalty: 5 penalty units

- (3) Where any damage or hazard remains, the person in charge of the vehicle or livestock from which the substance fell or ran must promptly notify the Council or member of the police force of the damage or hazard.

Penalty: 5 penalty units

**89. STREET PARTIES, FESTIVALS AND PROCESSIONS**

---

- (1) A person must not, without a permit, hold a street party, street festival or procession on a road.

Penalty: 5 penalty units

- (2) An application for a permit under sub-clause (1) must be made at least 14 days before the event is to take place.

- (3) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:

- (a) whether the road can be closed to vehicular traffic for the duration of the street party;
- (b) necessary advice to owners or occupiers of all land with vehicular access via the section of road to be closed; and
- (c) whether the footpath on at least one side of the road can be kept clear of obstructions.

**90. COLLECTIONS ON ROADS**

---

- (1) A person must not, without a permit, solicit for or collect anything, including waste materials, gifts of money or subscriptions, or cause or authorise another person to do so, on a road.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit, the Council or an authorised officer must have regard to the matters outlined at clause 17 as well as the following:
- (a) the times and days it is proposed to collect;
  - (b) the matter or thing to be collected;
  - (c) the roads or areas in which the collections will take place;
  - (d) the impact on traffic and safety of pedestrians; and
  - (e) the age and capacity to supervise participants.



Public Notices



# Noticeboard

December 15,

Civic Centre 25 Liebig Street

(03) 5559

wbool\_city@warrnambool.vic

Public Notices

### Christmas and New Year Kerbside Collection Changes

All households will receive an extra recycling pick up over the Christmas New Year period. Everyone will have their recycling bin collected along with their rubbish bin between 23 December and 4 January, regardless of when their regular recycling week is.

There will also be changes to the bin night of some residents. If you normally put your bin out for collection on Monday nights, place it out by 8pm Tuesday night instead on 25 December and 1 January. All other bin nights stay the same, though if your bin night is Tuesday, please ensure your bin is out by 8pm on 25 December and 1 January.

For any enquiries, please contact Council's kerbside collection contractor on 1800 999 690.

### FREE Christmas Tree Recycling

At Warrnambool Community Garden (Corner of Gieve St & Derby St) From 27 December 2018 – 20 January 2019



### Proposal to Make Local Law No. 2 – Community Amenity Local Law

Notice is given that Warrnambool City Council (Council) proposes to make a local law titled 'Local Law No. 2 – Community Amenity Local Law (the Proposed Local Law)'. The following information about the Proposed Local Law is provided in accordance with s 119 of the Local Government Act 1989 (Act):

- Purpose of the Proposed Local Law**  
If made, the purposes of the Proposed Local Law will be to: provide for and ensure equitable, orderly and enjoyable use of community facilities and infrastructure by persons within the municipal district;
1. protect Council property and other community assets from loss and damage;
  2. provide for the administration of this Local Law and of Council's powers and functions;
  3. promote a physical and social environment free from hazards to health, safety and welfare of persons within the municipal district;
  4. prevent, suppress and regulate activities which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
  5. provide for the peace, order and good government of the municipal district.

**General Purport of the Proposed Local Law**

- If made, the Proposed Local Law will:
- provide for the administration and enforcement of the Proposed Local Law and empower Council and authorised officers to issue permits, notices to comply, act in urgent circumstances and impose fines;
  - provide for infringement notices to be served on those whom an authorised officer has reason to believe is guilty of an offence;
  - create offences relating to:
    - failure to comply with a notice to comply;
    - failure to comply with conditions of a permit;
    - land and structures on land that is, or are, unsightly, detrimental to the amenity of the locality of the land or dangerous;
  - storage of machinery and second hand goods without a permit;
  - lighting incinerators and undertaking uncontained and open air burning without a permit;
  - distribution of handbills, advertisements, pamphlets and the like on roads and municipal places without a permit;
  - camping on municipal places without a permit;
  - use of caravans on private land for accommodation without a permit;
  - busking and conducting circuses, carnivals and similar events without a permit;
  - selling goods on private land unless authorised by the Warrnambool Planning Scheme;
  - emitting amplified sound on a road without a permit;
  - the number of animals that can be kept on any land, including the manner in which they are kept, and removal of animal excrement from roads and municipal places;
  - the keeping of bees on private land other than in

- accordance with the Apiary Code of Practice without a permit;
- failure to destroy non-native wasp nests on private property;
- horses on beaches, other than in accordance with Council's specifications from time to time, without a permit;
- use, placement and interference with mobile garbage bins provided by Council for the disposal of household waste, recyclables and food or organic waste;
- placement and use of skips on road and municipal places without a permit;
- transportation of waste so as to avoid leakage and escape of offensive odours;
- interference with Council drains without a permit;
- management of building sites, including run-off and discharge, waste disposal facilities, containment and disposal of waste, site access and provision of toilets;
- obtaining and complying with asset protection permits where building work other than minor building work is undertaken;
- erecting, demolishing or otherwise altering any wharf, jetty or similar structure without a permit;
- operating a vessel or using a mooring for the conduct of a commercial enterprise without a permit;
- using any wharf, jetty or similar structure without a permit;
- operating septic tank systems and wastewater management systems without a permit;
- behaviour in municipal places, including committing a nuisance, destroying, damaging, interfering with or defacing a municipal place or anything on it, using any explosive or flammable matter and acting contrary to the conditions of use of the municipal place without a permit;
- use of rollerblades, skateboards, self-propelled scooters and similar devices on any municipal place in the area bounded by Raglan Parade, Fairy Street, Timor Street and Banyan Street, or any other area declared by Council from time to time;
- use of any motor vehicle on any municipal place unless the municipal place has been designated by Council for that purpose;
- taking glass containers onto any municipal place, or part of a municipal place, which has been designated by Council as an area in which glass containers are prohibited without a permit;
- consumption of alcohol and possession of unsealed containers in any municipal place, or part of a municipal place, which has been designated by Council as a liquor free area without a permit;
- vegetation that obstructs the clear view of drivers or pedestrians or otherwise interferes with traffic signs and the like;
- the placement of signs and fences on any land such that it obstructs the passage and clear view of drivers or pedestrians and interferes with the safe use of the road;
- display of house numbers;
- the construction, use and removal of vehicle crossings;
- the control of livestock on roads, including movement and grazing of livestock;
- parking of long vehicles on roads without a permit;
- parking heavy vehicles on private land in a residential area without a permit;
- the display of goods and placement of advertising signs and tables, chairs, barriers and the like on roads without a permit;
- placement of bulk rubbish containers on roads without a permit;
- occupation of roads for works, including the erection of hoardings and use of cranes, forklifts and similar machinery, without a permit;
- allowing substances from vehicles, animals and livestock to fall onto or remain on any road;
- holding street parties, festivals and processions on roads without a permit;
- soliciting to collect gifts, subscriptions or any other thing on any road without a permit;
- without a permit, dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a vehicle or cause or authorise another person to do so, does not apply as a result of breakdown;
- provide for the management of vehicle crossings more generally;
- provide for the prescription of certain areas (eg as areas where alcohol is not permitted).

Copies of the Proposed Local Law and the explanatory Community Impact Statement may be inspected at Council's Civic Centre at 25 Liebig Street, Warrnambool during office hours and on Council's website. Any person may make a written submission relating to the Proposed Local Law. All submissions received by Council on or before 4.00 pm on 25 January 2019 will be considered in accordance with section 223 of the Act. Submitters should note that all submissions are made available to the public in full (including any personal information). Any person making a submission is entitled to request (in the submission itself) to be heard in support of

the submission by appearing before Council (either personally or by a person acting on his or her behalf). The date and location of the Submission Hearing will be notified. Submissions should be marked 'S.223 Submission on Proposed Local Law No 2 – Community Amenity Local Law' and lodged at the above offices of Council, or sent to Council at Warrnambool City Council, PO Box 198, Warrnambool VIC 3280 or emailed to contact@warrnambool.vic.gov.au. Enquiries should be directed to Glenn Reddick, on 03 5559 4800.

### HAVE YOUR SAY

#### Lake Pertobe Master Plan – Final Draft

Council is inviting feedback on the final draft of the Lake Pertobe Master Plan.

The plan will guide future efforts to maintain, renew, improve and manage this unique community asset for the next 10–15 years. To view the plan and submit your feedback visit [www.yoursaywarrnambool.com.au](http://www.yoursaywarrnambool.com.au) or visit the Civic Centre at 25 Liebig Street. All input will be presented to Council before the final plan is considered for endorsement early in 2019.

Submissions close at 9am on Monday February 4, 2019.

### Works and Road Closures

#### Simpson Street

**Works:** Drainage Works  
**Commencement Date:** Week commencing Monday 10 December 2018  
**Duration:** Up to 4 months  
**Impact:** Interruptions to Vehicular Traffic and Pedestrians, compounds in EJ King Park  
**Contact:** Senior Projects Engineer, Rohan McKinnon on (03) 5559 4800

#### Pertobe Road

**Works:** Construction of a Petanque Piste (Petanque playing area)  
**Commencement Date:** Week commencing Monday 10 December 2018  
**Duration:** 2 Weeks  
**Impact:** Minor Interruptions to Pedestrians and Vehicular Traffic

#### Intersection of McMeekin Road and Scott Street

**Works:** Drainage Works  
**Commencement Date:** Tuesday, 18 December 2018  
**Duration:** Drainage works will occur between the hours of 7.00am and 4.00pm  
**Impact:** Vehicular traffic will be disrupted and parts of the road will be closed. Motorists are advised to observe all signage.

#### Water Main Works Wannon Water Dennington –

Drummond St Closure  
**Works:** Trenching through Drummond St at the Raglan Pde Intersection  
**Commencement Date:** Monday 17 December 2018  
**Duration:** 2 Days  
**Impact:** Road Closure and Detours in place

### The city is hiring

#### EOI Maternal & Child Health Nurse

Ref: 201811100/1497  
Applications close: 5.00pm Monday 28 January 2019  
Hourly Rate: Dependant on experience and qualifications  
Position status: Casual  
Further Enquiries: Sharyn Trewin, Service Manager Early Years Intervention & Support on 03 5559 4474 or [strewin@warrnambool.vic.gov.au](mailto:strewin@warrnambool.vic.gov.au)

#### West Warrnambool Neighbourhood House

**Coordinator** Ref: 201812101/1810  
Applications close: 5.00pm Monday 7 January 2019  
Salary Range: \$63,585 to \$72,723 p/a (pro-rata)  
Position status: Permanent Part Time  
Further Enquiries: Fran Fogarty, Service Manager Community Support on 03 5559 4860 or [fogarty@warrnambool.vic.gov.au](mailto:fogarty@warrnambool.vic.gov.au)

For application details refer to [www.warrnambool.vic.gov.au/](http://www.warrnambool.vic.gov.au/) employment or contact the HR Unit on 5559 4408.

Warrnambool City Council is an equal opportunity employer that embraces and values child safety, diversity and inclusion.



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PROPOSAL TO MAKE LOCAL LAW NO. 2 – COMMUNITY AMENITY LOCAL LAW

Notice is given that Warrnambool City Council (Council) proposes to make a local law titled 'Local Law No. 2 – Community Amenity Local Law' (the Proposed Local Law).

The following information about the Proposed Local Law is provided in accordance with section 119 of the **Local Government Act 1989** (Act):

**Purpose of the Proposed Local Law**

If made, the purposes of the Proposed Local Law will be to:

1. provide for and ensure equitable, orderly and enjoyable use of community facilities and infrastructure by persons within the municipal district;
2. protect Council property and other community assets from loss and damage;
3. provide for the administration of this Local Law and of Council's powers and functions;

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4. promote a physical and social environment free from hazards to health, safety and welfare of persons within the municipal district;
5. prevent, suppress and regulate activities which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
6. provide for the peace, order and good government of the municipal district.

**General Purport of the Proposed Local Law**

If made, the Proposed Local Law will:

- provide for the administration and enforcement of the Proposed Local Law and empower Council and authorised officers to issue permits, notices to comply, act in urgent circumstances and impound things;
- provide for infringement notices to be served on those whom an authorised officer has reason to believe is guilty of an offence;
- create offences relating to:
  - failure to comply with a notice to comply;
  - failure to comply with conditions of a permit;
  - land and structures on land that is, or are, unsightly, detrimental to the amenity of the locality of the land or dangerous;
  - storage of machinery and second hand goods without a permit;
  - lighting incinerators and undertaking uncontained and open air burning without a permit;
  - distribution of handbills, advertisements, pamphlets and the like on roads and municipal places without a permit;
  - camping on municipal places without a permit;
  - use of caravans on private land for accommodation without a permit;
  - busking and conducting circuses, carnivals and similar events without a permit;
  - selling goods on private land unless authorised by the Warrnambool Planning Scheme;
  - emitting amplified sound on a road without a permit;
  - the number of animals that can be kept on any land, including the manner in which they are kept, and removal of animal excrement from roads and municipal places;
  - the keeping of bees on private land other than in accordance with the Apiary Code of Practice without a permit;
  - failure to destroy non-native wasp nests on private property;
  - horses on beaches, other than in accordance with Council's specifications from time to time, without a permit;
  - use, placement and interference with mobile garbage bins provided by Council for the disposal of household waste, recyclables and food or organic waste;
  - placement and use of skips on road and municipal places without a permit;
  - transportation of waste so as to avoid leakage and escape of offensive odours;
  - interference with Council drains without a permit;
  - management of building sites, including run-off and discharge, waste disposal facilities, containment and disposal of waste, site access and provision of toilets;
  - obtaining and complying with asset protection permits where building work other than minor building work is undertaken;
  - erecting, demolishing or otherwise altering any wharf, jetty or similar structure without a permit;

- operating a vessel or using a mooring for the conduct of a commercial enterprise without a permit;
- using any wharf, jetty or similar structure without a permit;
- operating septic tank systems and wastewater management systems without a permit;
- behaviour in municipal places, including committing a nuisance, destroying, damaging, interfering with or defacing a municipal place or anything on it, using any explosive or flammable matter and acting contrary to the conditions of use of the municipal place without a permit;
- use of rollerblades, skateboards, self-propelled scooters and similar devices on any municipal place in the area bounded by Raglan Parade, Fairy Street, Timor Street and Banyan Street, or any other area declared by Council from time to time;
- use of any motor vehicle on any municipal place unless the municipal place has been designated by Council for that purpose;
- taking glass containers onto any municipal place, or part of a municipal place, which has been designated by Council as an area in which glass containers are prohibited without a permit;
- consumption of alcohol and possession of unsealed containers in any municipal place, or part of a municipal place, which has been designated by Council as a liquor free area without a permit;
- vegetation that obstructs the clear view of drivers or pedestrians or otherwise interferes with traffic signs and the like;
- the placement of signs and fences on any land such that it obstructs the passage and clear view of drivers or pedestrians and interferes with the safe use of the road;
- display of house numbers;
- the construction, use and removal of vehicle crossings;
- the control of livestock on roads, including movement and grazing of livestock;
- parking of long vehicles on roads without a permit;
- parking heavy vehicles on private land in a residential area without a permit;
- the display of goods and placement of advertising signs and tables, chairs, barriers and the like on roads without a permit;
- placement of bulk rubbish containers on roads without a permit;
- occupation of roads for works, including the erection of hoardings and use of cranes, forklifts and similar machinery, without a permit;
- allowing substances from vehicles, animals and livestock to fall onto or remain on any road;
- holding street parties, festivals and processions on roads without a permit;
- soliciting to collect gifts, subscriptions or any other thing on any road without a permit;
- without a permit, dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a vehicle or cause or authorise another person to do so, does not apply as a result of breakdown;
- provide for the management of vehicle crossings more generally;
- provide for the prescription of certain areas (eg as areas where alcohol is not permitted).

Copies of the Proposed Local Law and the explanatory Community Impact Statement may be inspected at Council's Civic Centre at 25 Liebig Street, Warrnambool, during office hours and on Council's website.

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Any person may make a written submission relating to the Proposed Local Law. All submissions received by Council on or before 4.00 pm on 25 January 2019 will be considered in accordance with section 223 of the Act. Submitters should note that all submissions are made available to the public in full (including any personal information). Any person making a submission is entitled to request (in the submission itself) to be heard in support of the submission by appearing before Council (either personally or by a person acting on his or her behalf). The date and location of the Submission Hearing will be notified.

Submissions should be marked 'S.223 Submission on Proposed Local Law No. 2 – Community Amenity Local Law' and lodged at the above offices of Council, or sent to Council at Warrnambool City Council, PO Box 198, Warrnambool, Victoria 3280, or emailed to [contact@warrnambool.vic.gov.au](mailto:contact@warrnambool.vic.gov.au). Enquiries should be directed to Glenn Reddick, Manager City Amenity, on (03) 5559 4800.

BRUCE ANSON  
Chief Executive Officer

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## [Local Law Community Impact Statement (LLCIS)]

### **Warrnambool City Council Local Law No. 2 – Community Amenity**

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Council provides the following information to the community in respect of the proposed Local Law.

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#### **1. INTRODUCTION**

Council is proposing to update its Local Laws (other than Local Law No. 1 – Governance (Meeting Procedures) Local Law). Specifically, Council is updating:

1. Local Law Number 2 – Administration of Local Laws Local Law (**Administration Local Law**);
2. Local Law Number 3 – Environment Local Law (**Environment Local Law**);
3. Local Law Number 4 – Municipal Places Local Law (**Municipal Places Local Law**);
4. Local Law Number 5 – Streets & Roads Local Law (**Roads Local Law**);
5. Local Law Number 6 – Warrnambool Regional Airport Local Law (**Airport Local Law**); and
6. Local Law Number 7 – Livestock Exchange Local Law (**Livestock Local Law**),

(**current Local Laws**).

The proposed new Local Law No. 2 – Community Amenity (**proposed Local Law**) will supersede and replace the current Local Laws.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989 (Act)*.

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#### **2. BACKGROUND**

Local Laws are a form of local regulation that enables councils to make legislative controls that reflect the different circumstances of each municipality. The Local Law-making power attributed to councils comes from the Act.

The current Local Laws were made by Council resolution on 20 April 2009.

The current Local Laws regulate various conduct and behaviour throughout the municipality.

The current Local Laws are due to expire on 20 April 2019 and need to be renewed and updated to incorporate changes in legislation and to reflect current issues within the municipality.

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### 3. OVERVIEW OF PROPOSED LOCAL LAW

The proposed Local Law is being made under s 111(1) of the Act and will operate throughout Council's municipal district.

The proposed Local Law, to be known as the Warrnambool City Council Local Law No. 2 – Community Amenity, will commence on the day following notice of its making being published in the Victoria Government Gazette and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Laws will be revoked.

The objectives of the proposed Local Law consolidate and restate most of the objectives stated in the current Local Laws. The objectives are:

1. provide for and ensure equitable, orderly and enjoyable use of community facilities and infrastructure by persons within the municipal district;
2. protect Council property and other community assets from loss and damage;
3. provide for the administration of this Local Law and of Council's powers and functions;
4. promote a physical and social environment free from hazards to health, safety and welfare of persons within the municipal district;
5. prevent, suppress and regulate activities which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
6. provide for the peace, order and good government of the municipal district.

Proposed changes brought about by the proposed Local Law are substantial to the extent that they will:

1. consolidate four of the six current Local Laws into a single proposed Local Law;
2. dispose of the Airport Local Law and the Livestock Local Law; and
3. clarify and remove clauses which might encroach on the field covered by other legislation, such as the *Road Safety Road Rules 2017* and the *Environment Protection Act 1970*.

Under s 223 of the Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 12th October to 8<sup>th</sup> November 2018.

Anyone who makes a written submission can request to be heard in support of their submission at the Ordinary Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

The proposed Local Law has been reviewed by Council's lawyers who confirm that it complies with all regulatory requirements.

A copy of the proposed Local Law is attached (**Attachment 1**) to this Community Impact Statement.

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## 4. MAIN CHANGES TO THE LOCAL LAW

All provisions of the current Local Laws have been reviewed. Substantive changes are outlined in the following paragraphs. When reference is made to a clause being amended or otherwise modified, reference is being made to the substantive change to a clause in the current Local Law brought about by the proposed Local Law.<sup>1</sup>

### Definitions

Various definitions have been added, amended and removed, including the addition of the following definitions:

- 'minor building work';
- 'mobile garbage bin';
- 'prohibited waste';
- 'watercourse';
- 'wheeled recreational vehicle'; and
- 'wheeled toy'.

### Standards

The current Local Laws contain various standards which are, in many instances, repetitive and unnecessary. The proposed Local Law consolidates those standards and removes unnecessary repetition and duplication by:

- setting out general standards for issuing permits in cl 17; and
- consolidating standards for similar activities into a single clause.

### Notices to Comply

The process for issuing a Notice to Comply has been simplified and all relevant provisions are now contained in cl 11 of the proposed Local Law.

### Permits

The process for applying for, and issuing, permits has been clarified, with particular reference to:

- process for applying for permits;
- circumstances in which a permit will be amended, cancelled and corrected; and
- standards for issuing permits,

and is now contained entirely in Division 3 of Pat 1 of the proposed Local Law.

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<sup>1</sup> Strictly speaking the current Local Law is being revoked rather than amended. For the sake of convenience, clauses in the current Local Law are being referenced as if they are changing rather than being replaced.



### Areas Specified by Council

The current Local Laws include Schedules which establish the times and places at which certain activities are permitted or prohibited. These Schedules have been deleted from the proposed Local Law and replaced with provision for Council to determine such matters from time to time by resolution. See, for example, cls 35, 52 and 61.

### Fire Hazards

Clause L3.8 of the Environment Local Law, which required landowners to reduce the risk of fire on their land, has been deleted to avoid any encroachment onto the field covered by the *Country Fire Authority Act 1958*. The same matters will instead be managed by Council under s 41 of that Act.

### Chimneys

Clause L3.12 of the Environment Local Law, which regulate the discharge of smoke and dust from chimneys, has been deleted to avoid any encroachment onto the field covered by the *Environment Protection Act 1970* and associated Regulations and Policies. The same matters will be managed by Council under Part VI of that Act.

### Control of Dogs and Cats

Clause L3.29 of the Environment Local Law, which regulated the places in which dogs and cats were permitted, has been deleted to avoid any encroachment onto the field covered by the *Domestic Animals Act 1994*. The same matters will instead be regulated by orders made under s 26 of that Act.

### Wheeled Toys and Recreation Vehicles

Clauses 57 to 59 have been added to the proposed Local Laws to regulate the use of wheeled toys and recreation vehicles on municipal places (excluding roads). This provides Council with the ability to regulate such matters while avoiding encroachment onto the field covered by the *Road Safety Act 1986* and associated Regulations.

### Consumption of Liquor

A new cl 61 has been added to the proposed Local Law which provides for Council to declare a municipal place or part thereof to be a liquor free area. This replaces cls L4.11 and L4.12 of the Municipal Places Local Law, which fixed the places and times at which liquor could not be consumed. It provides Council with greater flexibility in respect of such matters.

### Asset Protection Permits

A new cl 31 has been added setting out the requirement to obtain an Asset Protection Permit before undertaking any building work other than minor building work. This consolidates cls L5.72 to L5.76 of the Roads Local Law and simplifies the requirements.

### Standards for Clearances

Clause S5.1 of the current Local Laws, which sets standards for clearances from roads for vegetation, fences and the like, has been omitted from the proposed Local Law as it is overly technical and prescriptive. These determinations will now be left to the discretion of Council's authorised officers.

### Vehicles on Roads

Clauses L5.41 to L5.45 of the current Local Laws, which regulates vehicles on roads, have been deleted to avoid any encroachment onto the field covered by the *Road Safety Act 1986* and associated

Regulations. The same matters will be managed by Council under the *Road Safety Act 1986* and associated Regulations.

#### Management of Parking

Part 6 of the Roads Local Law, which regulates parking on roads, has been deleted to avoid any encroachment onto the field covered by the *Road Safety Act 1986* and associated Regulations. The same matters will be managed by Council under the *Road Safety Act 1986* and associated Regulations.

#### Airport Local Law

The matters addressed by the Airport Local Law have been omitted from the proposed Local Law because they relate to land outside Council's municipal district and can be adequately managed by Council in reliance on its powers as an occupier of the land on which the airport is situated. The Airport Local Law will be revoked upon commencement of the proposed Local Law.

#### Livestock Local Law

The matters addressed by the Livestock Local Law have been omitted from the proposed Local Law because they can be adequately managed by Council in reliance on its powers with respect to municipal places generally or its powers as an occupier of the land on which the livestock exchange is situated. The Livestock Local Law will be revoked upon commencement of the proposed Local Law.

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## **5. EVALUATION OF LOCAL LAW**

In accordance with Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following Table.

Issue	Evaluation
Objectives	<p>The objectives of the proposed Local Law are to:</p> <ul style="list-style-type: none"> <li>• provide for and ensure equitable, orderly and enjoyable use of community facilities and infrastructure by persons within the municipal district;</li> <li>• protect Council property and other community assets from loss and damage;</li> <li>• provide for the administration of this Local Law and of Council's powers and functions;</li> <li>• promote a physical and social environment free from hazards to health, safety and welfare of persons within the municipal district;</li> <li>• prevent, suppress and regulate activities which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and</li> <li>• provide for the peace, order and good government of the municipal district.</li> </ul>
Legislative Framework	<p>The Act gives councils broad powers to make local laws with respect to any function or power of the council.</p> <p>The proposed Local Law addresses matters within Council's broad functions and powers.</p>
State legislation more appropriate	<p>State legislation compels Council to make Local Laws to address issues within its municipality. In developing the proposed Local Law, Council has not sought to address any issues which it feels are best addressed at the State or Federal level.</p>
Overlap with existing legislation	<p>Existing State legislation deals with the following issues which are also dealt with in some general circumstances by the proposed Local Law:</p> <ul style="list-style-type: none"> <li>• Noise – <i>Environment Protection Act 1970</i>; and</li> <li>• Municipal Places and Roads – Works and/or Usage – <i>Road Management Act 2004</i>.</li> </ul> <p>Council is satisfied that the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>
Planning Scheme	<p>Council does not believe that any clause of the proposed Local Law overlaps with, duplicates or creates any inconsistency with the Warrnambool Planning Scheme.</p>

Issue	Evaluation
Legislative Approach	<p>The proposed Local Law adopts a medium impact regulatory approach, in as much as it prescribes with a level of detail the conduct and behaviour of members of the public within Council's municipality.</p> <p>This approach is considered appropriate to:</p> <ul style="list-style-type: none"> <li>• facilitate the orderly and efficient access to and use of municipal places and roads; and</li> <li>• provide for the protection of Council assets under specified circumstances.</li> </ul> <p>The proposed amendments to the current Local Laws have been incorporated into a new, consolidated Community Amenity Local Law to provide a greater level of clarity and transparency. All provisions of the proposed Local Law are open to public scrutiny and comment.</p>
Performance Standards or Prescriptive Details	Council has, where appropriate and possible, adopted a performance-based approach to the proposed Local Law.
Risk Assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Measures of Success	<p>Council will measure the success of the proposed Local Law as follows:</p> <ul style="list-style-type: none"> <li>• recording levels of compliance/non-compliance using inspection data;</li> <li>• review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and</li> <li>• volume of complaints.</li> </ul>
Permits and Fees	<p>The proposed Local Law makes provision for:</p> <ul style="list-style-type: none"> <li>• the issue of permits – the proposed Local Law requires permits to be obtained for various activities; and</li> <li>• Council to prescribe fees from time to time by resolution – it is expected that fees will be set annually as part of Council's Budget process.</li> </ul>
Penalties	<p>All offences created under the proposed Local Law attract varying maximum penalties, ranging from 2.5 penalty units to 20 penalty units with varying infringement penalties prescribed in cl 19 as being two fifths of the maximum penalty for an offence or such other amount as Council determines from time to time.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>

Issue	Evaluation
Restriction of competition	Council has conducted a review of the proposed Local Law in accordance with National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition.
Comparison with other Councils	In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.
Charter of Human Rights	<p>The <i>Charter of Human Rights and Responsibilities Act 2006 (Charter)</i> contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter.</p>
Community Consultation	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council staff and Council's legal advisers.</p> <p>A community consultation process will be conducted in accordance with ss 119(2) and 223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

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## 6. ATTACHMENTS

- **Attachment 1** - Proposed Local Law

Warrnambool City Council Local Laws review

#1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, October 25, 2018 9:52:09 AM  
**Last Modified:** Thursday, October 25, 2018 9:56:05 AM  
**Time Spent:** 00:03:55  
**IP Address:** 202.153.220.32

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Page 1

**Q1** Please provide us with your feedback on the proposed amendments to the Local Laws.

It sounds as if it makes things easier.  
What more can one say ...it will show in actual a  
Cases

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**Q2** Address

Warrnambool City Council Local Laws review

#2

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, October 30, 2018 11:27:39 PM  
**Last Modified:** Tuesday, October 30, 2018 11:34:42 PM  
**Time Spent:** 00:07:03  
**IP Address:** 1.136.107.29

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Page 1

**Q1** Please provide us with your feedback on the proposed amendments to the Local Laws.

All animals fit in with other animals. People on the beach disturb the birds more than horses. My grandfather trained horse on the beach over 100 years ago.. they were one of Warrnambool's first settlers. Racing has been kind to Warrnambool's economy you are killing history and what is part of Warrnambool's identity for minority unproven so called illegal planning. Kill off a special part of Warrnambool. Quite sad resll

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**Q2** Address

## Warrnambool City Council Local Laws review

#3

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, October 30, 2018 11:34:55 PM  
**Last Modified:** Tuesday, October 30, 2018 11:37:54 PM  
**Time Spent:** 00:02:59  
**IP Address:** 1.136.107.29

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Page 1

**Q1** Please provide us with your feedback on the proposed amendments to the Local Laws.

All animals fit in with other animals. People on the beach disturb the birds more than horses. My grandfather trained horse on the beach over 100 years ago.. they were one of Warrnambool's first settlers. Racing has been kind to Warrnambool's economy you are killing history and what is part of Warrnambool's identity for minority unproven so called illegal planning. Kill off a special part of Warrnambool. Quite sad really. Sorry our family were Warrnambool early settlers. A few people who own property can't share an early morning .. its invigorating watching the horses enjoying the water. Selfish not to share

---

**Q2** Address



Warrnambool City Council Local Laws review

#4

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, November 12, 2018 9:21:32 AM  
**Last Modified:** Monday, November 12, 2018 10:00:40 AM  
**Time Spent:** 00:39:07  
**IP Address:** 139.130.83.33

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Page 1

**Q1** Please provide us with your feedback on the proposed amendments to the Local Laws.

Clause 59(1) should provide that wheeled recreational devices may be used unless Council designates a certain place otherwise. A prohibition should not apply to an entire municipality, unless there is good reason. If council wants to ban rollerblades, rollerskates, skateboards and scooters (which are wheeled recreational devices under the Road Safety Road Rules) then areas should be designated with signage. Residents and visitors (including tourists) should not be assumed to just "know" that these devices are banned in the municipality.

Clause 59(2) of the proposed Laws effectively bans rollerblades, rollerskates, skateboards and scooters on total fire ban days. Surely this is not the intention of the draft Laws. Leave it up to the CFA/state government to sort out the risks and issues with use of devices on total fire ban days, such as currently apply to tools and machinery that create sparks (eg. welding).

---

**Q2** Address

**Sent:** Tuesday, 30 October 2018 2:01 PM  
**To:** Warrnambool City Shared Mail  
**Subject:** Dogs on Paths

To the Manager of Local Laws, Warrnambool City Council,

Dear Sir/ Madam,

I am writing to you regarding 2 short sections of walking paths, which are at present dog free zones.

1. Thunder Point Carpark to the footbridge over the mouth of the Merri River.
2. Behind the Woollen Mill, along the Rail Trail (higher path), behind the Railway Station to the Mozart Hall.

As a resident of South Warrnambool, I use both of these paths quite regularly, and I would sometimes like to walk a dog (on a lead of course) on both these paths.

I would be most grateful if you would allow both these sections of paths to become Dogs on Leads paths. I look forward to hearing back from you.

Yours Sincerely,

Warrnambool City Council	
29 JAN 2019	
Ref No	
Officer	
Scanned Yes / No	Ch:

Tuesday the 21st of January

To Manager City Amenity,

It is terrific that the Warrnambool City Council has been proactive in reviewing the local laws. But it is also disappointing that there was minimal advertisement during the Christmas period for Community feedback and input. During the busiest time of the year it would have been difficult for the most amount of feedback possible to have been collected on such an important document that effects all of the Community. I hope that the elected Councilors call for a re-advertisement and an extension for Community to have their response.

I believe that some amendments need to be made to some of the laws, where things need to be changed or abolished completely.

Item 57. Use of wheeled devices

First of all I find it disappointing that the definition of wheeled recreational devices was not included in the index. I believe that point (1) is too excessive in its area and needs to be decreased in its size. Considering staff, students, adults and children utilize these modes of transportation to access the city and their workplaces. Not to mention that these modes of transport are environmental sustainable and to ban them would discourage healthy ways of transport in the CBD. I suggest that the area be minimized to Liebig Street only from Raglan parade to Timor street.

Item 20. Unsightly and Dangerous land

I am struggling to understand why unregistered vehicles on properties are classed as unsightly, in reference to (2) (a) (iv). Why is it the concern of the Warrnambool City Council if the vehicles parked on my property are registered or not? Or in the process of being prepared, restored or kept for family but are unregistered at the present time? How is this unsightly or dangerous? Also considering that Warrnambool is a rural town where many properties will have paddock cars, (2) (v) recycle scrap metal areas for farming or fabricating on the property.

I believe that items (2) (a) (iv) and (2) (a) (v) should be removed from the document of Local Laws.

Item 21. Storage of Machinery or Second-hand goods (a), (b)

This is the most confusing of the laws. Does this mean that I cannot purchase a secondhand cubby house, trailer, caravan or wheelbarrow and store it on my property without permission from Council? In regards to the storage of machinery, will every tractor in every paddock within the district of the Warrnambool City Council will receive a fine? Again, I believe that it is not the concern of the council as to how personally owned property is stored on the property of each individual.

In relation to clause (b), it is ridiculous that you are unable to work on your own machinery on your property.

I believe that items 21 (a) and (b) should be removed from the document of Local Laws.

Item 13. Power of Authorized Officer to Impound

In relation to the whole clause of item 13. (1), I believe that this is over stepping the duties of the local council. Who determines which items are impounded? What right has the council to impound personal items or property, either secondhand goods, skate boards, machinery or unregistered vehicles? It is not the concern of the council what citizens store, restore or have on their properties as long as they are safe and are used in a lawful manner. Where does the impounding of items stop? What will you prohibit next to create revenue?

I believe it is a breach of privacy and plain personal freedom to have my items of personal property regulated and impounded if the council deems it so.

I believe that items 13 (1) should be removed from the document of Local Laws

I may not have enough information in regards to these laws in relation to my reaction to the laws, and if I have misunderstood the proposed document I am very interested to discuss further and clear my thoughts.

Also, other laws need investigating but due to the time restraints for the document deadline and family commitments I am unable to comment further and more in depth.

Kind regards,



WARRNAMBOOL  
CITY COUNCIL

## LOCAL LAWS

# Consumption of liquor



Places where liquor may not be consumed

### Central Business District:

No person may consume alcohol or have in their possession or under their control any liquor other than in a sealed container on any road or on any municipal place in the CBD. Does not apply to licenced premises.

### Other information:

**Penalty: 5 penalty units**



[www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

Connect to Council    



WARRNAMBOOL  
CITY COUNCIL

# LOCAL LAWS

## Consumption of liquor



### Places where liquor may not be consumed

**Foreshore:** Alcohol consumption prohibited from the Promenade to the sea, between the Flume and the foreshore Pavilion Carpark.

**Lake Pertobe:** Alcohol consumption prohibited between 2pm-4pm and 10pm -11pm daily, including the reserve to the south of Pertobe Road.

**Other information: Penalty: 5 penalty units**



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## **5.7. STOCK UNDERPASS POLICY**

### **PURPOSE:**

***The purpose of this report is to present the proposed Stock Underpass Policy to Council for adoption***

---

### **EXECUTIVE SUMMARY**

- Council currently has several stock underpasses which cross council road reserves.
- Council does not currently have a policy which defines roles, responsibilities, ownership and processes for stock underpasses.
- A Draft Stock Underpass Policy has been prepared to ensure stock underpasses are developed to meet appropriate road safety and engineering standards as well as clearly define appropriate maintenance standards and responsibilities.
- The Draft Stock Underpass Policy will apply to all underpasses on Council managed roads and will supersede any existing arrangement other than a formal deed of agreement.
- The Policy was open for comments on the 'your say' Warrnambool website from 14 September to 18 October and advertised in the Warrnambool Standard on 18 September.
- Letters were also sent to each known stock underpass owner advising them of the draft policy.
- No submissions were received during the consultation period.

---

### **RECOMMENDATION**

**That Council adopt the Stock Underpass Policy.**

---

### **BACKGROUND**

Council has been allowing the construction of stock underpasses under Council roads; however it has no policy to guide the construction and responsibilities of underpasses.

Stock underpasses are structures which are built under roads in order to allow the efficient travel of stock between properties. In most cases a stock underpass will be built where a single owner has two properties which straddle a public road. Without a stock underpass the property owner is forced to cross the road with the stock in a labour intensive fashion, which can cause traffic hazards.

In Victoria there have been several initiatives to promote the use of stock underpasses as they have multiple benefits including preservation of the road surface, allowing stock to pass easily between two properties and ensuring that traffic on the road remains unaffected.

### **ISSUES**

Currently Council does not have a clear position on who is the responsible owner of stock underpass infrastructure.

In order to ensure that both Council and the property owners are clear on their respective responsibilities regarding stock underpasses a policy needs to be adopted.

Recently, an event in which there was damaged guard rail on the top off a stock underpass demonstrated that Council required a policy which clearly details the ongoing maintenance responsibilities as well as construction standards.

While the above ground infrastructure (road pavements and guardrails) are generally asset types commonly maintained and managed by Council, the underpass structures themselves are more significant due to the size, configuration and cost of replacement.

The Stock Underpass Policy broadly follows the VicRoads position on this infrastructure which sees the road authority retain ownership of the road surfacing and require the adjoining land owners to maintain the stock underpass.

## **FINANCIAL IMPACT**

The financial impact to Council will be minimal as the policy determines the appropriate responsibility based on the benefit received.

The property owner who constructs and utilises the underpass shall pay for the original construction of the underpass as well as maintain the underpass structure indefinitely. Council will remain responsible for the roadway and guard rails.

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

### **3 Maintain and improve the physical fabric of the City**

3.5 Maintain and enhance existing Council Infrastructure.

### **4 Develop a modern economy with diverse and sustainable employment**

4.2 Encourage more sustainable local business.

### **5 Practice good governance through openness and accountability**

5.7 Develop policies, strategic plans and processes to address local and regional issues, guide service provision and ensure operational effectiveness.

5.8 Ensure financial sustainability through effective use of Councils resources and assets and prudent management of risk.

## **TIMING**

The policy is now brought to Council for adoption as the public consultation period has been completed.

## **COMMUNITY IMPACT/CONSULTATION**

The Stock Underpass Policy was available for comment on the [yoursaywarrnambool.com.au](http://yoursaywarrnambool.com.au) website from 14 September to 18 October for 28 days and advertised on the Council website, social media and the local newspaper (article 18 September).

All known stock underpass owners/users were sent a copy of the Draft Stock Underpass Policy to read, consider and provide input. No responses were received either within the 28 days or after the period had ended.

## **LEGAL RISK/IMPACT**

If the policy is not adopted there is a risk that Council will be drawn into dispute over the maintenance and asset replacement of an underpass, which could be a significant unforeseen cost and damage to Council reputation.

There are no known environmental impacts of the Draft Stock Underpass Policy.



## **OFFICERS' DECLARATION OF INTEREST**

No interests to declare in relation to this policy.

## **CONCLUSION**

The Stock Underpass Policy has been developed to improve the management of stock underpasses, clarify responsibilities and control risk but the policy also seeks to ensure that underpasses remain fit and available for use by the farmers who rely on them.

Now that the public consultation period has finished, it is recommended that Council adopts the policy and publishes the policy on Council's website.

## **ATTACHMENT**

1. Stock Underpass Policy **[5.7.1]**



WARRNAMBOOL  
CITY COUNCIL

## **Stock Underpass Policy**

POLICY TYPE: COUNCIL

APPROVAL DATE: [MMM YYYY]

REVIEW DATE: [MMM YYYY]

**DOCUMENT CONTROL**

<b>Document Title:</b>	<i>Draft Stock Underpass Policy</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>Infrastructure Services</i>
<b>Responsible Officer:</b>	<i>Manager Infrastructure Services</i>
<b>Document Status:</b>	<i>Draft</i>
<b>Approved By:</b>	
<b>Adopted Date:</b>	<i>[MMM/YYYY]</i>
<b>Review Date:</b>	<i>[MMM/YYYY]</i>



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## 1. INTRODUCTION

### 1.1. Purpose

The purpose of the Stock Underpass Policy (the Policy) is to provide a mechanism for the consideration of stock underpass applications and set appropriate rights and responsibilities.

The Stock Underpass Policy ensures that Council has guidance for the construction, approval, maintenance and ongoing responsibilities of stock underpasses.

The Policy will act as a default set of responsibilities for all Stock underpasses which exist within the Warrnambool City Council including existing underpasses. Council currently has several underpasses, some of which have historical agreements in place and others which do not. The implementation of the Policy will designate the responsibilities of the Council and the users ensuring that both parties understand their respective responsibilities.

### 1.2. Scope

The Policy is applicable to the current and/or proposed stock underpasses on Council owned or leased roads within the Warrnambool City Council Local Government Area.

### 1.3. Definitions

Term	Definition
<b>Asset</b>	An item that has a value to an organisation, for a life greater than 12 months. This Policy only refers to physical assets (plant, infrastructure, land).
<b>Asset Management (AM)</b>	The systematic and coordinated activities and practices of an organisation to optimally and sustainably deliver through the cost-effective lifecycle management of assets.
<b>Council</b>	Warrnambool City Council.
<b>Council Plan</b>	The Council Plan is the document, required by law, which sets out the direction and priorities for Council over a four-year period.
<b>The City</b>	The Municipality of Warrnambool.
<b>The Policy</b>	Council's adopted Stock Underpass Policy (Policy).
<b>The User</b>	The adjoining landowner or landowners who are currently directly serviced by the stock underpass and/or who are the applicant for the construction of a new stock underpass.

## 1. POLICY

### 1.1. Council Plan

The Council Plan requires assets to be suitably assigned to the appropriate owners which will assist in the below objective.

*“Our sustainable city will be financially secure... have well maintained assets... balanced with financial viability”*

### 1.2. Policy Objectives

- Provide a standard for the continued provision of stock underpasses.
- Define legal responsibilities for stock underpasses.
- Ensure existing underpasses are appropriately managed.
- Provide an approval process for stock underpasses.
- Ensure existing underpasses have assigned responsibilities.

### 1.3. Approvals

In addition to any required approvals set out by the Planning Scheme, the location, design and construction of a stock underpass must be approved by the Manager Infrastructure Services.

Any underpass to be constructed under a Council owned or leased road will require landowners to produce site specific plans completed by a qualified engineer for approval which include:

- Structural computations for the construction and design suitability of the underpass.
- A detailed locality plan, construction methodology, traffic management plan and all design details necessary for the construction of the underpass.
- Information and design necessary to provide appropriate drainage.
- Plans which comply with current VicRoads standards for stock underpasses.
- Guardrails specified to current VicRoads standards (where applicable)

Where an underpass is to be constructed under a solely VicRoads managed road reserve, approval may not be required from Council, In this case approval will need to be obtained from VicRoads.

### 1.4. Ownership and Maintenance

The construction of all aspects of the stock underpass including the road surfacing and guard rails shall be undertaken by the user at the user's expense. Once construction has been completed and the works have been approved by Council the user will be responsible for the maintenance upkeep and renewal of the underpass.

Council will then assume responsibility for the maintenance, upkeep and renewal of the road surface and guard rail, excluding the physical structure of the stock underpass and any associated infrastructure.

In the event that the underpass causes deterioration to any infrastructure within the road reserve then the user shall be liable to repair both the stock underpass and the infrastructure which has been damaged.

### **1.5. Existing underpasses or underpasses without a current Deed of Agreement**

If there is an existing stock underpass or one which does not have a current Deed of Agreement then the responsibilities shall default to the responsibilities outlined within the Stock Underpass Policy.

### **1.6. Deed of Agreement**

A deed of agreement shall be entered into by the relevant user and Council prior to commencement of construction. The agreement will stipulate the responsibilities of all parties and the standards for the stock underpasses construction. The agreement shall be binding to the current and future users ensuring that the responsibility of the stock underpass is maintained.

### **1.7. Redundant Underpasses**

Stock underpasses which are no longer in use or which fall into a state of disrepair are to be removed by the user at the users expense, the user is to reinstate all infrastructure within the road reserve to a Council approved condition.

## **2. GOVERNANCE**

### **2.1. Owner**

The owner of this policy is the Manager Infrastructure Services

### **2.2. Review**

This document will be reviewed every 5 years.

### **2.3. Charter of Human Rights Compliance**

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

## **5.8. PORT OF WARRNAMBOOL FISH CLEANING FACILITY**

### **PURPOSE:**

***This report provides information on a funding opportunity relating to the Port of Warrnambool fish cleaning facility.***

---

### **EXECUTIVE SUMMARY**

- Council's 2018 Port of Warrnambool Master Plan identifies as one of its immediate priorities the upgrading of fish cleaning facilities.
- Council has sought and been successful in obtaining a commitment of funding through the States "Better Fishing Fund" (Target One Million Recreational Fishing Program) for \$80,000.
- The total project cost is estimated at \$160,000 and includes relocation of the facilities, sewer extensions, parking area and water connections.
- Council has approached Transport for Victoria, Local Ports Department, requesting a \$50,000 contribution through the 2019 emergency funding. The boat ramp, including fish cleaning tables and boat wash down currently fall within the gazette boundary for the Port of Warrnambool. This would change under the proposed development; the siting identified under the adopted Master Plan would see the facilities becoming the responsibility of Council.
- Council has been working too secure funding from Local Ports for some time and needs to commit to the Better Fishing Fund grant offer.
- While officers will continue to seek state funding they need to progress with works as detailed under the current offer and therefore need Council to be aware of the co-contribution should no other funding options be successful.

---

### **RECOMMENDATION**

**That Council accepts the \$80,000 funding grant through the Target \$1M Better Fishing Fund and commence detailed design and documentation for installation.**

---

### **BACKGROUND**

The 2018 adopted Warrnambool Harbour Masterplan identifies upgrade of the existing fish cleaning facility as an immediate term priority (0-3 years). The proposed changes to the boat ramp will not be possible without addressing siting of the fish cleaning and boat wash down.

Despite the provision of bins for compost collection, offal and fish frames are regularly returned directly to Lady Bay, along with liquid waste, attracting a school of rays, seals and potentially other marine life attracted to nutrient, adjacent to an area promoted for swimming and horse training.

### **ISSUES**

Installation of new fish cleaning facilities will require a Coastal Management Act permit and Wannon Water trade waste agreement.

Wannon Water has provided in-principle support for the proposed trade waste arrangement, subject to consideration of the detailed hydraulic design.

Whilst we have sought funding through Transport for Victoria are currently anticipating a delay in announcement of emergency funding for local ports, announcement is not expected until the first quarter of 2019. Application has been made for \$50,000 contribution toward fish cleaning facilities at the Port of Warrnambool.



## **FINANCIAL IMPACT**

Council has been offered \$80,000 in project funding towards a \$160,000 project.

A capital works bid for \$50,000 was made through Local Ports for match funding, however there is no certainty of gaining funding from them through their emergency funding stream, which is subject to Ministerial consideration.

Council has funding allocated in the 2019/2020 budget for the Safer Launching Facilities which is unlikely to be required in full.

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

### **1 Sustain and enhance the natural environment**

1.1 Protect and enhance our waterways, coast and land

### **3 Maintain and improve the physical fabric of the City**

3.2 Create a more vibrant City through activating high quality public places.

### **4 Develop a modern economy with diverse and sustainable employment**

4.3 Enhance the visitor experience.

## **TIMING**

These works are identified as a priority, planned to be completed within 3 years of the adoption of the Warrnambool Harbor Master Plan.

## **COMMUNITY IMPACT/CONSULTATION**

An extensive consultation process was undertaken as part of the Warrnambool Harbour Master Plan process.

The Warrnambool Offshore & Light Game Fishing Club has provided written support for the siting and concept design of the proposed facility.

## **LEGAL RISK/IMPACT**

There is a potential \$80,000 project shortfall should the Port of Warrnambool be unsuccessful in the bid for emergency funding through the Transport for Victoria Local Ports funding program.

In accepting the grant from the Better Fishing Fund, Council is agreeing to fund any project shortfall.

## **OFFICERS' DECLARATION OF INTEREST**

Nil

## **CONCLUSION**

Construction of a new fish cleaning facility delivers on a short-term priority in the adopted Port of Warrnambool Harbour Master Plan.

The Better Fishing Fund was announced in September 2018, with a proposed completion of March 2019.

## **ATTACHMENTS**

Nil

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## **5.9. PORT OF WARRNAMBOOL ASSET MANAGEMENT PLAN**

### **PURPOSE:**

***This report provides information on the submissions received for the Port of Warrnambool Asset Management Plan.***

---

### **EXECUTIVE SUMMARY**

- Council released the Port of Warrnambool Asset Management Plan and supporting documents for public comment for a period of 28 days between 1 November 2018 and 30 November 2018 on Councils 'yoursay' website (<http://www.yoursaywarrnambool.com.au>) and through advertisements in the Standard Noticeboard following the Council meeting on 1 October 2018. (Refer **Attachments 1, 2, and 3**).
- An invitation to make submissions was extended to members of Council's Port of Warrnambool Community Reference Group at its 12 November 2018 meeting.
- A total of 5 submissions were received up until the closing date. A copy of the submissions received are attached for further reference. (Refer **Attachment 4**).

---

### **RECOMMENDATION**

**That Council having considered submissions adopt the Port of Warrnambool Asset Management Plan.**

---

### **BACKGROUND**

An Asset Management Plan is a strategic document for managing Council's infrastructure and other assets such that they deliver an agreed standard of service.

A key purpose of Asset Management Plans is to drive longer term thinking and planning to ensure the organisation is operating in a financially sustainable manner.

The development of the Port of Warrnambool Asset Management Plan and supporting documents was funded by the asset owner, the State Government.

Council worked in conjunction with appointed consultants GHD to develop a draft Asset Management Plan for the Port of that contains two supporting documents to be read as supplements to the overarching Asset Management Plan;

- Port of Warrnambool Port Operations Review Report.
- Port of Warrnambool Breakwater Assessment Report.

Council released the Port of Warrnambool Asset Management Plan and supporting documents for public comment for a period of 28 days following the Council meeting on 1 October 2018.

## ISSUES

The following table lists the submissions received and Council's response:

Item	Submission	Issue
1	Complicated. Not accurate at all.	The Asset Management Plan has been developed by a suitably qualified and experienced firm. It is a high level strategic document. No change required.
2	<p>The Breakwater, Stingray Bay, the Domes and the boat ramp with its fish cleaning station are a major attraction and a magnet for locals as well as visitors of Warrnambool.</p> <p>I think that everything should be done to renovate and repair the structures and spend money on making changes for the longterm.</p> <p>It accordance with our 2040 vision we should do everything to secure all structures.</p> <p>However....I am convinced that Warrnambool will never as successful....I am convinced that Warrnambool will never as successful as a fishing port as Port Fairy and Portland can be due to natural layout. So we should not waste money into a lost cause. It is hard enough to have it all as a swimming beach, a horse training beach, a fishing spot and more.</p>	Feedback will be taken into consideration as part of future Master planning processes. No change required.
3	In my opinion this ASM is nothing else but a risk adjusted expenditure schedule. How can residents assess if risks are worth the expenditures? They can't. Is it not part of the councils job to assess and mitigate risks, budget the expenditures and assure funding? If this would be a port strategy and future vision I would love to contribute and comment.	Comment noted. No change required.
4	I think it is a beautiful, because i think the sky is nice.	Lacking in substantive detail. No detail required.
5	Daddy bae	Lacking in substantive detail. No detail required.

## FINANCIAL IMPACT

The development of the Asset Management Plan and supporting documents was funded by the asset owner, the State Government.

The Asset Management Plan indicates substantial funding and resources is required in the coming years. The major recommendation is the installation of rock armouring along the sea side of the main breakwater. This has an initial estimate of \$5.4 million ± 30%.

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

### **5 Practice good governance through openness and accountability**

5.7 Develop policies, strategic plans and processes to address local and regional issues, guide service provision and ensure operational effectiveness.

## **TIMING**

Adoption of the Port of Warrnambool Asset Management Plan will allow us to commence discussion with the State Government on funding options.

## **COMMUNITY IMPACT/CONSULTATION**

Council will continue to liaise with the Port reference group to inform stakeholders of planned actions or initiatives.

## **LEGAL RISK/IMPACT**

The benefit of adopting a Port of Warrnambool Asset Management Plan, like all asset management plans is to provide transparency, clarity and governance to the specific asset class and include details pertaining to:

- Levels of service and stakeholder consultation
- Growth and demand
- Lifecycle management plan
- Risk management plan
- Financial forecasts
- Processes practices and improvement

## **OFFICERS' DECLARATION OF INTEREST**

No officer involved with the preparation of the Port of Warrnambool Asset Management Plan has declared a conflict.

## **CONCLUSION**

The Port of Warrnambool Asset Management Plan was released for public comment for the duration of 28 days.

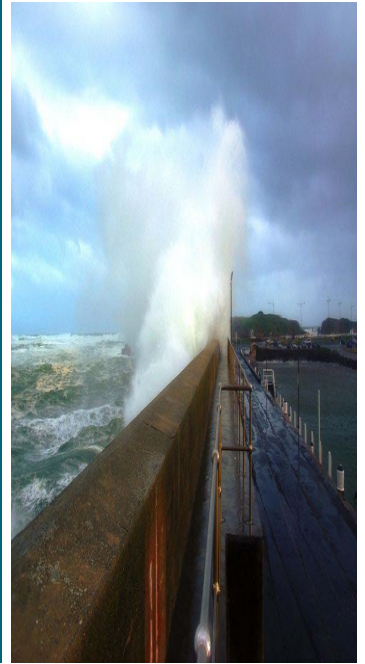
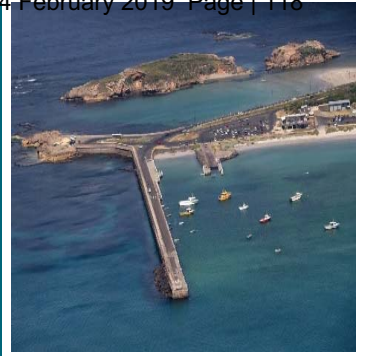
Council having considered the submissions is now in a position to adopt the Asset Management Plan.

## **ATTACHMENTS**

1. Port of Warrnambool Asset Management Plan **[5.9.1]**
2. Port of Warrnambool Port Operations Review Report **[5.9.2]**
3. Port of Warrnambool Breakwater Assessment Report **[5.9.3]**
4. Port of Warrnambool Asset Management Plan Submissions **[5.9.4]**

**DRAFT**

**GHD**  
Advisory



# Port of Warrnambool Asset Management Plan

Warrnambool City Council

17 August 2018



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# 1. Introduction and Overview

## 1.1 Project Overview

The Port of Warrnambool (the Port) is a Government owned asset managed by Warrnambool City Council (WCC). Currently the major users of the port are commercial fishing, recreational fishing and the coast guard. The port precinct is a popular area for tourists and local recreation.

WCC has engaged GHD to develop an Asset Management Plan (AMP) for the Port in order to better understand and manage asset maintenance and capital spending into the future.

The development of this AMP included investigating a number of issues in some detail, some of which are described in standalone-reports.

The single largest and most complex asset of the port is the historic breakwater built in the 1890. As part of this project, GHD have conducted an inspection and assessment of the Breakwater, which is presented in a separate standalone report "*Port of Warrnambool Asset Management Plan - Breakwater Assessment*, GHD 2018".

WCC have also nominated a number of operational issues that need review and will inform the future management of the port. For example, swing moorings, vessel refuelling, waste disposal, dredging and traffic management. These issues are covered in the standalone report "*Port of Warrnambool Asset Management Plan – Review of Port Operations*, GHD 2018".

## 1.2 Overview of Asset Management Plan

### 1.2.1 AMP Development

This Asset Management Plan (AMP) has been developed by GHD asset management specialists with input from WCC infrastructure staff. The contents structure of this AMP has been aligned with ISO 55000 and the International Infrastructure Management Manual (IIMM).

### 1.2.2 Asset Management Objectives

The IIMM 2015 lists the key elements of Infrastructure Asset Management as follows:

- Providing a defined level of service and monitoring performance;
- Managing the impact of demand changes (growth as well as decline) through demand management, infrastructure investment and other strategies;
- Taking a lifecycle approach to developing cost-effective management strategies for the long-term that meet that defined level of service;
- Identifying, assessing and appropriately controlling risks; and
- Having a long-term financial plan which identifies required expenditure and how it will be funded.

Accordingly, the WCC's objective is to develop the Port of Warrnambool Asset Management Plan. The development of this AMP is to provide a methodology for the port assets into the future.

The AMP will also link asset/component data to financial plans. These financial plans and asset management plan is then integrated into corporate planning and the annual budget cycles.

### **1.2.3 Purpose of This Plan**

WCC recognises that this AMP is the fundamental driver of services that impact directly on stakeholders.

A long-term planning approach is considered necessary given the large capital and operating expenditure expected, the long lives of the assets and the long lead times involved in planning for upgrades, replacements and the purchase or building of new assets. The sequencing and timing of works are developed through discussions with key stakeholders.

WCC desires to create a comprehensive AMP for its port related assets. The asset management plan will provide the following benefits to the WCC:

- Improved understanding of service level options, costs and risks
- Improved decision making based on a better understanding of the benefits and cost of alternatives
- Communicate and better justify renewal and maintenance funding requirements
- Demonstrable responsible ownership of assets
- Understanding future funding requirements
- Enhanced customer satisfaction
- Compliance with legislation

### **1.2.4 Plan Timeframe**

This AMP covers a 15-year timeframe (2017/18 through to 2032/33). The plan assumes that port assets as a whole have an indefinite life and the main focus of the plan is on determining the strategies required for maintaining, rehabilitating and renewing components over the next 15 years. It is intended that this plan be reviewed every year with a major update every 3 to 5 years.

## 1.3 The Port of Warrnambool

### 1.3.1 Background



**Figure 1 Aerial View of the Port of Warrnambool**

The Port was designed by the eminent British harbour engineer Sir John Coode in 1879 and constructed between 1884 and 1890, and extended between 1910 and 1915. Warrnambool was the centre of a prosperous farming region from the 1840s, and following the construction of jetties in the 1850s the harbour was extensively used and was a regular stop on the coastal steamer route.

The Port consists of two parts: the concrete breakwater extending out into the bay, and the timber viaduct which once joined it to the shore, which now runs along the east side of the Merri River and is surrounded by land to the east. The breakwater is 30 ft. wide with a 15 ft. wide parapet with a walkway along the top. It is made up of a base of 32 ton concrete blocks with mass concrete above the waterline. The viaduct was originally a raised timber structure, but is now filled in below and to the sides with bluestone rubble, and there is an asphalt roadway, known as Viaduct Road, laid along the top. The area to the east of the viaduct which was once part of the harbour is now land, and a boat ramp, car park, café and sailing club have been constructed along the new shoreline.

Currently the major users of the port are commercial fishing, recreational fishing and the coast guard. The port precinct is a popular area for tourists and local recreation.

### 1.3.2 Port Management and Development

The Port of Warrnambool is owned by the State Government and the responsibility for port management rests with Department Economic Development, Jobs, Transport and Resources (DEDJTR). WCC is the local

port manager on behalf of DEDJTR appointed in accordance with the *Port Management (Local Ports) Regulations 2015*.

### 1.3.3 The Port at a Glance

While the breakwater itself is the major component of the port, there are a number of other asset types in place, as listed below. Locations of major assets are shown in Figure 2

- Aquarium (historic ruin)
- Beach access ramps
- Boat ramp
- Breakwater
- Drainage
- Dredged Area
- Fishing infrastructure
- Moorings
- Navigation infrastructure
- Rock revetment – Lady Bay (east) side
- Rock revetment – Stingray Bay/Merri River (west) side
- Seawall, stingray bay
- Services from Pentrobe Rd
- Timber jetties either side of boat ramp
- Viaduct (timber structure under road behind Stingray Bay revetment – you can see part of it exposed on the seaward side of the road)

Figure 2 Asset Locations



### 1.3.4 Replacement Costs

The port assets included in this AMP and their estimated current replacement values are summarised in Table 2. This reflects the replacement value of assets requiring renewal or replacement at the end of their useful lives:

**Figure 3 Replacement Costs**

Asset Type	Replacement Cost
Aquarium (historic ruin – maintain only)	\$360,000
Beach access ramps	\$12,000
Boat ramp	\$1,280,000
Breakwater	\$16,121,300
Drainage	\$60,000
Fishing infrastructure	\$560,000
Moorings	\$52,500
Navigation infrastructure	\$1,004,035
Rock revetment – Lady Bay (east) side	\$186,000
Rock revetment – Stingray Bay/Merri River (west) side	\$411,000
Seawall, stingray bay	\$300,000
Services from Pentrobe Rd	\$350,000
Timber jetties either side of boat ramp included	\$1,200,000
Viaduct (this asset is not functional and is unlikely to be replaced)	\$245,000
<b>Grand Total</b>	<b>\$22,098,335</b>

### 1.3.5 Asset Condition

In preparation for this AMP, a visual condition audit was undertaken on the Port assets. Details of this audit and the scoring criteria are included in Section 4 – Life Cycle Management. The condition by percentage and value is shown below:

**Figure 4 Assets Condition by Replacement Cost**

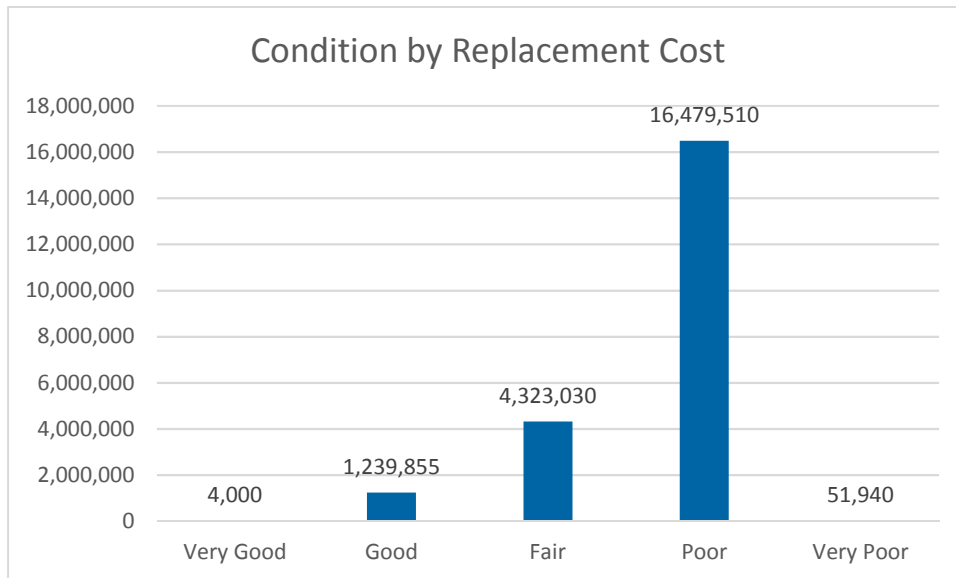


Figure 4 highlights the majority of the asset replacement cost over the next 15 years is in condition 4 – Poor. The detail behind this graph is in section 4 of this AMP.

**Figure 5 Estimated Replacement Cost by Year**

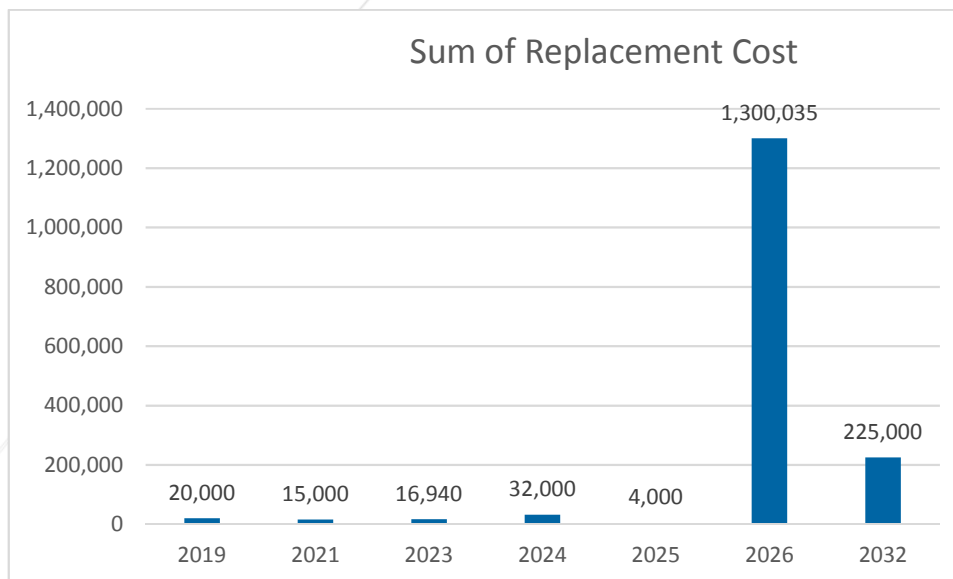


Figure 5 demonstrates the yearly replacement cost over the 15 year window. Where years are not shown eg 2020 no assets were identified as requiring replacement. The detail behind this graph is in section 4 of this AMP.

**Figure 6** *Number of Assets in Each Condition*



Figure 6 highlights the number of assets in each condition grade. The detail behind this graph is in section 4 of this AMP.



## 2. Levels of Service and Stakeholder Consultation

### 2.1 Customer Research and Expectations

Asset Management (AM) planning enables the balance to be determined between levels of service and the cost of the service (the price/quality relationship). This relationship is then evaluated in consultation with stakeholders to determine the levels of service they are prepared to pay for.

Defined Levels of Service (LoS) can then be used to:

- Inform stakeholders of the current level of service provided and any proposed changes to level of service and the associated costs
- Measure performance against defined LoS
- Develop AM strategies to deliver LoS
- Identify the costs and benefits of services offered
- Enable stakeholders to assess suitability, affordability and equity of the services offered.

One of the basic cornerstones of sound asset management is:

***To provide the levels of service that the current and future stakeholders want and are prepared to pay for.***

LoS therefore provide the platform for all decisions relating to infrastructure management. Before developing detailed asset management strategies, WCC needs to agree the LoS with stakeholders with consideration given to the following:

- Planned outcomes
- Legislative requirements
- Technical constraints

A master plan has been produced titled "Warrnambool Harbour Master Plan. The development of this plan involved public consultation and stakeholder engagement. It was undertaken during August and September 2017.

The master plan consultation covered the following themes;

- Parking and circulation
- Boat ramp and facilities
- Walkers, cyclists, swimmers, horses, tourists
- Environmental

Numerous responses were provided and can be seen in the Warrnambool Harbour Master Plan.

## 3. Growth and Demand

Planning for future growth and demand is imperative to provide economically sustained services to meet the future needs of WCC and its stakeholders.

This section describes the key growth and demand trends for the Port assets and the strategies that WCC will adopt to manage the growth and demand.

Growth and demand planning allows for the identification and quantification of areas within the Port that are likely to experience significant pressures. Although growth and demand are considered together in this section, it is worth noting that they do have different implications regarding the on-going function/delivery of the services.

Growth is typically described as an increase in the quantity of any of the following:

- Number of activities
- Increase in economic activity

Demand refers to the factors that influence demand for an asset, goods or service, for instance:

- Commercial/Industrial growth and development
- Property utilisation
- Changes to government policy or priorities
- Emerging technologies or innovation
- Events
- Seasonal factors

### 3.1 Demand Management Plan

The Warrnambool Harbour Master Plan outlines various demands as written in section 7 of the plan. The immediate term actions include;

- Extend northern car park including double length parking bays for horse floats and long vehicles. Realign the existing coastal trail to connect the path with the proposed car park and provide a wider coastal buffer to stabilise existing dunes.
- Construct upgraded facilities for horse wash down and waste at the rear of the car park.
- Construct a 3 lane boat launch including new road configuration to allow for queuing areas and improved circulation. Upgrade existing jetty to the north and construct a 2 level jetty and mooring facilities to the south.
- Undertake an assessment to identify short and long term requirements and upgrades to maintain the breakwater.
- Improve existing beach launch, address erosion issues and clean up contamination
- Provide fish cleaning facilities (interim treatment)
- Navigation aid to upgrade

## 4. Life Cycle Management

This Lifecycle Management (LCM) section provides the broad strategies and work programmes required to achieve the Levels of Service and Growth and Demand needs set out in Section 2 and 3 of this plan.

This section examines the lifecycle management of the Port assets managed by WCC.

The following aspects of lifecycle management are covered:

- Asset Value and Replacement
- Asset Condition
- Asset Defects
- Expenditure Forecasts
- Key Issues

### 4.1 Background Data

WCC has responsibility for maintenance of the Port assets. The breakwater is the major asset but there are a number of associated assets that form this AMP. The table below shows the asset types and sub types as identified from the site inspections. The full list of assets identified, their description, location and condition are given in Appendix B.

**Figure 7 Asset Types and Sub Types**

Asset Type	Asset Sub Type
Aquarium (historic ruin)	Domes
Beach access ramps	Vehicle Access Ramp
	Pedestrian Access
Boat ramp	Causeway (Paved Access To The Ramp Built On Fill)
	Ramp (The Section Sloping Down Into The Water. Concrete And Steel Structure)
Breakwater	Bollards
	Handrails
	Ladders
	Lights
	Low Level Timber Landing On Northern Side
	Parapet

	Stairs
	Timber Fenders
	Walkways
	Sea wall west (Lady bay side, from root of breakwater to aquarium)
<b>Drainage</b>	Pipes
	Pits
<b>Dredged Area</b>	Channel
<b>Fishing infrastructure</b>	Boat Wash Down
	Fish Cleaning Tables
	Weigh Station
	Pavement around weigh station boat ramp area
<b>Moorings</b>	3 moorings (location unknown – condition not assessed)
<b>Navigation infrastructure</b>	2 Leading Lights On Hill (Include The Modern Lights Attached To The Historic Lighthouses (Visible In Top Photo)
	Light On Breakwater
	Lighthouses (Buildings)
<b>Rock revetment – Lady Bay (east) side</b>	Rock Walls
<b>Rock revetment – Stingray Bay/Merri River (west) side</b>	Rock Walls
<b>Seawall, stingray bay</b>	Seawall
<b>Services from Pentrobe Rd</b>	Sewage
	Water
	Drainage and shower
	Telstra

	Drainage
	Electricity
<b>Timber jetties either side of boat ramp</b>	Timber jetty north
	Timber jetty south
<b>Viaduct</b>	Viaduct (timber structure under road behind Stingray Bay revetment – you can see small part exposed on the seaward side of the road, condition not assessed but assumed poor)

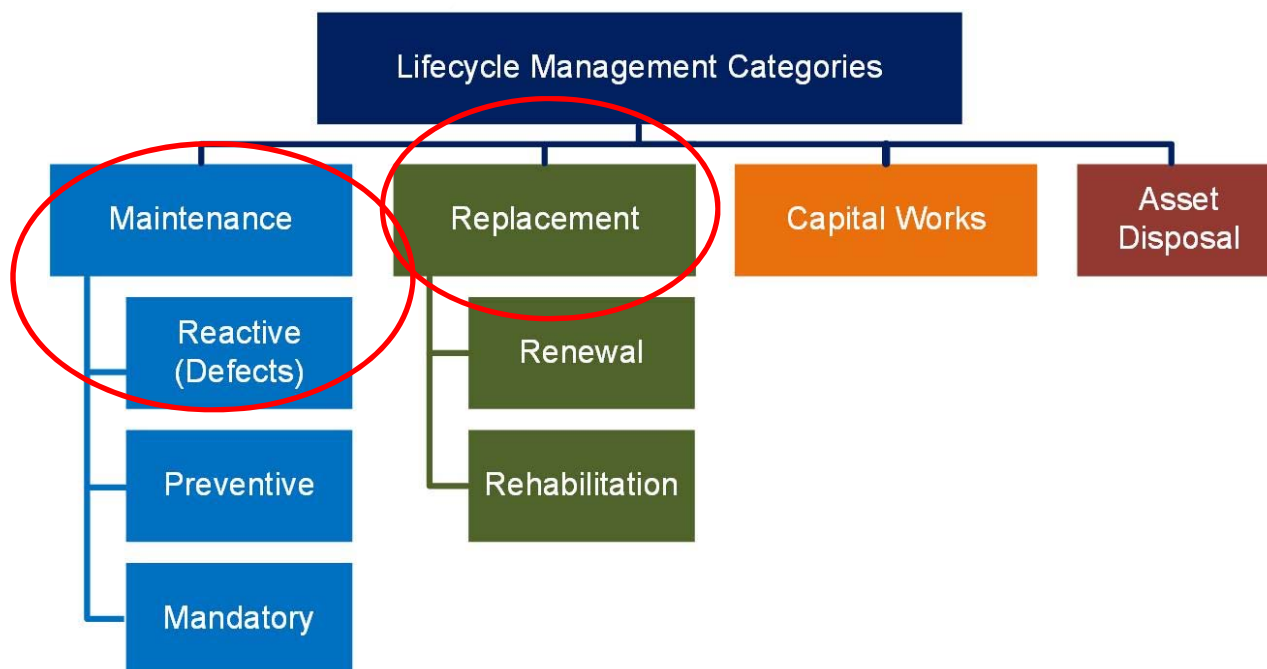
## 4.2 Lifecycle Categories

The lifecycle of the Port assets can be categorised into four main areas:

- Maintaining the existing assets
- Replacing the existing assets
- Growing the asset base through enhancing the service delivery or service demand
- Disposing of assets when they reach the end of their useful life or fail to deliver the level of service required

The figure below illustrates the following components of lifecycle management categories:

**Figure 8 Lifecycle Management Categories**



This version of the AMP covers maintenance (defects) and replacement as highlighted above. This aligns with the scope of work of this project commission.

## 4.3 Maintenance Plan

Operations and maintenance strategies cover the policies that will determine how the Port will be operated and maintained on a day-to-day basis to consistently achieve the optimum use of the assets.

**Figure 9 Maintenance Categories**

Mandatory Maintenance	Maintenance issues of a cyclic nature that are required to ensure legislative compliance. This includes task like maintenance of fire protection equipment and safety/compliance testing and tasks.
Preventative Maintenance	Maintenance issues which can be scheduled to occur during the designated year for actioning, for example painting and annual cleaning.
Reactive Maintenance	Reactive action to correct asset malfunctions and failures on an as required basis

This AMP address the Reactive Maintenance category only. This could also be known as “defects”.

## 4.4 Renewal Replacement Plan

Renewal expenditure includes the renewal or rehabilitation of assets to restore an asset to its original level of service i.e. capacity or the required condition. Required levels of expenditure on the cyclic asset replacement programme will vary from year to year, and will reflect:

- The age profile of the assets
- The condition /performance profile of the assets
- The ongoing maintenance demand
- The differing economic/useful lives of individual assets comprising the overall system of assets

**Figure 10 Replacement Categories**

Renewal	Renewal strategies are designed to provide for the progressive replacement of individual assets that have reached the end of their useful life. This is managed at a rate that maintains the standard and value of the network as a whole.
Rehabilitation	Rehabilitation strategies allow existing assets to be restored to their original service potential through reconditioning, rehabilitation or refurbishment of component parts.

Failure to maintain an adequate cyclic renewal programme will be reflected in a decline in the overall standard of the Port assets. Where the actual programme falls below the cumulative budget target, the shortfall will be reflected in the depreciation of the overall value of the Port, resulting in a lower LoS and the need for more reactive maintenance.

Rehabilitation of the Breakwater will be required in the next few years (refer sections 4.8, 4.9, 4.10). The council currently provides unmetered power and water on the breakwater used by commercial fisherman. In the event the Breakwater rehabilitation or harbour redevelopment this arrangement would be reviewed.

## 4.5 Creation/Acquisition/Augmentation Plan

Capital works involves the creation of new assets, or works, which upgrade or improve an existing asset beyond its current capacity or performance in response to demand or increased service delivery. While WCC recognises that asset renewal/rehabilitation and upgrades can occur simultaneously, it is important to note that the purpose of asset renewal is to prevent a decline in the service potential of the assets.

**Asset renewal** is concerned with maintaining the condition of the assets and current service levels.

**Asset development** is concerned with the service improvements, measured by asset performance.

**Figure 11 Capital Works Categories**

<b>Growth in service Demand</b>	Any asset development that is required as a result of growth or increased demand
<b>Enhancing Service Delivery</b>	Any asset development that is required as a result of a change in service levels

## 4.6 Disposal plan

Disposal is the retirement or sale of assets whether surplus or superseded by new or improved systems. Assets may become surplus to requirements for any of the following reasons:

- Under utilisation
- Obsolescence
- Undeveloped
- Provision exceeds required level of service
- Assets replaced before its predicted economic life
- Uneconomic to upgrade or operate
- Policy changes
- Service provided by other means (e.g. private sector involvement)
- Potential risk of ownership (financial, environmental, legal, social, vandalism)

Obsolete assets may not be replaced if they deteriorate to the point where they cannot be maintained.

The timber viaduct structure under viaduct road cannot be accessed for inspection and maintenance. It is expected that this will fail progressively over time which could result in potholes in the road. Potholes will be filled and patched as necessary to maintain the road, but the viaduct structure will not be repaired or replaced. If these works impact on the historic wooden structure then Heritage Victoria should be consulted to review heritage impacts.

## 4.7 Asset by Condition

It is critical that WCC has clear knowledge of the condition of their assets and how they are performing. Condition data has been captured during the recent site inspection, which will enabled WCC to understand future expenditure patterns and make management decisions. The development and continued use of condition assessment data will allow preparation of verifiable predictive decay curves for particular asset

types and permit prediction of remaining life. Consideration is also given to economic influences in the adopted life for the asset type.

#### 4.7.1 Condition Assessment

The condition assessment model below is the basis of assessing the asset condition of the Port assets.

**Figure 12 Condition Matrix**

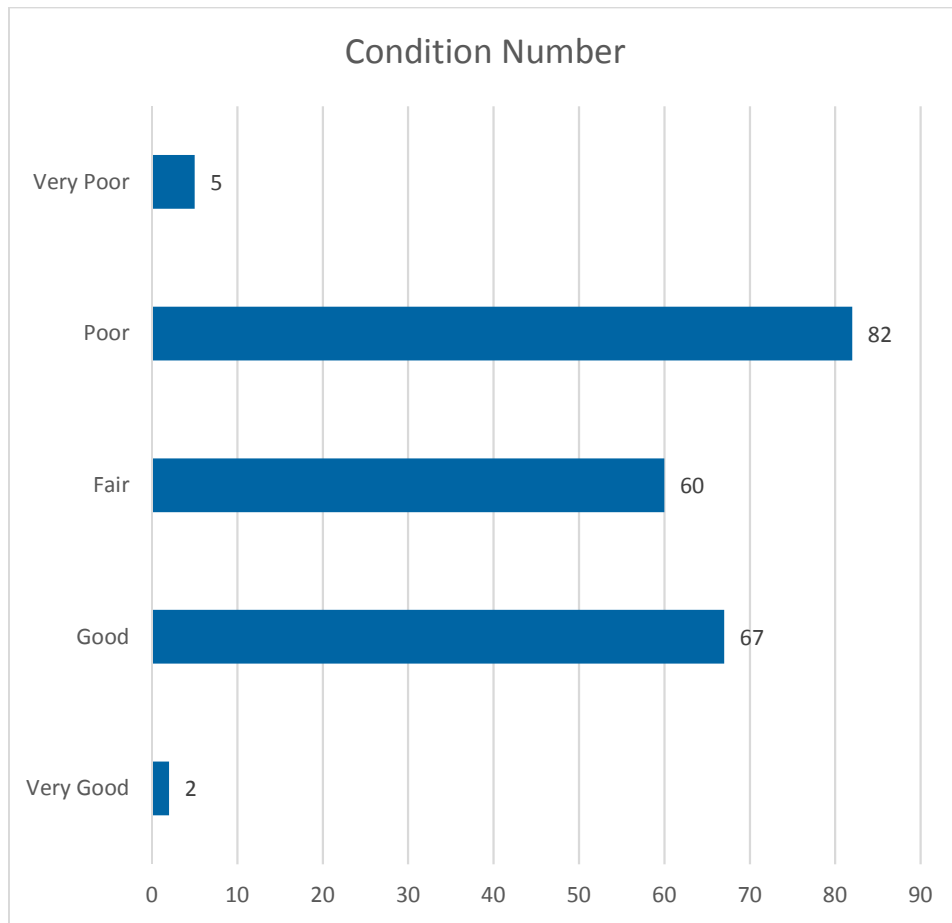
Grade	Condition	Description of Condition
1	Very Good	Very good condition, only programmed maintenance.
2	Good	Good Condition, only minor work required (if any)
3	Fair	Moderate condition, programmed maintenance and reactive maintenance necessary.
4	Poor	Poor condition, significant renewal necessary.
5	Very Poor	Very poor condition, major replacement necessary.

Condition assessment results are provided in the spread sheets in Appendix B. The overall condition of the visually-assessed Port assets can be classified as in fair to poor condition. There are however some assets in good condition.

The graph below indicates the number of assets in each condition category. This indicates that 40% of the assets inspected are in Poor to Very Poor condition.



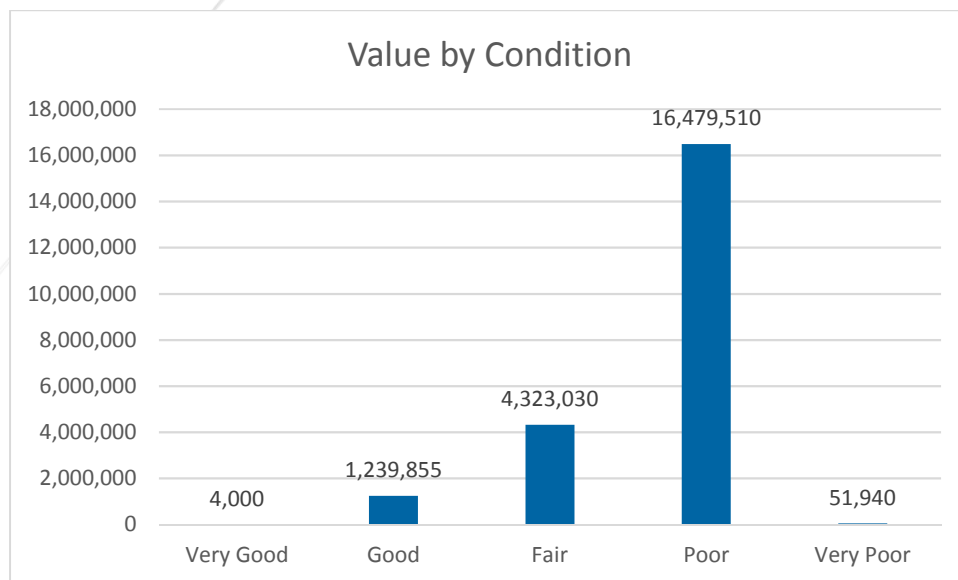
**Figure 13 Assets by Condition**



This table lists the asset sub types, their condition and the quantity in that condition.

Count of AssetCondition	Column					Grand Total
Row Labels	Fair	Good	Poor	Very Good	Very Poor	Grand Total
Boat Wash Down	1					1
Bollards			19			19
Causeway (Paved Access To The Ramp Built On Fill)	1					1
Fish Cleaning Tables			1			1
Handrails		5				5
Ladders	12					12
Light On Breakwater		1				1
Lighthouses (Buildings)	2					2
Lights		18				18
Low Level Timber Landing On Northern Side	1		1			2
Parapet	12	6	26		2	46
Pipes					1	1
Pits	1	2				3
Ramp (The Section Sloping Down Into The Water. Concrete And Steel Structure)	1					1
Sewage From Pentrobe Rd		2				2
Stairs	1	2	2			5
Timber Fenders	1		2		2	5
Vehicle Access Ramp			1			1
Walkways	17		23			40
Water	1	3				4
Weigh Station		1				1
Domes		3				3
Drainage and shower		2				2
Telstra		5				5
Drainage		5				5
Sea wall west (lady bay side)	1					1
Timber jetty north			1			1
Seawall	2					2
Electricity		5				5
Pavement around weigh station boat ramp area			1			1
Timber jetty south			1			1
Rock Walls	4	7	1			12
Viaduct			4			4
Pedestrian Access				1		1
2 Leading Lights On Hill (Include The Modern Lights Attached To The Historic Lighthouses	2					2
<b>Grand Total</b>	<b>60</b>	<b>67</b>	<b>83</b>	<b>1</b>	<b>5</b>	<b>216</b>

Figure 14 Value by Condition



The table below highlights the asset sub type, their condition and replacement cost

<b>Very Good</b>	<b>\$4,000</b>
Pedestrian Access	\$4,000
<b>Good</b>	<b>\$1,239,855</b>
Domes	\$360,000
Drainage	\$75,000
Drainage and shower	\$35,000
Electricity	\$75,000
Handrails	\$10,000
Light On Breakwater	\$27,000
Lights	\$72,000
Parapet	\$50,820
Pits	\$30,000
Rock Walls	\$276,000
Sewage From Pentrobe Rd	\$30,000
Stairs	\$100,000
Telstra	\$75,000
Water	\$45,000
Weigh Station	\$6,000
<b>Fair</b>	<b>\$4,323,030</b>
Leading Lights On Hill	\$4,000
Boat Wash Down	\$200,000
Causeway (Paved Access To The Ramp Built On Fill)	\$130,000
Ladders	\$6,000
Lighthouses (Buildings)	\$1,000,000
Low Level Timber Landing On Northern Side	\$200,000
Parapet	\$101,640
Pits	\$15,000
Ramp (The Section Sloping Down Into The Water. Concrete And Steel Structure)	\$1,150,000
Rock Walls	\$240,000
Sea wall west (lady bay side)	\$33,880
Seawall	\$300,000
Stairs	\$50,000
Timber Fenders	\$10,000
Walkways	\$867,510
Water	\$15,000
<b>Poor</b>	<b>\$16,479,510</b>
Bollards	\$9,500
Fish Cleaning Tables	\$561,000
Low Level Timber Landing On Northern Side	\$100,000
Parapet	\$220,220
Pavement around weigh station boat ramp area	\$350,000
Rock Walls	\$90,000
Stairs	\$100,000
Timber Fenders	\$20,000
Timber jetty north	\$600,000
Timber jetty south	\$600,000
Vehicle Access Ramp	\$8,000
Viaduct	\$245,000
Walkways	\$14,132,790
<b>Very Poor</b>	<b>\$51,940</b>
Parapet	\$16,940
Pipes	\$15,000
Timber Fenders	\$20,000
<b>Grand Total</b>	<b>\$22,098,335</b>

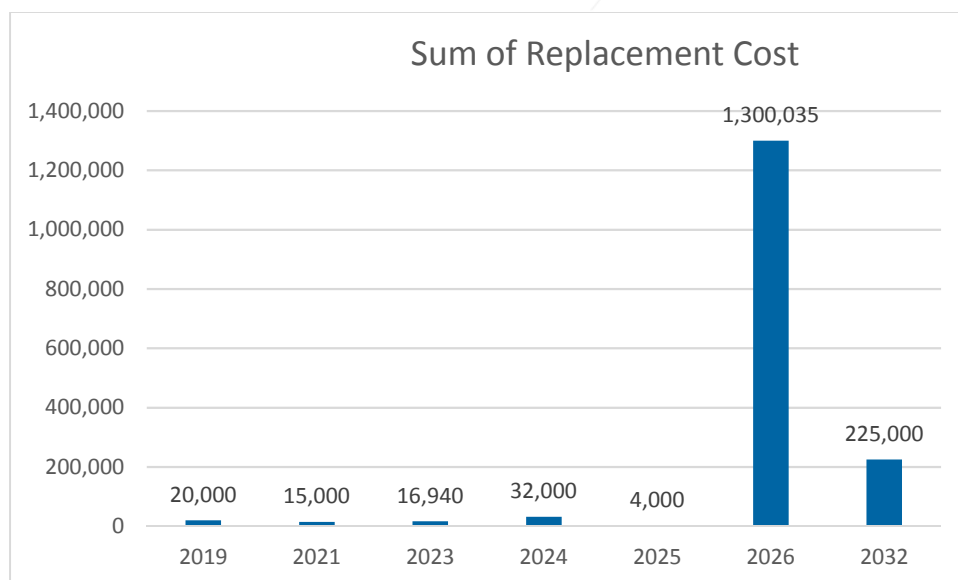
## 4.8 Asset by Value

The following graph illustrates the estimated end of life dates for the Port assets with the associated gross replacement cost. This gives an indication of when significant expenditure will be required to renew assets. This is only showing the next 15 year window.

The condition assessment has forecasted \$598,000 of renewals/replacements of the assessed components over the next 15-year period. Business cases will be required for all works over \$5m (Breakwater repair and boat ramp options or enclosed harbour). The main costs that contributed to the expenditure spikes over the forecast period include;

- 2026: Low Level Timber Landing On Northern Side of Breakwater (older section at eastern end)
- 2026: Timber jetty north side of boat ramp
- 2026: Timber jetty south side of boat ramp

**Figure 15 15 Year Spend**



Year	2019	2021	2023	2024	2025	2026	2032
<b>Sum of Estimated Renewal Cost</b>	20,000	15,000	16,940	32,000	4,000	1,300,035	225,000

The table below shows the asset sub types, the year of replacement and the cost involved (expenditure).

Sum of Estimated Replacement Cost	Column Labels						
Row Labels	2019	2021	2023	2024	2025	2026	2032
Boat Wash Down							\$200,000
Bollards							
Causeway (Paved Access To The Ramp Built On Fill)							
Fish Cleaning Tables				\$4,000			
Handrails							
Ladders							
Light On Breakwater						\$35	
Lighthouses (Buildings)							
Lights							
Low Level Timber Landing On Northern Side						\$100,000	
Parapet			\$16,940				
Pipes		\$15,000					
Pits							
Ramp (The Section Sloping Down Into The Water. Concrete And Steel Structure)							
Sewage From Pentrobe Rd							
Stairs							
Timber Fenders	\$20,000			\$20,000			\$10,000
Vehicle Access Ramp				\$8,000			
Walkways							
Water							\$15,000
Weigh Station							
Domes							
Drainage and shower							
Telstra							
Drainage							
Sea wall west (lady bay side)							
Timber jetty north						\$100,000	
Seawall							
Electricity							
Pavement around weigh station boat ramp area							
Timber jetty south						\$100,000	
Rock Walls							
Viaduct							
Pedestrian Access							
2 Leading Lights On Hill (Include The Modern Lights Attached To The Historic Lighthouses					\$4,000		
<b>Grand Total</b>	<b>\$20,000</b>	<b>\$15,000</b>	<b>\$16,940</b>	<b>\$32,000</b>	<b>\$4,000</b>	<b>\$300,035</b>	<b>\$225,000</b>

## 4.9 Reactive Maintenance (defects)

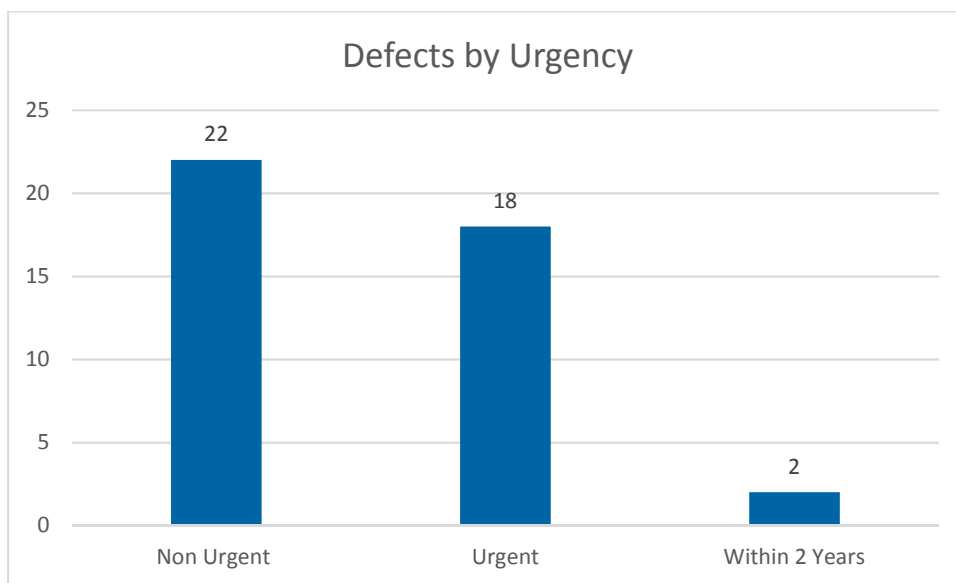
The following section identifies rectification works that are required to address defects noted during the recent inspections. Defects were prioritised based on urgency such as:

- Urgent
- Within 2 Years
- Not Urgent

Of note is the inclusion of the rock armouring. This is a significant cost and shows as the major spikes of expenditure. We have shown it over a 2 year period.

The rock armouring is recommended on the sea side of the breakwater from sea bed, to above the high water level (to match the existing armouring). The armour would extend from the existing armour (at approximately bollard 6) to the end of the wall close to the aquarium.

**Figure 16 Number of Defects by Urgency**



Urgency	Quantity
Not Urgent	22
Urgent	18
Within 2 Years	2

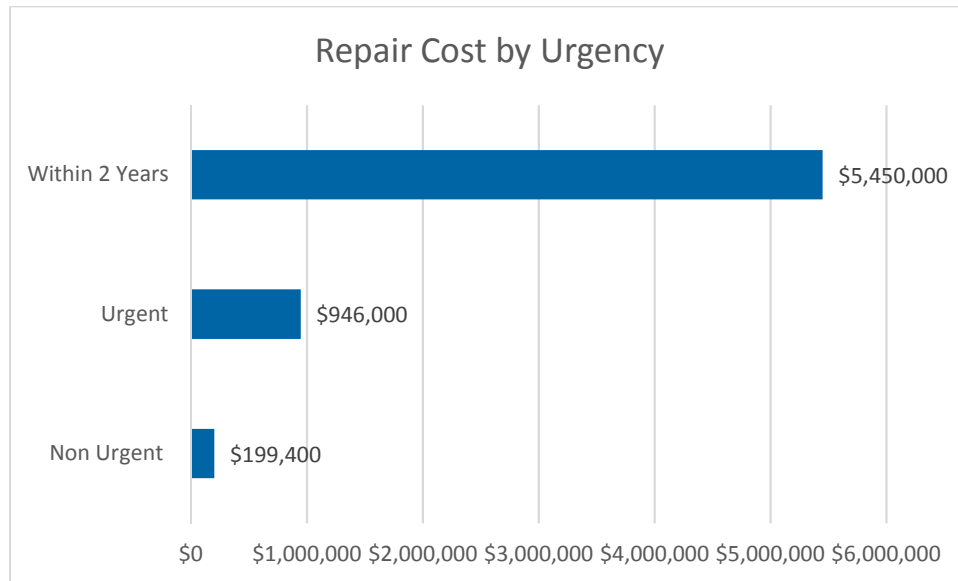
The defects identified were prioritised as Urgent, Within 2 years or Non Urgent. The graph above shows the number of defects in each category. The table below highlights the defects identified as Urgent.

<b>Dredging (2018)</b>
Dredge maintenance strategy and coastal management act
<b>Dredging (2019)</b>
Dredge maintenance strategy and coastal management act
<b>Low Level Timber Landing On Northern Side</b>
Timbers cracking, splitting and warping. Jetty appears to be sloping and heaving on the sea side
<b>Parapet</b>
Cracking and delamination to reinforced concrete capping beam. Exposure of reinforcement and loss of concrete block sections/erosion of concrete block face
Cracking and spalling of mortar. Loss of mortar from joints
Cracking and spalling of mortar. Loss of mortar from joints. Opening of joints and large section loss from blocks. Cracking to capping beam and loss of concrete block sections/erosion of concrete block face
Cracking and spalling of mortar. Loss of mortar from joints. Opening up of joints. Large section loss from blocks
Cracking to capping beam and loss of concrete block sections/erosion of concrete block face. Significant cracking spalling section loss and displacement of large sections of parapet
Cracking to capping beam exposure of reinforcement and loss of concrete block sections/erosion of concrete block face
General cracking and spalling to parapet render. Loss of concrete fines on main blocks. Voids forming at the main joints. Some loosening concrete with potential to fall. Delamination of most render surfaces
General cracking and spalling to parapet render. Loss of concrete fines on main blocks. Voids forming at the main joints. Some loosening concrete with potential to fall. Voids at base of wall with spray breaching.
General cracking and spalling to reinforced concrete wall. Evidence of reinforcement corrosion visible through larger cracks (in the order of 0.5 mm width). Some loosening/spalling concrete with potential to fall. Delamination of most render surfaces
General cracking to reinforced concrete wall. Some evidence of reinforcement corrosion (rust staining) visible on the front surface
Significant cracking and spalling of reinforced concrete facia wall. Evidence of reinforcement corrosion visible through (rust staining) larger cracks (estimated over 3 mm in some locations). Some loosening concrete with potential to fall. Delamination of most concrete surfaces
<b>Sea wall west (lady bay side)</b>
Cracking and spalling of sea wall render

### 4.10 Cost of Defects

The graph below indicates the estimated cost to repair by urgency. Items in the urgent category are repairs to the parapet, fascia wall, and other surfaces on the breakwater, more detail on these repairs is given in the *Breakwater Assessment* report (GHD 2018). The major item in category of “within 2 years” is the extension of the rock armour along the seaside of the breakwater from existing armour at bollard 6 to the wall end at the aquarium.

**Figure 17 Repair Costs by Urgency**



The table below shows the assets covering each category and the estimated cost of repair.

Row Labels	Sum of EstimatedCostofRectification
<b>Non Urgent</b>	<b>\$199,400</b>
Actually FAIR. Slight Loss of wearing surface. Looks reasonably even, perhaps slightly raised around edge of tram tracks.	\$5,900
FAIR. Slight Loss of wearing surface.	\$35,400
Loss of wearing surface. Pitting of concrete surface. General cracking. Separation at joints. Loss of concrete fines. Multiple surface finishes and age of concrete. Uneven surfaces are a trip hazard.	\$35,000
Loss of wearing surface. Pitting of concrete surface. General cracking. Separation at joints. Loss of concrete fines. Multiple surface finishes and age of concrete. Uneven surfaces are a trip hazard. Aggregate very exposed in center of pathway.	\$17,500
Loss of wearing surface. Pitting of concrete surface. General cracking. Separation at joints. Loss of concrete fines. Multiple surface finishes and age of concrete. Uneven surfaces are a trip hazard. Aggregate very exposed in parts of pathway.	\$52,500
Slight Loss of wearing surface.	\$5,900
Slight Loss of wearing surface. Pot holing. Deterioration around tram tracks. Uneven surface (lifted around each track).	\$47,200
<b>Urgent</b>	<b>\$946,000</b>
Cracking and delamination to reinforced concrete capping beam. Exposure of reinforcement and loss of concrete block sections/erosion of concrete block face	\$11,000
Cracking and spalling of mortar. Loss of mortar from joints	\$8,000
Cracking and spalling of mortar. Loss of mortar from joints. Opening of joints and large section loss from blocks. Cracking to capping beam and loss of concrete block sections/erosion of concrete block face	\$8,000
Cracking and spalling of mortar. Loss of mortar from joints. Opening up of joints. Large section loss from blocks	\$16,000
Cracking and spalling of sea wall render	
Cracking to capping beam and loss of concrete block sections/erosion of concrete block face. Significant cracking spalling section loss and displacement of large sections of parapet	
Cracking to capping beam exposure of reinforcement and loss of concrete block sections/erosion of concrete block face	\$16,000
Dredge maintenance strategy and coastal management act	\$700,000
General cracking and spalling to parapet render. Loss of concrete fines on main blocks. Voids forming at the main joints. Some loosening concrete with potential to fall. Delamination of most render surfaces	\$22,000
General cracking and spalling to parapet render. Loss of concrete fines on main blocks. Voids forming at the main joints. Some loosening concrete with potential to fall. Voids at base of wall with spray breaching.	\$11,000
General cracking and spalling to reinforced concrete wall. Evidence of reinforcement corrosion visible through larger cracks (in the order of 0.5 mm width). Some loosening/spalling concrete with potential to fall. Delamination of most render surfaces	\$11,000
General cracking to reinforced concrete wall. Some evidence of reinforcement corrosion (rust staining) visible on the front surface	\$11,000
Significant cracking and spalling of reinforced concrete fascia wall. Evidence of reinforcement corrosion visible through (rust staining) larger cracks (estimated over 3 mm in some locations). Some loosening concrete with potential to fall. Delamination of most concrete surfaces	\$11,000
Timbers cracking, splitting and warping. Jetty appears to be sloping and heaving on the sea side	\$121,000
<b>Within 2 Years</b>	<b>\$5,450,000</b>
Breakwater deterioration. Placement of rock armouring along the seaside of the breakwater wall from existing armour at bollard 6 to the wall end at the aquarium	\$5,400,000
Dredge maintenance strategy and coastal management act	\$50,000
<b>Grand Total</b>	<b>\$6,595,400</b>



## 5. Risk Management

Risk management is a process used to identify the specific business risks, together with any possible risks associated with the provision and management of the Port assets. This can be used to determine the direct and indirect costs associated with these risks, and form a priority-based action plan to address them.

The outcome of this evaluation is to be used to:

- Emphasize the importance of continuing to provide services and manage inherent risks
- Continually identify improvements required to avoid risk events, or minimise their impact or to realise identified opportunities

A Risk is defined in AS/NZS ISO 31000:2009 – Risk management – Principles and guidelines, as:

### “Effect of Uncertainty on Objectives”

**Effect:** Deviation from the expected – positive or negative.

**Objectives:** Can have different aspects and can apply at different levels.

**Risks:** Often characterised by reference to potential events and consequences, and is often expressed in terms of a combination of the consequences of an event and the associated likelihood.

**Uncertainty:** The state, even partial, of deficiency of information related to, understanding or knowledge of an event, its consequence, or likelihood.

A risk assessment for the port assets was conducted in a workshop with GHD and Council representatives using Warrnambool City Council’s risk matrix system (refer Appendix A). The assessment considered risks associated with asset condition and deterioration as well as asset use and management within a planning timeframe of 15 years.

No.	ASSET	EVENT	LIKELIHOOD (next 15 years)	CONSEQUENCE								MITIGATION		RISK  (based on current controls in place)	Proposed further controls to be implemented	
				Financial	Safety & people	Natural Environment	Business Interruption (Council and private business)	Community/Govt/Public Image & Reputation	Legal/Governance and Compliance	Public Disruption	highest consequence	Controls in place	Effectiveness (controls in place)			
1	Breakwater	Major structural failure in the landward part breakwater (between aquariums and outer end of lower landing, CH0 to 240). In this section there are areas of undermining, voids and significant cracks on the seaward face below water level (2017 Elstone diving inspection). Sections of the wall could collapse causing injury and preventing access to the rest of the breakwater, lower landing or carpark adjacent to aquariums.	Possible	Major	Major		Moderate	Major			Major	Major	monitoring and structural assessment	fair	High	Trial ground penetrating radar to detect voids place rock berm on seaward side to reduce loading
2	Breakwater	collapse/dinintegration of breakwater head (last 100). This area is founded on sand and experienced considerable settlement shortly after construction. There are large cracks in on both seaward and landward faces. Collapse would result in loss of navigation light, and may allow more wave energy to reach the boat ramp, but otherwise would not adversely affect activities on the breakwater	Possible	Minor	Major			Major			Moderate	Major	monitoring and structural assessment	Fair	High	
3	Breakwater	Deck failure in trunk Breakwater, CH100 to 240, corresponding to area of lower landing. In this section there are areas of undermining, voids and significant cracks below water level on the seaward side (2017 Elstone diving inspection). If large voids are present under deck a crane, fuel tanker or other vehicle could punch through. This could result in injury as well as loss of access for the fishing fleet and loss of public access to the majority of the breakwater length.	Possible	Minor	Major						Moderate	Major	monitoring and structural assessment	Fair	High	using ground penetrating radar to detect voids
4	Breakwater	Falls from steep stairs between main deck and parapet level	Almost Certain		Moderate			Moderate	Moderate			Moderate	handrails, lighting and signage in place	Good	High	
5	Breakwater	Deteriorating main deck surface and upper and lower parapet walls surface, including cracking and spalling of concrete, rusting of steel rails, clogging of drains. This deterioration could cause trips and falls, or damage to vehicles.	Almost Certain		Moderate			Minor				Moderate	lighting in place	Fair	High	
6	Breakwater	Drowning or injury resulting from fall from main deck into water. Currently no handrails or safety barriers on other side of main deck.	Unlikely		Major			Major				Major	ladders providing emergency egress from water, spacing varies, up to 140m.	Fair	Medium	signage advising public not to access breakwater during storms
7	Moorings	Failure of one of 15 moorings in port (3 owned by the Council) resulting in unattended vessel coming adrift and damaging other vessels before washing up on beach where it could be a hazard to beach users.	Rare	Minor	Minor	Insignificant - Chance of spills very low because all vessels in port are strongly built and likely to survive grounding on beach intact.		Moderate			Moderate - closure of part of beach	Moderate	Annual mooring inspection by diver	Excellent	Low	
8	Boat Ramp	Waste from fish cleaning at ramp washed onto beach and into water. Attracts rays, seals and occasional shark.	Almost Certain			Insignificant			Minor			Minor	dedicated bin provided in tuna season and for fishing competitions	Fair	Medium	

No.	ASSET	EVENT	LIKELIHOOD (next 15 years)	CONSEQUENCE								MITIGATION		RISK (based on current controls in place)	Proposed further controls to be implemented
				Financial	Safety & People	Natural Environment	Business Interruption (Council and private business)	Community/Govt/Public Image & Reputation	Legal/Governance and Compliance	Public Disruption	highest consequence	Controls in place	Effectiveness (controls in place)		
9	Boat Ramp	Structural failure of boat ramp, timber jetties or causeway could cause injury to users or damage to vehicles. Note missing rock and voids in armouring either side of causeway.	Unlikely	Minor	Minor			Moderate			Moderate	structure is well understood, regularly inspected and maintained	Good	Low	
10	Boat Ramp	Alignment and of ramp and configuration of harbour mean that the ramp is exposed to surge from swell and long period waves. This surge means that boats can move suddenly and unpredictable, users could lose their footing and be trapped between boats and side walls.	Likely		Moderate			Moderate - Issues are well understood by local			Moderate	signage wave baffles on sides of ramp	Poor	High	Masterplan seeking funding to address Rinstate program of configuration
11	Vehicle Access Ramp	The main vehicle and pedestrian access ramp to the beach (close to the pavilion) consists of a flexible mat over sand. Storm waves can wash sand away from the toe and sides of the ramp, resulting in an uneven surface and large step which is a hazard to pedestrians and vehicles. Worksafe have issued a notice to make safe.	Almost Certain		Minor		Minor			Minor	Minor	Ramp is inspected after storms and reconstructed 6 to 10 times per year	Fair	Medium	
12	Pedestrian Access Ramp	Ramp at the north end of carpark, used by pedestrians and horses. Surface? Similar issues to vehicle access ramp - sand level fluctuation can cause drops and uneven surface	Almost Certain		Minor		Minor			Minor	Minor	Ramp is inspected after storms and reconstructed 6 to 10 times per year	Fair	Medium	Masterplan to provide separate pedestrian and horse access
13	Sewer rising main and pump station	pump failure resulting in temporary loss of service to pavilion and public toilets (in the order of 1 to 2 hours)	Likely				Moderate				Moderate	failure would be quickly identified and maintenance services are on call. Local holding tank in place?	Good	Medium	install telemetered monitoring system so failure can be identified quicker and rectified
14	Viaduct Rd	340m long timber viaduct (jetty) structure supporting western carriageway of Viaduct Rd. Built 1890, in filled with sand and protected by rock revetment on Merri River side in approx. 1958. The revetment prevents visual inspection of the structure and it is not known to what extent this structure still supports the road and what condition it is in. The structure could fail during a storm or with the passage of a heavy vehicle. Consequence would be subsidence of the road and possible damage to a vehicle. Eastern carriageway would likely be unaffected so access to the port precinct would not be totally cut off.	Possible	Minor	Minor		Minor	Minor			Minor	Road is closed during major storms	Fair	Low	inspect viaduct. Check for voids under road and fill if required
15	Viaduct Rd	Waves overtop the revetment and wash over road in storms every 5 to 10 years. Rocks from revetment are also thrown onto road. This can result in damage to pavement and closure of carriageway for repairs. Eastern carriageway less likely to be unaffected so access to the port precinct would not be totally cut off	Likely	Minor	Minor		Minor	Minor			Minor	Road is closed during major storms	Good	Medium	Inspect rock revetment and repair as required
16	Merri River Revetment	Rock Revetment built on Merri River side of viaduct c.1958. During storms armour rock form revetment can be dislodged and thrown over road. Dislodgement of multiple armour rocks from one area could lead to rapid erosion of material behind revetment, undermining the road and damage to the viaduct structure.	Possible	Minor							Minor	inspect after storms and repair as needed	Good	Low	

## 6. Financial Forecasts

To undertake a sustainable, long-term approach to asset management, it is essential to prepare long-term financial forecasts. This allows a long term view of how the asset will be managed, how much this will cost and when additional funding may be required to meet expected service levels. These financial forecasts are a culmination of the previously discussed aspects of the Asset Management Plan such as:

- Levels of Service
- Growth and Demand Management
- Lifecycle Management
- Condition Ratings
- The above forms the basis of the long-term funding requirements.

Expenditure projections within this plan have been classified as replacement (renewal) or maintenance (defects).

These are discussed below.

### **Replacement (Renewals)**

Renewal expenditure includes rehabilitation and replacement of assets to restore an asset to its original level of service, i.e. capacity or the required condition. Renewals expenditure forecasts cover the cost of asset renewal through its whole lifecycle through to disposal of the asset.

Renewal expenditure is work that restores an existing asset to its original level of service, i.e. capacity or the required condition.

### **Maintenance (Defects)**

Maintenance expenditure that is required for the day-to-day operation of the Port assets whilst maintaining the current levels of service and optimising asset lives.

### **Assumptions**

The following general assumptions have been made in preparing the 15-year expenditure forecasts:

- All expenditure is stated in dollar values as at June 2018 with no allowance made for inflation over the 15-year planning period.
- Maintenance and renewal allocations have been based on preserving current levels of service. No significant optimisation works have been allowed for.
- Remaining lives for assets are based on a visual condition assessment
- Cost estimates are based on +/- 50% and should not be used for quoting purposes

The most significant potential changes to the financial projections shown will result from the factors below:

- Changes in the desired level of service and service standards, particularly through growth in demand.
- Assumptions have been made as to the useful lives and estimated remaining lives of the asset categories and their components based on current local knowledge and experience, historical

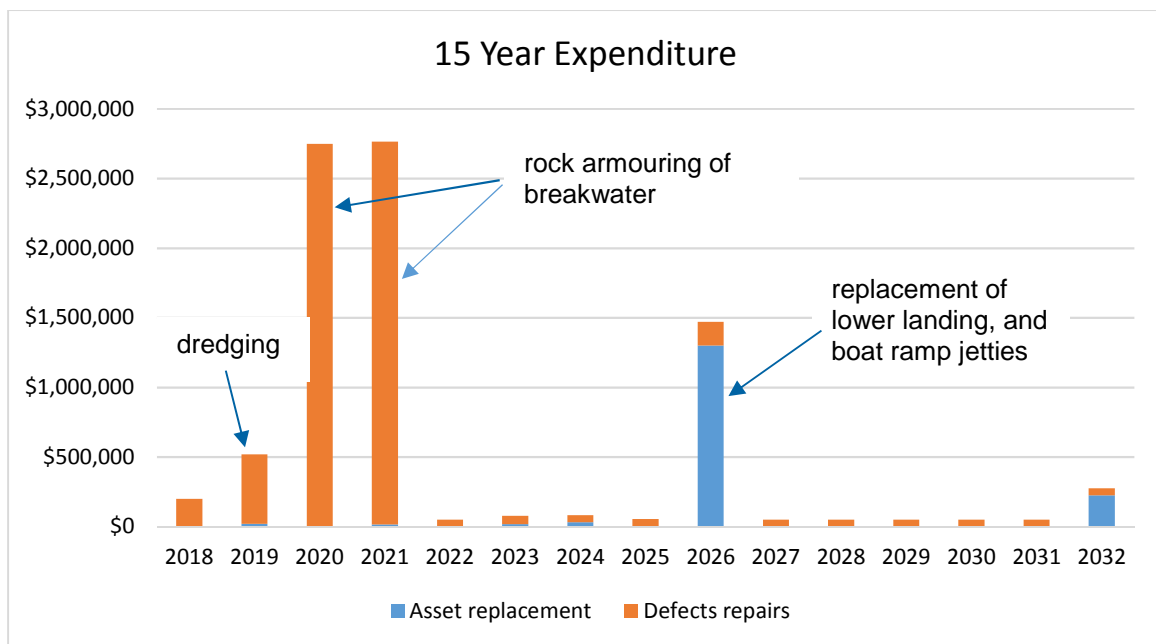
trends, and predictive modelling outputs. These are routinely reviewed and the accuracy improved based on real time assessments of asset deterioration.

- Changes in contract rates above inflation due to market or other external influences.

**Expenditure Details**

For the purposes of this graph, urgent defects have been shown in year 1 (2018, 2019), within 2 years defects in year 2 and 3 (2020, 2021) while Non Urgent have been shown over the balance of the 15 years. These years are at the discretion of WCC.

**Figure 18 Expenditure**



	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Replacement		\$20,000		\$15,000		\$16,940	\$32,000	\$4,000	\$1,300,035						\$225,000
Defects	\$200,000	\$500,000	\$2,750,000	\$2,750,000	\$50,000	\$61,000	\$50,000	\$50,000	\$171,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
<b>Total</b>	<b>\$200,000</b>	<b>\$520,000</b>	<b>\$2,750,000</b>	<b>\$2,765,000</b>	<b>\$50,000</b>	<b>\$77,940</b>	<b>\$82,000</b>	<b>\$54,000</b>	<b>\$1,471,035</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$275,000</b>

This graph demonstrates the 15 year expenditure covering asset replacement and maintenance (defect repair).

Years 2020 and 2021 are costs to replace / extend the rock armour along the breakwater. Year 2026 is described in section 4.8. For a full view of the asset condition assessment details, please refer to Appendix B.

## 7. Processes Practices and Improvement Plan

This plan is a living document, which is relevant and integral to daily activity. To ensure the plan remains useful and relevant the following on-going process of AMP monitoring and review activity should be undertaken:

- Formal adoption of the AMP by WCC
- Review, develop and formally adopt levels of service to meet stakeholder expectations
- Revise AMP annually to incorporate and document changes to works programmes, outcome of service level reviews and new knowledge resulting from the AMP improvement programme.
- Quality assurance audits of AM information to ensure the integrity and cost effectiveness of data collected.
- Peer review and external audits to assess the effectiveness with which this plan meets corporate objectives. Periodic internal audits should be undertaken to assess the adequacy of Asset Management processes, systems and data and external audits should be undertaken to measure Asset Management performance against 'best practice'.

The purpose of the Improvement Plan is to:

- Identify and develop implementation of Asset Management planning processes. This includes
  - The cycle of asset management plan monitoring, review, revision and audit to improve the effectiveness of asset management plan outputs and compliance with audit criteria, legislative requirements and best appropriate practice
  - The definition of service standards reflecting community and stakeholder outcomes through consultation. The asset management plan is used to identify service level options and costs, and the delivery of services is a key objective of asset management planning.
  - Identify and prioritise ways to cost-effectively improve the quality of the AMP, and therefore decision making and service delivery.
  - Identify indicative time-scales, priorities, human and financial resources required to achieve Asset Management planning objectives.

### 7.1 Asset Management Improvement Plan

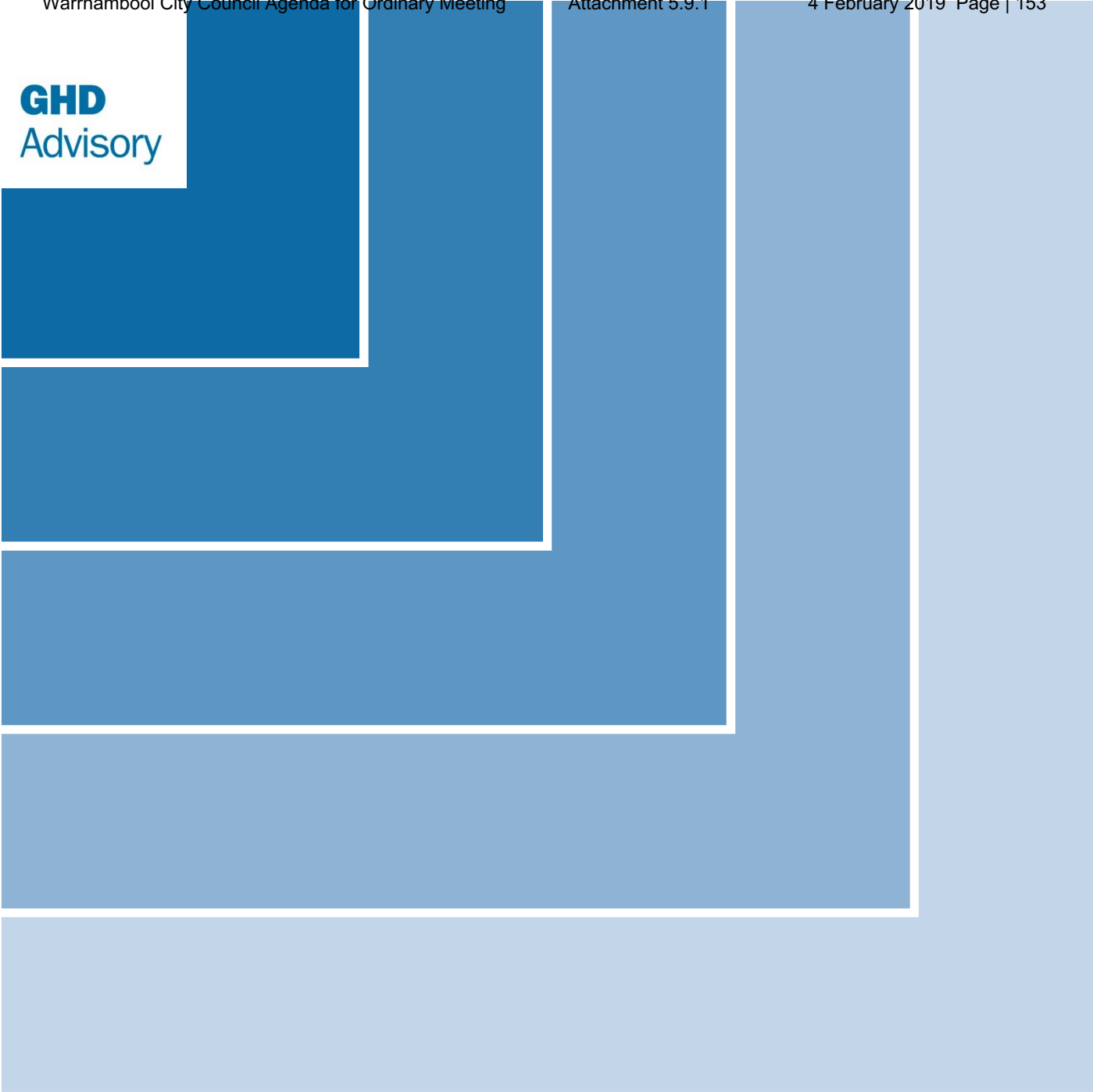
AMP Section	Improvement
Introduction and Overview	Nil identified
Levels of Service and Stakeholder Consultation	While a number of issues through the master plan were identified, there needs to be proactive targets set.

AMP Section	Improvement
	The use of customer complaints is a reactive process. Complaints can't be compared to targets as described above
Growth and Demand	The master plan highlighted some demands but nothing suggesting these will be implemented
Life Cycle Management	Nil identified
Risk Management	Review to determine if any risks have been missed
Financial Forecasts	Nil identified
Processes Practices and Improvement Plan	Align the management of improvement plans with other WCC AMP's





**GHD**  
Advisory



## Appendices

# Appendix A - Warrnambool City Council Risk Matrix System

## *Risk Likelihood Descriptors*

Likelihood Level	Likelihood Descriptor (& Rating Factor)	Probability Description
<b>A</b>	<b>ALMOST CERTAIN</b>	<ul style="list-style-type: none"> <li>• The event will occur on a frequent basis is expected to occur in most circumstances</li> <li>• High level of recorded incidents and / or very strong anecdotal evidence</li> <li>• Great opportunity, reason or means to occur</li> <li>• Strong likelihood of recurrence</li> <li>• More than 80% chance of occurring</li> </ul>
<b>B</b>	<b>LIKELY</b>	<ul style="list-style-type: none"> <li>• Considerable opportunity, reason or means to occur</li> <li>• Regular recorded incidents and strong anecdotal evidence</li> <li>• Anecdotal evidence indicates medium frequency</li> <li>• Considerable opportunity to occur</li> <li>• Between 50 - 80% chance of occurring</li> </ul>
<b>C</b>	<b>POSSIBLE</b>	<ul style="list-style-type: none"> <li>• The event may occur at some time</li> <li>• Few, infrequent, random recorded incidents or little anecdotal evidence</li> <li>• Very few incidents in associated organisations or comparable facilities</li> <li>• Some opportunity, reason or means to occur</li> <li>• Between 30 - 50 % chance of occurring</li> </ul>
<b>D</b>	<b>UNLIKELY</b>	<ul style="list-style-type: none"> <li>• The event could occur at some time</li> <li>• Very few recorded or known incidents</li> <li>• No recent incidents in associated organisations or facilities</li> <li>• Little opportunity, reason or means to occur</li> <li>• Between 10 - 30% chance of occurring</li> </ul>
<b>E</b>	<b>RARE</b>	<ul style="list-style-type: none"> <li>• The event will only occur in exceptional circumstances</li> <li>• No recorded or known incidents</li> <li>• Little opportunity for occurrence</li> <li>• Less than 10% chance of occurring</li> </ul>

Risk Consequence Descriptors									
Consequences Level & Description	Financial (budget overruns, direct costs, legal costs, 3rd party damage)	Safety & People (Staff & Public)	Natural Environment	Business Interruption to Council or private business	Community /Govt / Public Image & Reputation	Legal/Governance and Compliance	Public Disruption (Social, Cultural, Assets, Heritage)	Project Quality	Project Time Test
5 EXTREME	<ul style="list-style-type: none"> <li>Loss event &gt;than \$20 Mill to Council</li> <li>Significant failures in a Major Project or Service Program cause cost blow-outs by more than 50% of budget</li> </ul>	<ul style="list-style-type: none"> <li>Multiple fatalities</li> <li>Pandemic affect on public and/or staff health</li> </ul>	<ul style="list-style-type: none"> <li>Irreversible ecosystem damage to a significant area /environmental feature of the municipality caused by Council to such an extent that the surrounding natural environment is changed forever in a negative manner e.g. destruction of Lady Bay</li> </ul>	<ul style="list-style-type: none"> <li>Threatens Organisation viability e.g. Collapse of a major IT system leading to unrecoverable loss of core data</li> <li>Permanent loss of a Major Building or Facility</li> <li>Disruption or loss to all or the majority of corporate services, or Critical Services provided to key stakeholders e.g. HACCC Services outside of their maximum allowable downtime. (see BCP terminology)</li> </ul>	<ul style="list-style-type: none"> <li>Government action including prosecutions, and/or removal of Councillors / senior Officers</li> <li>Adverse national or international media attention relating to Council's actions or inactions for more than 1 month</li> </ul>	<ul style="list-style-type: none"> <li>Very serious litigation e.g. class actions resulting in significant prosecution and penalty for Council as a whole which would have long term negative impacts on Council's financial and/or reputational stability</li> </ul>	<ul style="list-style-type: none"> <li>Significant regional economic impact leading to multiple closures of local businesses and consequent financial impact on the community as a whole</li> <li>Significant and long-lasting impact on the community at large</li> <li>Permanent loss of significant numbers of structures or items of cultural significance</li> </ul>	<ul style="list-style-type: none"> <li>Major deficiencies with all project deliverables</li> <li>No requirements met</li> </ul>	<ul style="list-style-type: none"> <li>Project failure. Cannot be completed in time or budget</li> </ul>
4 MAJOR	<ul style="list-style-type: none"> <li>Loss event &gt;than \$5 Mill &lt; \$20 Mill to Council</li> <li>Significant failures in a Major Project or Service Program cause cost blow-outs by &gt; 25% &lt; 50% of budget</li> </ul>	<ul style="list-style-type: none"> <li>Single fatality</li> <li>Permanent disability to member of staff caused through work injury</li> <li>Permanent disability to member of public caused through injury</li> <li>Serious health impact on several members of public / staff causing hospitalization as an inpatient to &gt; 10 persons</li> </ul>	<ul style="list-style-type: none"> <li>Very serious long-term environmental impairment of local eco system functions</li> <li>Significant pollution / damage requiring restoration work to local environment E.g. large harmful chemical spill direct to waterway</li> </ul>	<ul style="list-style-type: none"> <li>Significant impact on long term Business Drivers and Operations e.g. Collapse of a major IT system leading to more than 30 days downtime</li> <li>Permanent loss of a Minor Building or Facility or disruption to a Major Building or Facility for more than 30 days</li> <li>Disruption of an important Service provided to key stakeholders outside of their maximum allowable downtime (see BCP terminology)</li> </ul>	<ul style="list-style-type: none"> <li>Adverse national media attention relating to Council's actions or inactions for &gt; 1 week &lt; 1 month</li> <li>Government interest including investigations / or non-scheduled audits</li> </ul>	<ul style="list-style-type: none"> <li>Major breach of legislation / litigation involving court action with possible significant civil or criminal charges resulting in jail time for senior staff</li> </ul>	<ul style="list-style-type: none"> <li>Major economic impact on district's businesses causing some closures and concern amongst most local businesses</li> <li>Significant long term adverse effect on a large group of residents</li> <li>Significant permanent damage to a number of structures or items of cultural significance</li> </ul>	<ul style="list-style-type: none"> <li>A majority of key requirements may not be met</li> </ul>	<ul style="list-style-type: none"> <li>Severe impact on Project milestones. Critical path affected</li> </ul>
3 MODERATE	<ul style="list-style-type: none"> <li>Loss event &gt;than \$1 Mill &lt; \$5 Mill</li> <li>Significant failures in a Major Project or Service Program cause cost blow-outs by &gt; 10% &lt; 25% of budget</li> </ul>	<ul style="list-style-type: none"> <li>Moderate injury/illness to staff &gt;10 days lost time to one or more persons</li> <li>Moderate health impact on members of public (1 or more) requiring attendance at hospital</li> </ul>	<ul style="list-style-type: none"> <li>Serious medium-term environmental impairment of local eco system functions</li> <li>Pollution / damage requiring restoration work to local environment E.g. oil tanker spill on roadway caused by Council</li> </ul>	<ul style="list-style-type: none"> <li>Major impact on short term Business Operations e.g. Interruption to the IT system leading to more than 7 days but less than 30 days downtime</li> <li>Disruption to a Major Building or Facility for more than 7 days but less than 30 days</li> <li>Disruption of a Non-Essential Service provided to key stakeholders outside of their maximum allowable downtime (see BCP)</li> </ul>	<ul style="list-style-type: none"> <li>Adverse local media attention relating to Council's actions or inactions for &gt; 1 week</li> <li>Key stakeholder attention causing adverse impact on staff and/or Council</li> </ul>	<ul style="list-style-type: none"> <li>Serious breach of legislation</li> <li>Investigation or report to authority leading to possible prosecution and/or moderate fine</li> <li>Litigation e.g. formal court action for a breach of legislation or non-compliance leading to moderate fines or reprimands</li> </ul>	<ul style="list-style-type: none"> <li>Moderate economic impact on community businesses causing financial loss to most of them</li> <li>Some disruption to a wider group within the community</li> <li>Minor permanent damage to structures or items of cultural significance</li> </ul>	<ul style="list-style-type: none"> <li>Some key requirements not met</li> </ul>	<ul style="list-style-type: none"> <li>Significant impact on project milestones. Critical path can be recovered</li> </ul>
2 MINOR	<ul style="list-style-type: none"> <li>Loss event &gt;than \$50,000 &lt; \$1 Mill to Council</li> <li>Failures in a Major Project or Service Program cause cost blow-outs by &gt; 5% &lt; 10% of budget</li> </ul>	<ul style="list-style-type: none"> <li>Moderate injury/illness to staff &lt; 10 days lost time to one or more persons</li> <li>Minor health impact on member of public/ staff not requiring medical attention</li> </ul>	<ul style="list-style-type: none"> <li>Short-term environmental impairment of local eco system functions</li> <li>Pollution / damage requiring restoration work to localised area E.g. waste treatment plant at Saleyards overflow</li> </ul>	<ul style="list-style-type: none"> <li>Inconvenient but no real ongoing business impact e.g. Interruption to the IT system leading to more than 1 day but less than 7 days downtime</li> <li>Disruption to a Major Building or Facility for more than 1 day but less than 7 days</li> <li>Disruption of a Service provided to key stakeholders for less than a day</li> </ul>	<ul style="list-style-type: none"> <li>Attention from the general media and/or heightened concern by local community. Criticism by key stakeholders other than Government causing minor concerns amongst staff and/or Council</li> </ul>	<ul style="list-style-type: none"> <li>Breaches of legislation or licence</li> <li>Legal issues e.g. non-compliance to statutory requirements with some negative consequences</li> </ul>	<ul style="list-style-type: none"> <li>Minor economic impact causing isolated cases of financial loss to local businesses</li> <li>Inconvenience to a small group of residents</li> <li>Mostly repairable damage to structures or items of cultural significance</li> </ul>	<ul style="list-style-type: none"> <li>A key requirement may not be met</li> </ul>	<ul style="list-style-type: none"> <li>Minimal impact on Project milestones</li> </ul>
1 INSIGNIFICANT	<ul style="list-style-type: none"> <li>Loss event &lt; than \$50,000 to Council</li> <li>Minor failures in a Major Project or Service Program cause cost blow-outs by &lt; 5% of budget</li> </ul>	<ul style="list-style-type: none"> <li>1st Aid / no medical treatment required</li> <li>Negligible health impact on member of public or staff</li> </ul>	<ul style="list-style-type: none"> <li>Pollution / damage requiring local clean up</li> </ul>	<ul style="list-style-type: none"> <li>Interruption to the IT system leading to downtime of less than a day</li> <li>Disruption to a Major Building or Facility for more less than a day</li> <li>Inconvenience to a Service provided to key stakeholders for less than a day</li> </ul>	<ul style="list-style-type: none"> <li>Minor, adverse local public complaints</li> </ul>	<ul style="list-style-type: none"> <li>Non-compliance / Minor legal issues e.g. non-compliance to statutory reporting requirements with little to no ramifications</li> </ul>	<ul style="list-style-type: none"> <li>Low economic impact causing some concern but little financial impact to local businesses</li> <li>Very little disruption or very localised disruption to some members of the community</li> <li>Repairable damage to items of cultural significance</li> </ul>	<ul style="list-style-type: none"> <li>Some non key requirements not met</li> </ul>	<ul style="list-style-type: none"> <li>Insignificant impact on project milestones</li> </ul>

### Risk Assessment Matrix

<i>Controls</i>		<i>Likelihood</i>				
<b>Excellent</b>		E - Rare	D - Unlikely	C - Possible	B - Likely	A - Almost Certain
<i>Impact</i>						
5 - Extreme		Medium	Medium	Medium	High	High
4 - Major		Low	Low	Medium	Medium	High
3 - Moderate		Low	Low	Low	Medium	Medium
2 - Minor		Low	Low	Low	Low	Low
1 - Insignificant		Low	Low	Low	Low	Low

<i>CONTROLS</i>		<i>Likelihood</i>				
<b>GOOD</b>		E - Rare	D - Unlikely	C - Possible	B - Likely	A - Almost Certain
<i>IMPACT</i>						
5 - EXTREME		High	High	High	Extreme	Extreme
4 - MAJOR		Medium	Medium	High	High	High
3 - MODERATE		Low	Low	Medium	Medium	High
2 - MINOR		Low	Low	Low	Medium	Medium
1 - INSIGNIFICANT		Low	Low	Low	Low	Low

<i>CONTROLS</i>		<i>Likelihood</i>				
<b>FAIR</b>		E - Rare	D - Unlikely	C - Possible	B - Likely	A - Almost Certain
<i>IMPACT</i>						
5 - Extreme		High	High	High	Extreme	Extreme
4 - Major		Medium	Medium	High	Extreme	Extreme
3 - Moderate		Medium	Medium	Medium	High	High
2 - Minor		Low	Low	Low	Medium	Medium
1 - Insignificant		Low	Low	Low	Low	Low

PTO

<i>Controls</i>		<i>Likelihood</i>				
<b>Poor</b>		E - Rare	D - Unlikely	C - Possible	B - Likely	A - Almost Certain
<i>Impact</i>						
5 - Extreme		Extreme	Extreme	Extreme	Extreme	Extreme
4 - Major		High	High	Extreme	Extreme	Extreme
3 - Moderate		Medium	Medium	High	High	Extreme
2 - Minor		Low	Low	Medium	High	High
1 - Insignificant		Low	Low	Low	Medium	Medium

### Risk Requirements

Residual Rating Range	
<b>Extreme</b>	Risks requiring immediate senior management action and monitoring. A risk treatment plan must be established
<b>High</b>	Risk requiring management action. A risk treatment plan must be established
<b>Medium</b>	Risks should be monitored in conjunction with a review of existing mitigation activities
<b>Low</b>	No immediate action required. Managed by routine procedures

## Appendix B – Condition Assessment and Defect Spreadsheets

Refer to attached spread sheets:

- Port of Warrnambool – Condition Assessment – Rev 2.xlsx
- Port of Warrnambool - Defect Register – Rev 2.xlsx

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Warrnambool City Council  
Port of Warrnambool Asset Management Plan  
Review of Port Operations

August 2018

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# Appendices

Appendix A – Template Safe Work Method Statements

Appendix B – Template Traffic Management Plan

# 1. Introduction

## 1.1 Background

The Port of Warrnambool (the Port) is a Government owned asset managed by Warrnambool City Council (WCC).

The establishment and maintenance of a port at Warrnambool has a long and problematic history due to the energetic wave climate and sediment transport patterns in the region. The construction of the breakwater has had a major impact on the shoreline within Lady Bay, causing the shore line to prograde and the port area to infill with sediment.

Currently the major users of the port are commercial fishing, recreational fishing and the coast guard. The port precinct is a popular area for tourists and local recreation.

Warrnambool City Council has engaged GHD to develop an Asset Management Plan for the Port, and as part of this scope a number of operational issues have been review.

## 1.2 Purpose of this report

The purpose of this report is to present our review and recommendations on a number of port operational issues associate with the Asset Management Plan (AMP). The AMP itself is presented in a separate report.

## 1.3 Scope

Operational issues to be reviewed were nominated by WCC:

- Swing Moorings – Provide recommendations and options on ways to best manage the ongoing operations including: application process, permit length and fees, insurance requirements
- Larger Vehicle Operations - Document templates for traffic management plans and safe work method statements
- Vessel Refuelling - Document templates for traffic management plans and safe work method statements. Document a process for near misses and incidents.
- Disposal of Bilge Waste - Document templates for traffic management plans and safe work method statements. Document a process for near misses and incidents
- Benchmark Fees and Charges – Provide a comparison with other Victorian Harbours
- Dredging – Provide recommendations of frequency of survey and triggers for maintenance dredging.

## 1.4 Limitations

*This report: has been prepared by GHD for Warrnambool City Council and may only be used and relied on by Warrnambool City Council for the purpose agreed between GHD and the Warrnambool City Council as set out in section 1 of this report.*

*GHD otherwise disclaims responsibility to any person other than Warrnambool City Council and state government arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.*

*The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.*

*The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.*

*The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD has made reasonable care in determining the assumptions. GHD disclaims liability arising from any of the assumptions being incorrect.*

*GHD has prepared this report on the basis of information provided by Warrnambool City Council and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.*

## 2. Swing Moorings

### 2.1 Current situation at Port of Warrnambool

Port of Warrnambool has 15 swing moorings, 3 of which are owned by the Council. Due to the wave climate within Lady Bay, vessels can only be accommodated by swing moorings rather than fixed berths. Existing tenants of the port include commercial cray-fishing vessels, charter vessels and the coastguard.

Warrnambool City Council issues annual permits to mooring holders and inspect the moorings every year (beginning in 2017). The mooring holders are charged for the inspection. Mooring holders are not required to have insurance.

### 2.2 Review of swing mooring management at other ports

A review of swing mooring management at other local ports on the Victorian coast and Port MacDonnell in South Australia has been undertaken to provide context for Warrnambool and a benchmark for mooring fees – refer

Table 1.

Table 1 Summary of Swing Mooring Management and Fees

Port / Location	# Swing Moorings	Managed by	Annual Fees
Port of Warrnambool	15	Warrnambool City Council	Dependant on length, up to \$330
Port MacDonnell Boat Haven	50+	State Government (SA)	\$108 per m <sup>1</sup>
Apollo Bay	16 (approx.) <sup>2</sup>	Colac Otway Shire	\$205 establishment fee \$127 annual fee <sup>3</sup>
Barwon Heads	20 (approx.) – Small Vessels only <sup>4</sup>	Barwon Coast Committee of Management	-
Port Phillip and Western Port	1000+	Parks Victoria, Various local sub-agents eg yacht clubs	Between \$102.30 and \$443.90, dependant on location \$154.80 Establishment fee <sup>5</sup> \$78.20 Transfer Fee <sup>5</sup>
Andersons Inlet, Corner Inlet and Port Albert, Gippsland Lakes, Snowy River, Mallacoota	100+	Gippsland Ports	Between \$101 and \$147 dependent on length, and \$17 per m additional over 15m \$143 Establishment Fee <sup>6</sup>

\* Swing Moorings at Portland Harbour have been/are to be decommissioned, with additional marina berths planned under the Portland Marine Masterplan (June 2016)<sup>7</sup>.

<sup>1</sup>[https://www.legislation.sa.gov.au/LZ/V/R/2017/HARBORS%20AND%20NAVIGATION%20\(FEES\)%20VARIATION%20REGULATIONS%202017\\_36/2017.36.UN.PDF](https://www.legislation.sa.gov.au/LZ/V/R/2017/HARBORS%20AND%20NAVIGATION%20(FEES)%20VARIATION%20REGULATIONS%202017_36/2017.36.UN.PDF)

<sup>2</sup><http://www.colacotway.vic.gov.au/Recreation-tourism/Port-of-Apollo-Bay>

<sup>3</sup><https://ablis.business.gov.au/service/vic/permit-to-moor-a-vessel/25533>

<sup>4</sup> <http://www.barwoncoast.com.au/boating>

<sup>5</sup> <http://parkweb.vic.gov.au/park-management/bay-and-waterways-management/moorings-and-berths/moorings-and-berths2>

<sup>6</sup> <https://www.gippslandports.vic.gov.au/wp-content/uploads/2017/06/wharves-jetties-bm-fees-charges-2017-18.pdf>

<sup>7</sup>[http://www.glenelg.vic.gov.au/Files/Glenelg\\_Portland\\_Marine\\_Master\\_Plan\\_Report\\_Revision\\_C\\_June\\_2016.pdf](http://www.glenelg.vic.gov.au/Files/Glenelg_Portland_Marine_Master_Plan_Report_Revision_C_June_2016.pdf)

### ***Mooring permits, application and management***

Permits for swing moorings are issued by the local port managers in Victoria. Application is generally available online, but the number of moorings or space available for moorings is limited and many areas have waiting lists. In some areas of Port Phillip Bay and Western Port Parks Victoria have appointed sub-agents, such as yacht clubs, to manage the allocation of moorings.

At all sites reviewed permits were issued and fees leveled annually.

Transfer of swing moorings between vessels is allowed by some authorities (Parks Victoria will allow applications for transfer with a fee in some areas, while Colac Otway Shire (Apollo Bay) does not allow for any transfer).

### ***Mooring ownership, installation, inspection and maintenance***

Generally the mooring holder is responsible for provision of the mooring tackle, except for temporary and visitor mooring which are owned by the port manager. The ports reviewed had different approaches to ensuring that the mooring tackle was fit for purpose and well maintained:

- At Apollo Bay the port manager inspects the moorings annually and recovers the cost from the permit holders.
- Within Port Phillip and Western Port, Parks Victoria (PV) required that all moorings sites are approved and mooring tackle designed and installed by a PV approved mooring contractor (engaged by the permit holder). Mooring must be inspected annually by a PV approved mooring contractor engaged by the permit holder, and a report provided to PV.
- In ports managed by Gippsland Ports (GP), the permit holder must provide mooring specifications and drawings to GP, and GP may require the design to be reviewed by a marine surveyor. Mooring must be inspected annually by the permit holder and any necessary repairs made, and a statutory declaration provided to GP.

### ***Insurance and indemnities***

Requirement for insurance and indemnities vary between ports:

- At Apollo Bay the permit application requires "The Applicant should take out and keep current during the period of use and occupation of the berth or mooring, as described herein [the contract], a Third Party insurance policy for marine and small craft and provide documentary evidence of same"<sup>8</sup>. The level of insurance cover is not specified. The application also requires the applicant to indemnify the port manager for any liability arising out of use of the mooring.
- Within Port Phillip and Western Port, Parks Victoria (PV) do not require mooring holders to take out insurance, although it is generally required in marinas and club facilities.
- Gippsland Ports only requires insurance for commercial vessels. The application however requires the applicant to accept all liability and indemnify the port manager for any liability arising out of use of the mooring.

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<sup>8</sup> <http://www.colacotway.vic.gov.au/Council-the-shire/Permits-applications-forms/Port-of-Apollo-Bay-permits-applications>



### 2.3 Swing mooring recommendations

Council's management of mooring at the Port of Warrnambool is generally in line with practice across Victoria and South Australia.

The Council should consider requiring mooring holders to take out insurance against damage to third party life or property. At the moment the small number of boats and limited infrastructure at Warrnambool mean the risk is relatively low.

## 3. Port Fees and Charges

It is understood that there are no fees and charges for users at the Port of Warrnambool other than the mooring permits discussed above. Port fees and charges at local ports can be and are levied on a number of activities, depending on the level of infrastructure provided<sup>9</sup>:

- Use of boat ramps
- Car parking
- Rental of berths
- Wharf use for vessel loading/unloading or servicing
- Use of facilities such as slipways or hard strands
- Navigation/Channel fees (commercial)
- Cargo loading/unloading fee (commercial)
- Fuelling permits (commercial)
- Event permits and event setup fees (commercial)
- Rental of land and wharf space (commercial)

### 3.1 Port of Warrnambool boat ramp

The boat ramp at the Port of Warrnambool is a well-used facility and presents an opportunity to levee fees to recover some of the costs associated with management on the Port.

The existing boat ramp, is a two lane concrete boat ramp supported by two adjacent jetties (one on each side of the ramp), that act as queuing, fishing and promenading structures. The boat ramp is protected by the Breakwater however the ramp is still subject to waves and surge which can make launch and retrieval difficult and dangerous in particularly adverse conditions. The community has expressed a strong desire to see additional protection provided for the ramp to limit the impacts of water movement<sup>10</sup>.

The sealed carpark currently provides marked parking spaces for approximately 52 car-trailer units (CTUs). Car-only parking is also provided, including in excess of 100 spaces available throughout the port precinct across three parking areas. Parking is presently free, however community consultation undertaken as part of Warrnambool Harbour Master Planning reports that just over one third of respondents would support paid CTU parking in the current condition and 47% of respondents "indicated they would support the user pays system if the facility was upgraded to a satisfactory level" meaning improvement in the surge on the ramp<sup>11</sup>. It was also indicated that traffic flows could be improved, with an additional car and trailer turning area supported by the community.

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<sup>9</sup> <https://www.gippslandports.vic.gov.au/wp-content/uploads/2017/06/general-fees-charges-2017-18.pdf>

<sup>10</sup> <http://www.standard.net.au/story/5039324/call-for-city-harbour-forum-for-public-to-have-a-say/?cs=72#slide=2>

<sup>11</sup> Warrnambool Harbour Master Plan, Final Draft, November 2017

<https://www.warrnambool.vic.gov.au/sites/warrnambool.vic.gov.au/files/documents/council/meetings/2017/20171102%20Draft%20Final%20MP%20-%20low%20res.pdf>

### 3.2 Review of other port boat ramp charges

Table 2 summaries a comparison of recreational boat ramps at various locations throughout Victoria and including Port MacDonnell in South Australia.

With the exception of the City of Greater Geelong, Table 2 demonstrates that most managing authorities in the region charge parking fees when sealed and marked parking is provided for cars with boat trailers.

Mornington Peninsula Shire Council charges highest annual fee of the areas compared in Table 2, however it is noted that this area is adjacent to the Melbourne Metropolitan region, as compared to the more rural nature of the Barwon and South West region. It is therefore considered that the Glenelg Shire boat ramps in Portland are the most appropriate comparison.

Table 2 Boat Ramp Comparison - Locations, Description and Fees

Location	Number of ramps	Description	Parking type	Fee charged?	Fee details
Warrnambool	1 boat ramp within harbour	Two lane boat ramp with adjacent jetties as queuing structures	Sealed, marked (approx. 52 spaces)	No	-
Port Fairy	1 boat ramp, managed by Moyne Shire	Small two lane ramp, with adjacent jetties as queuing structures	Limited, sealed, unmarked	No	-
Portland <sup>12</sup>	3 boat ramps, managed by Glenelg Shire	- Single lane ramp and three lane ramp adjacent, mixed queuing structures (jetties and floating walkways) - Four lane ramp with three queuing structures	Sealed, marked (approx. 60 spaces at larger ramp), with grassed overflow	Yes	Annual Fee \$110 Annual rates payer or concession \$55 Daily \$10
Port MacDonnell Boat Haven <sup>13</sup>	1 boat ramp, managed by District Council of Grant	Four lane ramp with two floating walkways	Sealed, marked (approx. 55 spaces), with grassed overflow	Yes	Annual Fee \$100 Annual pensioner of Seniors concession \$60 Monthly \$50 Weekly \$25 Daily \$5
Apollo Bay	1 boat ramp, managed by Colac Otway Shire	Two lane ramp with mixed queuing structures (jetty and floating walkway)	Unsealed (gravel), unmarked	No	-
Ocean Grove	1 boat ramp, managed by the City of Greater Geelong	Two lane ramp with two pontoon queuing structures	Sealed, marked (approx. 30 spaces)	No	-
City of Greater Geelong <sup>14</sup>	Approx. 17 Council managed boats ramps	-	-	No	-

<sup>12</sup> <http://www.glenelg.vic.gov.au/foreshoreparking>

<sup>13</sup> <https://www.dcgrant.sa.gov.au/webdata/resources/files/WKS008-Application%20for%20Annual%20Boat%20Ramp%20Permit-1.pdf>

<sup>14</sup> <https://www.geelongaustralia.com.au/boating/article/item/8cdc0f93bf5c460.aspx>

Location	Number of ramps	Description	Parking type	Fee charged?	Fee details
Mornington Peninsula Shire Council <sup>15</sup>	6 Council managed boat ramps	-	-	Yes	Annual Fee \$130 Daily \$12

### 3.3 Boat ramp recommendations

Council could consider implementing a fee for the use of the boat ramp, levied as a fee for the parking of car and trailer units. We recommend that the fee be set at a level similar to Portland and Port MacDonnell as these facilities provide a similar level of service.

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<sup>15</sup> <https://www.mornpen.vic.gov.au/Activities/Sports/Boating/Boat-ramps>

## 4. Vessel Refuelling

Currently refuelling of fishing vessels is undertaken using a 'cart' shared by the fishing fleet. The cart consist of portable fuel tank in a trailer that can be towed by a light commercial vehicle. The vessel moors at the lower landing on the north side of the breakwater and the cart is positioned on the main deck of the breakwater level with the vessel. A fuel hose is run from the cart down over the lower landing to the vessel and the fuel is gravity fed to the vessel. This method of refuelling poses a risk of interaction between the cart and other vehicles and pedestrians. Additionally, the area is frequented by recreational fishermen and swimmers.

The use of non-standard, portable equipment supplied and maintained by vessel owners means there is an unknown, and possibly higher, level of safety and environmental risk, as compared with permanent commercial refuelling facilities. Note that GHD have not inspected the fuelling equipment or its operation, and have not performed a detailed risk assessment.

Generic templates Safe Work Method Statements (SWMS) for vessel refuelling and large vehicle operations relevant the current refuelling practices are provided in Appendix A<sup>16</sup>.

In order to assess and manage the risk associated with the vessel refuelling activities at the Port is recommended that Council, in consultation with vessel operators

- Undertake a risk assessment and review of the current refuelling operations. Assess whether risk can be lowered by upgrading equipment, for example a system incorporating pumps and emergency shut-off valves.
- Develop a Traffic Management Plan (TMP) in order to manage the interaction between vehicles conducting refuelling and other port users, which is discussed further in Section 6. This plan could include options for separation of refuelling operations from other activities via exclusion zones while fuel is pumped, or a dedicated refuelling berth which cannot be accessed by the general public.
- Develop a site-specific refuelling procedure with measures to mitigate identified risks, including:
  - Maintaining an exclusion zone around refuelling to keep public at a safe distance.
  - Prevention of smoking and other ignition sources.
  - Active monitoring of both ends of fuel hose to identify leaks or spill
  - Measures to quickly shut-off flow in the event of a leak or spill
  - Provision of spill kits for quick access
  - Inspection and maintenance of equipment
  - Training or operators
  - Incident response procedure, outlining the process to be followed in the event of an incident during refuelling activities so as to limit the potential impact

We recommend a budget allowance of \$20 - 30k to conduct the refuelling review and develop the procedures, depending on the level of consultation involved.

In addition, refuelling activities should be considered in the Port Safety and Environment Plan (SEMP) or a desiccated Storm Water Management Plan (SWMP) to ensure no stormwater contamination is caused by refuelling.

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<sup>16</sup> Based on: <https://transportsafety.vic.gov.au/maritime-safety/recreational-vessel-operators/powerboat/safe-operation/boat-handling2/refuelling>

## 5. Disposal of Vessel Waste

Vessel waste can be bilge water (containing or not containing oil), sewerage, biological waste (eg fish head, guts etc), liquid waste (oil, paint, chemicals etc.) and solid waste (timber, plastic etc).

The Australian Maritime Safety Authority (AMSA) requires oil and all oily mixtures (machinery space bilges) be retained onboard of vessels for shore disposal, while sewerage may be discharged no less than 3 nautical miles (nm) from land if contaminated and disinfected, or 12 nm if not<sup>17</sup>.

The port of Warrnambool currently offers limited facilities for disposal of waste - bins for disposal of non-toxic solid waste and recycling only. During peak recreational times a bin for fish waste may be temporarily provided. There are no facilities for the disposal of sewerage or oily bilge water.

At larger ports and marinas sewerage pump-out facilities are sometimes provided on a commercial basis, and these may take oily water depending on the requirements of the local water authority. These facilities are generally not provided in harbours the size of Warrnambool, and we have not located any on the Victorian Coast west of Port Phillip.

The only options for disposal of sewerage and oily bilge water on board vessels is discharge offshore (sewerage only), carrying the waste ashore in a portable container for disposal or discharge to a road tanker operated by a commercial waste contractor.

The Council should work with the commercial fisherman in the port to ensure waste generated is being disposed of appropriately. These requirements are difficult to enforce, particularly in relation to sewerage and should be supported by a monitoring and incident reporting process in the SEMP.

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<sup>17</sup> <https://www.amsa.gov.au/marine-environment/marine-pollution/discharge-standards>

## 6. Large Vehicle Operations and Traffic Management Plan

A range of large vehicles currently access the Port area:

- 100t mobile cranes on the breakwater are used to lift the larger fishing vessels (approx. 20t) out of the water onto low-loaders use used to transport the vessels to maintenance facilities.
- Refuelling is undertaken by a cart system comprising a vehicle-trailer unit operating off the breakwater.
- Car with boat trailers are used to launch recreational boats and small commercial boats from the boat ramp.
- Other vehicles operating in the precinct include garbage trucks, emergency vehicles, and light commercial vehicles servicing the fishing fleet and the café.

Pedestrians also frequent the area and intermingle with traffic in some areas. The pedestrian path from the beach and café to the breakwater leads the across the head of the boat ramp. The breakwater main deck is a shared pedestrian and vehicle zone.

In order to manage the operation of large vehicles, and the interaction between traffic and pedestrians more generally, a Traffic Management Plan (TMP) should be developed considering all stakeholders. We recommend a budget allowance of \$20 - 50k to develop to develop the TMP, depending on the level of consultation involved.

The TMP should consider all users of the precinct and the constraints of the site including the load limit on Stanley St Bridge.

A template SWMS for large vehicle operations is provided in Appendix A and a template TMP is provided in Appendix B.

## 7. Dredging

### 7.1 Purpose of dredging and previous dredging campaigns

Since the breakwaters construction in 1890, and extension in 1915, ongoing sediment accretion has been occurring within the harbour, resulting in the seaward movement of the shoreline by more than 300 m and a dramatic reduction in the depth behind the breakwater.

More recently, the harbour was dredged in 1978 and 2001 in an effort to maintain safe navigable access to the mooring area, breakwater lower landing and boat ramp.

In 2007 Coastal Engineering Solutions (CES) designed a dredging program with the dual aims of maintain depth for navigation and attempting to reduce the magnitude of waves effecting boat ramp via 'configuration dredging'. This involved the creation of a sharp change of depth at the seaward edge of the dredge area on an alignment calculated to reflect waves away from the boat ramp and towards the beach further north along Lady Bay. The dredge area is shown in Figure 1.

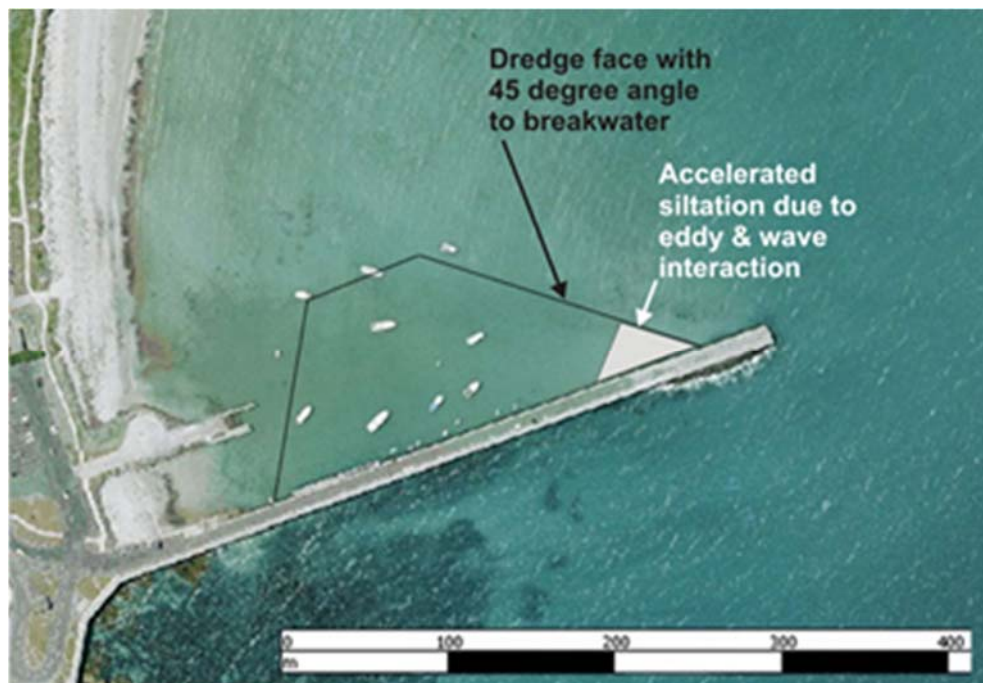


Figure 1 Configuration Dredging Plan from CES (2007)

The configuration dredging, post dredge monitoring program and trigger values for future management action were set out in *Warrnambool Harbour Maintenance Dredging Long Term Management Strategy* (CES, 2007) (only an extract of this document has been reviewed).

According to the *Warrnambool Harbour Dredging 2009 – Post Implementation Review Report*, completed by the Department of Transport, the configuration dredging plan was implemented in 2009, using a cutter suction dredge to remove approximately 36,000 cubic meters of sediment, taking the depth to -4.5 m CD close to the lower landing<sup>18</sup>. This dredging produced grey silty-sand, which was deemed appropriate for deposition on the beach. The post dredge survey is shown in Figure 2.

<sup>18</sup> Warrnambool Harbour Dredging 2009 – Post Implementation Review Report, December 2011, Department of Transport



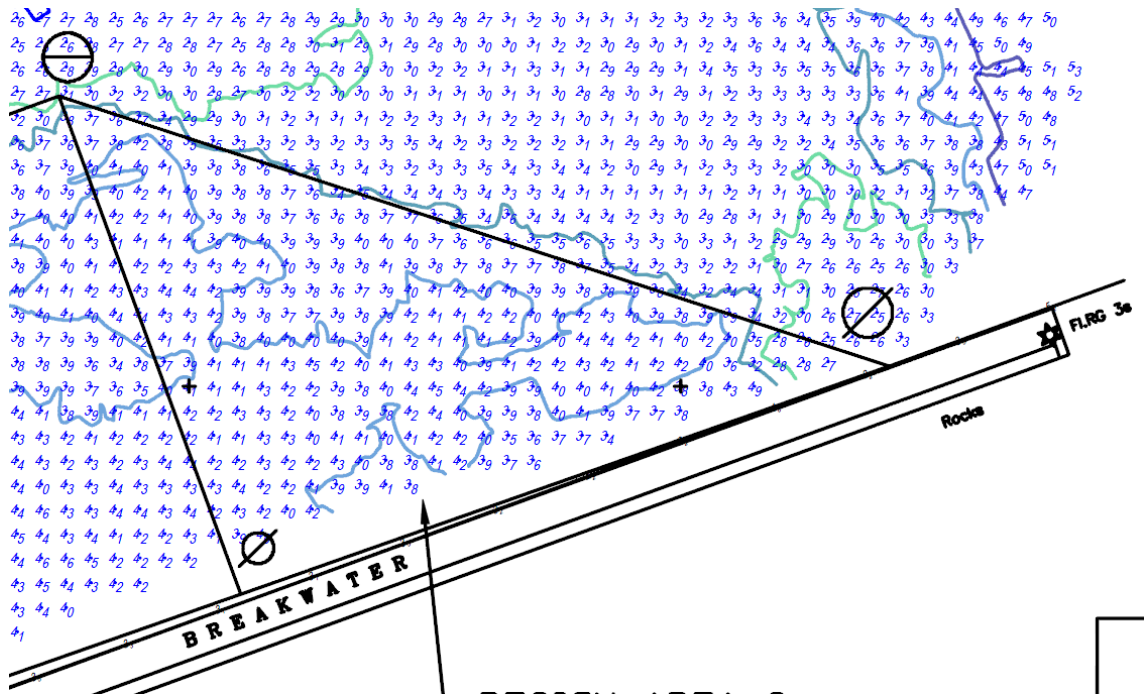


Figure 2 Post dredge bathymetric survey, 2009, showing configuration dredging

Another dredging campaign was conducted in 2013 to remove sand from an area close to the boat ramp, inshore of the 2009 dredging area, as shown in Figure 3. According to a letter from Warrnambool City Council to Moyne Shire titled “Dredging of Port of Warrnambool - Agreement between Moyne Shire Council and Warrnambool City Council” (date unknown), the target volume was 8,000 m<sup>3</sup> with spoil placed on the beach approximately 300m to the north.

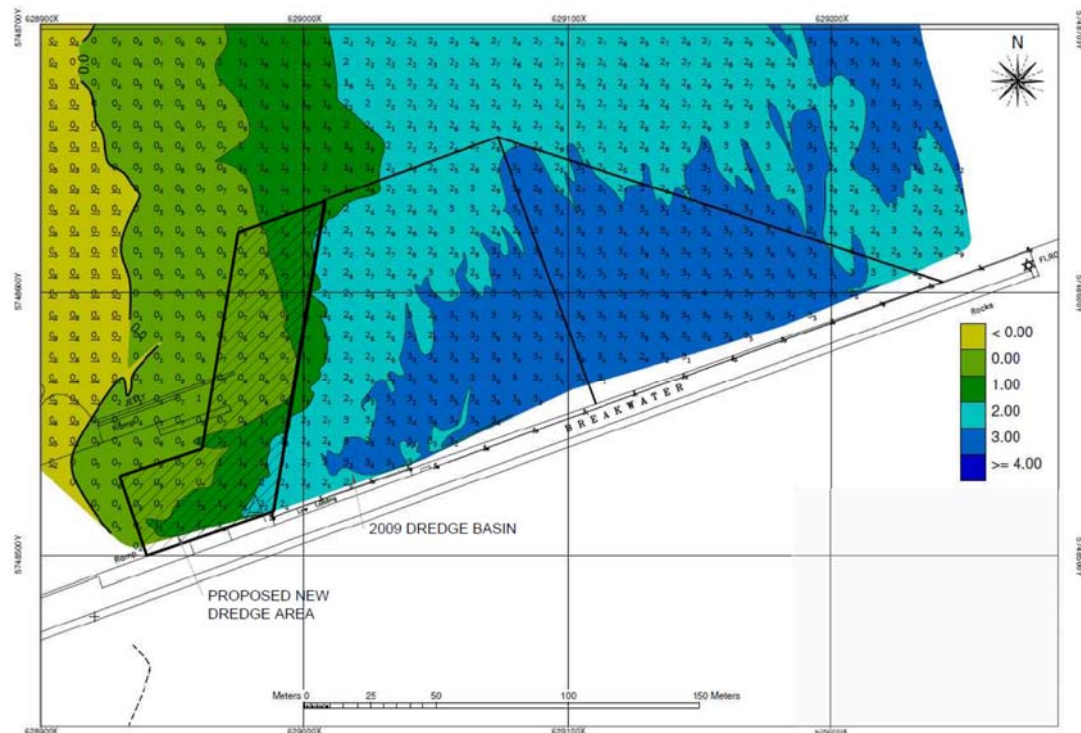


Figure 3 Proposed dredging area 2013

## 7.2 Survey and monitoring

The *Warrnambool Harbour Maintenance Dredging Long Term Management Strategy* (Coastal Engineering Solutions, 2007) recommended a number of monitoring activities. The available monitoring data has been reviewed against these recommendations:

- **Harbour Configuration Dredging:** annual bathymetric survey of the harbour.
  - It seems that this has been conducted 2 - 4 times per year since 2009.
- **Beaches:** beach profile survey, including seaward edge of dunes, from boat ramp extending 700m north along beach, at 6 month intervals.
  - The beach and seabed of Lady Bay north of the breakwater (for a distance of 1.2km) have been surveyed 1 – 2 times per year. This survey does not include repeated profile survey or survey of the dunes.
- **Boat Ramp:** Logging of reported incidence of difficulty launching at boat ramp due to waves/surge.
  - Council have kept a log of incidents, complaints, comments and suggestions regards to condition of the beach, breakwater, boat ramp and other port facilities have been recorded in this log books.

Records for the duration of 2007-2012 and 2013-2018 have been studied and the results of this investigation is listed below:

- Number of complaints/records (in total): 193
- Number of comments about the boat ramp: 41
- Comments/complaints about the boat ramp were mainly related to maintenance of the boat ramp issues included lighting, slippery surface, safety issues, etc.
- There was only one complain about wave conditions effecting the boat ramp on October 2011

## 7.3 Dredging triggers

The *Warrnambool Harbour Maintenance Dredging Long Term Management Strategy* (Coastal Engineering Solutions, 2007) recommended a number of triggers for future dredging, beach shaping or other responses to sand movement. We have conducted a preliminary review of these triggers, based on the limited data available, as shown in Table 3.

Table 3 Triggers and actions recommended by CES (2007)

Recommended Trigger	Recommended Action	Comment
<b>Harbour Configuration Dredging</b>		
<p>1. Siltation to a depth of -3.5 CD in outer part of dredge area (grey area on Figure 1).</p> <p>This would indicate the geometry of the configuration dredging was deteriorating.</p> <p>Expected to occur in 1 to 3 years.</p>	<p>Dredge area to restore the design geometry and place sand on seabed 100m to north</p>	<p>Siltation to -3.5m did occur within three years of the 2009 dredging, however no subsequent maintenance dredging was undertaken (council were unsuccessful in obtaining funding for dredging and harbour improvements during this time).</p> <p>A remediation dredging campaign was carried out in 2013 to remove the sand bar which was formed at the end of the boat ramp.</p> <p>There is now a sandbar in this area with a depth of only -1.7m CD, and the geometry of the configuration dredging has completely disappeared, as can be seen by comparison of Figure 2 with Figure 3 and Figure 4.</p>
<p>2. Siltation of the broader dredged area, including moorings and lower landing, to a depth of -3.5 CD.</p> <p>Expected to occur in approximately 10 years</p>	<p>Not specified</p>	<p>This trigger has been reached, however no subsequent maintenance dredging was undertaken. (Council were unsuccessful in obtaining funding for dredging and harbour improvements during this time).</p> <p>Currently depths are between -3.4m and -3.8m CD in the vicinity of the lower landing, and up to -2.2m CD elsewhere within the dredge area.</p>
<b>Beaches</b>		
<p>1. Beach and dune erosion north of the boat ramp that threatens the shared pathway.</p> <p>This could be an effect of wave reflection from the configuration dredging,</p>	<p>Reshape beach, relocate pathway or extend rock seawall.</p>	<p>Council have advised that shoaling has occurred with southerly swell, but at no time since 2011 has the shared pathway been threatened by erosion. No known actions taken in response to erosion in this area since 2011.</p> <p>A review of aerial photos from 2011 to 2017 on Google Earth showed no clear sign of erosion of the fore dune.</p>
<p>2. Beach accretion by 3m, possibly leading accelerated siltation of Harbour.</p>	<p>Removal of sand from beach</p>	<p>No known issues with beach accretion or actions taken in this area since 2011.</p> <p>A review of aerial photos from 2011 to 2017 on Google Earth shown no clear trend of seaward movement of the fore dune.</p>
<b>Boat Ramp</b>		
<p>if the number of incidents per year is equal to or greater than 50% of incidents pre dredging, or number of incidents in a month is greater than the corresponding month pre dredging</p>	<p>If there was a drop in incidents immediately post dredging then it would indicate the configuration dredging was successful and should be maintained.</p> <p>Otherwise the dredging program should be re-evaluated</p>	<p>A log of port incidents and complaints was kept but there was only one entry related to the wave action at the boat ramp in 11 years so trigger could not be assessed.</p> <p>Council have advised that during consultation for the recent master plan, there were anecdotal reports from users that the dredging did reduce wave height at the ramp for a time.</p>

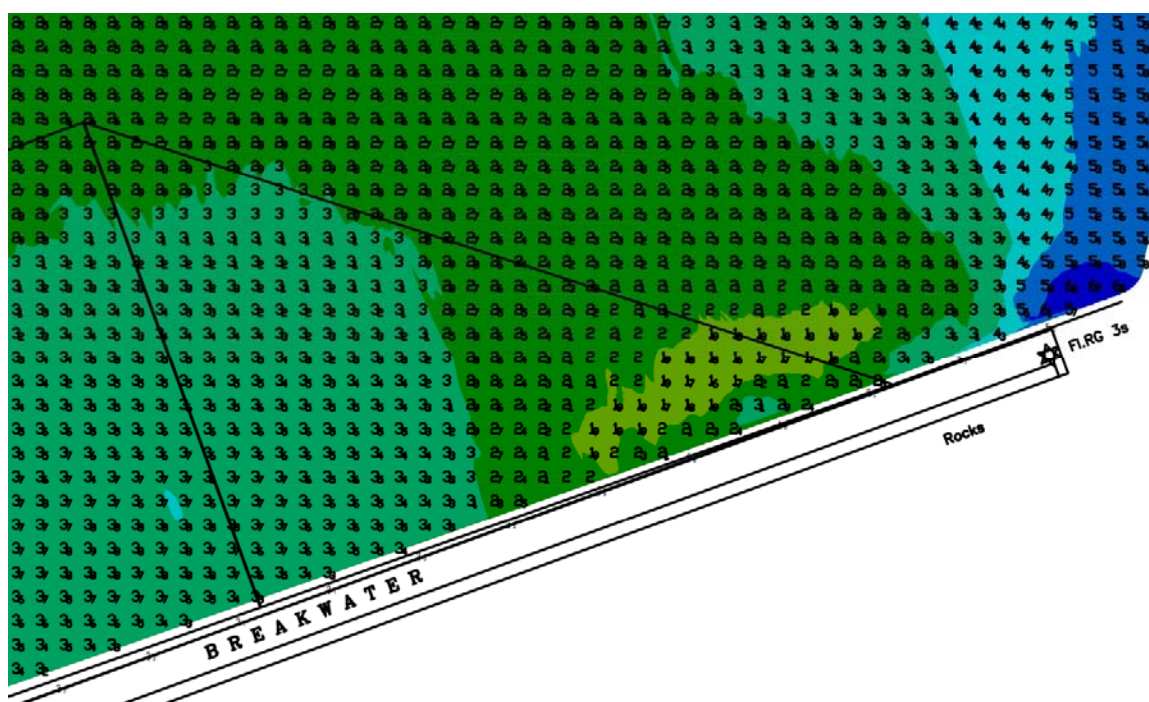


Figure 4 2017 survey, showing area of configuration dredging in 2009

#### 7.4 Dredging approvals

It is understood that the configuration dredging and subsequent maintenance dredging were subject to a 10 yr Coastal Management Act (CMA) consent issued by DSE 28 Feb 2008. This has now expired and a new CMA consent will be required for future dredging. This will require:

- Understanding and description of the dredging impact on coastal processes, the environment and community, including port users.
- Determining if there are any contamination issues with the material to be dredged
- Methodology to carry out dredging in accordance with the Commonwealth National Assessment Guidelines for Dredging (NAGD) or the State EPA Best Practice Guidelines for Dredging.
- Establishment of a monitoring program to monitor the effectiveness of the dredging and impact on the environment and coastal processes.

#### 7.5 Dredging recommendations

It is close to 10 years since the harbour was dredged and it has experience significant siltation, and another dredging campaign will be required soon to maintain safe navigation.

Before the next campaign the *Dredging Long Term Management Strategy* should be revisited and revised. This is likely to be required for Coastal Management Act (CMA) consent. This study should consider:

- Updated understanding of sediment movement based on analysis of bathymetric survey data as well as modelling completed for the *Safer Boating and Harbour Facility Study* (Water Technology, 2011).
- Dredging methodology to cost effectively conduct maintenance dredging and maintain configuration dredging.
- Placement of dredge material to minimise return to the harbour.

- Pre and post dredge monitoring to determine the effectiveness of the configuration dredging. Configuration dredging requires maintenance every 1 – 3 years as opposed to the dredging for navigation which requires maintenance only every 5 to 10 years. Hence configuration dredging should be maintained only if its effectiveness can be clearly demonstrated. This could be done with a combination of incident reporting and/or wave measurements.
- Long term monitoring frequency. Both beach and bathymetric survey frequency could be reduced to once per year.
- The impact of further structures within the harbour. For example a groyne or breakwater on the northern side of the harbour could reduce the rate of siltation.

The estimated budget cost for Council to commission an update of the dredging strategy as well as obtaining CMA consent is in the order of \$200,000 ex GST.

Maintenance dredging in 2009 cost approximately \$0.5M, and the next maintenance dredging campaign is expected to have costs of a similar order of magnitude. Actual costs will depend on the maintenance dredging regime, dredging methodology and market conditions and cannot be accurately forecast at this time.

## 8. Summary of Recommendations

The recommendations arising from this review of port operations are summarised below, along with fee estimates for budgeting purposes. Note that these studies have not been fully scoped and the fee estimates are therefore indicative only. For more information on the recommendation refer to the relevant section of the report.

### ***Swing moorings***

Current management of moorings is consistent with practice at other local ports in Victoria and South Australia.

Mooring information should be included in Port of Warrnambool website - see below.

### ***Port fees and charges***

Council could consider implementing a fee for the use of the boat ramp, levied as a fee for the parking of car and trailer units. We recommend that, if implemented, the fee be set at a level similar to Portland and Port MacDonnell as these provide a similar level of service.

Implementation would involve internal costs to the Council.

### ***Vessel refuelling***

In order to assess and manage the risk associated with the vessel refuelling activities at the Port it is recommended that Council, in consultation with vessel operators:

- Undertake a risk assessment and review of the current refuelling operations. Consider whether the risk could be lowered by upgrading equipment.
- Develop a Traffic Management Plan (TMP) in order to manage the interaction between vehicles conducting refuelling and other port users (see 'large vehicle operations' below).
- Develop a site-specific refuelling procedure with measures to mitigate identified risks.

Estimated cost of assessment and procedure: \$20 - 30k

### ***Disposal of vessel waste***

The Council should work with the commercial fisherman in the port to ensure waste generated is being disposed of appropriately.

At the current time the usage of the port probably does not justify provision of sewerage pump out or other liquid or solid waste disposal facilities. If the harbour is enclosed and usage increased significantly in the future these issues should be revisited.

Information on disposal of vessel waste should be included in Port of Warrnambool website - see below.

### ***Large vehicle operations***

In order to manage the operation of large vehicles, and the interaction between traffic and pedestrians in general, a Traffic Management Plan (TMP) should be developed, considering all stakeholders.

Estimated cost: \$20 - 50k, depending on the level of consultation involved.

### ***Dredging***

Another dredging campaign will be required soon to maintain safe navigation.

Before the next campaign the *Dredging Long Term Management Strategy* should be revisited and revised. This is likely to be required for Coastal Management Act (CMA) consent.

Estimated cost: \$200k for the dredging strategy and CMA consent, \$0.5 - 1.0M for 10 years of maintenance dredging.

### ***Establish website***

It would benefit port users if information on all of the above issues were brought together into one place.

We understand Council is already in the process of establishing a website which includes forms, guidelines, procedures and public information for:

- Re-fuelling
- Mooring; annual permit and casual
- Berthing
- Biosecurity
- Information for yachts travelling to Australia
- Launching
- Swimming
- Fishing
- Fish cleaning
- Waste water
- Litter
- Power
- Temporary set-aside for events/ exclusive use
- Commercial operations, e.g. charter, accommodation
- Dredging

- Navigation
- Beach cleansing
- Overtopping
- CCTV
- Scheduled works
- Published business plan, SEMP and masterplan
- Information on the volunteer coastguard
- Offshore fishing
- Warrnambool Yacht Club
- The Pavilion Café
- Middle Island
- Public toilets
- Horses on beaches
- Wildlife

Council have applied for funding of \$22k to implement this website.

# Appendices



# Appendix A – Template Safe Work Method Statements

## Appendix 4 - Warrnambool City Council SWMS



### Safe Work Method Statement (SWMS)

**Job Undertaken:**

Vessels refuelling at Warrnambool breakwater

**High Risk Tasks:**

- Vessel Berthing at wharf for fuelling
- Movements of Vehicle delivering fuel
- Vessel refuelling

**SWMS No:**

**Location of Job:**

Warrnambool breakwater, Lower landing, Access road

**Person Responsible:**

(Ensuring compliance with SWMS)

Fuelling contractor/ Vessel captain

**Date:**

**Contractor:**

**Permit to work required?**

Yes

No

**Job controls for all tasks:**

- No worker to work in isolation
- PPE to be worn i.e. hard hats, vests, boots, ear protection and gloves (when appropriate).
- Spill kit to be easily accessible at all times
- Appropriate fire extinguishers to be easily accessible at all times
- Qualified first aider on site at all times

Task No.	Actual Task	Risks	Risk Control	Person Responsible
1	Vessel berthing	<ul style="list-style-type: none"> <li>- Collision</li> <li>- Spills</li> </ul>	<ul style="list-style-type: none"> <li>- Approach the berthing structure with safe speed</li> <li>- do not tie up alongside another vessel that is refuelling</li> <li>- Make sure the vessel is securely moored prior to commencement of the operation</li> <li>- Ensure engine bays have adequate ventilation</li> <li>- Ensure vessel fire-fighting equipment is in good order and accessible</li> </ul>	Vessel captain
2	Movement of vehicle delivering fuel	<ul style="list-style-type: none"> <li>- Injuries (vehicle accident with pedestrians)</li> </ul>	<ul style="list-style-type: none"> <li>- Drive the vehicle at a safe speed</li> <li>- Clear/isolate the operation area prior commencing the operation</li> <li>- Deploy suitable hazard signs around the operation area</li> <li>- Check the condition of all hoses, valves, tanks and fitting to be used</li> <li>- Spill kits to be kept with vehicle in easily accessible position</li> </ul>	Fuelling contractor

Task No.	Actual Task	Risks	Risk Control	Person Responsible
3	Refuelling the vessel	<ul style="list-style-type: none"> <li>- Fire (various ignition sources: sparks, flames, hot engine components)</li> <li>- Spills</li> <li>- Injuries</li> </ul>	<ul style="list-style-type: none"> <li>- No passenger on board vessel during fuelling or restarting of engine</li> <li>- Turn off the engine and all electrical equipment</li> <li>- Confirm that all fittings, hoses and tanks are in good condition and free of leak at all times</li> <li>- Do not overfill the tank. Fill level of tank to be actively monitored</li> <li>- Clean up minor spills immediately. Port manager to be notified of any spills</li> <li>- Ventilate tank and engine compartments after fuelling</li> <li>- Do not start the engine if detecting any flames</li> </ul>	Fuelling contractor/Vessel captain

## Appendix 4 - Warrnambool City Council SWMS

### Safe Work Method Statement



<b>Job Undertaken:</b>	Larger Vehicles Operations		
<b>High Risk Tasks:</b>	Manoeuvring large vehicles through port precinct including: Mobile cranes, low loaders transporting fishing vessels, fuel tankers garbage trucks, emergency vehicles, light commercial vehicles	<b>SWMS No:</b>	
<b>Location of Job:</b>	Port of Warrnambool including access roads, carpark, boat ramp and breakwater		
<b>Person Responsible:</b> <small>(Ensuring compliance with SWMS)</small>	Driver	<b>Date:</b>	
<b>Contractor:</b>		<b>Permit to work required?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Job controls for all tasks:</b>	<ul style="list-style-type: none"> <li>• No worker to work in isolation</li> <li>• PPE to be worn i.e. hard hats, vests, boots, ear protection (when appropriate).</li> <li>• Qualified first aider on site at all times</li> </ul>		

Task No.	Actual Task	Risks	Risk Control	Person Responsible
1	<p>General operation of each vehicle including:</p> <ul style="list-style-type: none"> <li>- driving to arrive to the designated area</li> <li>- mob and de-mob</li> <li>- leaving the area</li> </ul>	<ul style="list-style-type: none"> <li>- Collision</li> <li>- Injuries</li> </ul> <p>(vehicle accident with pedestrians)</p>	<p>1- General safe driving rules should be obeyed:</p> <ul style="list-style-type: none"> <li>- Check safety and operability of the vehicle prior to commencement entry into port area</li> <li>- Drive the vehicle at a safe speed (5km/hr) and obey all road rules.</li> <li>- vehicles to be equipped with reversing alarm</li> <li>-vehicles larger than standard light commercial vehicle or car-trailer unit driving on breakwater or leaving the sealed road/carpark areas shall traffic controllers to keep pedestrians clear and direct the vehicle movement.</li> </ul> <p>2 – Where necessary to keep people and traffic apart:</p> <ul style="list-style-type: none"> <li>- Use interlocking, chicaned or hinged gates that open towards the pedestrian</li> <li>- Deploy suitable hazard signs (warning triangles) around the operation area</li> </ul> <p>(Depending on type of vehicle and operation, different signs and clearing distance should be considered. More details can be found on <a href="https://www.vicroads.vic.gov.au/safety-and-road-rules/road-rules/a-to-z-of-road-rules/trucks">https://www.vicroads.vic.gov.au/safety-and-road-rules/road-rules/a-to-z-of-road-rules/trucks</a> ).</p>	<ul style="list-style-type: none"> <li>- Vehicle driver</li> </ul>

# Appendix B – Template Traffic Management Plan



# **Warrnambool City Council**

## Port of Warrnambool Traffic Management Plan Template

June 2018



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# **1. Introduction**

## **1.1 Background**

## **1.2 Purpose of this report**

## **1.3 Scope and limitations**

## **1.4 Assumptions**

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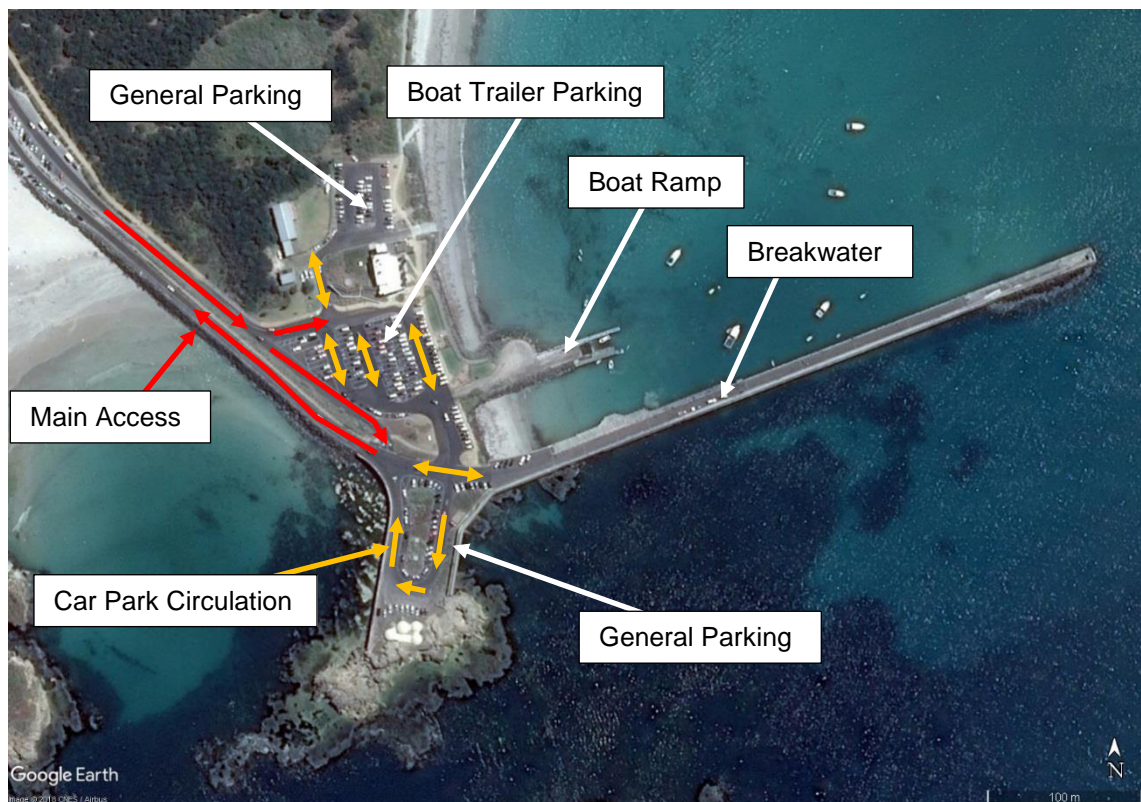
## 2. Existing Conditions Review

### 2.1 Site Layout

The Port of Warrnambool is located approximately 2.5 km south of Warrnambool town centre on Viaduct Road. Viaduct Road is a two-lane, dual carriageway access road and includes cycle lanes, a mix of parallel and angle on-street car parking, a footpath within the median and a recreational walking trail on the east side of the road.

The southbound lane provides direct access to car parking areas for those vehicles travelling towards the Port. There is a mix of boat trailer and general access parking on the site. A boat trailer turning circle is provided immediately adjacent to the boat ramp.

The site layout is presented in Figure 1.



**Figure 1 Site Layout**

*Base imagery obtained from Google Earth Pro ©2018 CNES / Airbus*

### 2.2 Overview of Port Activities

Activities undertaken at the Port and in the immediate surrounds include the following:

- Commercial cray fishing, including vessel unloading and refuelling
- Coast guard
- Launching of recreational fishing boats
- Pedestrian movement
- Swimming and beach based recreation
- Off-the-beach Sailing
- Fishing

- Horse exercise

The following activities do not currently take place at Port of Warrnambool, however they could potentially be included in the future:

- Tourist boating (e.g. whale watching)

### **2.3 Access Requirements**

The Port attracts the following key vehicle and pedestrian movements:

- Boat and trailer circulation between car park and boat ramp
- General access car parking
- Pedestrian movement between Viaduct Road, car parking, beach, breakwater and boat ramp

Occasional access by heavy vehicles is required for a range of activities including servicing the commercial fishing industry, waste disposal and management. For heavy vehicle movements, specific traffic management arrangements may be required. The key considerations for each of these activities are summarised briefly in the following sections.

## **3. Consultation with users**

Prior to activities occurring, consultation should be undertaken with users likely to be affected.

- *Provide advance notice (signage or other method)*
- *Describe duration of activity*
- *Likely impacts*
- *Contact details for questions/issues*

## **4. Traffic Management Plan**

### **4.1 Large Vehicle Operations**

#### **4.1.1 Activities**

- *Access and parking for large vehicles.*

#### **4.1.2 Potential Traffic and Safety Impacts**

- *Blockage of car parking aisles and/or parking spaces by parked large vehicle.*
- *Pedestrian safety at key crossing points.*

#### **4.1.3 Mitigation Treatments**

- *Provide allocated or reserved parking for heavy vehicle prior to arrival using temporary bollards or similar.*
- *Traffic management signage, truck warning signage.*
- *Active traffic management including STOP/SLOW bat if required to manage heavy vehicle access.*

- *Vehicle reversing beeper.*
- *Pedestrian exclusion zones*
- *Pedestrian detours around activity*

## **4.2 Boat ramp traffic**

### **4.2.1 Activities**

### **4.2.2 Potential Traffic and Safety Impacts**

### **4.2.3 Mitigation Treatments**

## **5. Implementation**

- Prepare SWMS
- Allocate responsibilities
  - Planning
  - Consultation
  - Implement traffic management and other mitigation measures
  - Complete activity
- Emergency procedures

DRAFT

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#### Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
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2	M. Moalemi	C Taylor		R Hill		05/07/18
3	M. Moalemi	C Taylor		R Hill		7/8/2018

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*Warrnambool Breakwater – January 2018*

# Warrnambool City Council

## Port of Warrnambool Asset Management Plan

### Breakwater Assessment

August 2018



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Appendix A - Comparative (Photo) Assessment

Appendix B - Defect Mapping

# 1. Introduction

## 1.1 Background

Warrnambool City Council (WCC) engaged GHD in October 2017 to prepare an Asset Management Plan for assets within the Warrnambool Harbour Precinct. As part of the development of the overall Asset Management Plan, WCC requested GHD conduct a visual inspection and condition assessment of the Warrnambool Breakwater.

The breakwater was visually inspected from ground level to determine the current condition of each component and the nature and extent of deterioration. Maintenance strategies to be incorporated into the overall Asset Management Plan were then determined based on observations from the inspection, and comparison with information obtained through previous investigation and assessment.

A number of previous investigations completed on the breakwater have been reviewed and incorporated into the findings of the breakwater assessment. The findings of the previous assessments were also considered by GHD during the inspection phase and through development of the overall Asset Management Plan. A review of previous investigations has been included in Section 3 of this Assessment Report.

Council conducted a photographic survey of the exterior face of the breakwater both sea side and land side on 9 March 2018 which was provided to GHD for the purposes of comparative assessment with previous investigations and has been included in Appendix A. This survey was undertaken by Council in lieu of GHD due to difficulty of scheduling the inspection in suitable weather conditions.

The inspections have been conducted in accordance with the Ports Australia – Wharf Structures Condition Assessment Manual (2014) with the inspection and reporting methodology customised to suit the requirements of Warrnambool City Council.

The inspection and assessment is intended to provide a baseline for future inspection, monitoring and assessment of the breakwater. This report presents the findings of the inspection and assessment for incorporation in the overall Warrnambool Harbour Asset Management Plan.

## 1.2 Purpose of this Assignment

Warrnambool City Council engaged GHD conduct a visual inspection and report on the condition of the Breakwater to allow for:

- Up-to-date condition assessment of the condition of the breakwater in line with an established standard to provide a “baseline” for further monitoring, investigation and assessment.
- Identification of the nature and extent of deterioration in the breakwater to enable a risk based approach to management of harbour assets.
- Comparative assessment of the breakwater and defects with previous investigations and quantification of defects and the rate of deterioration over time.
- Development of appropriate remedial and maintenance strategies to maintain the structural integrity of the breakwater in line with the Warrnambool Coastal Management Plan.
- Assess the safety and amenity of the breakwater in accordance with current Australian Standards and Warrnambool City Council’s operational and OH&S requirements.

### 1.3 Assumptions

- Water-based (vessel) or underwater (diving) inspection was excluded from the assessment due to inclement weather during the time of the inspections. The water-based inspection was supplemented by subsequent photographic survey of the exterior face of the breakwater conducted by Council which was provided to GHD for the purposes of comparative assessment with previous investigations.
- Where access was limited during the inspection (i.e. below water level), the condition of structure is assumed to be consistent with previous observations or consistent with the condition of similar areas which were visible during GHD's inspection.
- No structural analysis, modelling or load rating has been completed as part of the assessment.

### 1.4 References

Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 1998.

Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 2006.

Woodhouse Graesser Johnson Warrnambool Breakwater Precinct, Feature and Level Survey, 2008.

Aurecon, "Warrnambool breakwater diagnostic conditions investigation report", 2009.

Mainmark, "Appendix B.02 - Warrnambool Breakwater Joint Condition Investigation for WCC", 2015.

Elstone Diving Services, "Inspection of Breakwater", 2017.

Ports Australia – Wharf Structures Condition Assessment Manual (2014)

AS 1657 Fixed platforms walkways stairways and ladders – design, construction and installation.

AS4997 Guidelines for the design of maritime structures.

AS 2156.2 Walking tracks - infrastructure design.

AS1428.1 Design for access and mobility.

AS 3600 Concrete Structures.

AS 5100 Bridge Design.

## 1.5 Limitations

*This report: has been prepared by GHD for Warrnambool City Council and may only be used and relied on by Warrnambool City Council for the purpose agreed between GHD and the Warrnambool City Council as set out in Section 1.2 of this report.*

*GHD otherwise disclaims responsibility to any person other than Warrnambool City Council and the State Government of Victoria arising in connection with this report.*

*The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and project proposal and are subject to the scope limitations set out in the report.*

*The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.*

*The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report.*

*GHD has prepared this report on the basis of information provided by Warrnambool City Council, which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.*

*GHD has prepared the preliminary cost estimates set out in Section 11 of this report ("Cost Estimates") using information reasonably available to the GHD employee(s) who prepared this report; and based on assumptions and judgments made by GHD.*

*The preliminary Cost Estimate has been prepared for the purpose of development of the Asset Management Plan and must not be used for any other purpose.*

*The Cost Estimate is a preliminary estimate only. Actual prices, costs and other variables may be different to those used to prepare the Cost Estimate and may change. Unless as otherwise specified in this report, no detailed quotation has been obtained for actions identified in this report. GHD does not represent, warrant or guarantee that the works can or will be undertaken at a cost which is the same or less than the Cost Estimate.*

*Where estimates of potential costs are provided with an indicated level of confidence, notwithstanding the conservatism of the level of confidence selected as the planning level, there remains a chance that the cost will be greater than the planning estimate, and any funding would not be adequate. The confidence level considered to be most appropriate for planning purposes will vary depending on the conservatism of the user and the nature of the project. The user should therefore select appropriate confidence levels to suit their particular risk profile.*

## 2. Structure Details

### 2.1 Background

The Warrnambool Breakwater was constructed in the late 1880's and early 1890's and comprised keyed concrete block (masonry) construction. The concrete masonry blocks (approximately 5 ft x 6 ft x variable length) are founded on a cement apron constructed using cement bags of approximately 12 tonne weight and keyed into the rock seabed below. Phase 1 of the breakwater was constructed 30 ft (9 m) wide and approximately 1033 ft (315 m) long and extended from the timber viaduct which serviced the breakwater.

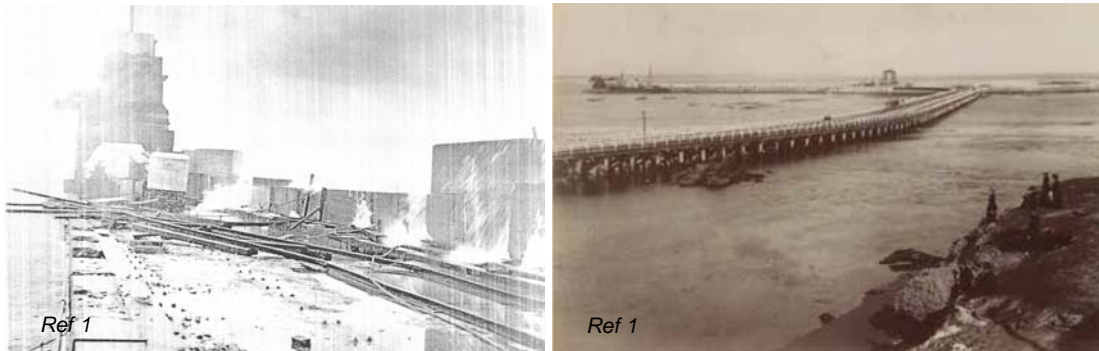


Figure 1 Warrnambool Breakwater construction circa 1890 and completed Breakwater in early 1900's

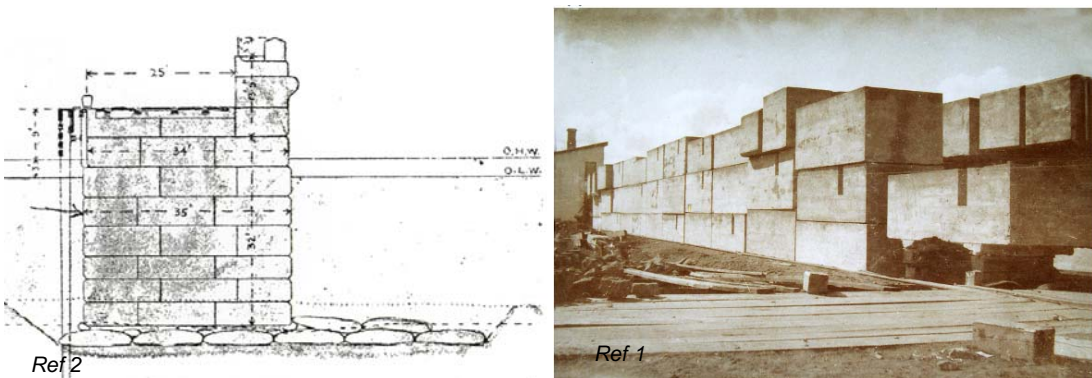


Figure 2 Warrnambool Breakwater keyed concrete block masonry construction

The breakwater was extended by 400 ft (122 m) in 1915 due to provide additional protection to the harbour from storms and swell from the south east direction (Connell Wagner – Condition Inspection Report 1998). The Phase 2 extension comprised of similar (concrete masonry block) construction as the Phase 1 works.

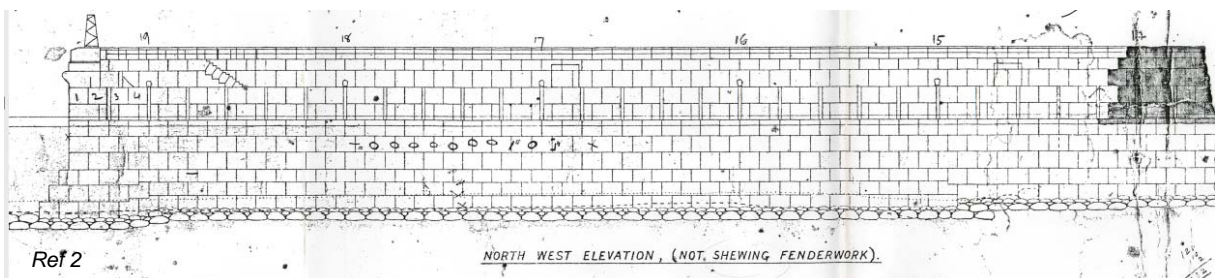


Figure 3 Warrnambool Breakwater extension circa 1915

Ref 1. Photo provided by Warrnambool City Council (sourced from the State Library of Victoria).

Ref 2. Image provided by Warrnambool City Council.



Figure 4 Location of Warrnambool Breakwater

Rock armouring was placed on the ocean side of the breakwater adjacent to the (Phase 2) extension. Anecdotal evidence suggests that the rock armouring and additional extensions to the upper parapet wall were installed in 1975, for the purpose of minimising structural movement by reducing scour that would otherwise allow the breakwater to subside and also by passively resisting further overturning of the breakwater (Connell Wagner – Condition Inspection Report 1998 and 2006).

GHD was not able to verify the extent of the rock armouring and parapet extension works believed to have been conducted in 1975. A detailed account of the breakwater history can be found in Connell Wagner’s Condition Inspection Reports for the Breakwater (1998 and 2006).



Figure 5 Warrnambool Breakwater - Current Configuration (2018)

Ref 1. Image courtesy of Google Maps



## 3. Previous Investigations

### 3.1 Supplied information

Some relevant documentation has been received from Warrnambool City Council with the tender documents and includes:

- Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 1998.
- Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 2006.
- Woodhouse Graesser Johnson Warrnambool Breakwater Precinct, Feature and Level Survey, 2008.
- Aurecon, "Warrnambool breakwater diagnostic conditions investigation report", 2009.
- Mainmark, "Appendix B.02 - Warrnambool Breakwater Joint Condition Investigation for WCC", 2015.
- Elstone Diving Services, "Inspection of Breakwater", 2017.
- CSE Group, "Level Monitoring Survey" May 2018.

### 3.2 Summary of previous investigation

A review of the previous assessment reports has been conducted by GHD as part of the Breakwater Assessment and is provided below.

#### 3.2.1 Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 1998.

The report prepared by Connell Wagner in 1998 comprised a comprehensive inspection of the breakwater above and below water level during April 1998. The significant findings/recommendations of the 1998 inspection report are included below:

- The condition assessment does not indicate an immediate need for major remedial works. However, major remedial works may be required in order to minimise future ongoing structural settlement of the breakwater. These major works would be very costly and difficult to perform.
- Periodic survey monitoring of the breakwater is recommended. Monitoring should be implemented immediately and conducted for at least an 18 month period to establish trends.
- Various minor repairs to the breakwater and jetties are required to address current safety issues. Minor repairs include:
  - Hand railing replacement;
  - Painting of cast iron bollards;
  - Replacement of navigational beacon mounting bracket;
  - Replacement of breakwater and jetty ladders;
  - Replacement of selected lower landing crossheads;
  - Patching of concrete roadways joints;

### 3.2.2 Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 2006.

Connell Wagner conducted a follow-up condition assessment and forward works programme in 2006 which was intended to expand on the previous condition assessment and forward works programme prepared by Connell Wagner in 1998.

The 2006 assignment comprised an on-site review of the condition of the breakwater and associated structures. The review was restricted to an above water visual inspection only (conducted in August 2006). The inspection was intended to assess the structural condition as well as identify hazards to the public and operational personnel using the Breakwater.

The significant findings/ recommendations of the 1998 Inspection Report are included below:

- Undertake survey monitoring of the breakwater at regular intervals (yearly) to establish the ongoing rate of deterioration.
- Installation of plates over gaps created by deterioration to tops of breakwater vertical timber fenders and removal of bollards and the nearby kerb reinstated to a consistent profile.
- Installation of signage warning the public of the slippery surface and falling hazards on the breakwater boat ramp.
- Installation of hand railing at the breakwater edge along the length of the breakwater boat ramp.

### 3.2.3 Aurecon, "Warrnambool breakwater diagnostic conditions investigation report", 2009.

Aurecon conducted a detailed investigation and report of the Breakwater surface condition in 2009. The investigation consisted of two phases including, a) detailed visual inspections and b) exploratory investigations at selected locations.

Aurecon identified a number of remedial repair options and recommendations for the breakwater which included:

- **The 'essential remedial' works** relate to those where defects pose a potential risk to public safety and include:
  - Heavily delaminated and spalled rendering and concrete;
  - Extensive defects along parapet capping; and
  - Other significant defects where further material may become dislodged or surfaces are accessible to the public.
- **The 'near future' work** includes a range of works designed to remedy the defects and include a preventative remedial component for the long term durability of the Breakwater including:
  - Render repairs to the tops of parapet walls;
  - Removal of existing reinforced concrete fascia walls and repair with a suitable face treatment;
  - Prevention of movement related stress in the top of the main wall;
  - Repairs to delamination and cracking in rendered ramp wall;
  - Repairs to cracking and spalling at the interface between the top of the main wall and the new walkway pavement;

- **The 'Ongoing maintenance'** works are required as part of the maintenance of all structures such as these and could form part of an ongoing maintenance program and as part of a maintenance manual and include:
  - Regular removal of salt stains as they appear on the main wall and the prevention of significant salt deposit build up will contribute to maintaining a reasonable wall appearance.
  - Removal of the surface mortar to create recessed joints should reduce fretting in the masonry joints, enhance visual appearance. Raking out the fretting mortar at joints and expressing these joints by recessing them is likely to minimise future fretting of mortar.

3.2.4 Mainmark, "Warrnambool Breakwater Joint Condition Investigation for WCC", 2015.

Mainmark undertook an investigation of the Warrnambool Breakwater in September 2015. The investigation was to determine the presence and magnitude of voiding within the wall structure; particularly along the joints between the concrete blocks that form the breakwater. The investigation involved drilling 6 cores into the wall, logging the extracted samples and viewing the core holes with a camera.

The findings of the investigation include:

- Significant deterioration was observed between the block joints of the structure. Wave action over the years has forced sand and water through the joints, resulting in loss of material. In the cores retrieved, and in the camera study of the core holes, it was evident that wave action has eroded the blocks along the joint lines.
- The overall percentage of void discovered based from the cores length range from 4% to 27%. The boreholes that showed the greatest material loss are located mid-way along the Phase 1 construction (Refer to Figure 4 for reference). Although the voids can be found throughout the core logs, the highest proportion of the voids are found to be 7-8m below pavement surface. Furthermore, the action of the water is causing dissolution of the cement matrix, increasing the porosity of the structure.
- Bore holes taken during the investigation intersected a void previously treated with Uretek resin in July 2009. The Uretek resin has provided a long term seal of the joint against water movement and prevented further deterioration. The ductility of the Uretek material, its chemical stability and high bond strength have contributed to the longevity of this solution.
- A cement filler was injected into the joints in 2010. There was no evidence of this filler found and it is most likely that this filler has been washed out by wave action.
- Mainmark recommended the following action be taken for the Breakwater:
  - Fill open joints throughout breakwater with Uretek resin
  - Place gabions to the seaward face to protect against ongoing scour.
  - Place concrete between the gabions and the wall to fill the cavities scoured under the seaward face.

### 3.2.5 Elstone Diving Services, "Inspection of Breakwater", 2017.

Elstone Diving Services (EDS) was engaged to conduct a visual/video inspection of the Warrnambool Breakwater in August 2017.

EDS inspected the base of the wall (from sea bed to water level) along the full length of the sea (south) side of the wall. The north side of the wall was not inspected as this area was of less concern.

The inspection identified a number of defects relating to penetrations in the main wall and dislodgement of the concrete block masonry. A summary of the findings is provided in the table below (Chainages given from the aquarium end of the wall) and they are marked on the defect plans in Appendix B.

**Table 1 Defects summary**

Chainage (m)	Description	Location
27	Undermining and penetration	Underneath the wall. 6 m long and 0.6 m deep
41	Large cracking in the breakwater	Crack extending from seabed up to 1.5 m penetrating 1.5 m (full depth of a block) into the wall
65.5	Large cracking in the breakwater	Crack extending from seabed up to 1.5 m penetrating 2.0 m (full depth of a block) into the wall
67.7	Large hole in the breakwater	Hole 1.2 m wide and 0.7 m high penetrating 1.5 m into the wall
107.5	Large dislodged blocks	Hole of one block size (1.6 m square)
141.6	Large gap in the breakwater	Gap (100 mm wide) extending from seabed up to water level penetrating 1.5 m (full depth of a block) into the wall
163.2	Large hole in the breakwater	Hole 0.1 m wide and 0.1 m high penetrating 2.0 m into the wall
186.6	Large hole in the breakwater	Hole 1.0 m wide and 2.0 m high penetrating 2.0 m into the wall
231.9	Large gap in the breakwater	Gap (100 mm wide) extending from seabed up 2.0 m penetrating 3.2 m (two full block depths) into the wall
237.7	Large gap in the breakwater	Gap (100 mm wide) extending from seabed up 2.0 m penetrating 3.2 m (two full block depths) into the wall

### 3.3 Review of monitoring survey

Survey monitoring of the breakwater was conducted by CSE Group between May 2008 and April 2018. The monitoring involved conducting survey to a number of points installed along the breakwater and recording the position (latitude and longitude) along with the levels (RL's). The survey also recorded if damage was sustained to any of the monitoring points and if these points were excluded from the survey. A summary of the survey results reported by CSE Group is provided below.

Figure 6 Warrnambool Breakwater – Monitoring Survey Plan

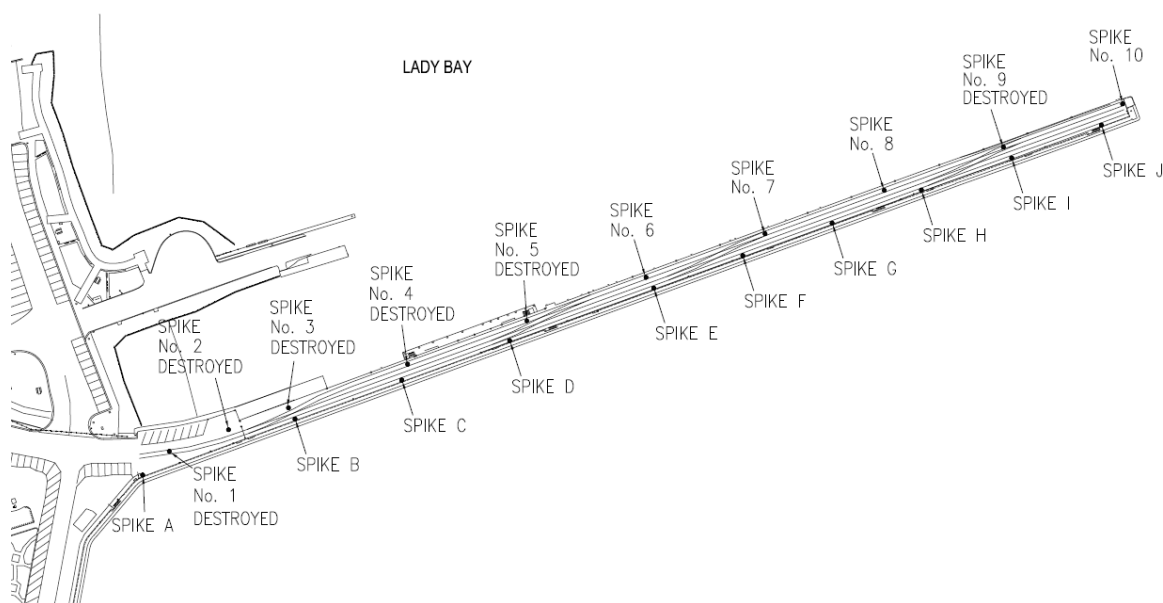
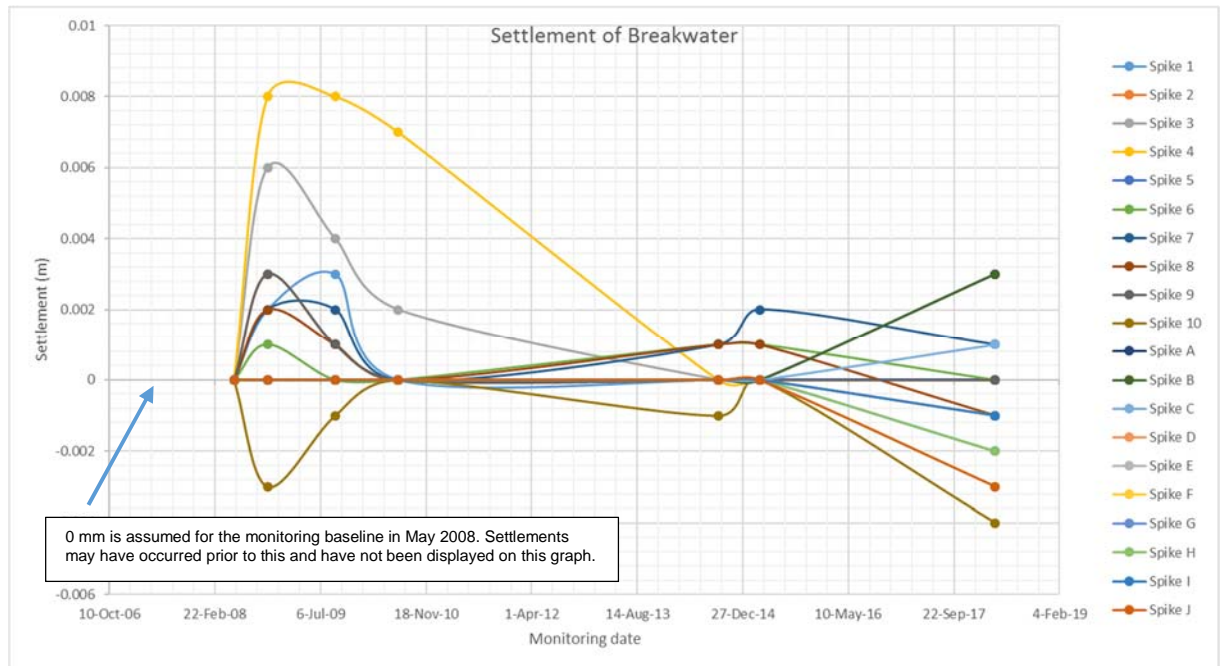


Table 2 Summary of CSE Group survey monitoring data (May 08 – April 18)

Location	Total Movement (over 10 year monitoring period) (m)				Status
	Northing	Easting	Resultant	RL	
Spike 1	-	-	-	0.000	Destroyed
Spike 2	-	-	-	0.000	Destroyed
Spike 3	-	-	-	0.002	Destroyed
Spike 4	-	-	-	0.008	Destroyed
Spike 5	0.000	0.000	0.000	0.000	Destroyed
Spike 6	-0.008	-0.003	0.009	0.000	Current
Spike 7	-0.006	-0.003	0.007	0.001	Current
Spike 8	-0.004	-0.007	0.008	-0.001	Current
Spike 9	-	-	-	0.000	Destroyed
Spike 10	0.005	0.003	0.006	-0.004	Current
Spike A	0.000	0.000	0.000	0.003	Current
Spike B	0.000	0.000	0.000	0.003	Current
Spike C	-0.002	0.003	0.004	0.001	Current
Spike D	0.012	-0.002	0.012	-0.001	Current
Spike E	-0.003	0.000	0.003	-0.001	Current
Spike F	0.000	0.000	0.000	-0.003	Current
Spike G	0.001	-0.005	0.005	-0.002	Current
Spike H	0.000	-0.004	0.004	-0.002	Current
Spike I	-0.002	-0.004	0.004	-0.001	Current
Spike J	-0.002	-0.004	0.004	-0.003	Current

Figure 7 Warrnambool Breakwater monitoring of settlement



The survey monitoring data indicates that minimal movement in both the horizontal and vertical plane has occurred since the monitoring begin in 2008 (an approximate 10 year monitoring period). Maximum vertical settlements of approximately 4 mm was observed at Spike 10 and a heave of 8 mm observed at Spike 4. Maximum horizontal movements of approximately 12 mm were observed at Spike D with all remaining points indicating less than 10 mm movement.

Both horizontal (rotations) and vertical (settlements) of the breakwater appear to have reached a state of equilibrium and may be dormant. Based on our review of the survey data, significant further movement (both horizontally and vertically) is unlikely to occur in the near future without significant changes on the conditions experienced by the breakwater or foundations.

Spikes 1-5 and Spike 9 have been excluded from the survey data due to damage sustained to the points and these should be reinstated to allow for continuation of monitoring in these locations.

There were a number of discrepancies identified between the level data (RL's) provided in CSE's "Level Survey Results Table" and the "Point Table Survey" for the 23 May 2008 survey. The data provided in the Point Table Survey was adopted for the purposes of this review due to this data appearing consistent with the readings on subsequent dates.

### 3.4 Review of previous investigation

The summary in the table below provides a status on past forward works programs and recommendations from previous investigations.

Investigation	Recommendation / Outcome	Status
Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 1998.	Survey monitoring. Various minor repairs to the breakwater and jetties including; replacement of hand railing and navigational beacon bracket, breakwater and jetty ladders, lower landing crossheads, painting of bollards and patching of concrete roadways joints	Completed
Connell Wagner, "Warrnambool Breakwater Condition Inspection & Forward Works Planning", 2006.	Survey monitoring. Install plates over gaps in tops of timber fenders and reinstate bollards Install signage warning the public of the slippery surface and falling hazards on the breakwater boat ramp. Installation of hand railing at the breakwater edge along the length of the breakwater boat ramp	Completed
Aurecon, "Warrnambool breakwater diagnostic conditions investigation report", 2009.	Render repairs to the tops of parapet walls. Removal of existing reinforced concrete fascia walls and repair with a suitable face treatment. Prevention of movement related stress in the top of the main wall. Repairs to delamination and cracking in rendered ramp wall. Repairs to cracking and spalling at the interface between the top of the main wall and the new walkway pavement. Regular removal of salt stains as they appear on the main wall and the prevention of significant salt deposit build up Removal of the surface mortar to create recessed joints and raking out the fretting mortar at joints	Works completed: Hand railing on elevated walkway replaced and new screed surface Stairway 1 and 5 steps reformed to an even surface Ladder rungs replaced Replacement Lower Landing deck New stairs and bollard caps
Mainmark, "Warrnambool Breakwater Joint Condition Investigation for WCC", 2015.	Fill open joints throughout breakwater with Uretek resin. Place gabions to the seaward face to protect against ongoing scour. Place concrete between the gabions and the wall to fill the cavities scoured under the seaward face.	Not completed
Elstone Diving Services, "Inspection of Breakwater", 2017.	Large holes, gaps and cracking observed in the main breakwater wall and undermining and scour observed at the base of the wall. (No recommendations made)	N/A
CSE Group Survey monitoring 2008-2018	Minimal movement in the horizontal and vertical direction observed since the monitoring begin in 2008 (over a 10 year). Maximum movements observed in different locations: 4 mm vertical settlement (spike 10), 8 mm heave (spike 4), 12 mm horizontal movements (spike D).	Ongoing

## 4. Inspection Details

### 4.1 Introduction

A visual inspection of the Warrnambool Breakwater was conducted by GHD Engineers between 1 and 2 February 2018. The conditions encountered during the inspection were mild (1-2 m) swell from the south westerly direction and sea temperature of 16 degrees (°C). Low tide of 0.4 m was recorded at 7:51 am with high tide of 0.6 m at 12:36 pm. Strong winds ranging from 15 to 30 knots from the south west and overcast. An ambient air temperature range of between 15 to 22 degrees (°C) was recorded during the inspections for the assessment of structural articulation.

### 4.2 Access

Access to the Breakwater was by foot from deck level, both along the main deck and the upper parapet walkway.

Inspection of the sea side of the wall and areas with limited access or areas that were considered hazardous or higher risk was completed using video imaging equipment from deck level.

No on water or diving inspection was completed as part of this assessment. The use of traffic management or special access equipment (Elevated Work Platform, or rope access etc.) was not required during the inspection.

### 4.3 Safety during inspections

Control measures were put in place to eliminate or minimise the potential hazards and risks associated with conducting the inspections in a marine environment. The additional controls implemented during the inspection (above GHD's standard OH&S procedures) includes:

- Use of video imaging equipment to reduce the risks associated with access over water or inspection at heights.
- A minimum of two personnel were present during all inspections to provide assistance in case of emergency and to verify safety control measures were being implemented correctly.
- Appropriate PPE was used at all times while at the breakwater.
- GPS and communications equipment were used to allow for accurate location of personnel and identification of location in case of emergency.
- Call-in procedures were implemented to allow for follow up by safety representatives in case of emergency.
- All additional control measures were included in the Job Safety Environment Assessment and reviewed by all personnel prior to proceeding to site.
- Care was taken around rock revetments and armouring to determine the safest route to access the components.



## 5. Visual Condition Inspection

### 5.1 Introduction

GHD conducted visual inspections on the Warrnambool Breakwater between 1 and 2 February 2018. The inspections are visual in nature and include visible components of the structure above ground and water level.

The inspections included:

- Visual inspection of the breakwater main (lower) and upper (parapet) walls and deck.
- Video and photo inspection of the sea side of the main breakwater wall.
- Visual inspection of the navigational aids on the breakwater.
- Visual inspection of the access, ladders, platforms, walkways and handrailing along the breakwater structure.
- Visual inspection of the lower (timber) deck and jetty
- Photographs and high-level mapping of the defects identified.
- Assessment of the condition of each component to determine condition ratings.
- Assessment of the conformance of the structure with respect to current safety standards.

The condition rating, defects and structural information of all components from the deck to water level were recorded (where visible) and visual inspection was used to assess the condition of each element in accordance with the Ports Australia – Wharf Structures Condition Assessment Manual (2014).

Where access was considered hazardous or higher risk, the inspection was conducted using video imaging equipment. Where video imaging equipment has been used, this has been identified in the inspection data. Areas that were not accessible by either video imaging or visual inspection have been outlined in the inspection limitations in Section 5.2 and recommendations for further inspection have been provided where necessary.

The general condition of the structure and of each component was inspected and assessed. Structural defects and items of note were recorded and photographed throughout the inspection. The inspection results were recorded in the inspection data sheets, included in the Asset Management Plan.

### 5.2 Limitations

GHD could not physically access the seaside or the lower land side (where the bollards and fenders attach to the main structure) of the main breakwater wall without the use of a vessel as obtaining access was considered a safety risk.

Underwater (diving) inspection was excluded from the assessment and no structural analysis, modelling or load rating has been completed as part of the assessment.

Water-based (vessel) inspection was completed by Warrnambool City Council and images from the inspection were provided to GHD for the purposes of comparative assessment.

Access was not available to inspect underneath the lower (timber) jetty on the main breakwater. Access was also limited to above the high water level on the main structure as no diving inspections were conducted as part of this assessment.

The inspections were conducted from ground level on the deck of the main breakwater structure. Zoom photography and video imaging was used to inspect the sea-side of the main Breakwater wall.

Further inspection of the Breakwater from both sea side and land side would yield more detailed results with respect to the findings of the condition inspection.

## 6. Observations

### 6.1 General observations

The breakwater has been in service for over 125 years and while it has provided ongoing shelter throughout its service life, it has also sustained significant deterioration of a number of primary structural components over this time. Ongoing maintenance and targeted repairs have been completed throughout the life of the breakwater, in order to maintain it in a serviceable condition and to allow for its continued operation.

The observed deterioration and associated general defects generally relate to long term material degradation processes (erosion of joints, concrete, blockwork, etc.) and coastal processes (scour and settlement of the foundation material). While these processes may not pose an immediate risk to the structural stability, their ongoing combined action will continue to degrade the structure, leading to possible global stability issues over time.

A number of localised voids were identified in the main breakwater deck during Mainmark’s investigation in September 2015 and a (limited) number of these voids were confirmed during GHD’s visual inspection in 2018. The voids present a risk to the ongoing operation of the breakwater, particularly when located at the southern end of the structure where the risk of localised damage to the deck due to heavy vehicle operation (crane, fuel tanker etc.) is greatest.

While the presence of voids was identified in the main breakwater deck, due to the limited scope of the drilling investigation conducted in 2015 and the limitations of visual inspection of these areas, there is still uncertainty around the extent of the voids throughout the structure (their location and size). In order to mitigate the risk associated with the presence of voids in the main breakwater deck, a number of investigation methods have been explored to identify the extent of voiding, and the preferred method is outlined in Section 10 of this report.

A summary of the critical observations from the visual inspection of the Breakwater is provided in Section 6.2. For the purpose of defect identification, the following nomenclature has been used for the main breakwater components.

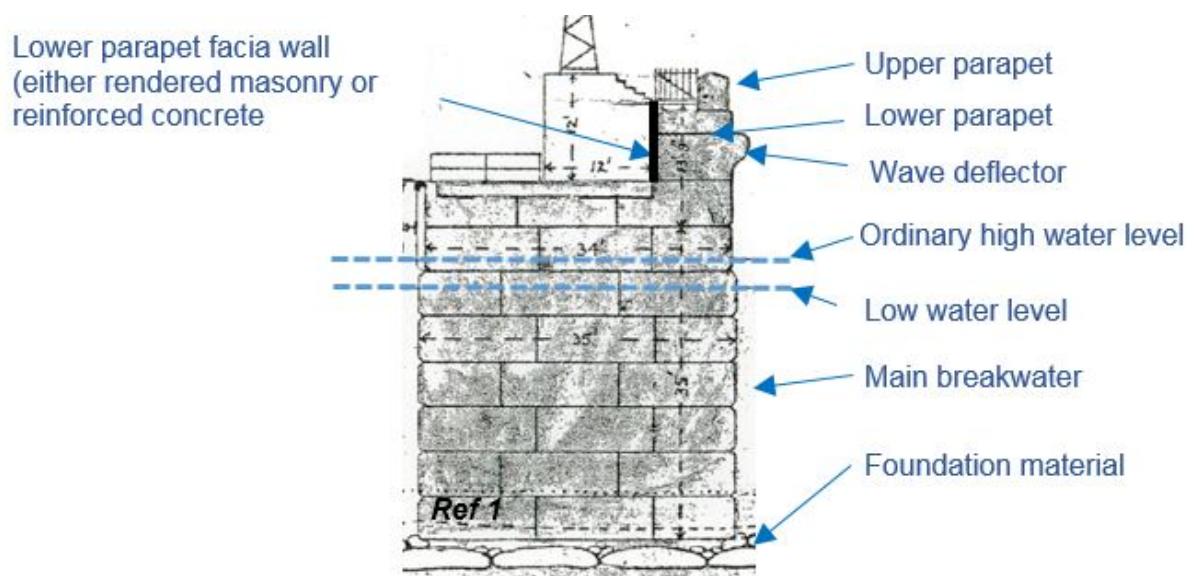


Figure 8 Warrnambool Breakwater - Nomenclature

Ref 1. Image provided by Warrnambool City Council.

## 6.2 Observation Summary

A summary of the critical observations of the Breakwater is provided below and generally fall into the following categories:

- Scour under the main breakwater structure leading to settlement and rotation seaward;
- Detachment and disintegration of breakwater head, parapet and wave deflector due to scour and wave action;
- Voids in the blockwork matrix caused by wave impact forcing jets of pressurised water through open joints;
- Disintegration of reinforced concrete elements and previous repairs;
- Slower weathering, cracking and erosion of unreinforced blocks and mortar joints;
- Cracking, spalling and delamination of concrete render on deck and parapet facing presenting hazard to users.

Inspection photos and comments for individual bridges and their elements have been provided in Appendix A.

## 6.3 Condition States

Condition states have been adopted from the Ports Australia – Wharf Structures Condition Assessment Manual (2014) with the categories customised to suit the requirements of Warrnambool City Council. The condition states provide general descriptions of four condition states used when performing the on-site condition ratings. These Condition States were used to quantify the condition of each element assessed for the four structures.

Each inspected component was given a condition rating totalling 100% made up of various combinations of the following four condition states:

**Condition State 1 (Good)** – Component is in good condition with little or no deterioration.

**Condition State 2 (Fair)** – Component shows deterioration of a minor nature with primary supporting material which is first signs of being affected. Intervention points for maintenance could be generally as follows: Minor spalls or cracking of no real concern. Paintwork on steel components with spot rusting up to 5%.

**Condition State 3 (Poor)** – Component shows advancing deterioration and loss of protection to the supporting material which is showing deterioration and minor loss of section. Intervention points for maintenance are generally as follows: Large spalls, moderate cracking and defects should be programmed for repair works. Paintwork has spot rusting of up to 10%, which is the limit for over coating.

**Condition State 4 (Very Poor)** – Component shows advanced deterioration, loss of effective section to the primary supporting material, is acting differently to design or is showing signs of overstress. Intervention points for maintenance are generally as follows: Very large spalls or heavy cracking and defects should be repaired within the next 12 months. Paintwork beyond repair requires blasting back to bright metal.

## 6.3.1 Warrnambool Breakwater Inspection Observation Summary

General Component	Description	Defect	Location (refer to defect mapping for accurate location)	Possible Cause	Condition State
Upper parapet and walkway Phase 1 (1890) works.	The upper parapet comprises keyed concrete masonry block construction (similar to the main structure) of approximately 1.1 m wide x 1.0 m high. The parapet has been rendered with a cementitious mortar.	General cracking and spalling of the parapet masonry.	Upper parapet (Bollards 6 to 24).	General wear, movement and shrinkage or mortar/render.	2 - Good
Upper parapet and walkway Phase 2 (1915) works.	The upper parapet comprises keyed concrete masonry block construction (similar to the main structure) of approximately 1.1 m wide x 1.0 m high. A reinforced concrete capping beam has been provided over the parapet.	Cracking and spalling of mortar. Loss of mortar from joints. Opening of joints and large section loss from blocks. Cracking to capping beam and loss of concrete block sections/erosion of concrete block face.	Upper parapet (bollards 0 to 6). Cracks correspond with large movement cracks in the external (sea side) face of the main wall.	Movement of structure and aggressive marine environment and wave action.	3 – Poor to 4 - Very poor
Lower parapet and main breakwater wall and deck Phase 1 (1890) works.	Concrete block (masonry) construction. Masonry blocks are approximately 5ft square x 10 ft long and keyed and grouted together. Masonry is founded on a cement apron constructed using cement bags keyed into the rock seabed below. Phase 1 of the breakwater was constructed 30 ft (9 m) wide and approximately 1033 ft (315 m) long.	General cracking and spalling to parapet render. Loss of concrete fines on main blocks. Voids forming at the main joints. Some loosening concrete with potential to fall. Delamination of most render surfaces.  Erosion of the concrete block masonry and the mortar joint matrix resulting in large penetrations in the sea side face of the wall and dis-lodgement of concrete masonry blocks below water level (observed during diving survey).  Rotting of the aged timber fender panels below bollards.	Main breakwater wall land side (bollards 6 to 24).  Main breakwater wall sea side below water level (Bollards 6 to 24).  Full length of breakwater	Structural movement and aggressive marine environment.  Wave action and aggressive marine environment causing erosion of block masonry and the mortar joints and scour of sea bed under the main breakwater.  General wear and exposure	1 –Good to 2 -Fair

General Component	Description	Defect	Location (refer to defect mapping for accurate location)	Possible Cause	Condition State
Lower parapet and main breakwater wall and deck Phase 2 (1915) works.	Concrete block (masonry) construction. Masonry blocks are approximately 5ft square x 10 ft long and keyed and grouted together. Masonry is founded on a cement apron constructed using cement bags keyed into the rock seabed below. Phase 2 of the breakwater extended the existing breakwater by 400 ft (122 m).	<p>Significant cracking and spalling of reinforced concrete fascia wall. Evidence of reinforcement corrosion visible through (rust staining) larger cracks (estimated over 3 mm in some locations). Some loosening concrete with potential to fall. Delamination of most concrete surfaces.</p> <p>Significant settlement and rotation of main breakwater wall and deck.</p> <p>Rotting of the aged timber fender panels below bollards.</p>	<p>Main breakwater wall land side (bollards 0 to 6).</p> <p>Main breakwater deck (bollards 0 to 6).</p> <p>Full length of breakwater</p>	<p>Structural movement and aggressive marine environment.</p> <p>Scour of seabed and foundation material below the main breakwater structure.</p> <p>General wear and exposure</p>	3 – Poor to 4 - Very poor
Lower (timber) jetty. Eastern (old) section. Underside of jetty not visible.	<p>Timber jetty comprises timber piles supporting timber cross heads (150 x 300 headstocks) and timber decking.</p> <p>Past inspection has noted that a number of cross heads have been replaced with steel PFC members</p>	<p>Timber decking and kerbing weathering and showing signs of rot.</p> <p>Possible deterioration in piles. However, access limitations prevented inspection of piles.</p>	Eastern (narrow) section of jetty	General weathering and aggressive environment	3 - Poor
Lower (timber) jetty. Western (new) section. Underside of jetty not visible.	<p>Timber jetty comprises timber piles and cross bracing, supporting timber cross heads (150 x 300 headstocks) and timber decking. Decking on the Western end of the jetty has been replaced recently. Past inspection has noted that a number of cross heads have been replaced with steel PFC members</p>	Possible deterioration in piles. However, access limitations prevented inspection of piles.	Eastern (narrow) section of jetty	General weathering and aggressive environment	2 - Fair
Access ladders, platforms, walkways and hand railings.	Various access ladders, stairs, walkways and hand railings were observed along the main breakwater structure.	Items were assessed under the Safety Compliance Assessment. Refer to Section 6.3 for non-compliance items.	Main breakwater structure	Various	Various

General Component	Description	Defect	Location (refer to defect mapping for accurate location)	Possible Cause	Condition State
Lighting.	Lighting comprises steel lighting poles up to halogen globes which are fixed via a bolted base plate connection to the foundations.	Nil	Nil	Nil	1 - Good
Navigational aids.	Navigation beacon attached to the concrete plinth with a flange plate and hold down bolts.	General wear slight tea staining (corrosion) observed on mast and bolted connections.	Mast and connections	Exposure to aggressive environment	2 - Fair

## 7. Comparative Assessment

A comparative visual assessment was completed using the current photographic records obtained during GHD's site visit in February 2018, photos from Council's photographic survey in March 2018 and the photographic records taken during the previous investigations. This was completed to assist with the assessment due to minimal survey and monitoring data available for the Breakwater. The comparative assessment is qualitative only and provides a visual record of both the condition of the structure and any significant structural movements or settlements which may be detected through photographic assessment.

The comparative visual assessment indicates a general deterioration in the condition of the breakwater's surface treatments. This includes noticeable changes in the condition of a number of elements since the 1998 Connell Wagner inspection including:

- Rendered upper and lower parapet surfaces.
- Upper parapet block work.
- Reinforced concrete facia/repair walls.
- Wearing surfaces on the main deck.

A number of components have also had improvement works performed since the 1998 inspection including repairs to gaps in the external block work, repairs to bollards, hand rails and stairs and some concrete works around bollards (presumably for stability of the bollards and connections).

Based on review of council's photographic survey, the prevalence of salt staining around the masonry block joints on the landward side of the parapet appears higher between bollards 5 and 19, with minimal staining observed between Bollard 1 and Bollard 5. This may indicate that the rock armouring between bollards 1 and 5 is effective at reducing the flow of seawater through the joints in the parapet. Refer to Photo 49 in Appendix A for leeching of the masonry block joints.

The comparative assessment does not indicate noticeable settlement or rotation of the main breakwater since the Connell Wagner inspection in 1998. The photo comparison may indicate some evidence of increased crack widths on the main vertical cracking in the breakwater above the rock protection (Refer to photos 39 & 40 in Appendix A). However, the assessment is not a reliable method of assessing movement and is intended to provide an indicative record of ongoing deterioration of the structure as a general guide and is not considered a quantitative assessment of the actual condition or any movements observed within the structure.

Detailed survey monitoring should be continued as part of the breakwater's maintenance strategy, including continuous/ongoing recording of the structural movements over time (verticality and crack widths), to allow for implementation of appropriate maintenance strategies.

The comparative (Photographic) assessment is provided in Appendix A.

## 8. Safety compliance assessment

A Safety Compliance Assessment was completed on the Breakwater which included visual inspection and review of the safety and amenity of the breakwater access in accordance with current Australian Standards. Standards considered in the review include:

- AS 1657 Fixed platforms walkways stairways and ladders – design, construction and installation.
- AS4997 Guidelines for the design of maritime structures.
- AS 2156.2 Walking tracks - infrastructure design.
- AS1428.1 Design for access and mobility.

The compliance assessment has been completed by way of exception and items not identified in the assessment are assumed to comply with current standards or were unable to be assessed due to limitations on access. Refer to Section 5.2 for limitations on access.

**Table 3 Safety compliance assessment**

Item/location	Description	Non-compliance	Reference	Rectification
Upper parapet walkway	Hand railing	No kick plate provided	AS1657 CL. 4.6/5.1.5/5.5/5.6.6	Consider installation of a kick plate
Stairs between main and upper deck	landings	Delineation of stair nosing	AS1657 CL. 7.2.3.2	Perform risk assessment and consider signage or releveling of risers
Stairs between main and upper deck	Risers	Inconsistent height of stair risers	AS1657 CL. 7.2.3.4	Perform risk assessment and consider painting with non-slip surface and delineation of stair nosing
Lower (timber) landing	Hand railing	No hand railing to prevent falls from main deck and lower landing (fall greater than 1.5 m)	AS1657 CL. 5.4.1	Perform risk assessment and consider installation of a handrail. AS4997 allows for provision of unprotected edges in the case where a handrail would hinder normal operation of a wharf or maritime facility.
Boat ramp	Hand railing	No hand railing to prevent falls from main deck to boat ramp (fall greater than 1.5 m)	AS1657 CL. 5.4.1	Perform risk assessment and consider installation of a handrail on both sides of boat ramp.



# 9. Risk Assessment

## 9.1 General

GHD’s visual inspection of the breakwater and review of previous investigations has identified a number of risks associated with the ongoing operation of the breakwater which Council should consider as part of the Breakwater (and greater harbour) Asset Management Plan.

The Breakwater Risk Assessment is based on a risk matrix approach which has been developed around the Warrnambool City Council’s Risk Assessment Matrix (for good controls). Risks identified during the assessment have been allocated a Risk Rating between 1 and 4 which takes into consideration the condition of the element and the consequence of its failure.

The Risk Assessment is based on an assessment of the consequence of failure on the **safety of users and the serviceability and strength of the structure only** and does not take into consideration the risk to the environment, business interruption, public reputation, legal governance/compliance, and public disruption, operation of the breakwater or any flow-on costs.

The Risk Rating is associated with a general time frame for repairs to an element. The time frames are suggested intervals and Warrnambool City Council should adopt time frames which are appropriate to their network’s needs and risk profile. The Risk Ratings 1 to 4 are shown below:

- Risk Rating 1 – Extreme (Immediate action required).
- Risk Rating 2 – High (Action required within short to medium term).
- Risk Rating 3 – Moderate (Action required over the medium to long term).
- Risk Rating 4 – Low (Continue monitoring as part of routine maintenance).

Table 4 Determination of Risk Rating

Condition States	Consequence of Failure or Continued Deterioration				
	Insignificant	Minor	Moderate	Major	Extreme
4	3 - Moderate	2 - High	2 - High	1-Extreme	1-Extreme
3	3 - Moderate	3 - Moderate	2 - High	2 - High	2 - High
2	4 - Low	4 - Low	4 - Low	4 - Low	4 - Low
1	N/A	N/A	N/A	N/A	N/A

## 9.2 Consequence of failure

The consequence of failure has been subdivided into five categories relating to severity:

**Insignificant:** No impact on strength or serviceability. Predominantly superficial defect with minimal effect on aesthetics.

Negligible health/safety impact on member of public or maintenance staff (no first aid or medical treatment required).

**Minor:** Minimal impact on serviceability but does not affect the strength of the structure. May lead to premature wear of other elements. Reduced comfort level (vibration or dynamic effects) or significantly effecting aesthetics. OR;

Minor injury illness or health impact (<10 days lost time due to injury/illness).

**Moderate:** Impacts serviceability or leads to accelerated deterioration of other elements. The strength of secondary or minor elements is compromised. OR;

The defect poses a risk to public safety, without impacting the overall structural integrity of preliminary or secondary elements. Moderate injury illness or health impact (>10 days lost time due to injury/illness).

**Major:** Structure is unserviceable and the strength of primary components is compromised. OR;

The defect poses a significant risk to public safety, without impacting the overall structural integrity of preliminary or secondary elements. Significant health risk (single fatality or permanent disability)

**Extreme:** Major structural failure or collapse of primary components. OR;

The defect poses a catastrophic risk to public safety, without impacting the overall structural integrity of preliminary or secondary elements. Extreme health risk (multiple fatalities or pandemic effect).

### 9.3 Risk Assessment

A risk assessment was conducted on the Warrnambool breakwater based on the findings of GHD's visual inspection and the outcome of GHD's review of previous assessments. The Risk Assessment framework is based on Warrnambool City Councils Risk Assessment Matrix (for good controls) and is shown in Table 2.

Table 5 Risk Assessment

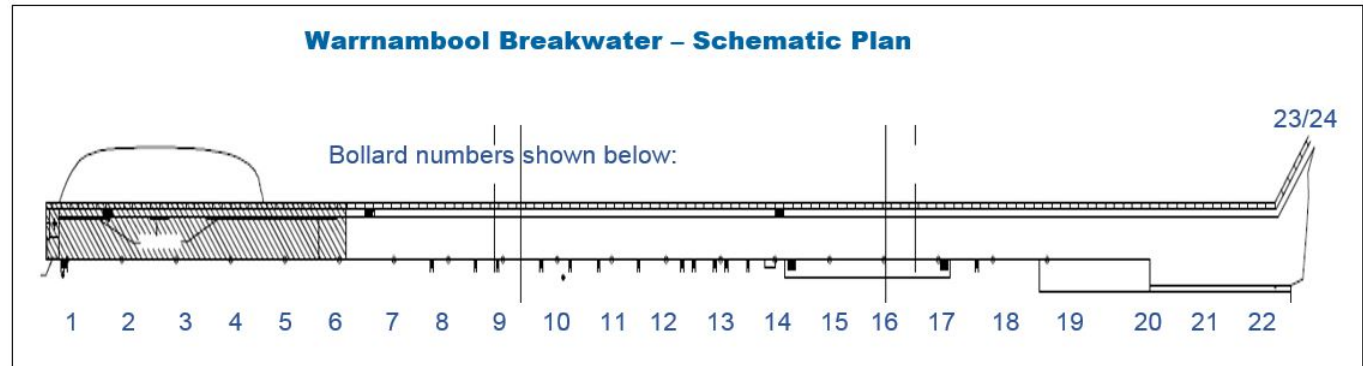
General Component	Location (refer to defect mapping for accurate location)	Defect	Risk	Consequence of failure	Condition State	Risk Rating	Mitigation/Control (Refer to Section 10 for further details on repairs)
Upper parapet and walkway Phase 1 (1890) works.	Upper parapet (Bollards 6 to 24).	General cracking and spalling of the parapet masonry.	Spalling of concrete render on deck and parapet presenting hazard to users.	Minor	2 - Good	N/A	Monitor
Main breakwater wall Phase 1 (1890) works.	Main breakwater wall - land side (bollards 6 to 24).	General cracking and spalling to parapet render. Loss of concrete fines on main blocks. Voids forming at the main joints. Some loosening concrete with potential to fall. Delamination of most render surfaces.	Spalling of concrete render on deck and parapet presenting hazard to users.	Minor	1 –Good to 2 -Fair	4 - Low	Continue to conduct condition inspections.
	Main breakwater wall sea side below water level (Bollards 6 to 24).	Erosion of the concrete block masonry and the mortar joint matrix resulting in large penetrations in the sea side face of the wall and through the breakwater and dis-lodgement of concrete masonry blocks below water level (observed during diving survey).	Scour under structure leading to settlement, seaward rotation and part collapse. (Mechanism likely to be slower with adequate warning to breakwater users).	Extreme	3 - Poor	2 - High	Continue on-going survey monitoring to record movement and settlement over time. Extend existing rock armouring to reduce the risk of undermining, scour and rotation.
	Main breakwater (deck) (bollards 14-22) (Chainage 100-240).	Erosion of the concrete block masonry and the mortar joint matrix resulting in large penetrations in the sea side face of the wall and through the breakwater and dis-lodgement of concrete masonry blocks below water level (observed during diving survey).	Deck failure in Breakwater possible if large voids are present under deck. Heavy vehicles (crane, fuel tanker etc.) may cause punching shear failure. This could result in injury as well as loss of access for the breakwater.	Major	3 - Poor	2 - High	Further investigation into the extent and location of voiding required to determine extent of risk/ rectification method. (Refer to Section 10) Extend existing rock armouring to reduce wave impact.
	Full length of breakwater leeward side	Rotting and deterioration of the timber fender panels located under the bollards	Original design drawings indicate timber panels appear to belong to a remnant fender system and do not appear to have a significance to the structural stability of the breakwater	N/A	4 - Very poor	N/A	Monitor
Upper parapet and walkway Phase 2 (1915) works.	Upper parapet (Bollards 0 to 6).	Cracking and spalling of parapet mortar. Loss of mortar from joints. Opening of joints and large section loss from blocks. Cracking to capping beam and loss of concrete block sections/erosion of concrete block face.	Spalling of concrete render and loss of parapet capping presenting hazard to users.	Minor	3 – Poor to 4 - Very poor	2-3 – Med to High	Conduct repairs to parapet capping.
Lower parapet fascia wall (land side) Phase 2 (1915) works.	Lower parapet wall land side (bollards 0 to 6).	Significant cracking and spalling of reinforced concrete fascia wall. Evidence of reinforcement corrosion visible through (rust staining) larger cracks (estimated over 3 mm in some locations). Some loosening concrete with potential to fall. Delamination of most concrete surfaces.	Delamination and instability of concrete fascia walls presenting a risk of falling	Minor	3 – Poor to 4 - Very poor	2-3 – Med to High	Conduct repairs to reinforced fascia walls.

General Component	Location (refer to defect mapping for accurate location)	Defect	Risk	Consequence of failure	Condition State	Risk Rating	Mitigation/Control (Refer to Section 10 for further details on repairs)
Main breakwater wall Phase 2 (1915) works.	Main breakwater (bollards 0 to 6).	Significant settlement and rotation of main breakwater wall and deck.	Scour under structure leading to settlement, seaward rotation and part collapse. The rock armouring installed in 1975 may have stabilised this area to further settlement.	Extreme.	3 – Poor.	2 – High.	Further investigation required to determine extent of risk/rectification. Continue on-going survey monitoring to record movement and settlement over time.
	Main breakwater (deck) (Bollards 0 to 6).	Significant settlement of main deck. Regular transverse cracking and spalling of concrete slab.	Unevenness of pavement presenting a hazard to pedestrians and wheeled access (bicycles and wheelchairs).	Minor.	3 – Poor.	3 – Med.	Conduct repairs to pavement surface, and consider improved lighting locally.
Lower (timber) jetty. Eastern (old) section.	Eastern (narrow) section of jetty.	Timber decking and kerbing weathering and showing signs of rot.	Failure of timber decking cross heads or piles resulting in local collapse of jetty. This could result in injury as well as loss of access for the jetty.	Moderate.	3 – Poor.	2 – High.	Continue to conduct condition inspection and consider replacement of timber decking and any damaged lower timbers identified as a result of further inspection.
Lower (timber) jetty. Western (new) section.	Eastern (narrow) section of jetty.	Possible deterioration in piles. However, access limitations prevented inspection of piles.	Failure of timber decking cross heads or piles resulting in local collapse of jetty. This could result in injury as well as loss of access for the jetty.	Moderate.	2 – Fair.	4 – Low.	Continue to conduct condition inspections.
Access ladders, platforms, walkways and hand railings.	Main breakwater structure.	Items were assessed under the Safety Compliance Assessment. Refer to Section 9 for non-compliance items.	Injury from slips trips, falls. Inadequate access requirements for personal use (wheelchair/bicycle/pedestrian) or operational use (maintenance staff/operational personnel). Refer to specific items in Section 9.	Various.	Various.	Various.	Various.
Lighting.	Nil.	Nil.	Nil.	N/A.	1 – Good.	N/A.	Monitor.
Navigational aids.	Mast and connections on breakwater beacon.	General wear slight tea staining (corrosion) observed on mast and bolted connections.	Deterioration of navigational aid resulting in malfunction.	Minor.	2 – Fair.	4 – Low.	Continue to conduct condition inspections.

### 9.4 Diagrammatic risk profile

The Risk Assessment has been shown diagrammatically in order to graphically represent the level of risks associated with the observed defects and the ongoing function and operation of the breakwater.

The risk assessment considers the apparent risk due to a number of possible (structural) failure mechanisms relevant to the observed defect on the breakwater. The risk assessment is shown in Figure 9 below.



Description of risk	Bollard	RISK RATING																							
		0-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	9-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24
Scour under structure leading to settlement, seaward rotation and ultimately collapse		3	3	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	4	4	4
Detachment and disintegration of head due to scour and wave impact		3	3	3	3	3	3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Voids in structure resulting in punching failure		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2	2	2	2	2	2	N/A	N/A	N/A	N/A
Delamination and instability of concrete facia walls /repairs		N/A	3	3	3	3	3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Spalling of concrete render on deck and parapet presenting hazard to users.		2	N/A	N/A	N/A	N/A	N/A	3	3	3	3	3	4	4	4	4	4	4	4	4	4	4	4	4	4
Unevenness of pavement presenting a hazard to pedestrians and wheeled access (bicycles and		3	3	3	3	3	3	3	3	3	3	3	3	3	3	4	4	4	4	4	4	4	N/A	N/A	N/A
<b>Critical Risk Rating</b>		2	3	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	4	4	4

Figure 9 Warrnambool Breakwater – Diagrammatic risk assessment

# 10. Recommendations

## 10.1 General

The defects observed during the site inspection and through review of previous assessment reports have been assigned a priority rating based on the Risk Assessment process. The Risk Rating is associated with specific controls and mitigations and a recommended timeframe for implementing the proposed actions.

The Risk Assessment and proposed actions are intended to be used as a guide to allow for incorporation into the overall Asset Management Plan and to allow for prioritisation of works and to facilitate the planning of repairs and maintenance. A summary of prioritised summary of risks recommended actions is provided in the table below.

Table 6 Summary of Actions Based on Risk Rating

Risk Rating	Risk	Location	Recommended Action
1 – Extreme (Immediate action required).	N/A.	N/A.	N/A.
2 – High (Action required within short to medium term)	Scour under structure leading to settlement, seaward rotation and part collapse.	Main breakwater wall sea side below water level (bollards 1 to 24).	R1 - Extend existing rock armouring to reduce the risk of undermining, scour and rotation. R2 - Monitoring survey to monitor on-going movements.
	Deck failure in Breakwater possible if large voids are present under deck. Heavy vehicles (crane, fuel tanker etc.) may cause punching shear failure.	Main breakwater (deck) (bollards 14-22) (Chainage 100-240).	R3 - Further investigation into extent of voids.
	Spalling of concrete render and loss of parapet capping presenting hazard to users.	Upper parapet and lower breakwater wall (Bollards 0 to 6).	R4 - Repairs to parapet blockwork rendered surface.
	Delamination and instability of concrete fascia walls presenting a risk of falling.	Lower breakwater wall (Bollards 0 to 6).	R5 - Investigation into stability of fascia wall and ongoing monitoring of condition.
	Failure of timber decking cross heads or piles resulting in local collapse of jetty. This could result in injury as well as loss of access for the jetty.	Lower (timber) jetty. Eastern (old) section.	R6 - Replacement of deck timbers and inspection of sub-structure components.
3 – Moderate (Action required within medium to long term)	Unevenness of pavement presenting a hazard to pedestrians and wheeled access (bicycles and wheelchairs).	Main breakwater (deck) (bollards 0 to 6).	R7 - Provide re-surfacing to asphalt and concrete wearing surfaces.
4 – Low (Continue monitoring as part of routine maintenance).	Spalling of concrete render on deck and parapet presenting hazard to users.	Main breakwater wall - land side (bollards 6 to 24).	R8 - Monitor.

Risk Rating	Risk	Location	Recommended Action
	Failure of timber decking cross heads or piles resulting in local collapse of jetty. This could result in injury as well as loss of access for the jetty.	Lower (timber) jetty. Western (new) section.	R8 - Monitor.
	Deterioration of navigational aid resulting in malfunction	Mast and connections on breakwater navigational beacon	R8 - Monitor

## 10.2 Risk Rating 1 – Extreme (Immediate Action Recommended)

No immediate actions were identified as an outcome of the Risk Assessment.

## 10.3 Risk Rating 2 – High (Action required within short to medium term)

### 10.3.1 Scour under main breakwater structure and seaward rotation

Scour under the main breakwater structure was observed in a number of locations along the sea side (between CH 0 and 237) of the main breakwater wall and foundations during diving inspection of the breakwater by PDI in 1998 and EDS in 2017. Scour is also suspected to have contributed to seaward rotations which are evident in the newer (1915) section of the main wall. However, rock armouring placed over this section (circa 1975) currently limits access to this area to allow for inspection.

Based on the monitoring survey conducted by CSE Group (between 2008 and 2018) and the comparative visual assessment (refer to Section 8) of the main wall settlements and rotations, it appears that no significant movement of the wall has occurred since the inspections conducted by Connell Wager in 1998 and 2006. This suggests that rock armouring placed on the sea side of the wall (around 1975) may have stabilised this section of the breakwater.

While the breakwater appears to be stable at the current time, ongoing scour combined with settlement and material degradation will continue to degrade the structure, leading to possible global stability issues over time. Although the timeframe in which stability could be compromised is not known, the consequences would be major (collapse of part of the breakwater) and therefore it is recommended that the scour issue be addressed as a preventative measure.

Several options for remediation were recommended during previous investigation, in order to mitigate the risk associated with the ongoing scour and erosion of the base material. These options for remediation were initially recommended by Connell Wagner's in 1998 and included rock armouring and foundation grouting (including containment of the grouting operation by sheet piling).

### **Recommendation 1**

In order to limit further scour of the foundation material and the settlement and rotations of the main breakwater, we recommend placement of rock armouring on the sea side of the breakwater from sea bed, to above the high water level (to match the existing armouring). The armour would extend from the existing armour (at approximately bollard 5) to the end of the breakwater close to the aquarium.

As well as preventing further scour, the rock armour will reduce the wave impact forces on the wall, thereby reducing erosion of the surface and reducing the flow of water through the joints and voids in the structure. The armour will also provide passive resistance to rotation.

Based on comparative assessment in Section 7, there is evidence to suggest that the existing rock armouring has reduced flow of water through joints in the protected area.

Foundation stabilisation/grouting and the associated installation of a sheet pile wall on the seaward side to contain the grout, as recommended by previous studies, is not considered necessary at this time because monitoring indicates the breakwater is currently stable and the rock armour should effectively halt any further scour while providing additional support to the structure. These measures would also add significantly to the complexity and cost of the remediation.

Rock armouring will impact on the ability to fish from the seaward side of the Breakwater and a number of alternative measures have been considered.

Installing a waterproof membrane on the seaward side of the breakwater to prevent water ingress has been suggested to limit deterioration of the breakwater blocks and rendering on the landward side of the parapet. This membrane could take the form of a chemical treatment applied to the surface, a grout, a plastic membrane or a combination of these. As a standalone measure none of these would be effective as they do not address the scour issues and a membrane will not maintain its integrity for long under the sustained wave impacts loading that occurs on the southern side of the breakwater. Even used in combination with the rock armouring we do not consider the membrane is warranted as the breakwater would remain saturated with salt water, which is not in itself saturation is not deleterious to the unreinforced concrete making up the main blocks. All repairs to surfaces, such as rendering, should be suitable for a high salt marine environment and make provision for escape of pore water in the concrete.

Another alternative considered is a new offset rock breakwater located on the southern side of the existing structure. This could be low-crested structure which builds upon the existing reefs, disconnected from shore with no public access. Our preliminary assessment is that while a new 'reef' breakwater would provide some wave protection to the existing breakwater, it would not perform as well as the armouring solution in a number of areas: it would be less effective at reducing scour and wave impact forces on the breakwater. It may require a larger quantity and size of rock. And it would have a greater environmental impact due to a larger footprint on a relatively undisturbed reef and greater potential modification to coastal processes (wave, currents and sediment transport).

A concept section for the proposed rock armouring is shown in the below figure.



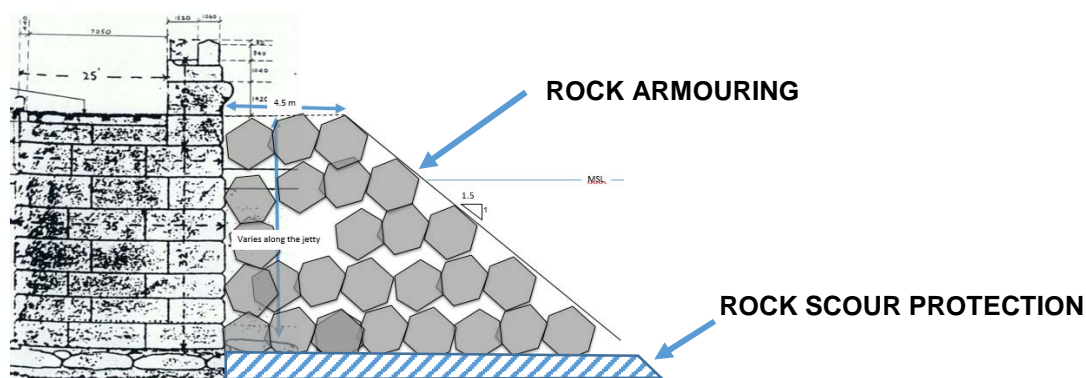


Figure 10 Warrnambool Breakwater – Proposed Rock Armouring

Continued rotations of the wall (if observed in the future) may require underpinning of the foundations or stabilisation/grouting works to minimise further rotations. Installation of the rock armour as discussed above should significantly reduce the risk of this occurring. While not considered a priority at this time, this work would be dependent on the outcome of further monitoring.

### **Recommendation 2**

We recommend that the monitoring survey conducted by CSE Group be continued on the main breakwater structure at regular frequency (approximately 2 year intervals) to allow for recording of the movements over time and to allow for the implementation of appropriate repair methodologies should further movements be observed. The scope of the survey monitoring should be increased to include monitoring of the significant cracks observed in the main wall. This may be done by installation of permanent instrumentation to measure the crack widths.

A number of the monitoring points were observed to be damaged over the course of the survey monitoring and these points should be reinstated (whenever identified) to allow for continuation of monitoring at these locations.

#### 10.3.2 Voids under the main deck in the breakwater

A number of large voids were observed in the main breakwater between CH 100 and 240 (Bollards 14-22) at sea bed level and beneath the main deck and internal to the main wall. The voids were observed during diving inspection by Connell Wagner in 1998 and later confirmed by Mainmark during a drilling investigation on the main breakwater in 2015. EDS further observed large voids in the lower sections of the breakwater in 2017.

The drilling investigation by Mainmark indicated that “significant deterioration was observed between the block joints of the structure. Wave action over the years has forced sand and water through the joints, resulting in loss of material. In the cores retrieved, and in the camera study of the core holes, it was evident that wave action has eroded the blocks along the joint lines. Furthermore, the action of the water is causing dissolution of the cement matrix, increasing the porosity of the structure”.

In addition, Mainmark’s investigation intersected a void previously treated with Uretek resin in July 2009. The Uretek resin appears to have provided a long term seal of the joint against water movement and prevented further deterioration.

Mainmark also suggested that cementitious filler or mortar was injected into the joints in 2010. However, no evidence of the material was found during drilling suggesting that it is likely that this filler has been washed out by wave action.

The presence of the voids can present a risk to overhead traffic if significant axle loads are able to penetrate the deck material. The voids and cracks opening up between the block work also presents a point of weakness in the main block matrix and continued deterioration may lead to instabilities or collapse in the masonry.

GHD's visual inspection was unable to verify the location or extent of voids below the deck level. However, a number of voids were visible at the base of the upper wall and high pressure water was observed to pass through these voids. Mainmark's investigation indicated that the majority of the larger voids were located approximately to 7 – 8 m below the pavement surface, which would present less of a risk to vehicles using the deck. However, the limited scope of the investigation means that there is uncertainty surrounding the location of voids throughout the main breakwater and therefore the risk of local punching failure due to voids close to the deck level is unclear without conducting further investigation.

The methods available for identifying the location and extend of voids throughout the main breakwater are limited given the construction type (gaps between the masonry blocks) and the presence of seawater generally above the level of investigation. A number of non-destructive methods were explored for investigation into the extent of voids, with Ground Penetration Radar (GPR) being the preferred method due to it being a simple and versatile method which we have had success with on similar projects.

### **Recommendation 3**

While it is not clear whether the results of GPR scanning will yield usable results, the method is relatively cheap to employ and we recommend conducting a limited trial scan using GPR to determine whether further scanning of the remaining breakwater is likely to yield usable results. GHD can develop a trail scan methodology and conduct the scanning at council's request.

The installation of rock armouring as outlined in Section 10.3.1 would also reduce the effects of wave impact loading which is driving jets of water through the deck, slowing the development of void propagation within the deck.

### 10.3.3 Spalling of concrete render and loss of parapet capping

Cracking and spalling of the concrete render to the leeward face of the upper a lower parapet walls was observed between bollards 1 and Bollard 6. The render has become detached in a number of locations and presents a risk to safety due to sections of the render falling on the walkway below.

Delamination and detachment of the upper parapet capping was also observed between bollards 1 and Bollard 6. The capping appears to comprise of reinforced concrete capping fixed to the top of the parapet masonry block work. The capping shows signs of reinforcement corrosion and spalling of the concrete surface. The capping has fully detached from the masonry over large lengths of the parapet.

### **Recommendation 4**

We recommend conducting repairs to the concrete render on the upper and lower parapet walls and the parapet capping between Bollard 1 and Bollard 6 to prevent further spalling and detachment of the render and capping. The repairs should accommodate the extreme exposure and conditions on the breakwater and should be appropriate for a marine environment. This may include the use of stainless steel reinforcement and dowel connections back to the masonry.

#### 10.3.4 Delamination and instability of concrete fascia walls

A number of the concrete fascia walls (which appear to have been constructed to protect the face of the underlying block masonry) were observed to have become detached or separated from the face of the main blockwork. It is unclear if the stability of the walls has been compromised as the connections back to the main wall or the deck below were not visible during the inspection. The walls may present a risk of falling onto the main deck which is a hazard to users of the breakwater.

Cracking to the concrete panels and corrosion staining around the cracks was also observed and indicates that corrosion to the underlying reinforcement is likely to have occurred is likely to cause spalling of the concrete face and section loss of the reinforcement in the future.

Repairs to the corroded underlying reinforcement and the general condition of the walls is likely to be difficult as this requires some form of cathodic protection or excavation and treatment of the reinforcement followed by a cementitious repair, both of which are likely to have significant associated costs. It is also likely that the corrosion to the reinforcement is occurring on the inside face of the wall which is not visible from the outside. Given the difficulty of repair and the relatively small extent of the walls, Council may wish to confirm the stability of the walls and continue to monitor the deterioration until the condition presents a risk or consider full removal and replacement of the walls.

#### **Recommendation 5**

Further inspection of the concrete facia walls is required to determine the extent of the delamination and to confirm the stability of the wall. This inspection should be conducted by a qualified structural engineer.

#### 10.3.5 Failure of timber decking cross heads or piles

Deterioration of the timber decking and kerbing was observed on the norther section of the lower (timber) jetty adjacent to the main breakwater. Rotting, splitting and warping of the timbers was evident with uneven deck levels along the pier indicating substructure components (headstock and piles) may be in poor condition as well.

#### **Recommendation 6**

Timber decking should be replaced and further inspection of the lower headstock and pile components should be completed to confirm the condition and any further repairs completed as required from the outcome of the inspection.

### 10.4 Risk Rating 3 – Moderate (Action required over the medium to long term)

#### 10.4.1 Unevenness of pavement on main breakwater deck

The inspection identified cracking, potholing on the main breakwater deck extending from approximately bollard 1 to bollard 14. Significant settlement of the deck was observed between bollard 1 and bollard 5 and lateral cracking to the concrete pavement was evident in these locations. Exposed steel rail cast into the deck is showing signs of advanced corrosion.

Unevenness in the deck wearing surface represents a potential risk to the public and to the functional operation of the breakwater. Unevenness creates risk to pedestrian traffic and wheeled vehicles including wheelchairs, bicycles, motor vehicles and stationary equipment or machinery operating on the deck.

#### **Recommendation 7**

Resurfacing of the deck asphalt and repairs to the concrete deck surfaces are recommended in order to re-level the deck wearing surface.

## 10.5 Risk Rating 4 – Low (Continue monitoring as part of routine maintenance)

### ***Recommendation 8***

A number of defects were identified which require ongoing monitoring and maintenance. The defects include:

- Minor spalling of concrete render on deck and parapet between bollard 6 and bollard 24.
- Deterioration of timber piles and cross heads on the lower (timber) jetty adjacent to the main breakwater.
- Minor deterioration of navigational aids on the main breakwater

# 11. Cost Estimates

## 11.1 Basis for cost estimates

All cost estimates in this report have been prepared for the purpose of the Port of Warrnambool Asset Management Plan and must not be used for any other purpose.

The cost estimates are high-level preliminary estimates only and have been developed for the purpose of estimating the costs associated with adopting various maintenance strategies for the breakwater and may not have been fully scoped. Actual prices, costs and other variables may be different to those used to prepare the cost estimate and may change based on a number of unknown variables.

Unless as otherwise specified in this report, no detailed quotation has been obtained for tasks identified in any future construction project. GHD does not represent, warrant or guarantee that the works can or will be undertaken at a cost which is the same or less than the cost estimate.

The cost estimates have been prepared using information reasonably available to GHD and is based on assumptions and judgments made by GHD including no allowance for Council costs (including but not limited to costs associated with staffing, project management, supervision, contract management, tendering, approvals, associated works, etc) to undertake the work and that all work is undertaken in the quickest and most efficient manner without delays for reviews, procurement, installation and shutdowns.

The options described within this report are of a specific nature, and much of the work would need to be conducted in difficult marine conditions. As such, associated uplifts to the typical unit rates / costs may apply and have not been outlined here.

Where estimates of potential costs are provided with an indicated level of confidence, notwithstanding the conservatism of the level of confidence selected at the planning level, there remains a chance that the cost will be greater than the planning estimate, and any funding would not be adequate. The confidence level considered to be most appropriate for planning purposes will vary depending on the conservatism of the estimation and the nature of the project. The user should therefore select appropriate confidence levels to suit their particular risk profile.

## 11.2 Preliminary cost estimates

Preliminary cost estimates have been prepared on the various remedial works/strategies described in this report. The strategic costs for these options have been allocated a preliminary risk contingency of +/- 30% which may be low by comparison to that used by other authorities.

Table 7 - Summary of Cost Estimates

Recommendation No.	Description of works	Details of work	Location	Unit	Quantity	Rate	Associated cost (excl. GST)
R1	Rock armouring	Placement of rock armouring along the seaside of the breakwater wall.	From existing armour at bollard 6 to the wall end at the aquarium.	Tonne	90,000	\$60/t	\$ 5,400,000 +/- 30% (\$3,780,000 to \$7,020,000)
R2	Monitoring survey (ongoing).	Monitoring survey of the main breakwater wall movements and settlements including diving inspection. This item is intended to facilitate estimation of the repairs required to stabilise the main breakwater and to prevent undermining if required. These repairs are likely to be significant cost items and are covered under provisional items below.	Full length of breakwater.	Item.	Yearly.	\$ 10,000	\$ 10,000 / year
R3	Investigation into extent of voids.	Conduct trail scanning investigation of the main breakwater deck. The extent of further investigation determined from the outcome of the trial scan.	Main breakwater deck (bollards 14-22) Chainage 100-240).	Item.	1	\$ 5,000	\$ 5,000
R4	Repairs to parapet blockwork and wave deflector	Conduct repairs to block work surface including repointing and rendering to exposed concrete masonry.	Upper and lower parapet walls on northern (trafficable) side (bollards 0 to 6) and 25 m of wave deflector.	M2. Lin.m	625 25	\$ 175 \$ 4,000	\$ 110,000 \$ 100,000
R5	Investigation into stability of fascia wall and ongoing monitoring of condition.	Structural inspection of the fascia walls to confirm the wall stability.	Lower breakwater wall (Bollards 0 to 6).	Item.	1	\$ 5,000	\$ 5,000
R6	Replacement of deck timbers and substructure components headstocks/bearers/joists) on lower timber landing.	Replacement timbers, (Including labour, plant, equipment and crainage). Costs exclude pile replacement/repairs as a replacement jetty may be more cost effective.	Lower (timber) landing. Eastern (old) section approx. 60 m between bollards 14 and 18.	Item	1	\$ 120,000	\$ 120,000
R7	Provide re-surfacing to asphalt and concrete wearing surfaces.	Provide asphalt resurfacing. Provide concrete resurfacing.	Bollard 6 - 14 Bollard 1 - 6	M2. M2.	1300 1000	\$ 35 \$ 105	\$ 46,000 \$ 105,000
R8	Monitor.	Conduct routing maintenance inspection.	Full length of breakwater	Item.	Yearly.	\$ 5,000	\$ 5,000 / year

Costs for provisional items to be determined upon further investigation.

-	Stabilisation (grouting underneath breakwater foundations)	Pressure grouting underneath the breakwater foundations to provide stability. Requirement and extent unclear at this stage. Details to be determined based on outcome of ongoing monitoring and diving inspection.	Extent to be determined	Item	1	N/A	N/A
-	Grouting of voids in deck	Epoxy resin grouting of voids in deck Extent of grouting to be determined based on outcome of void investigation (Item 2)	Extent to be determined	Item	1	N/A	N/A

Costs for safety compliance items (based on the outcome of Council risk assessment)

Safety compliance Item 1	No kick plates provided	Provide kick plates to handrails	All elevated handrails	Item	1	\$ 120,000	\$ 120,000
Safety compliance Item 2	Stair nosing becoming loose or non-existent	Delineation of stair nosing	All landings	Item	1	\$ 12,000	\$ 12,000



## 11.3 Assumptions Used in Cost Estimations

### 11.3.1 Rock Armour

The estimated rock quantity required to armour length of approximately 400 m from existing armour at bollard 6 to the wall end at the aquarium along the breakwater is 80,000-90,000 tonnes. Assuming a typical section of the armour as is presented in Figure 10. The rock units are assumed to be in the range of 3.0-6.0 tonnes with nominal dimension of 1.0-1.5 m and density of 2.6 t/m<sup>3</sup> as per existing rock armour shown in Figure 11.



Figure 11 Armour Rocks at Breakwater Head

#### **Rock Sources**

In order to achieve a preliminary understanding of rock availability and cost, we contacted some quarries in the Warrnambool area. Results from this preliminary investigation is presented in Table 8. These quarries were contacted based on their capability of extracting boulders of size of 1.0-1.5 m diameter (mentioned on their website and/or confirmed by members of sales team).

Table 8 Possible Rock Sources and Indicative Supply and Transport Cost

Rock source	Company	App. Distance from Warrnambool breakwater	Indicative price for supply of armour rock	Indicative price for transport to Warrnambool	Total cost of Supply and freight
Tarrone quarry	Holcim	36 km northwest	Not provided	-	-
Port Fairy	Bamstone	28 km west	\$15/ton	\$15-20/ton	\$35/ton

**Assumed Construction Method**

Rocks are delivered from the quarry directly to breakwater as required. A mobile crane operating on the breakwater lift rocks over the parapet and lower them into the water.

Crane productivity is assumed to be one lift every 10 minutes, 10 hours a day and 6 days a week. Based on this productivity rate the operation is estimated to last for approximately 37 weeks.

**Construction Cost Estimation**

The cost includes supplying rock from the quarry, transporting the rocks to the breakwater (within the reach of the crane) and placing the rocks using a crane. The indicative transport price in Table 8 does not include price of stock piling the rocks on the breakwater. In order to cover price of delivering rocks on the breakwater and stockpiling them within the reach of the crane, \$5/ton is added to the indicative freight price.

Preliminary estimation of the placement cost is assumed as \$1,600,000 based on results from an inquiry made to “Warrnambool Crane Hire”. Indicative unit price for supply, transport and placement of rocks at Warrnambool breakwater is presented in Table 9.

Table 9 Indicative price for supply, freight and placement for armouring Warrnambool Breakwater

Indicative supply price	Indicative freight price from the quarry to the breakwater	Indicative placement price using mobile crane of the breakwater	Total indicative price for armouring Warrnambool breakwater
\$15/ton	\$25/ton	\$20/ton	\$60/ton

### 11.3.2 Repairs to elements

Estimates for the repairs to the rendered surfaces, timber elements and pavement surfaces are based on rates from the Rawlinsons Construction Handbook plus a 30% contingency and includes a build-up of the following components:

Item	Rawlinson's rate (incl. 30% contingency)	Quantity	Cost Estimate (incl. 30% contingency)
<b>Repairs to rendered surfaces:</b>			
Preparation of substrate including raking out mortar joints and hacking brickwork:	\$ 21/m2	625 m2	\$ 14,000
Stainless steel mesh reinforcement and placement	\$ 78/m2	625 m2	\$ 49,000
Prepare and install stainless steel dowels into substrate	\$ 17.9/m2	625 m2	\$ 12,000
Cementitious render face to masonry (19 mm thick)	\$ 57.9/m2	625 m2	\$ 37,000
<b>Total Rendering costs</b>			<b>\$ 110,000</b>
<b>Repairs to lower (timber) landing:</b>			
Timber decking	\$ 221 / m2	190 m2	\$ 42,000
Timber bearers/joists/headstocks	\$ 37.7 / m	111.6 m	\$ 5,000
Labor for jetty repairs	\$ 104 / man hr	360 hrs	\$ 38,000
Crane hire	\$ 195 / hr	80 hrs	\$ 16,000
Plant and equipment	\$ 130 / hr	160 hrs	\$ 21,000
<b>Total timber landing costs</b>			<b>\$ 121,000</b>
Bitumen pavement resurfacing	\$ 35.4/m2	1300 m2	\$ 46,000
Concrete pavement resurfacing (100 mm thick F72 reinforcement)	\$ 104.9/m2	1000 m2	\$ 105,000

### 11.3.3 Monitoring and investigations

Costs in Table 5 associated with the following items have been estimated based on costs incurred by GHD during recent similar bridge monitoring investigations across Victoria and include a 30% contingency:

- Ground penetrating Radar (GPR) investigations
- Structural inspection of stability of fascia walls
- Ongoing monitoring survey
- Routine maintenance inspections

## 12. Conclusion

### 12.1 Inspection

The breakwater has been in service for over 125 years and while it has provided ongoing shelter throughout its service life, it has also sustained significant deterioration of a number of primary structural components over this time.

The observed deterioration and associated general defects generally relate to long term material degradation processes (erosion of joints, concrete, blockwork, etc.) and coastal processes (scour and settlement of the foundation material). While these processes may not present an immediate risk to the structural stability, their ongoing combined action will continue to degrade the structure, leading to possible global stability issues over time.

A number of voids were identified in the main breakwater deck during Mainmark's investigation in September 2015. The voids present a risk to the ongoing operation of the breakwater, particularly when located at the southern end of the structure where the risk of localised damage to the deck due to heavy vehicle operation (crane, fuel tanker etc.) is greatest.

There is uncertainty around the extent of the voids throughout the structure due to the limited scope of the drilling investigation and the limitations of visual inspection of these areas. In order to mitigate the risk associated with the presence of voids in the main breakwater deck, a number of investigation methods to identify the extent of voiding have been explored and are outlined in Section 10 of this report.

### 12.2 Observations

A summary of the critical observations from the visual inspection and review of previous inspections of the Breakwater includes:

- Scour under the main breakwater structure leading to settlement and rotation seaward;
- Disintegration of breakwater upper parapet head and sea side wall facing due to scour and wave action;
- Voids in the blockwork matrix caused by erosion of mortar joints and pressurised water due to wave impact traveling along open joints;
- Disintegration of reinforced concrete elements and previous repairs;
- Slower weathering, cracking and erosion of unreinforced blocks and mortar joints;
- Cracking, spalling and delamination of concrete render on deck and parapet facing presenting hazard to users.

### 12.3 Review of monitoring survey

Survey monitoring of the breakwater was conducted by CSE Group between May 2018 and April 2018. The monitoring involved conducting survey to a number of points installed along the breakwater and recording their position and level.

The survey monitoring indicates that minimal movement in either the horizontal or vertical plane has occurred since the monitoring begin in 2008. Both horizontal (rotations) and vertical (settlements) of the breakwater appear to have reached a state of equilibrium and appear to be dormant. Based on our review of the survey data, significant further movement (both horizontally and vertically) is unlikely to occur in the near future without significant changes on the conditions experienced by the breakwater or foundations.

## 12.4 Risk Assessment

A risk assessment was conducted on the breakwater which is based on an assessment of the consequence of failure of each element on the safety of users and the serviceability and strength of the structure.

No immediate actions were identified as an outcome of the risk assessment. However, a number of “high” risk items were identified which include:

- Scour under main breakwater structure and seaward rotation.
- Voids under the main deck in the breakwater.
- Delamination and instability of concrete fascia walls.
- Failure of timber decking cross heads or piles.

A number of “moderate to low” risk items were identified and have been outlined in Section 9.

## 12.5 Comparative assessment

A comparative visual assessment was completed using the photographic records obtained during GHD’s site visit in February 2018 and the photographic records taken during the previous investigations.

The assessment indicates a noticeable deterioration in the condition of the surface treatments of a number of elements since the Connell Wagner inspection in 1998.

The prevalence of leeching in the masonry block joints appears to increase between bollard 5 and Bollard 19. The leeching appears to correspond with sections of the breakwall which have no rock armouring installed on the seaside, suggesting that saturation of the main breakwall masonry and joints may be reduced in locations where rock armouring has been installed previously (between bollards 2 and 5).

The assessment does not indicate noticeable settlement or rotation of the main breakwater since the Connell Wagner inspection in 1998. However, some evidence of increased crack widths on the main vertical cracking in the breakwater was observed above the rock protection (Refer to photos 39 & 40 in Appendix A).

## 13. Recommendations

A number of proposed actions were developed based on the outcome of the Risk Assessment and summary of recommendations is provided below:

### 13.1.1 High Risk items:

**Recommendation 1** - Installation of rock armouring along the sea side of the main breakwater (from the existing armouring at bollard 5, to the rock reef at bollard 19).

**Recommendation 2** - Continue monitoring survey to identify any ongoing settlement and rotation in the main breakwater wall.

**Recommendation 3** - Further non-destructive investigation into the extent of voids in the deck, for example ground penetrating radar.

**Recommendation 4** - Repairs to rendered surfaces of the upper and lower parapet blockwork and capping.

**Recommendation 5** - Investigation into the stability of the fascia walls and ongoing monitoring of their condition.

**Recommendation 6** - Replacement of deck timbers, bearers, joists and headstocks on the northern section of the lower landing.

### 13.1.2 Moderate Risk items:

**Recommendation 7** - Provide re-surfacing to asphalt and concrete wearing surfaces between bollard 1 and bollard 14.

### 13.1.3 Low Risk items:

**Recommendation 8** – Monitor:

- Piles on lower (timber) landing.
- Navigational beacon on main breakwater.






### 13.1.4 Safety Compliance items:

**Recommendation 9** – Provide:








- Kick plates to all elevated handrails.
- Stair nosing to all stair landings.








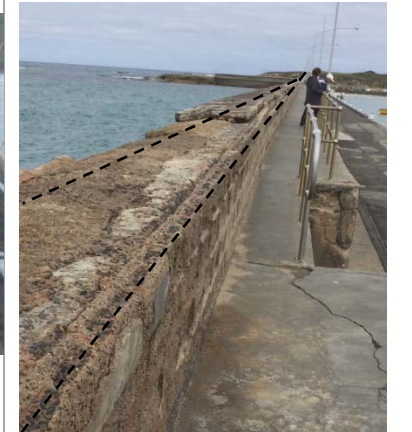
# Appendices







# Appendix A - Comparative (Photo) Assessment









Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
 <p data-bbox="245 712 600 761">Photo 1: Concrete roadway and boat ramp</p>	<p data-bbox="762 488 874 515">(No Image)</p>	 <p data-bbox="1038 712 1426 761">Photo 2: Concrete roadway and boat ramp</p>
 <p data-bbox="245 1149 600 1198">Photo 3: Southern Jetty adjacent to boat ramp</p>	<p data-bbox="762 902 874 929">(No Image)</p>	 <p data-bbox="1038 1149 1426 1198">Photo 4: Southern Jetty adjacent to boat ramp</p>
 <p data-bbox="245 1585 600 1612">Photo 5: Breakwater boat ramp</p>	<p data-bbox="762 1339 874 1366">(No Image)</p>	 <p data-bbox="1038 1585 1426 1612">Photo 6: Breakwater boat ramp</p>
 <p data-bbox="245 2022 600 2072">Photo 7: Lower parapet around vicinity of bollard 9</p>	 <p data-bbox="632 2022 1011 2072">Photo 8: Lower parapet around vicinity of bollard 9</p>	 <p data-bbox="1038 2022 1426 2072">Photo 9: Lower parapet around vicinity of bollard 9</p>













Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
 <p data-bbox="240 674 616 730">Photo 10: Reinforced concrete wall adjacent to Bollard 6</p>	<p data-bbox="762 360 876 389">(No Image)</p>	 <p data-bbox="1066 674 1401 730">Photo 11: Reinforced concrete wall adjacent to Bollard 6</p>
 <p data-bbox="240 1115 616 1167">Photo 12: Concrete blockwork stairs at eastern end of breakwater</p>	<p data-bbox="762 860 876 889">(No Image)</p>	 <p data-bbox="1050 1115 1423 1167">Photo 13: Concrete blockwork stairs at eastern end of breakwater</p>
 <p data-bbox="240 1675 616 1704">Photo 14: Decking plan to lower deck</p>	 <p data-bbox="639 1675 1002 1704">Photo 15: Decking plan to lower deck</p>	 <p data-bbox="1050 1675 1412 1704">Photo 16: Decking plan to lower deck</p>

Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
		
<p>Photo 17: Typical masonry blockwork along elevated parapet wall</p>	<p>Photo 18: Typical masonry blockwork along elevated parapet wall</p>	<p>Photo 19: Typical masonry blockwork along elevated parapet wall</p>
	<p>(No Image)</p>	
<p>Photo 20: Lower parapet roadway overview</p>		<p>Photo 21: Lower parapet roadway overview</p>
		
<p>Photo 22: Rotation of elevated parapet blockwork at east end of breakwater</p>	<p>Photo 23: Rotation of elevated parapet blockwork at east end of breakwater</p>	<p>Photo 24: Rotation of elevated parapet blockwork at east end of breakwater )</p>

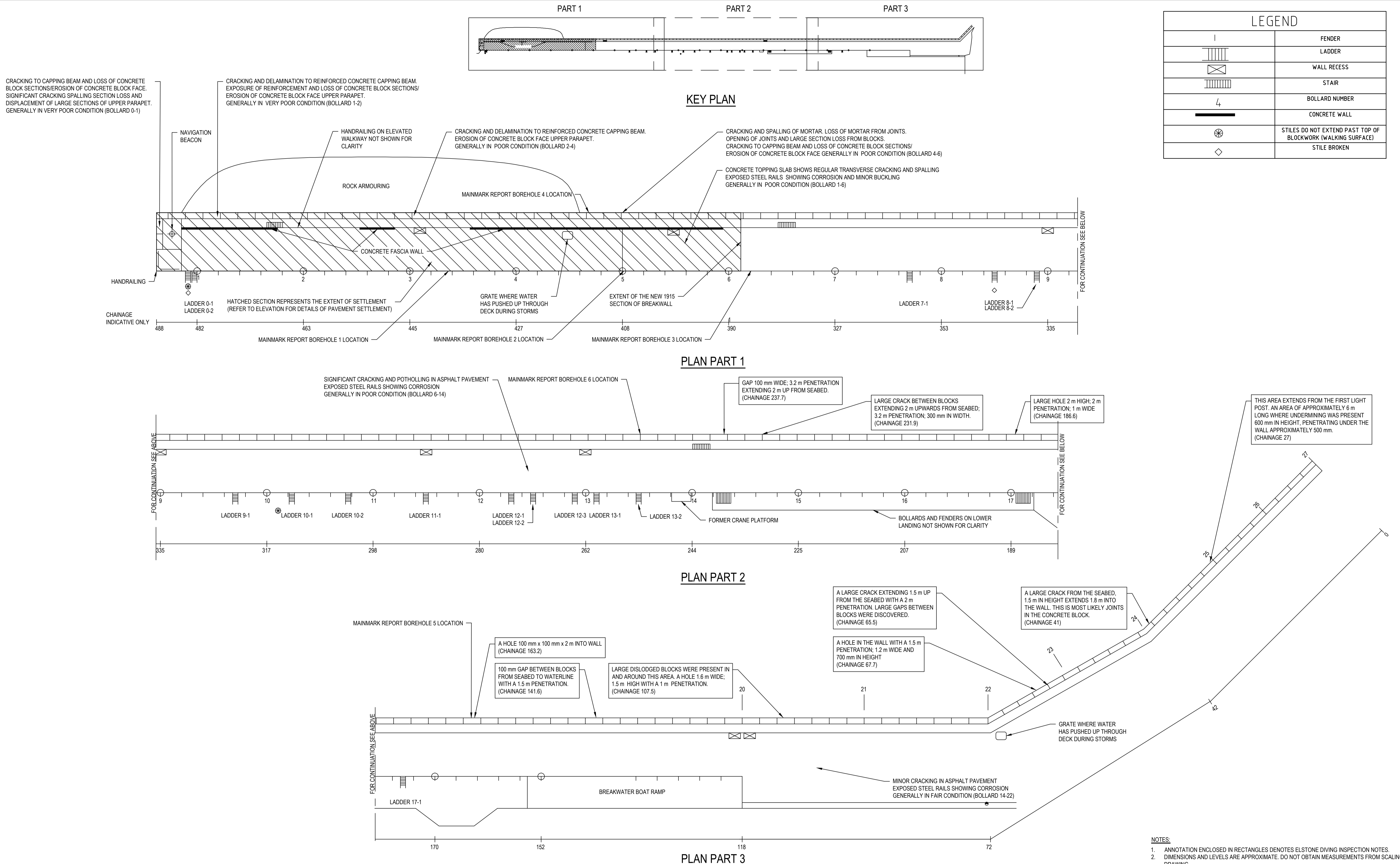
Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
		
<p>Photo 25: Waterside view of breakwater wall</p>	<p>Photo 26: Waterside view of breakwater wall</p>	<p>Photo 27: Waterside view of breakwater wall</p>
<p>(No Image)</p>		
<p>(No Image)</p>		
	<p>Photo 30: Upper parapet wall facing West</p>	<p>Photo 31: Upper parapet wall facing West</p>

Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
(No Image)	 <p data-bbox="628 770 1011 819">Photo 32: Lower Parapet near bollard 0 - End of parapet wall</p>	 <p data-bbox="1024 770 1430 819">Photo 33: Lower Parapet near bollard 0 - End of parapet wall</p>
 <p data-bbox="240 1211 596 1261">Photo 33: View towards breakwater boat ramp - Bay side</p>	(No Image)	 <p data-bbox="1038 1211 1430 1261">Photo 34: View towards breakwater boat ramp - Bay side</p>
(No Image)	 <p data-bbox="628 1648 1000 1675">Photo 35: Breakwater end - Bay side</p>	 <p data-bbox="1038 1648 1410 1675">Photo 36: Breakwater end - Bay side</p>
(No Image)	 <p data-bbox="628 2011 1000 2038">Photo 37: Eastern End of Breakwater</p>	 <p data-bbox="1038 2011 1410 2038">Photo 38: Eastern End of Breakwater</p>

Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
(No Image)	 <p data-bbox="639 568 1007 618">Photo 39: Eastern End of Breakwater, seaward face</p>	 <p data-bbox="1048 568 1415 618">Photo 40: Eastern End of Breakwater, seaward face</p>
(No Image)	 <p data-bbox="639 889 1002 963">Photo 41: Seaward (southern) face of breakwater at western end of rock armouring</p>	 <p data-bbox="1048 889 1415 963">Photo 42: Seaward (southern) face of breakwater at western end of rock armouring</p>
 <p data-bbox="245 1370 600 1397">Photo 43: Gaps observed at Bayside</p>	 <p data-bbox="639 1370 994 1397">Photo 44: Gaps observed at Bayside</p>	 <p data-bbox="1075 1370 1390 1397">Photo 45: Gaps filled at Bayside</p>
 <p data-bbox="256 1767 588 1816">Photo 46: Blockwork failure due to settlement observed at Bayside</p>	 <p data-bbox="655 1767 986 1816">Photo 47: Blockwork failure due to settlement observed at Bayside</p>	 <p data-bbox="1064 1767 1399 1816">Photo 48: Blockwork failure due to settlement observed at Bayside</p>
		

Connell Wagner report, 1998	Connell Wagner/Aurecon report, 2006/2009	GHD/Council Photos, 2017/18
		Photo 49 – Leeching of masonry block joints commencing at Bollard 5-6

# Appendix B - Defect Mapping



**PRELIMINARY**

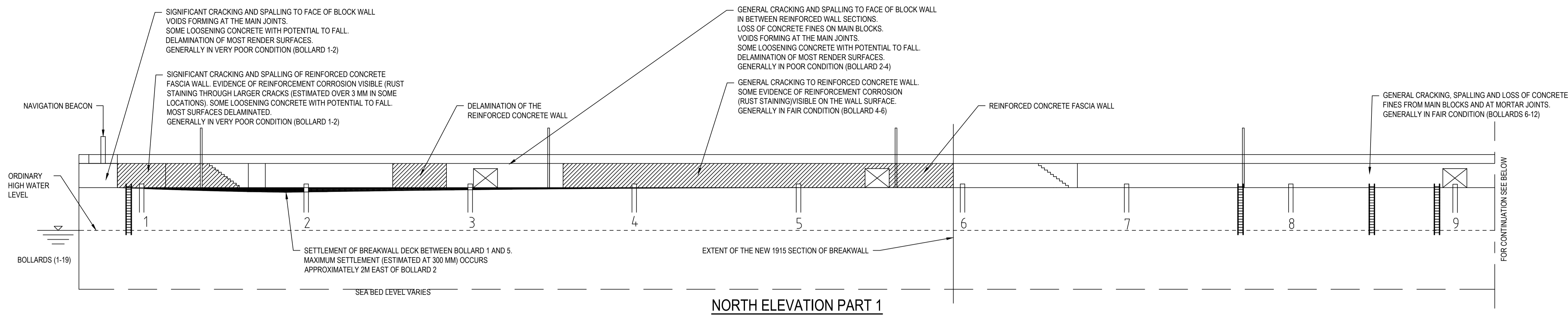
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A	FOR INFORMATION		PJ	CT*	RH*	18.05.18

**GHD**

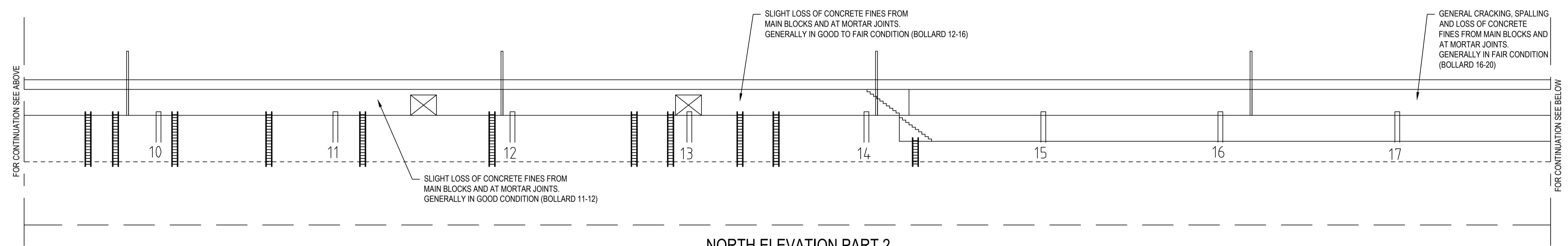
Level 8, 180 Lonsdale Street, Melbourne VIC 3000 Australia  
 T 61 3 8687 8000 F 61 3 8687 8111  
 E mel@mail@ghd.com.au W www.ghd.com

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	Approved (Project Director) Date		Title <b>WARRNAMBOOL BREAKWATER CONDITION INFORMATION PLAN VIEWS</b>
	Scale AS SHOWN	This Drawing must not be used for Construction unless signed as Approved	Original Size <b>A1</b> Drawing No: <b>31-35687-S010</b> Rev: <b>A</b>

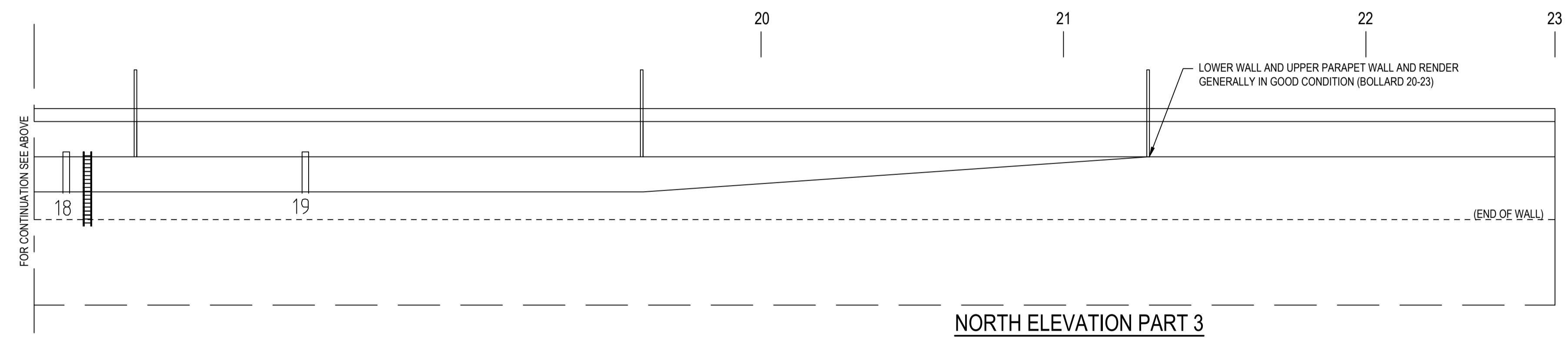




**NORTH ELEVATION PART 1**



**NORTH ELEVATION PART 2**



**NORTH ELEVATION PART 3**

**NOTES:**  
1. DIMENSIONS AND LEVELS ARE APPROXIMATE. DO NOT OBTAIN MEASUREMENTS FROM SCALING DRAWING.

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Client	<b>WARRNAMBOOL CITY COUNCIL</b>
Project	<b>PORT OF WARRNAMBOOL ASSET MANAGEMENT PLAN</b>
Title	<b>WARRNAMBOOL BREAKWATER CONDITION INFORMATION ELEVATION VIEW</b>
Original Size	<b>A1</b>
Drawing No:	<b>31-35687-S011</b>
Rev:	<b>A</b>

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#### Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
A (Draft)						23/03/2018
0	A Ritchie	C Taylor		R Hill		18/05/2018
1	A Ritchie	C Taylor		R Hill		05/06/2018
2	A Ritchie	C Taylor		R Hill		06/07/2018
3	A Ritchie	C Taylor		R Hill		07/08/2018

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Port of Warrnambool Asset Management Plan

#1

**COMPLETE**

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**Last Modified:** Thursday, November 01, 2018 4:24:00 PM  
**Time Spent:** 00:02:03  
**IP Address:** 1.152.105.105

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Page 1

**Q1** Please tell us what you think of the Port of Warrnambool Asset Management Plan.

Complicated. Not accurate at all.

---

## Port of Warrnambool Asset Management Plan

#2

**COMPLETE**

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**Last Modified:** Friday, November 02, 2018 10:19:57 AM  
**Time Spent:** 00:15:29  
**IP Address:** 202.153.220.32

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Page 1

**Q1** Please tell us what you think of the Port of Warrnambool Asset Management Plan.

The Breakwater, Stingray Bay, the Domes and the boat ramp with its fish cleaning station are a major attraction and a magnet for locals as well as visitors of Warrnambool.

I think that everything should be done to renovate and repair the structures and spend money on making changes for the longterm. It accordance with our 2040 vision we should do everything to secure all structures.

However....I am convinced that Warrnambool will never as succesful as a fishing port as Port Fairy and Portland can be due to natural layout. Somwe should not waste money into a lost cause. It is hard enough to have it all as a swimming beach, a horse training beach, a fishing spot and more.

---

Port of Warrnambool Asset Management Plan

#3

COMPLETE

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**Last Modified:** Monday, November 12, 2018 7:30:50 PM  
**Time Spent:** 01:18:24  
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Page 1

**Q1** Please tell us what you think of the Port of Warrnambool Asset Management Plan.

In my opinion this ASM is nothing else but a risk adjusted expenditure schedule. How can residents assess if risks are worth the expenditures? They can't. Is it not part of the councils job to assess and mitigate risks, budget the expenditures and assure funding? If this would be a port strategy and future vision I would love to contribute and comment.

---

Port of Warrnambool Asset Management Plan

#4

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, November 13, 2018 9:26:45 AM  
**Last Modified:** Tuesday, November 13, 2018 9:34:37 AM  
**Time Spent:** 00:07:51  
**IP Address:** 203.27.24.88

---

Page 1

**Q1** Please tell us what you think of the Port of Warrnambool Asset Management Plan.

I think it is a beautiful, because i think the sky is nice.

Port of Warrnambool Asset Management Plan

#5

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, November 20, 2018 12:58:13 PM  
**Last Modified:** Tuesday, November 20, 2018 12:59:00 PM  
**Time Spent:** 00:00:47  
**IP Address:** 202.45.119.45

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Page 1

**Q1** Please tell us what you think of the Port of Warrnambool Asset Management Plan.

Daddy bae

---



## **5.10. ITINERANT TRADING POLICY 2019**

### **PURPOSE:**

***To introduce and endorse the Draft Itinerant Trading Policy 2019 prior to being released for public comment.***

---

### **EXECUTIVE SUMMARY**

- There is currently no Council policy to set out Councils approach to applications for itinerant trading, nor is there a consistent fee structure to cover Councils costs to oversee and administer itinerant trading activities.
- The Policy is intended to cover any itinerant activity which uses public land for commercial purposes. This would include food vans, personal training, hiring of sporting/leisure equipment and associated activities which charge a fee or sell goods.
- The Policy **does not** cover events, footpath trading, promotional activities, free community services, or activities which are covered by a Council lease or licence, and itinerant trading on Private Land. It may however be applicable to itinerant traders involved in events.
- The Draft Itinerant Trading Policy 2019 (**refer Attachment 1**) has been developed to provide business opportunities and to activate areas where people congregate. The Policy is also intended to provide a framework for certainty and direction for the community and Council staff in assessing applications, to ensure they are assessed equitably and do not adversely impact on the character and amenity of the area.
- The Policy enables Council to manage itinerant trading and to permit or refuse itinerant trading on Council managed land and the extent and numbers of itinerant traders in particular locations. Decisions will be based upon the Policy objectives and Principles.
- The proposed annual Itinerant Trading Permit fee is \$600.00 per annum, \$350 for 6 months, \$125.00 for a 48 hour permit and \$1500.00 per annum for market organisers and other organisers of multiple itinerant traders.

---

### **RECOMMENDATION**

#### **That Council:**

- 1. Agrees to release the Draft Itinerant Trading Policy 2019 and proposed fee schedule for public comment for a period of at least 28 days and consider submissions in relation to the policy in a future Council meeting.**
- 2. Indicatively nominates an annual Itinerant Trading Permit fee of \$600.00 per annum, \$350.00 for 6 months, and \$125.00 for a 48 hour permit and \$1500.00 per annum for market organisers and other organisers of multiple itinerant trader.**

---

### **BACKGROUND**

Council has experienced an increase in demand for mobile (itinerant) trading in recent years. Itinerant trading varies from food vans, ice-cream vans, coffee vans and includes the hire of equipment such as bicycles, jet skis and water sports equipment.

There is no current Council policy to set out Councils approach to applications, nor is there a consistent fee structure to cover Councils costs to oversee and administer itinerant trading activities.

The Policy is intended to cover any itinerant activity which uses public land for commercial purposes. This would include food vans, personal training, hiring of sporting/leisure equipment and associated activities which charge a fee or sell goods.

The Policy does not cover events, footpath trading, promotional activities, free community services, and activities which are covered by a Council lease or licence.

The Draft Itinerant trading Policy 2019 (**refer Attachment 1**) has been developed to provide business opportunities and to activate areas where people congregate. The Policy is also intended to provide a framework for certainty and direction for the community and Council staff in assessing applications, to ensure they are assessed equitably and do not adversely impact on the character and amenity of the area.

The Policy was developed in house using a cross directorate working group to ensure all Councils various interests have been consulted and given the opportunity to provide input.

The Policy is now ready to be released for public comment. Once community feedback has been obtained, the Policy will be amended where required and then submitted to Council for adoption.

## **ISSUES**

The Policy is intended to close a gap in Council processes where applications for itinerant trading are handled ad-hoc with no Policy direction or consistent fee structure.

The Policy is important to promote itinerant trading opportunities, and create vibrant, activated visitor areas in a safe, consistent and orderly manner, in compliance with legislation.

It also enables Council to issue a permit with conditions which will be enforced if the conditions are not adhered to.

There are few if any circumstances where a planning permit will be required for itinerant trading. Planning requirements relating to the use of land or the construction of a building or the construction or carrying out of works do not apply to: an event on public land; or temporary buildings or works required for the event; where that event has been authorised by the public land manager or by the Council under a Local Law. An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

The current Local Laws in relation to itinerant trading are difficult to enforce and as such have been amended through the Local Law review process to enable Council to issue a permit to allow itinerant trading subject to any conditions which may be applicable to manage the activity.

## **KEY CONSIDERATIONS**

The Policy objectives include:

- To allow for the operation of itinerant trading activities in a manner that does not interfere or conflict with the City's established fixed retail and services.
- To ensure that the operation itinerant trading activities are appropriate for the area and do not cause any nuisance to the surrounding residents or businesses.
- To ensure the amenity of the area is protected whilst enhancing the area's vibrancy and encouraging patrons to the area.
- The proposed itinerant trading provides a net benefit to the community.

It is important to note that the Policy enables Council to manage itinerant trading and to permit or refuse itinerant trading on Council managed land and the extent and numbers of itinerant traders in particular locations. Decisions will be based upon the Policy objectives and Principles.

Additionally, the application process has been significantly streamlined from 6 separate forms into 1 application form, for Footpath Trading, Busking, Raffle ticket selling etc, with all allied activities amalgamated into one application form for simplicity. The application form is attached - **Refer Attachment 2.**

There is flexibility to enable Council staff to be somewhat flexible through the application process if required on a case by case basis provided the objectives of the Policy are met.

## **FINANCIAL IMPACT**

The Policy has been completed using internal resources and its implementation is funded through the regulatory control program in City Amenity.

The fee will offset administration and on ground inspections required by Council staff to ensure the Itinerant Trading permit conditions are being adhered to.

The following benchmarking was carried out to compare similar fees in other councils.

Moyne Shire Council -	\$125.00 per week, \$250.00 per month, \$500.00 per quarter, \$750.000 per annum
City of Ballarat -	\$550 per annum
Glenelg Shire -	\$178.50 per day, \$510 per month, \$915 for 3 months.
Rural City of Wangaratta -	\$39 application fee, \$72 per day, \$510 per year, 52 weekends \$410.
Greater Shepparton -	\$67 per day, \$670 per year, \$560 for weekends.
City of Greater Bendigo -	\$685 per month Lakeside, \$507 per month CBD

The proposed annual Itinerant Trading Permit fee is \$600.00 per annum, \$350.00 for 6 months, \$125.00 for a 48 hour permit and \$1500.00 per annum for market organisers and other organisers of multiple itinerant trader.

The nominated fees will then form part of Councils fees and charges which can be adjusted annually through the budget process.

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

### **3 Maintain and improve the physical fabric of the City**

3.2 Create a more vibrant City through activating high quality public places.

### **4 Develop a modern economy with diverse and sustainable employment**

4.2 Encourage more sustainable local business.

### **5 Practice good governance through openness and accountability**

5.7 Develop policies, strategic plans and processes to address local and regional issues, guide service provision and ensure operational effectiveness.

## **TIMING**

The Policy will come into effect upon adoption by Council. It is hoped to be implemented during 2019.

## **COMMUNITY IMPACT/CONSULTATION**

The Policy is proposed to be released for public comment for a period of 4 weeks.

Any feedback will be recorded and the Policy will be amended as appropriate before being presented to Council for adoption.

Seeking community feedback is the best way to ensure that the Policy documents cover all required aspects and often results in amendments to policies which improves outcomes.

It also provides an opportunity for members of the community who are opposed or uncertain about to aspects of the policy to discuss their concerns with Council staff and Councillors.

## **LEGAL RISK/IMPACT**

There a reputational risk as mobile trading is high profile and emotive. It is anticipated that having a Policy and consistent permit conditions will ensure itinerant trading operates fairly, safely and orderly which will help reduce complaints and conflict which can arise.

There may be some adverse reaction in some sectors of the business community where Council allows itinerant trading to take place, and from some itinerant traders who do not currently pay fees.

## **OFFICERS' DECLARATION OF INTEREST**

No officer involved in the preparation of the policy has declared any conflict.

## **CONCLUSION**

In accordance with Councils Community Engagement Policy, Council should release the draft itinerant trading policy for public comment.

## **ATTACHMENTS**

1. Itinerant Trading Policy **[5.10.1]**
2. Footpath and Itinerant Trading Application **[5.10.2]**



WARRNAMBOOL  
CITY COUNCIL

# Itinerant Trading Policy

APPROVAL DATE: TBC 2019

REVIEW DATE: TBC 2023

**DOCUMENT CONTROL**

<b>Document Title:</b>	<i>Itinerant Trading Policy 2019</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>City Infrastructure, City Amenity</i>
<b>Responsible Officer:</b>	<i>Director of City Infrastructure</i>
<b>Document Status:</b>	Adopted
<b>Approved By:</b>	<i>Council</i>
<b>Adopted Date:</b>	<i>TBC 2019</i>
<b>Review Date:</b>	<i>TBC 2023</i>

DRAFT

## 1. INTRODUCTION

### 1.1 Purpose

To provide a clear, equitable and consistent process for the operation of itinerant trading within the Municipality.

### 1.2 Scope

This Policy applies to all mobile trading on Council owned and managed land within the Municipality. The Policy does not cover events, free community services, promotional activities and trading under a Council Lease or Licence.

### 1.3 Definitions

Term	Definition
“Events”	One off or temporary mobile events involving the sale of goods, services and or activities where a fee is charged, as determined by Council.
“Free Community Services”	Delivery of information or services free of charge, conducted on public land.
“Fundraising”	Raising money for financial support.
“Itinerant Trading”	Itinerant trading is defined as the mobile and temporary use of public land for the sale and delivery of goods and services.
“Temporary”	Lasting for a limited period of time.

### 1.4 References

<b>Acts</b>	<ul style="list-style-type: none"> <li>• Planning &amp; Environment Act 1987</li> <li>• Road Management Act 2004</li> <li>• Local Government Act 1989</li> <li>• Food Act 2001 and Food Safety Standards</li> </ul>
<b>Regulations</b>	<ul style="list-style-type: none"> <li>• Warrnambool City Council Local Laws</li> </ul>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Footpath Trading Policy 2018</li> <li>• Warrnambool City Council Community Engagement Policy</li> </ul>

## 2. POLICY

### 2.1 Policy Objectives

- To allow for the operation of itinerant trading activities in a manner that does not interfere or conflict with the City's established fixed retail and services.
- To ensure that the operation of itinerant trading activities are appropriate for the area and do not cause any nuisance to the surrounding residents or businesses.
- To ensure the amenity of the area is protected whilst enhancing the area's vibrancy and encouraging patrons to the area.
- The proposed itinerant trading provides a net benefit to the community.

### 2.2 Policy Principles

- Itinerant trading cannot occur in any public place until a permit has been issued by Council. The issue of a permit is not as of right and the issue of a permit will be at Councils discretion subject to application which will be assessed on its merits.
- In assessing applications for itinerant trading Council will consider:
  - a. Location;
  - b. The impact upon permanent retail and service traders;
  - c. Benefit to the community;
  - d. Ambience created by the trader;
  - e. Safety;
  - f. Amenity;
  - g. The impact upon existing infrastructure and facilities.
  - h. The number of other itinerant traders operating in the surrounding precinct.
- No fixed infrastructure, tables, chairs or excessive amplified sound are permitted.
- All advertising must be fixed to the itinerant trading vehicles unless otherwise approved by Council.
- The itinerant trading area must be maintained at a high level of cleanliness. No waste or litter from the vendors operation may be disposed of in Council rubbish bins. All refuse generated as part of the operation must be continuously removed by the mobile trader. Failure to comply with these conditions may result in the permit being revoked.
- Where the Council has to undertake any cleaning or tidying of the area, the itinerant trader will be liable to reimburse the Council for costs incurred.



- The permit holder takes full responsibility for the cleanliness, care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements and Local Laws relating to the activity.
- Council will monitor the itinerant trading to ensure the amenity, and character of the area is protected.
- Itinerant traders must maintain public liability insurance of \$20M.
- All itinerant food traders must comply with all health and food safety aspects as contained within the Food Act 2001 and Food Safety Standards. All itinerant food traders must be registered and be registered on the “Streatrader” website and will also be subject to an inspection from the Environmental Health team.
- Safety of the public must be the primary consideration. Itinerant traders must not compromise the safety of pedestrians or any other road users or any other users of the space.
- Council will encourage itinerant trading to utilise sustainable energy and use of resources.
- Council may refuse, modify or revoke an itinerant trading permit as required.
- The itinerant trading permit is to be carried at all times while trading and produced upon request by an authorised Council representative or Police Officer.
- Applicants for itinerant trading will be required to nominate the trading locations through the application process. The application form is available on Councils website.
- A fee will be charged to conduct itinerant trading as prescribed in Councils fees and charges.
- All applications will be assessed on their merits for consistency with this Policy.
- This Policy may not apply to private property, fundraising for registered charities although registration/application for itinerant trading will be required.

### 3. GOVERNANCE

#### 3.1 Owner

The Director of City Infrastructure is responsible for monitoring the relevance and currency of this policy and for updating it when required.

#### 3.2 Review

The Director of City Infrastructure will review the policy for any necessary amendments no later than three years after its adoption or after the last review.

#### 3.3 Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

## Footpath/ Itinerant Trading Application

Warrnambool City Council is collecting this information from you in order to consider your application for Footpath/itinerant trading in accordance with Local Laws.

The information collected will only be used by Council unless otherwise required by law.

The purposes for this information will only be used in the case of the following:

- To determine your business/trading requirements for a Permit
- To confirm your personal and business information is current and correct
- To confirm that the business owner you may trade/busking in front of has given full permission of the activity to go ahead

WCC advises the applicant may obtain access to their personal information upon request.

Please Contact WCC in person at 25 Liebig Street, Warrnambool, Victoria 3280 between the hours of 8:30am – 5:00pm Monday – Friday  
Or alternatively you can telephone us on (03) 5559 4800

**Please complete relevant section for Outdoor Dining, Advertising Sign/Displaying Goods, Busking or Itinerant trading no later than 21 days prior to the date required.**

**If Approval is given, your permit with conditions will be emailed or posted to you for your reference.**

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**(Please tick)**

Do you have a current NAR (Name and Address Record) account with Warrnambool City Council?

Yes       No       Unsure

---

**Type (Please tick)**

New Permit

Renewal of Permit

---

**Applicant Details**

Name \_\_\_\_\_ Surname \_\_\_\_\_ Contact Number \_\_\_\_\_

**Business Details**

Trading Name of Premises \_\_\_\_\_

Address of Premises \_\_\_\_\_

**(If the account is to be sent to a PO Box the actual address of premises must be included)**

Post Code \_\_\_\_\_

Business Phone Number \_\_\_\_\_ Mobile \_\_\_\_\_ Facsimile \_\_\_\_\_

Business Email \_\_\_\_\_

Description of use of premises (eg café, takeaway, restaurant, bakery) \_\_\_\_\_

---

ABN Number \_\_\_\_\_ ACN Number \_\_\_\_\_

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**Outdoor Dining**

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the Footpath Trading Policy and Procedures. The Policy and Procedures and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au).

The fee is calculated based on the number of tables.

Number of tables \_\_\_\_\_ Fee Payable \$ \_\_\_\_\_

**Note:** New applications received between 1 February and 31 July will pay 50%. The permit period is from 1 August to 31 July each year. The issue of a permit under Local Laws includes a blanket cover for Public Liability Insurance of \$20 million. It is the owner’s responsibility to keep current.

**Advertising Signs/Displaying Goods Details**

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the Footpath Trading Policy and Procedures. The Policy and Procedures and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au).

A-frame (Please tick): Yes: \_\_\_\_\_ No: \_\_\_\_\_ (Max. height 0.9m)

Display of goods required (NB. 1 fee amount for each sign/display of goods) \_\_\_\_\_

Total Fee Payable \$ \_\_\_\_\_

**Note:** Display of Goods - One permit entitles trader to maximum 1.8m length x 0.75m width x 1.5m height of display area.

New applications received between 1 February and 31 July will pay 50%. The permit period is from 1 August to 31 July each year. The issue is a permit a blanket cover for Public Liability Insurance of \$20 million. Permits must be kept current. A second display of goods may be permitted if shopfront exceeds 6m in width.

**Busking, Fundraising and Street Art**

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the Footpath Trading Policy and Procedures. The Policy and Procedures and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au).

For fundraising, the Organisation conducting this fund-raising activity **must** be a Registered Community or Charitable Organisation under the Victorian Commission for Gambling Regulation and comply with its conditions, or otherwise approved by Council.

Details: \_\_\_\_\_

Location(s) \_\_\_\_\_

Times: \_\_\_\_\_

Date(s) (a) on \_\_\_\_\_

(b) from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

Business premises in which you will be performing or fundraising in front of:

Name \_\_\_\_\_

Address \_\_\_\_\_

Has the permission of the owner of this business been obtained? Yes No

(If “No” obtain approval before applying to Council)

Name and contact number of the person who approved the permission

Name \_\_\_\_\_ Contact No \_\_\_\_\_

**Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the Itinerant Trading Policy. and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au).**

Details: \_\_\_\_\_

Location(s) \_\_\_\_\_

Times: \_\_\_\_\_

Date(s) (a) on \_\_\_\_\_

(b) from \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Special Conditions**

1. This permit is issued in accordance with the Footpath Trading or Itinerant Trading Policies.
2. An account may be sent to the applicant to make good any costs incurred by Warrnambool City Council as a result of the function (damage to lawn, paving, services, rubbish removal etc.).
3. Council reserves the right to withdraw or amend the permission granted at any time due to unforeseen circumstances, non-compliance with the Itinerant Trading Policy, associated Council Policies or substantiated complaints.
- 4.
- 6.
- 7.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**OFFICE USE ONLY**

Date: \_\_\_\_\_

Receipt No: \_\_\_\_\_

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## **5.11. PETITION - FOR COUNCIL TO PROVIDE PERMANENT FREE 90 MINUTE PARKING IN OZONE AND PARKERS CAR PARKS**

### **PURPOSE:**

*For information of Council.*

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### **EXECUTIVE SUMMARY**

- A petition has been received with 2833 signatures asking Council to review the parking arrangements in the Ozone and Parkers car parks.
- In accordance with Local Law L.1 Governance the petition is to be received, and referred to the Chief Executive for consideration and response.

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### **RECOMMENDATION**

**In accordance with Local Law L1 Governance, the petition is received and the petition be referred to the Chief Executive for a report to a future Council meeting.**

---

### **BACKGROUND**

Council has received a petition signed by 2833 signatories for Council to provide permanent free 90 minute parking in Ozone and Parkers car parks. - **refer Attachment 1.**

### **ISSUES**

In forming a response, consideration will be given to what actions if any will be taken and when.

### **FINANCIAL IMPACT**

Council will need to assess the impacts of changes to paid parking arrangements depending upon Councils decision.

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

Not Applicable

### **TIMING**

Routine.

### **COMMUNITY IMPACT/CONSULTATION**

The Chief Executive will contact the petition organiser (first signatory) to inform them of the Council process in relation to petitions and subsequent recommendations or resultant actions.

### **LEGAL RISK/IMPACT**

The risks associated with parking and any changes thereof are financial and reputational. Any changes should be considered from a risk perspective prior to being made.

## **OFFICERS' DECLARATION OF INTEREST**

There were no declarations of interest made.

## **CONCLUSION**

The report be received.

## **ATTACHMENTS**

1. Petition for introduction of free 90 minute car parking in Parkers & Ozone Carparks **[5.11.1]**

Warrnambool City Council	
16 JAN 2019	
Ref No	
Officer	
Scanned Yes / No	Ch:

To the Mayor and Councillors,

We the following undersigned businesses and ratepayers strongly support this petition to introduce free 90-minute car parking everlasting in Parkers and Ozone car parks.

These two car parks were both paid for by the surrounding businesses in these 2 blocks by a separate rating scheme to provide FREE CAR PARKING to the shoppers of the Warrnambool CBD. The Warrnambool Council back in May 1984 agreed to levy the surrounding businesses of Parkers car park a separate rate in accordance with the local government act, the first instalment due for payment by 31<sup>st</sup> December 1984.

It was very clear that when the businesses agreed to this rating scheme that the car parks were to be a free time limit. This was evidenced by the Town Clerk Mr Vern Robson in his eulogy to the then City Engineer Mr Don Cooper, reported in the Warrnambool Standard on Thursday 12<sup>th</sup> January 2016, that the car parks were to be definitely FREE! Why would the surrounding businesses of Parkers and Ozone car parks agree to pay a rating scheme that would bring in substantial parking fees and fines revenue to Council finances?

What happened after the car parks were completed was that the surrounding staff cars utilised these car parks and when the Council traffic officers chalked their tyres, the car owners all moved their cars after they were chalked. Thus the Council was powerless to remove these staff cars, as evidenced back then, by when you arrived at work; the car park was 80% full at 9am in the morning with no one in the shops. This situation defeated the purpose of providing a free car park to CBD shoppers when staff occupied a major portion of them.

A request to Council back in 2004 was made to introduce car parking metres to remove the staff cars and as soon as this happened the staff cars disappeared. Computerised car parking ticket machines that could print out a free 90-minute ticket to shoppers was not heard of back then. Needless to say, the two car parks were FREE for approximately 20 years after construction. The situation has changed dramatically now with the new high technology computerised parking ticket machines installed all over the CBD that can be programmed to print out free 90- minute car parking tickets as evidenced by the outstanding success as trialled in Parkers car park in 2017 and Ozone car park in 2018.

Also we think it is fair to let Councillors know that when the Kmart development, with 335 free car parks applied for permit to build the project in the 1980's, it was appealed against by a group of central city business men on the grounds that the Warrnambool retail market was not big enough to support two separate retail areas, whilst agreeing with the creation of a complimentary area for standard highway business. Their appeal was dismissed and then this has led to unrestricted out-of-town development together with unlimited free car parks made available. This excessive and unrestricted development out of town has led to immense dejection and weakening of the CBD which justified the business men's appeal and now the council is spending big money on trying to make the CBD more attractive. This is exactly what has happened as there are now approximately 2200 free car parks for out of town shoppers as compared to (435) in the CBD.

The result of all the above is that potential shoppers have left the CBD in their multitudes, vowing never to return after being fined \$68 for exceeding their time limit and secondly they are wearied and exhausted of rushing back to their cars to avoid being fined. The current car parking is totally unjust and unequitable to the CBD in favour of unrestricted out of town developments and no amount of renewal expenditure will amend the problem without getting the basic free 90-minute parking in the CBD as early as possible.

The CBD must have some provision for free car parking in Parkers and Ozone car parks, to be utilised as free 90-minute parking to attract thousands of shoppers back that have left the CBD. Parkers and Ozone car parks were NEVER intended to be built as Council revenue producers and as soon as the car parks are returned to their original purpose of free car parking the better for everyone concerned in Warrnambool and businesses connected with the CBD.

During the Liebig Street renewal, thousands of shoppers left the CBD because of street disruption and found alternative ways to shop. Then to entice shoppers back to the CBD, they have been confronted with .....

1. New high info technology parking ticket machines installed last December that only half the population understand how to use
2. More traffic disruption at roundabouts when cars have to stop illegally in the roundabout to give way to pedestrians
3. Less car parking spaces in Liebig Street
4. Increased parking meter fees that were effective from July 2017
5. Considerably less ticket machines than before the renewal. There is now only 5 machines on both sides [10 in total] from Raglan Parade to Timor Street.

The end product of the Liebig Street renewal is commendable, but many people are now questioning whether the \$15 million spent on it has been worthwhile because of the current situation. There has been false and misleading information by Council executives regarding this situation in particular by Scott Kavanagh in the Warrnambool Standard on Friday 15<sup>th</sup> June 2018. When the paper headlines said Warrnambool City Council is set to make \$1.2 million from new parking meters this year. Mr. Kavanagh has stated around 5000 to 6000 sessions are paid daily with the new meters. What Mr. Kavanagh failed to mention is that quite a percentage of these sessions are paid daily by CBD staff car workers, who utilise these machines every day, therefore grossly overestimating the number of shoppers who use these machines.

Many businesses have experienced difficult times over the past 2 years which has resulted in less staff being employed and lower property values. There remain 24 empty shops in Liebig Street from Raglan Parade to Timor Street. It was a sad case when Thomas Jewellers failed to sell at auction in December 2017. Even though the property sold at a later date, the store remains empty. Some businesses surrounding Parkers car park are currently experiencing 20% - 30% downturns this year compared to last year when the car park was 90 minutes free.

Warrnambool has so much untapped and immense potential that the future of the CBD is in your hands to bring life and people back by providing free 90-minute car parking in these 2



car parks. Locals have to love the place and tourists buy an experience, but this will not happen under the current situation. It is a well-known fact that country towns that are prospering are the ones providing some form of free car parking. In particular, we all hear how good Port Fairy is, simply because it does not have car parking ticket machines and it trades 7 days.

Let's make the Warrnambool CBD a happy and enjoyable place to shop and to buy a memorable experience by providing free-90 minute car parking where they should be.

**To the Mayor and Councillors,**

**We the following undersigned businesses and citizens strongly support this petition to introduce free 90 -minute car parking everlasting in Parkers and Ozone car parks. To be only signed once and signatories must be 18 years and over.**

---

## **5.12. ASSEMBLY OF COUNCILLORS REPORTS**

### **PURPOSE**

*The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.*

---

### **BACKGROUND INFORMATION**

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. an advisory committee of the Council where one or more Councillors are present.

The requirement for reporting provides increased transparency, particularly the declarations of conflict of interest.

### **REPORT**

Section 80A(2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.

The record of the following Assembly of Councillors is enclosed:-

1. Monday 10 December 2018 – refer **Attachment 1**.
2. Monday 17 December 2018 – refer **Attachment 2**.
3. Thursday 20 December 2018 – refer **Attachment 3**.
4. Monday 14 January 2019 – refer **Attachment 4**.
5. Monday 21 January 2019 – refer **Attachment 5**.
6. Tuesday 29 January 2019 – refer **Attachment 6**.
7. Wednesday 30 January 2019 – refer **Attachment 7**.

### **ATTACHMENTS**

1. Briefing 10 December 2018 **[5.12.1]**
2. Briefing 17 December 2018 **[5.12.2]**
3. Briefing 20 December 2018 **[5.12.3]**
4. Briefing 14 Jan 2019 **[5.12.4]**
5. Briefing 21 Jan 2019 **[5.12.5]**
6. Briefing 29 Jan 2019 **[5.12.6]**
7. Assembly 30 Jan 2019 **[5.12.7]**

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### **RECOMMENDATION**

**That the information be received.**

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**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	10 December 2018
Start time:	4.00pm
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr. S. Cassidy Cr. K. Gaston Cr. P. Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Bruce Anson, Chief Executive Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth Scott Cavanagh, Director City Infrastructure Vikki King, Director Community Development
Other persons present:	
Apologies:	
Conflict of Interest Disclosures:	Cr Herbert item around Curb side collection and recycling Cr Cassidy took the Chair for these items.
Items discussed:	<ul style="list-style-type: none"> <li>▪ Tender No. 20190002-Kerbside Collection Of Garbage &amp; Recycling Bins</li> <li>▪ Tender No. 2018047 - Receipt &amp; Processing Of Recycled Products</li> <li>▪ Award of Contract 2019007 - Structural Conservation Works - Wollaston Heritage Bridge</li> <li>▪ Port Of Warrnambool Fish Cleaning Facility</li> <li>▪ Eastern Entrance Statement</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>• Continued issue around fencing causing a pedestrian blockage at old Criterion Hotel site.</li> <li>• Acceleration of FOGO rollout</li> <li>• Northern Entrance to the City Update</li> <li>• Update on 123 Queens road developer encroachment issues</li> </ul>

The meeting closed at 5:30pm.

**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	17 December 2018
Start time:	5.15pm
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr. S. Cassidy Cr. K. Gaston Cr. M Neoh Cr. D. Owen
Council Officers present:	Bruce Anson, Chief Executive Andrew Paton, Director City Growth Scott Cavanagh, Director City Infrastructure Vikki King, Director Community Development Nick Higgins, Manager, Communications
Other persons present:	
Apologies:	Cr P Hulin
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> <li>▪ Rate capping communications strategy.</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>▪</li> </ul>

The meeting closed at 5:30pm.

**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	20 December 2018
Start time:	12noon
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr. K. Gaston Cr P. Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Bruce Anson, Chief Executive Andrew Paton, Director City Growth Scott Cavanagh, Director City Infrastructure Peter Utri Director Corporate Strategies
Other persons present:	Jason Borg, Projects Director & Regional Manager Partnerships, DELWP Bart Game, DELWP
Apologies:	Cr S Cassidy
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> <li>▪ DELWP's position in relation to management of horses on beaches</li> <li>▪ Coordination of any agreement content and timing</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>▪ Confidential Item Sharp Airlines future of Warrnambool Portland route.</li> </ul>

The meeting closed at 12:45.

**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	14 January 2019
Start time:	3.00pm
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr S Cassidy Cr. K. Gaston Cr P. Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Vikki King, Interim Chief Executive Officer Peter Utri, Director Corporate Strategies Jodie McNamara, Acting Director City Growth Scott Cavanagh, Director City Infrastructure Shaun Miller, Manager Economic Development Anne-Maree Neal, Manager Governance & Risk Glenn Reddick, Manager City Amenity Ben Storey, Manager Facilities & Projects
Other persons present:	
Apologies:	
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> <li>▪ Horses On Levy's Beach, Warrnambool – Next Steps &amp; Options For Council</li> <li>▪ Sharp Airlines</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>▪ Event Camping restrictions</li> <li>▪ Coastal Jam outcomes</li> <li>▪ Jurassic Creatures Success</li> <li>▪ FOGO</li> </ul>

The meeting closed at 5.45pm.

**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	21 January 2019
Start time:	2.00pm
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr. K. Gaston at 2:40pm Cr P. Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Vikki King, Interim Chief Executive Officer Peter Utri, Director Corporate Strategies Jodie McNamara, Acting Director City Growth Ben Storey, Acting Director City Infrastructure Shaun Miller, Manager Economic Development Anne-Maree Neal, Manager Governance & Risk Glenn Reddick, Manager City Amenity
Other persons present:	
Apologies:	Cr. S. Cassidy
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> <li>▪ Princes Highway West Action Alliance</li> <li>▪ Itinerant Trading Policy 2019</li> <li>▪ Stock Underpass Policy</li> <li>▪ Recycling Options – Separate at Source</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>▪ Horses on beaches</li> <li>▪ Promotion of success of walkability improvements in the city</li> <li>▪ Street signage review requested in CBD to minimise visual impact</li> <li>▪ Request to meet with member for Wannan</li> </ul>

The meeting closed at 4:45pm.



**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	29 January 2019
Start time:	3.00pm
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr. S. Cassidy Cr. K. Gaston Cr P. Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Vikki King, Interim Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth Shaun Miller, Manager Economic Development Anne-Maree Neal, Manager Governance & Risk Glenn Reddick, Manager City Amenity Ben Storey, Acting Director City Infrastructure Nick Higgins, Manager Communications Russell Lineham Manager Recreation and Culture David Harrington Manager Finance
Other persons present:	Terry Visser, Senior Project Adviser, Equinor Australia
Apologies:	
Conflict of Interest Disclosures:	Cr Neoh in relation to free parking petition
Items discussed:	<ul style="list-style-type: none"> <li>▪ Mayoral &amp; Councillor Allowances</li> <li>▪ December Finance Report</li> <li>▪ Port of Warrnambool Asset Management Plan</li> <li>▪ Petition for Council to provide permanent free 90 minute parking in Ozone &amp; Parkers car park</li> <li>▪ Horses at Levy's Beach – Council consent</li> <li>▪ Local Law adoption post community consultation</li> <li>▪ Itinerant Trading Policy 2019</li> <li>▪ Warrnambool Rail Line Upgrade</li> <li>▪ Sharp Airlines</li> <li>▪ Reid Oval and Library Learning Centre</li> <li>▪ Dates for budget meetings</li> <li>▪ Warrnambool-Changchun Sister City gazebo proposal</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>▪ Improving the view opportunities on the promenade and bringing back the planning controls on this are for review.</li> <li>▪ MAV campaign on waste charge changes in the Local government act.</li> <li>▪ Request to remove barb wire near granny's grave</li> <li>▪ Review of signage placement around gravel on new road resurfacing</li> </ul>

The meeting closed at 6:45pm.

**Assembly of Councillors Record**

Purpose of meeting:	Councillor Site Inspection
Meeting date:	30 January 2019
Start time:	4.00pm
Councillors present:	Cr. T. Herbert - Chairperson Cr. R. Anderson Cr. S. Cassidy Cr. K. Gaston Cr P. Hulin Cr. D. Owen
Council Officers present:	Jodie McNamara, Manager, City Strategy & Development James Phillips, Co-ordinator City Development
Other persons present:	<b>Midfield</b> Dean McKenna Kevin Banner Matt Fisher  <b>Objectors</b> John and Sherri Jehu Lindsay and Helen Marcus Erica Code Norm Sheppard Rebecca Simpson
Apologies:	Cr. M Neoh
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> <li>▪ Midfield Protein Recovery Plant, 24 Scott Street, Warrnambool</li> </ul>
Other items raised by Councillors & Officers:	Nil.

The meeting closed at 5.00pm.

## **5.13. MAYORAL & CHIEF EXECUTIVE COUNCIL ACTIVITIES SUMMARY REPORT**

### **PURPOSE**

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

### **REPORT**

<b>Date</b>	<b>Location</b>	<b>Function</b>
29 November 2018	Bendigo	Mayor & Chief Executive – Attended the Regional Cities Victoria meeting.
1 December 2018	Warrnambool	Mayor – Formally opened the joint Warrnambool City Council and Warrnambool Primary School “16 Days of Activism Against Gender Violence” project.
	Warrnambool	Mayor & Mayoress – Attended the Warrnambool Girl Guides 90 <sup>th</sup> Birthday celebrations.
	Warrnambool	Mayor – Attended and officially opened the Warrnambool Gift,
4 December 2018	Warrnambool	Mayor & Chief Executive – Attended the official opening of the new War Memorial.
	Warrnambool	Chief Executive – Attended the Warrnambool Clinical School & Western Victoria Regional Training Hub – Community Advisory Board meeting.
	Allansford	Mayor – Attended the Allansford Hall Annual General Meeting.
5 December 2018	Warrnambool	Mayor – Attended the 50 <sup>th</sup> Birthday celebrations of St. Vinnies, Warrnambool.
7 December 2018	Cavendish	Mayor & Chief Executive – Attended the Great South Coast Board meeting.
	Warrnambool	Mayor – Officially opened art exhibition by artist Tricia Page.
10 December 2018	Melbourne	Chief Executive – Attended the Regional Development Australia Chairs meeting.
13 December 2018	Warrnambool	Mayor – Attended the Australian Air Force Cadets 413 Squadron Final Parade Ceremony held at Tel el Eisa Barracks, Pertobe Road, Warrnambool.
15 December 2018	Warrnambool	Mayor – Officially opened the Emergency Services Capability Forum held at Lake Pertobe.

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17 December 2018	Warrnambool	Mayor – Attended the Emmanuel College Awards Evening.
	Warrnambool	Cr. Anderson represented the Mayor at the Brauer College Senior Assembly.
18 December 2018	Warrnambool	Cr. Anderson represented the Mayor at the Warrnambool Primary School year 6 Graduation.
21 December 2018	Warrnambool	Mayor – Officially unveiled historic grave headstone of Jack Denham at Warrnambool Cemetary.
26 December 2018	Warrnambool	Mayor – Attended the opening night of the Jurassic Creatures exhibition.
26 January 2019	Warrnambool	Cr. Neoh represented the Mayor Cr Herbert at the Warrnambool 2019 Australia Day Awards Ceremony.

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## **RECOMMENDATION**

**That the information be received.**

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**6. PUBLIC QUESTION TIME**

**7. CLOSE OF MEETING**