

MINUTES

SCHEDULED COUNCIL MEETING

WARRNAMBOOL CITY COUNCIL

5:45 PM - MONDAY 5 SEPTEMBER 2022



VENUE:

Lighthouse Theatre Studio

Lighthouse Theatre

Timor Street

Warrnambool

COUNCILLORS

Cr. Vicki Jellie AM (Mayor)

Cr. Otha Akoch

Cr. Debbie Arnott

Cr. Ben Blain

Cr. Angie Paspaliaris

Cr. Max Taylor

Cr. Richard Ziegeler

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can be obtained online at www.warrnambool.vic.gov.au

Peter Schneider

CHIEF EXECUTIVE OFFICER

AUDIO RECORDING OF COUNCIL MEETINGS

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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**MINUTES OF THE SCHEDULED MEETING OF THE WARRNAMBOOL CITY COUNCIL
HELD IN THE LIGHTHOUSE THEATRE STUDIO, LIGHTHOUSE THEATRE, TIMOR STREET,
WARRNAMBOOL ON MONDAY 5 SEPTEMBER 2022 COMMENCING AT 5:45 PM**

PRESENT: Cr. Vicki Jellie AM, Mayor/Chairman
Cr. Otha Akoch
Cr. Debbie Arnott
Cr. Ben Blain
Cr. Angie Paspaliaris
Cr. Max Taylor
Cr. Richard Ziegeler

IN ATTENDANCE: Mr Peter Schneider, Chief Executive Officer
Mr Peter Utri, Director Corporate Strategies
Mr David Leahy, Director City Infrastructure
Mr Andrew Paton, Director City Growth
Ms Ali Kemp, Acting Director Community Development
Ms Julie Anderson, Manager Governance Property & Projects
Ms Wendy Clark, Executive Assistant

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

**MOVED: CR DEBBIE ARNOTT
SECONDED: CR BEN BLAIN**

That the Minutes of the Scheduled Meeting of Council held on 1 August 2022, be confirmed.

CARRIED - 7:0

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

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter. Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general**

conflict of interest within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

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

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

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

- Peter Schneider, Chief Executive Officer - Items 12.2 Minutes In-Camera Meeting of Council 6 December 2021 and Item 12.3 Chief Executive Employment Matters Advisory Committee Minutes

5. MAYORAL PRESENTATION

Thought I would highlight tonight the wonderful events that we have not only on the 26 January to welcome our newest citizens into Australia, but the Australian citizenship ceremonies that occur during the year. Some people might not be aware they happen on a regular basis depending on how many people we have wanting to become Australian citizens and unless you have got someone you know that is becoming a citizen, you might not understand that they're happening.

Warrnambool City Council so far this year has held four ceremonies and there have been 99 people received their citizenship, which is quite a few people. There may have been a hold up I suppose with Covid over the last few years but that's a significant amount of people in the last nine months that have come forward. Those becoming new citizens have either resided in Australia for quite a few years or have been here for a year or a little bit longer and they come from all walks of life and all over the world. Some of the countries they come from are Afghanistan, China, Brazil, France, India, Philippines, Sri Lanka, Ukraine, New Zealand. They bring skills, experience and their culture which enhances our multicultural breadth of Australia and who we are.

It's quite a detailed application to become an Australian and often it takes up to about 12 months to complete which is a fair while and there's quite a lot of criteria they must meet before they are allowed to do so. All applications are coordinated through the Federal Government's Department of Home Affairs. The ceremonies we hold here usually in this room are well attended and very excited by their families so just something that we don't recognize enough which is great for our City to have some new citizens.

6. PUBLIC QUESTION TIME

Nil.

7. REPORTS

7.1. AMENDMENT TO GOVERNANCE RULES - CONDUCT OF VIRTUAL COUNCIL MEETINGS

DIRECTORATE : Executive Services

PURPOSE:

This report provides information on the proposed amendments to the Governance Rules for the conduct of virtual Council Meetings and Delegated Committee meetings.

EXECUTIVE SUMMARY

The State Government have passed the Regulatory Legislation Amendment (Reform) Act 2022.

This piece of legislation amends the Local Government Act 2020 (the Act) to provide for attendance and participation in virtual and hybrid (combination of virtual and in person) Council meetings and delegated committee meetings.

Council's Governance Rules have been updated to include the provisions and procedures for virtual meetings – refer **Attachment 1**.

It is recommended that these draft Governance Rules be placed on public exhibition before being brought back to Council and proposed for adoption at the October Council meeting.

MOVED: CR BEN BLAIN

SECONDED: CR RICHARD ZIEGELER

That Council:

- 1. Provide public notice of the proposed amendment to the Governance Rules; and**
- 2. Approve the draft Governance Rules being placed on public exhibition.**

CARRIED - 7:0

BACKGROUND

The State Government have passed the Regulatory Legislation Amendment (Reform) Act 2022. This piece of legislation amends the Local Government Act 2020 (the Act) to provide for attendance and participation in online Council meetings and delegated committees.

The changes replace the existing temporary emergency provisions and will commence on 2 September 2022.

Under the amended legislation, Council must amend its Governance Rules to:

- Outline the conduct of holding meetings by electronic means of communication (both Council and delegated committees).
- Outline a process for Councillors and committee members to request and have approved attendance by electronic means of communication at Council meetings and meetings of delegated committees.
- As outlined in Council's Community Engagement Policy, Council is committed to offering opportunities for the community to contribute to the decisions made by Council.

The updated rules are required to provide for Council and Delegated Committee meetings to be held by electronic means of communication.

In accordance with the Act, the Governance Rules must continue to:

- Provide for Council to consider and make decisions of any matter being considered by the Council fairly and on the merits;
- Provide for Council to institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- Be developed in accordance with a community engagement process.

Proposed amendments to the Governance Rules are contained in **Attachment 1**.

ISSUES

The purpose of the update is to develop and adopt Governance Rules that accommodate the for virtual meeting procedure which includes amendments to the following:

Definitions

- a) Council Meeting
- b) Committee meeting

Meeting preparation

- a) Types of Council meetings (including for delegated committee meetings)
- b) Notice of meetings
- c) how a Councillor and members of Delegated committee requests attendance to be by electronic means
- d) process for approval of request by electronic means Roles and Conduct a) by electronic means of communication Conflict of interest a) leaving the room by electronic means

General Conduct of meetings

- a) quoroms due to technical difficulties
- b) closing a meeting to the public (confidentiality)
- c) Public Participation

Conduct of debate

- a) Motions and amendments
- b) Voting

Types of meetings and electronic means of communication definitions might include “physical” (in-person), “virtual” or “hybrid”.

Section 66 of the Act, a council or delegated committee must keep a meeting “open to the public” except in specified circumstances. New provisions insert a definition of “open to the public” to mean:

- Either, attendance in person by a member of the public, or a meeting that is broadcasted live on the Internet site of the Council
- A recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- Any other prescribed means of meeting

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

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

TIMING

Ministerial guidelines outline the requirements to update Council's Governance Rules were issued mid-June 2022.

The legislative changes come into force on 2 September 2022. To ensure Council abides by section 60(4) of the Local Government Act 2020, it is proposed that the draft Governance Rules are put out on exhibition prior to them being put before Council for their proposed adoption at the October Council Meeting.

COMMUNITY IMPACT / CONSULTATION

Section 60(4) of the Act requires that a process of community engagement is followed when amending the Governance Rules. This means that some form of community consultation must be undertaken before amended rules are adopted. As this update to the Governance Rules is a statutory requirement, it is recognised that this limits the opportunity for the community to provide significant input into the proposed amendments.

Further to this report, Council will seek to inform and provide the amendments and the related legislative requirements to the community through Council's website.

LEGAL RISK / IMPACT

The update is legislated; therefore, Council must update and include the relevant provisions and procedures in the Governance Rules to ensure legislative compliance.

OFFICERS' DECLARATION OF INTEREST

No officer conflict declared.

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

The Governance Rules have been amended to include new legislative requirements around the provision of and procedures for virtual Council and Delegated Committee meetings.

The draft Governance Rules are proposed to be placed on public exhibition in accordance with section 60(4) of the Local Government Act prior to their proposed adoption.

ATTACHMENTS

1. Governance Rules Draft 25 August 2022 [7.1.1 - 63 pages]

GOVERNANCE RULES

Introduction

1. Nature of Rules

These are the Governance Rules of Warrnambool City Council, made in accordance with section 60 of the *Local Government Act 2020*.

2. Date of Commencement

These Governance Rules commence on 3 May 2021.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Absolute Majority means the number of:

- (a) Councillors which greater than half the total number of Councillors of Council; and
- (b) members of a Delegated Committee which is greater than half the total number of members of the Delegated Committee.

Act means the *Local Government Act 2020*.

Additional Council Meeting means a meeting called in accordance with rule [12].

Agenda means a document containing the date, time and place of a *Meeting* and a list of business to be transacted at the *Meeting*.

Annual (Statutory) Meeting means the *Council Meeting* at which the Mayor is elected.

Authorised Officer means an *Officer* who is authorised by the *Chief Executive Officer* or *Council* under section 224 of the *Local Government Act 1989*.

Call of the Council Meeting means a *Council Meeting* called under rule 22.

“Caretaker period” has the same meaning as ‘election period’ in Section 3(1) of the *Act*, and means the period that starts on the entitlement date and ends at 6pm on Election Day;

Chair means the:

- (a) *Councillor* elected as Mayor under rule [3];

- (b) person appointed as the Chairperson of a *Delegated Committee*; or
- (c) person taking the chair at a *Meeting* in accordance with *these Rules* in the absence of the Mayor or Chairperson of the *Delegated Committee*, as the case requires.

Chief Executive Officer means the person occupying the position of Chief Executive Officer of *Council* and includes a person acting that position.

Civic Centre Precinct means 25 Liebig Street Warrnambool.

Committee Meeting means a meeting of a *Delegated Committee* or *Community Asset Committee*.

Community Asset Committee means a *Community Asset Committee* established under section 65 of the *Act*.

Community Asset Committee Meeting means a meeting of a *Community Asset Committee*.

Community Engagement Policy means the Community Engagement Policy adopted by the Council under section 55 of the *Act*.

Confidential Information has the same meaning as in section 3(1) of the *Act*.

Council means the Warrnambool City Council.

Council Chambers means the place where a scheduled meeting of Council is advertised to be held.

Council Meeting includes Scheduled Council meeting and Additional Council Meeting as defined by section 61 of the *Act*; and includes a scheduled or unscheduled meeting that may be held as a face-to-face (in person) meeting at a set location or via electronic means (virtual or remote) or in a hybrid format that mixes in person and virtual (remote) attendance.

-

Councillor means a *Councillor* of *Council*.

Councillor Code of Conduct means the code of conduct developed and adopted by *Council* under section 76C of the *Local Government Act 1989*.

Delegated Committee means a delegated committee established under section 63 of the *Act*.

Delegated Committee Meeting means a meeting of a *Delegated Committee* convened in accordance with these Governance Rules. A Delegated Committee Meeting includes a scheduled or unscheduled meeting that may be held as a face-to-face (in person) meeting at a set location or via electronic means (virtual or remote) or in a hybrid format that mixes in person and virtual (remote) attendance.

Deputy Chair means the:

- (a) Councillor elected as Deputy Mayor under rule 6; or
 - (b) person appointed as the Deputy Chair of a *Delegated Committee*;
- as the case requires.

Division means a formal count of those *Councillors* or members of a *Delegated Committee* who voted for or against, or did not vote in respect of, a motion and the recording of that count and the way each *Councillor* or member of the *Delegated Committee* voted in the minutes of the *Meeting*.

Hearings Council Meeting is a meeting of Council for the specific purpose of hearing submissions in accordance with section 223 of the *Local Government Act 1989*.

Informal Councillor Meeting means a meeting referred to in Chapter 6(1).

“Leave of absence” means formal leave requested and taken by a Councillor who is not available, or unable, to perform their Council duties for a specified period of time;

Mayor means the Mayor of *Council* or, in the *Mayor's* absence, the *Deputy Mayor*.

Meeting means a *Scheduled Council Meeting*, an *Additional Council Meeting*, a *Hearings Council Meeting*, *Delegated Committee Meeting* and a *Community Asset Committee Meeting*, as the context requires.

Minister means the Victorian State Government Minister responsible for administering the *Act*.

Minutes means the record of proceedings of a *Meeting*.

Municipality means the municipal district of Council.

Notice of Motion means a notice setting out the text of a motion, which a *Councillor* proposes to move at a *Council Meeting*.

Officer means a member of *Council* staff.

Officer Report means a report prepared by a *Council Officer* for consideration by *Council*.

Operational Service Request Process means a request for action through Council's Customer Request System in use by the Council or request relating to the day to day management of Council operations as defined in Section 94A(1) of the *Act* as the functions of the Chief Executive Officer.

Point of Order means a point of order raised in accordance with rule 77.

Procedural Motion means a motion contained in the Table at Appendix 1 to *these Rules*.

Quorum at a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires.

Rescission Motion means a *Notice of Motion* proposing the rescission of a resolution made by Council.

Resumption of Standing Orders means the resumption of the provisions of *these Rules* governing the conduct of *Meetings* to permit decisions to be made.

Senior Officer has the same meaning as in Section 3(1) of the *Local Government Act 1989*.

Significant Expenditure means one (1) percent or more of general rate income of the *Council*.

Suspension of Standing Orders means the suspension of the provisions of *these Rules* governing the conduct of *Meetings* to facilitate full discussion on a matter without formal constraints.

these Rules means these Governance Rules.

Urgent Business means a matter that has arisen since distribution of the Agenda for a Meeting and cannot safely or conveniently be deferred until the next Meeting.

"Visitor" means any person (other than a Councillor or an Officer) present at a Meeting;

Council Website means Council's website at www.warrnambool.vic.gov.au.

Written or In Writing includes duplicated, photocopied, photographed, printed and typed and extends to both hard copy and soft copy form.

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Chapter 1 – Governance Framework

1. Context

These Rules should be read in the context of and in conjunction with:

the overarching governance principles specified in section 9(2) of the *Act*; and the following documents adopted or approved by *Council*:

- Councils Code of Conduct
- Councils Transparency Policy
- Councils Community Engagement Policy

2. Decision Making

In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:

- fairly, by giving consideration to all available information and making a decision which is ethical and impartial; and
- on its merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).

Without limiting anything in paragraph (ii) of this sub-Rule:

- before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person has or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
- if an *Officer Report* to be considered at a *Council Meeting* concerns subject-matter which will directly affect the rights of a person or persons, the *Officer Report* must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
- if a report to be considered at a *Delegated Committee Meeting* concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
- if a *Council Officer* proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the *Council Officer* must, when making that decision, ensure that they record that notice of the decision to be made was given to the person or persons and such person was or persons were provided with an opportunity to communicate their views and have their interests considered.

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PART A - INTRODUCTION

1. Purpose

The purpose of this Chapter is to:

- (1) facilitate good government and provide a process for good decision making of *Council* on matters affecting the *Municipality* and *Community*;
- (2) provide the procedures governing the conduct of *Meetings*;
- (3) set expectations with respect to the behaviour of those participating in, or present at, *Meetings*;
- (4) provide rules for the election of the *Mayor* and *Temporary Chair*.

PART B - ELECTION OF MAYOR AND TEMPORARY CHAIRS

2. Election of the Mayor

- (1) The *Mayor* must be elected annually at the *Annual (Statutory) Meeting*.
- (2) The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act* and *these Rules*.
- (3) Subject to rule 3(3)(b), the *Chief Executive Officer* must determine the most appropriate time and date for the election of the *Mayor*, except that the election of the *Mayor* must be held:
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (b) in any case, as soon as possible after the office of *Mayor* becomes vacant.
- (4) Notwithstanding rule 3(1), *Council* may resolve to elect a *Mayor* for a term of 2 years. If *Council* resolves to elect the *Mayor* for a term of 2 years, the next election of the *Mayor* is 2 years after the last Saturday in October but not later than 30 November in the second year after the election.
- (5) The order of business at the *Annual (Statutory) Meeting* is to be determined by the *Chief Executive Officer*.
- (6) The *Councillor* elected to the position of *Mayor* may make a commencement speech for up to 10 minutes outlining their vision for their term as *Mayor*.
- (7) The commencement speech must not address matters outside the powers of *Council*, be derogatory, or be prejudicial to any person or *Council*.

3. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

4. Procedure for Election of the Mayor

- (1) The election of the *Mayor* will be conducted in accordance with the provisions of the *Act* and this rule 5.
- (2) The *Chief Executive Officer* must open the *Annual (Statutory) Meeting* at which the *Mayor* is to be elected.
- (3) Before nominations for the office of *Mayor* are invited by the *Chief Executive Officer*, the *Council*

must resolve if the term of the *Mayor* is to be for one (1) year or two (2) years.

- (4) Any nominations for the office of *Mayor* must be made verbally by *Councillors* present at the *Annual (Statutory) Meeting*.
- (5) A nomination for *Mayor* does not require a seconder.
- (6) If there is only one nomination, the *Councillor* nominated is deemed to be elected.
- (7) If there is more than one nomination:
 - (a) each of the candidates shall be invited to speak for no more than three (3) minutes to their nomination in alphabetical order of their surnames and, where two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
 - (b) after each of the candidates has been given an opportunity to speak, a vote must be taken to elect one of the candidates nominated, where:
 - (i) a candidate receiving an *Absolute Majority* of the votes is declared elected;
 - (ii) if no candidate receives an *Absolute Majority* of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate (and, where more than one of them has the same fewest number of votes, the candidate to be eliminated is to be determined by lot);
 - (iii) a further vote will then be taken for the remaining candidates;
 - (iv) where one of the remaining candidates receives an *Absolute Majority* of the votes, he or she shall be declared elected;
 - (v) where none of the remaining candidates receives an *Absolute Majority* of the votes, the procedure described in rule 5(7)(b)(ii) is repeated;
 - (vi) this process shall continue until one of the candidates has received an *Absolute Majority* of the votes, or the final two candidates have an equal number of votes;
 - (vii) where one of the candidates has received an *Absolute Majority* of the votes, that candidate is declared elected; and
 - (viii) where the remaining candidates have an equal number of votes and one of them needing to be declared elected, the defeated candidate shall be determined by lot.
- (8) The following provisions apply to the conduct of the lot:
 - (a) each candidate will draw one (1) lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes and, where two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
 - (c) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle. The word "Defeated" shall be *Written* on one (1) of the pieces of paper, and the candidate who draws the paper with the word "Defeated" *Written* on it must be declared the defeated candidate;
 - (d) if only one candidate remains, that candidate is deemed to be elected; and
 - (e) if more than one candidate remains, a further vote must be taken on the remaining candidates and the above process repeated if necessary, in which case that candidate will be declared

duly elected.

- (9) The *Chief Executive Officer* will declare the result of the election and the successful candidate.

5. Procedure for Election of the Deputy and Temporary Chairs

- (1) At a *Meeting* to elect the *Mayor*, the *Council* may determine to elect a *Deputy Mayor*.
- (2) The procedure used for the election of *Mayor* will be used to elect the *Deputy Mayor* or temporary *Chair* (in cases where the *Mayor* and *Deputy Mayor* are absent from a *Council Meeting*), provided that a reference to the *Mayor* is a reference to the *Deputy Mayor* or to the temporary *Chair*, as the case may be.
- (3) The *Chief Executive Officer* or his/her delegate will conduct the election of the *Deputy Mayor* and temporary *Chair*.

PART C - COUNCIL MEETING PROCEDURES

DIVISION 1 – ROLE OF CHAIR

6. Mayor to take Chair

- (1) The *Mayor* must take the *Chair* at all *Council Meetings* at which the *Mayor* is present.
- (2) If the *Mayor* is not in attendance at a *Council Meeting*, the *Deputy Mayor* (if one has been elected) must take the *Chair*.
- (3) If the *Mayor* and *Deputy Mayor* are not in attendance at a *Council Meeting*, the *Council* must elect one (1) of the *Councillors* as temporary *Chair*.
- (4) In the event that a *Council Meeting* is held virtually (and not in person) under Division 15 of these Rules, the *Council Meeting* will be Chaired in accordance with rules 6(1), 6(2) and 6(3), as is applicable.
- (5) In the event that a *Council Meeting* is held partially in person and partially by electronic means under Division 15 of these Rules, the *Council Meeting* will be Chaired by the *Mayor* at all *Council Meetings* at which the *Mayor* is present in person.
- (6) In the event that a *Council Meeting* is held partially in person and partially by electronic means under Division 15 of these Rules, if the *Mayor* is not in attendance in person, the *Council Meeting* will be Chaired by the *Deputy Mayor* where the *Deputy Mayor* is present in person.
- (3)(7) In the event that a *Council Meeting* is held partially in person and partially by electronic means under Division 15 of these Rules, and neither the *Mayor* or *Deputy Mayor* are present in person at the *Council Meeting*, the *Council* must election one (1) of the *Councillors* as temporary *Chair*.

7. The Chair's Duties and Discretions

In addition to the specific duties and discretions provided in *these Rules*:

- (1) the *Chair* must not accept any motion, question or statement which the *Chair* determines is:
- (a) is derogatory;
 - (b) defamatory;

- (c) objectionable in language or nature;
 - (d) vague or unclear in intention;
 - (e) outside the powers of the *Council*; or
 - (f) irrelevant to the item of business on the *Agenda* and has not been admitted as *Urgent Business*, or purports to be an amendment but is not; and
- (2) if the behaviour of a person is disruptive and interferes with the conduct of the business of the *Council*, the *Chair* must call that person to order.

Also see Division 14 – Conduct & Behaviour

DIVISION 2 – NOTICE OF MEETINGS & DELIVERY OF AGENDAS

8. Meetings Open to the Public

- (1) The *Council* may hold:
- (a) *Scheduled Council Meetings* at which the business of the *Council* may be transacted; and
 - (b) *Additional Council Meetings* at which the business specified in the notice calling the *Additional Council Meeting* may be transacted.
- (2) All *Meetings* will be open to the public unless it is considered necessary to close the *Meeting* to the public in accordance with section 66(2) of the *Act*.
- (3) In the event that a Scheduled Council Meeting is held virtually (and is not held in person) as prescribed under Division 15 of these Rules, members of the public can watch the live webcast on the Council meeting at www.warrnambool.vic.gov.au.

See rule 15 – Meetings Closed to the Public

- ~~(2)~~(4) The *Council* may hold *Special meetings* to deal with the following:
- (a) Adoption of the *Council Plan* and the Declaration of Rates and Charges;
 - (b) Adoption of the *Council's Audited Financial Report, Standard Statement and Performance Statement*;
 - (c) Election of the *Mayor* and appointment of *Council* representatives;
 - (d) Presentation of the Annual Budget; and
 - (e) Any other matter.

9. Appointment of *Council* Representatives and Delegates

At a *Council Meeting* held as soon as practicable after the *Annual (Statutory) Meeting*, the *Council* must resolve to:

- (1) appoint *Councillors* as members of, or representatives on, *Delegated Committees*; and
- (2) appoint *Councillors* as delegates to external committees and organisations,

for the ensuing year.
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10. Date and Times of Scheduled Council Meetings

- (1) The *Council* will fix the dates, times and places of all *Scheduled Council Meetings* for the following 12 months at the first *Council Meeting* following the *Annual (Statutory) Meeting*.
- (2) The dates, times and places of all *Scheduled Council Meetings* are to be made available to the public.

See Rule 21 – Notice of Meeting to the Public

11. Holding Additional Council Meetings or Hearings Council Meetings

An *Additional Council Meeting* or a *Hearings Council Meeting* will be held where:

- (1) Written notice of the *Additional Council Meeting* or a *Hearings Council Meeting* is provided to the *Chief Executive Officer* by the *Mayor* or by three or more *Councillors*, at least 7 days prior to the proposed meeting to allow for appropriate advertising of the meeting; and
- (2) the written notice specifies the:
 - (a) date, time and place for the *Additional Council Meeting* or the *Hearings Council Meeting*;
 - (b) business to be transacted at the *Additional Council Meeting* or the *Hearings Council Meeting*; and
 - (c) reason that the business to be transacted at the *Additional Council Meeting* cannot be left to be considered at the next *Scheduled Council Meeting*; or
- (3) the *Chief Executive Officer* determines, in their absolute discretion, that an *Additional Council Meeting* is necessary or desirable.

A *Hearings Council Meeting* will be held where:

- (4) Council is required to hear submissions in accordance with section 223(b) of the Local Government Act 1989, or in accordance with the Community Engagement Policy.
- (5) Council elects to hear submissions from the community on matters outlined in the notice of the *Hearings Council Meeting*.
- (6) Any item that the Council elects to hear submissions for must be:
 - (a) a matter within the powers of the *Council*;
 - (b) a matter subject to a *Council* decision-making process which has commenced but is not yet complete;
 - (c) consistent and in accordance with any Act or its Regulations; and
 - (d) consistent with any Council or Operational Policy, Local Law or adopted Council Strategy or Plan.
- (7) Any item that the Council elects to hear submissions for must not be:
 - (a) of an operational, minor or routine nature;
 - (b) be defamatory or objectionable in language or nature;
 - (c) be prejudicial to any person or *Council*;
 - (d) be identical or substantially similar to a *matter* that has been considered by the *Council* in the

preceding six (6) months;

- (8) Unless all Councillors unanimously agree by resolution to hear a matter that is not specified on in the resolution or notice of the *Hearings Council Meeting*, only the matters specified will be heard.

The following procedures will apply to a *Hearings Council Meeting*:

- (9) Notice of desire to speak to the matters advertised in the *Hearings Council Meeting* notification must be submitted to Council prior to the deadline stated on that notice, or two (2) business days prior to the meeting, whichever comes first.
- (10) In any case where written submissions are requested, these must be provided by the deadline specified in the public notice/advertisement and indicate whether the submitter wants to speak at a *Hearings Council Meeting*.
- (11) Submitters will be allocated five (5) minutes to speak to matter and/or their submission.
- (12) Councillors will be allowed to ask questions of speakers at the conclusion of their five minute presentation time.
- (13) No decisions of the Council will be made on the matters addressed at the *Hearings Council Meeting*.

12. Meeting Locations

Scheduled Council Meetings will be held:

- (1) in the *Council Chambers* or any building within the *Civic Centre Precinct* as determined by the *Chief Executive Officer*; or
- (2) another location outside the *Civic Centre Precinct* by resolution of the *Council*.

13. Cancellation of Meeting

- (1) The *Chief Executive Officer* may postpone or cancel a *Scheduled Council Meeting* if, in his or her opinion:
- (a) the content of an *Agenda* is such that the *Scheduled Council Meeting* is unnecessary; or
- (b) in the case of an emergency.
- (2) Where the *Chief Executive Officer* postpones or cancels a *Scheduled Council Meeting*, he or she must give such notice to *Councillors* and the public as is practicable.
- (3) The *Chief Executive Officer* must submit a *Written* report of the circumstances requiring the postponement or cancellation of a *Scheduled Council Meeting* to the next *Scheduled Council Meeting*.

14. Altering Meeting Dates, Time and Venue

- (1) The *Council* may, by resolution, alter the day, time and/or place at which a *Scheduled Council Meeting* will be held, and must provide reasonable notice of the change to the public.
- (2) In consideration of public interest in *Agenda* items or an emergency arising, the *Chief Executive Officer*, in consultation with the *Mayor*, may, without resolution of *Council*, alter the place at which an *Ordinary meeting* will be held, and must provide reasonable notice of the change to the public.

15. Notice of Meetings to the Public

- (1) Public notice of all *Council Meetings* will be provided by the *Chief Executive Officer* in accordance with this rule 16.

- (2) Public notice of *Scheduled Council Meetings* will be provided by:
- (a) a schedule of all *Scheduled Council Meetings*, including the date, time, ~~and~~ place and mode of attendance for each *Scheduled Council Meeting*, as updated from time to time, being displayed on the *Council Website*; and
 - (b) the *Agenda* for a *Scheduled Council Meeting* being displayed on the *Council Website* no less than two (2) days before the *Scheduled Council Meeting*.
- (3) Public notice of *Additional Council Meetings* will be provided by:
- (a) notice of the date, time, ~~and~~ place and mode of attendance of the *Additional Council Meeting* being displayed on the *Council Website* as soon as practicable after the *Additional Council Meeting* is called under rule 12; and
 - (b) the *Agenda* for the *Additional Council Meeting* being displayed on the *Council Website* as far in advance of the *Additional Council Meeting* as possible.
- (4) Despite the provisions of this rule 16, the *Chief Executive Officer* may determine to provide shorter public notice of an additional *Council Meeting* where he or she considers it necessary or desirable to do so, in his or her absolute discretion.

16. Notice of Meetings to Councillors

- (1) The notice for a *Council Meeting* must state the date, time, ~~and~~ place and mode of attendance of the *Council Meeting* and the business to be dealt with, incorporating the *Agenda* for the *Council Meeting*, and must be delivered to each *Councillor* by email, to the *Councillor's* *Council-provided* email address at least forty-eight (48) hours before the *Council Meeting*, unless the *Chief Executive Officer* determines, in his or her absolute discretion, that a shorter time is necessary
- (2) A notice of a *Council Meeting* will be served on a *Councillor* who has been granted *Leave of Absence* unless the *Councillor* has requested *In Writing* to the *Chief Executive Officer* to discontinue the giving of notice of any *Council Meeting* to be held during his or her absence.

DIVISION 3 – QUORUMS

17. Quorum

The *Quorum* for any *Council Meeting* is an *Absolute Majority*.

In accordance with section 61(6A) of the Act, for the purposes of Council Meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum

18. Inability to Obtain a Quorum

If a *Quorum* is not present within thirty (30) minutes of the time appointed for the commencement of any *Council Meeting* or adjournment, those *Councillors* present or, if there are no *Councillors* present, the *Chief Executive Officer* or, in his or her absence, a *Director*, may adjourn the *Council Meeting* for a period not exceeding seven (7) days from the date of the adjournment.

Also see *Rule 27*.

19. Inability to Maintain a Quorum

If during any *Council Meeting* or adjournment a *Quorum* is lost and cannot be regained within 30 minutes, those *Councillors* present or, if there are no *Councillors* present, the *Chief Executive Officer* or, in his or her

absence, a *Senior Officer*, may adjourn the *Council Meeting* for a period not exceeding seven (7) days from the time of adjournment.

20. Inability to Maintain a Quorum due to Conflicts of Interest from Councillors

If a *Quorum* cannot be gained or maintained at a *Council Meeting* or adjournment due to conflicts of interest among the *Councillors*, *Council* will consider whether the decision can be made by dealing with the matter in an alternative manner, in accordance with section 67 of the *Act*.

21. Call of the Council

- (1) If a *Quorum* of *Councillors* cannot be formed and maintained due to the absence of *Councillors*, the *Chief Executive Officer* may require all *Councillors* to attend a *Call of the Council Meeting*.
- (2) A *Call of the Council Meeting* must be treated as an *Additional Council Meeting*.
- (3) If a call of the *Council* has been required, immediately after the opening of the meeting, the *Chief Executive Officer* must call the name of:
 - (a) the *Mayor*; and
 - (b) each *Councillor* in alphabetical order.
- (4) Each person present must answer to his or her name, all excuses for absence must be considered and to each excuse the following question must be put to the vote:

“Is the excuse of Cr a reasonable excuse to the satisfaction of *Council*?”

DIVISION 4 – BUSINESS OF MEETINGS

22. Order of Business

- (1) The order in which business is listed on the *Agenda* shall be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- (2) Subject to any changes made by the *Chief Executive Officer* in his or her absolute discretion, the default order of business is as follows:
 - (a) Welcome and Acknowledgement of Country;
 - (b) *Councillor* Apologies and *Leave of Absence* Applications;
 - (c) (*On Notice*) *Mayoral* Presentation
 - (d) (*On Notice*) Petitions and Joint Letters
 - (e) Public Question Time;
 - (f) Disclosure of Conflict of Interest in any item on the *Agenda*; (see chapter 5)
 - (g) Adoption and Confirmation of the *Minutes* of previous *Meetings*;
 - (h) Officer Reports;
 - (i) Reports from *Committees*;
 - (j) Informal meeting records; (Chapter 6 (1))

- (k) *Mayoral & Chief Executive Officer Council Activities – Summary Report*
- (l) *(On Notice) Notices of Motion;*
- (m) *General Business;*
- (n) *Urgent Business.*

23. Councillor Apologies and Leave of Absence Applications

- (1) Apologies shall be read out by the *Chair* at the commencement of each *Meeting*.
- (2) All requests for *Leave of Absence* shall be submitted to the *Chief Executive Officer in Writing* and approved by resolution of the *Council*.
- (3) Section 35 of *the Act* states that a *Councillor* ceases to hold office if the *Councillor* is absent from *Council Meetings* for a period of four (4) consecutive months without leave being obtained from the *Council*.

24. Mayoral Presentations

From time to time, the *Mayor*, as the principle spokesperson for Council, may give a short presentation or make a statement relating to his or her civic and ceremonial duties or to issues of interest and/or importance to the *Council*, provided that the presentation is no longer than five (5) minutes.

25. Petitions and Joint Letters

- (1) A petition or joint letter received by the *Council* or an individual *Councillor* must be lodged with the *Chief Executive Officer* at least five (5) days before *Council Meeting* at which it is to be considered to ensure sufficient time to include the petition or joint letter in the *Agenda*.
- (2) A petition submitted to the *Council* must:
 - (a) be in legible and permanent writing;
 - (b) have the full name, address and signature of all individual signatories;
 - (c) not be defamatory, indecent, abusive or objectionable in language or content;
 - (d) not relate to matters beyond the powers of the *Council*;
 - (e) include the whole of the request of the petitioners or signatories on each page; and
 - (f) consist of single-sided pieces of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- (3) Notwithstanding rule 25(2) (a), (b), (e) and (f), an electronic petition may be received by the Council or an individual Councillor and submitted to the next Council Meeting in accordance with rule 25(1) for Council's consideration.
- (4) The *Chief Executive Officer* must arrange for petitions to be submitted to the next practicable Ordinary meeting following their receipt.
- (5) Only the petitioner's request and the number of signatories will be included in the *Agenda* for the *Council Meeting* at which it will be considered.
- (6) If a petition is addressed to an individual *Councillor*, and listed on the *Agenda*, that *Councillor* may read the petition out at the *Council Meeting* without speaking to it. Other petitions will be read by the *Chief Executive Officer* or his or her delegate.

- (7) Unless rule 25(9) applies, the only motions that may be considered for any petitions are:
- (a) that the petition be received;
 - (b) that the petition be referred to the *Chief Executive Officer* for consideration and response; or
 - (c) that the petition be referred to the *Chief Executive Officer* for an *Officer Report* to a future *Council Meeting*.
- (8) If the petition relates to any item already on the *Agenda* for the *Council Meeting* at which the petition is submitted, the matter may be dealt with in conjunction with that *Agenda* item.
- (9) If the petition relates to an operational matter, the *Council* must refer it to the *Chief Executive Officer* for consideration.
- (10) If the petition relates to:
- (a) a planning matter which is the subject of a public notification process under the *Planning and Environment Act 1987*; or
 - (b) a matter which is the subject of a public submission process under Section 223 of the *Local Government Act 1989* or a community engagement process under the *Community Engagement Policy*,
- the petition will be treated as a joint submission in relation to the matter.
- (11) A petition may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended contact person, the *Council* may reply to the first signatory who appears on the petition.
- (12) Any petitions or joint letters that do not comply with *these Rules* will not be tabled at a *Council Meeting*.

26. Public Question Time

- (1) Unless the *Council* resolves otherwise, there must be a public question time at every *Scheduled Council Meeting* to enable members of the public to submit questions to the *Council*.
- (2) Rule 26(1) does not apply during any period when a *Scheduled Council Meeting* is closed to members of the public or during a *Caretaker Period*.
- (3) Thirty (30) minutes will be allocated at each meeting for Public Question Time. Where the thirty (30) minutes allocated has been exhausted, a motion to extend must be put and passed for Public Question Time to be extended.
- (4) Unless the *Chief Executive Officer* determines, in their absolute discretion, to permit a question to be submitted in a different way, all questions must be received *In Writing* on the prescribed form available on the *Council Website* and state the name and address of the person submitting the question.
- (5) All questions must be received no later than two (2) hours before the commencement of the *Scheduled Council Meeting* or 4pm on the day of the *Scheduled Council Meeting* where it is scheduled to commence at 5.45pm, at which the question is to be asked.
- (6) No person may submit more than two (2) questions to any one (1) *Scheduled Council Meeting*. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of a question must be relevant to the same subject of enquiry.

- (7) A question may be disallowed by the *Chair* if the *Chair* has determined that:
- (a) the person directing the question, or their representative, is not present in the gallery;
 - (b) the question is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) the question deals with a subject matter already answered;
 - (d) the question is aimed at embarrassing a *Councillor* or *Officer* or any other person; or
 - (e) the question relates to *Confidential Information*.
- (8) The *Chair*, or the *Chief Executive Officer* or their delegate must read to the *Scheduled Council Meeting* the name of the person who has submitted a permitted question.
- (9) The person who submitted the question must read the text of the question and the *Chair* may then direct that the question to be answered by the *Chief Executive Officer* or a nominated *Officer*.
- (10) Where requested by the person who submitted the question, the *Chief Executive Officer* must read the text of question on that person's behalf, and the *Chair* may then direct that the question to be answered by the *Chief Executive Officer* or a nominated *Officer*.
- (11) In the event that a Council Meeting is held virtually (and not in person) under Division 15 of these Rules, questions submitted by members of the public prior to the Council Meeting (in accordance with these Rules above) will be read out on behalf of the submitter.
- ~~(10)(12)~~
- ~~(11)(13)~~ All questions must be asked as succinctly as is possible and answers to questions should be as complete as is practical under the circumstances.
- ~~(12)(14)~~ Further or follow up questions that have not been submitted, or debate on the response provided shall not be allowed.
- ~~(13)(15)~~ Like questions may be grouped together and a single answer provided.
- ~~(14)(16)~~ The *Chair*, *Chief Executive Officer* or *Officer* to whom a question is directed may take a question on notice. If a question is taken on notice, a *Written* copy of the answer must be sent to the person who asked the question and to all *Councillors*.
- ~~(15)(17)~~ The name of the questioner, the question and the response must be recorded in the *Minutes*, as an official record of the questions submitted to the *Scheduled Council Meeting*.

27. Changes to the Order of Business

Once the *Agenda* for a *Council Meeting* has been prepared and sent to *Councillors*, the order of business for the *Council Meeting* may only be altered by resolution of the *Council*. This includes a request for an item to be brought forward.

28. Presentation of Officer Reports

Officer Reports may be summarised for the purposes of verbal public presentation by the *Chief Executive Officer* or his/her delegate at the *Council Meeting* at which they are to be considered.

29. General Business

- (1) If the *Agenda* for a *Scheduled Council Meeting* makes provision for *General Business*, business of a minor or routine nature may be admitted for the consideration of *Council* at the discretion of the *Chair*.

- (2) The *Chair* must reject an item of *General Business* if it:
- (a) is not of a minor or routine nature;
 - (b) substantially affect the levels of *Council* service;
 - (c) commits *Council* to *Expenditure* not included in the adopted budget;
 - (d) is intended to establish or amend *Council* Policy;
 - (e) commits *Council* to any contractual arrangement;
 - (f) requires the giving of prior notice;
 - (g) is defamatory or objectionable in language or nature;
 - (h) may be prejudicial to any person or *Council*;
 - (i) is identical or substantially similar to a *matter* that has been considered by the *Council* and lost in the preceding six (6) months;
 - (j) is outside the powers of the *Council*;
 - (k) is a matter subject to a *Council* decision-making process which has commenced but is not yet complete;
 - (l) is inconsistent with any Act or its Regulations; or
 - (m) is inconsistent with any Council or Operational Policy, Local Law or adopted Council Strategy or Plan.
- (3) Councillors wishing to speak to *General Business* may speak for a maximum of two (2) minutes.
- (4) Officers present at the meeting will be allowed to address or respond to any matters raised by Councillors during *General Business*.

30. Urgent Business

- (1) Business which has not been listed on the *Agenda* for a *Council Meeting* that is not of a minor or routine nature can only be admitted as *Urgent Business* by resolution of the *Council*, and only then if it:
- (a) relates to or arises out of a matter which has arisen since distribution of the *Agenda*; and
 - (b) cannot safely or conveniently be deferred until the next *Council Meeting*.
- (2) Notwithstanding anything to the contrary in *these Rules*, a *Councillor* (with the agreement of the *Council Meeting*) may only submit or propose an item of *Urgent Business* if the:
- (a) matter relates to business that does not:
 - (i) substantially affect the levels of *Council* service;
 - (ii) commit *Council* to *Significant Expenditure* not included in the adopted budget; establish or amend *Council* Policy;
 - (iii) commit *Council* to any contractual arrangement; or
 - (iv) require, pursuant to any other policy determined by *Council* from time to time, the giving of prior notice; and
 - (b) proposed motion(s) is *In Writing* and given to the *Chair* who must seek a resolution of approval from *Council Meeting*.
- (3) A *Councillor* proposing that a matter be admitted as *Urgent Business* must lodge it *In Writing* with the *Chief Executive Officer* no later than 30 minutes prior to commencement of the *Council Meeting* at which it is to be considered.
- (4) The *Chief Executive Officer* will advise the *Mayor* of any matter that the *Chief Executive Officer* determines appropriate for *Council* to consider admitting as *Urgent Business*.

DIVISION 5 - VOTING

31. Voting – How Determined

To determine a motion before a *Council Meeting*, the *Chair* will:

- (1) first call for those in favour of the motion; and
- (2) then those opposed to the motion,

and will then declare the result to the *Council Meeting*.

32. Casting Vote

In the event of a tied vote, the *Chair* must, unless *the Act* or this Local Law provides otherwise, exercise a casting vote.

33. Voting – By Show of Hands

Voting on any matter will be by show of hands.

34. Vote to be taken in Silence

Except that a *Councillor* may demand a *Division*, *Councillors* must remain seated in silence while a vote is being taken.

35. Motion to be Read Again

- (1) The *Chair* may direct the *Chief Executive Officer* or his or her delegate or the mover of the motion to read the motion or amendment to the *Council Meeting* before the vote is taken.
- (2) Before any matter is put to the vote, a *Councillor* may request the motion or amendment be read again.

36. Recount of Vote

The *Chair* may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.

37. Declaration of Vote

- (1) The *Chair* must declare the result of the vote as soon as it is taken.
- (2) When declaring the vote, the *Chair* shall state the number of votes FOR and the number of votes AGAINST the motion and the surname of each *Councillor* who voted FOR the motion, AGAINST the motion and DID NOT VOTE and whether the motion is carried or lost.

38. No discussion once Vote declared

Once a vote on a motion is taken no further discussion relating to the motion is allowed unless the discussion relates to:

- (1) a *Rescission Motion* which a *Councillor* is proposing to lodge in respect of the motion voted on; or
- (2) follows a resolution having been rescinded.

See Division 9 – Rescission Motions

39. Procedure for a Division

- (1) The request by a *Councillor* for a *Division* must be made to the *Chair* either immediately prior to or immediately after the vote has been taken, but cannot be requested after the *Council* has moved to the next item of business on the *Agenda*.
- (2) No *Councillor* is prevented from changing his or her original vote when voting on the *Division*.
- (3) When a *Division* is called for, the *Chair* will:
 - (a) first ask each *Councillor* wishing to vote FOR the motion to raise a hand and, upon such request being made, each *Councillor* wishing to vote FOR the motion must raise his or her hand. The *Chair* will then state, and the *Chief Executive Officer* (or any person authorised by the *Chief Executive Officer* to attend the *Council Meeting* and take the *Minutes* of such *Council Meeting*) must record in the *Minutes*, the names of those *Councillors* voting FOR the motion;
 - (b) then ask each *Councillor* wishing to vote AGAINST the motion to raise a hand and, upon such request being made, each *Councillor* wishing to vote AGAINST the motion must raise his or her hand. The *Chair* will then state, and the *Chief Executive Officer* (or any person authorised by the *Chief Executive Officer* to attend the *Council Meeting* and take the *Minutes* of such *Council Meeting*) must record in the *Minutes*, the names of those *Councillors* voting AGAINST the motion; and
 - (c) the *Chief Executive Officer* (or any person authorised by the *Chief Executive Officer* to attend the *Council Meeting* and take the *Minutes* of such *Council Meeting*) must record in the *Minutes* the names of those *Councillors* who DID NOT VOTE on the motion.

DIVISION 6 – MOTIONS AND DEBATE

40. Councillors may Propose Notices of Motion

Councillors may propose an issue is listed on the *Agenda* by lodging a *Notice of Motion* in accordance with the procedures outlined in this Division.

41. Notices of Motion

- (1) A *Notice of Motion* must be *In Writing*, signed and dated by the *Councillor* and lodged with the *Chief Executive Officer* by 12 noon on the Wednesday before the next *Scheduled Councillor Briefing*, prior to the *Notice of Motion* being placed on the *Agenda* of the next available *Scheduled Council Meeting* to allow sufficient notice to each *Councillor* of the matters and inclusion in the *Agenda*.
- (2) The *Chief Executive Officer* must reject any *Notice of Motion* which:
 - (a) is vague;
 - (b) is identical or substantially similar to a *Notice of Motion* or a *Rescission Motion* that has been considered by the *Council* and lost in the preceding six (6) months;
 - (c) is defamatory;
 - (d) may be prejudicial to any person or *Council*;
 - (e) is objectionable in language or nature;
 - (f) is outside the powers of the *Council*;
 - (g) is submitted during the *Caretaker Period*; or
 - (h) is a matter subject to a *Council* decision-making process which has commenced but is not yet complete.

- (3) If the *Chief Executive Officer* rejects a *Notice of Motion* under rule 41(2), they will inform the

Councillor who lodged the *Notice of Motion* of that rejection and the reasons for it. The *Councillor* will be provided with 24 hours to lodge a revised *Notice of Motion* provided that the *Council Meeting* at which the *Notice of Motion* is to be considered is more than 24 hours from the time of rejection.

- (4) The *Chief Executive Officer* may reject and refer any *Notice of Motion* to the *Council's Operational Service Request Process* if it relates to a matter that he or she determines is more appropriately addressed that way.
- (5) In addition to rule 41(2), and subject to rules 41(6) and (7), the *Chief Executive Officer* may require a *Councillor* who lodges a *Notice of Motion* to amend it to call for an *Officer Report* if the *Notice of Motion*:
 - (a) substantially affects the level of *Council* services;
 - (b) commits the *Council* to expenditure in excess of \$5,000 that has not been included in the adopted budget;
 - (c) establishes or amends a *Council* policy; or
 - (d) commits the *Council* to any contractual arrangement.
- (6) Where a *Notice of Motion* is likely to commit *Council* to *Significant Expenditure* not included in the adopted budget then the *Notice of Motion* must only call for referral to *Council* for its consideration as part of its future year's annual budget and public submission process.
- (7) The *Chief Executive Officer* may determine that a *Notice of Motion* contains *Confidential Information* and ought to be treated as being confidential unless the *Council* resolves otherwise.
- (8) The full text of any *Notice of Motion* accepted by the *Chief Executive Officer* must be included in the *Agenda*.
- (9) The *Chief Executive Officer* must arrange for an *Officer Report* to be prepared and presented to the *Council* for the purposes of rule 41(5). Where practicable the *Officer Report* should be presented to the next *Scheduled Council Meeting*.
- (10) The *Chief Executive Officer* must cause all *Notices of Motion* to be sequentially numbered, dated and entered in a register.
- (11) Except by leave of the *Council*, each *Notice of Motion* before any *Council Meeting* must be considered in the order in which it was entered into the register under rule 41(10).
- (12) If a *Councillor* who has lodged a *Notice of Motion* is absent from the *Council Meeting* at which the *Notice of Motion* is to be considered, or fails to move the *Notice of Motion* when called upon to do so by the *Chair*, any other *Councillor* may move the *Notice of Motion*.
- (13) If a *Councillor* moving a *Notice of Motion* wishes to amend it, he or she may do so by seeking leave of the *Council* to amend the *Notice of Motion* prior to it being seconded.
- (14) Another *Councillor* can put forward an amendment to a *Notice of Motion* for consideration, which must be dealt with in accordance with *these Rules*, except that a *Notice of Motion* to confirm a previous resolution of the *Council* cannot be amended.
- (15) The *Chair*, having lodged a *Notice of Motion* in accordance with this rule 41, must vacate the *Chair* if he or she intends to move the *Notice of Motion*, and the *Council* must appoint a temporary *Chair* for the consideration of the item.
- (16) If a *Notice of Motion* is not moved at the *Council Meeting* at which it is listed, then it lapses.

42. Chair's Duty

Any motion which:

- (1) is defamatory;
- (2) is objectionable in language or nature;
- (3) is vague or unclear in intention;
- (4) is outside the powers of the *Council*;
- (5) is irrelevant to an item of business on the *Agenda* and has not been admitted as *Urgent Business*; or
- (6) purports to be an amendment but is not,

must not be accepted by the *Chair*.

43. Introducing an Officer Report

Before an *Officer Report* is considered by the *Council* and any motion moved in relation to it, the *Chief Executive Officer* or his or her delegate may introduce the report by a short statement of not more than two (2) minutes.

Also see rule 29 – Presentation of Officer Reports

44. Procedure for Introducing a Motion or an Amendment

- (1) The procedure for moving any motion or amendment is:
 - (a) the mover may briefly state the nature of the motion or amendment and then must move it without speaking to it;
 - (b) the motion or amendment must be seconded by a *Councillor* other than the mover. If the motion or amendment is not seconded, the motion or amendment will lapse for want of a seconder;
 - (c) if a motion or amendment is moved and seconded, the *Chair* must call for any *Councillor* questions and then ask whether the motion or amendment is opposed and whether any *Councillor* wishes to speak to the motion or amendment;
 - (d) if no *Councillor* indicates opposition or a desire to speak to the motion or amendment, the *Chair* may declare the motion or amendment carried without discussion;
 - (e) if a *Councillor* indicates opposition or a desire to speak to the motion or amendment, then the *Chair* must invite the mover to address the *Council Meeting*;
 - (f) after the mover has addressed the *Council Meeting*, the seconder may address the *Council Meeting*;
 - (g) after the seconder has addressed the *Council Meeting* (or after the mover has addressed the *Council Meeting* if the seconder does not wish to address the *Council Meeting*), the *Chair* must invite debate by calling on any *Councillor* who wishes to speak to the motion or amendment, providing an opportunity to alternate between those wishing to speak against the motion or amendment and those wishing to speak for it; and
 - (h) after the *Chair* has invited debate on the motion or amendment, and, in the case of a motion, offered the right of reply under rule 53, the *Chair* must put the motion or amendment to the vote.
- (2) If the *Chair* wishes to speak to a motion or amendment, he or she may only do so once all other *Councillors* wishing to speak to it have done so, and just before closure of debate by the mover of

the motion or amendment.

45. Right of Reply

- (1) The mover of a motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during the debate. (Time Limit – two (2) minutes)
- (2) The mover of a motion loses his or her right of reply if an amendment to the motion is carried.
- (3) The mover of an amendment to a motion does not have a right of reply.
- (4) A *Councillor* exercising a right of reply must not introduce any new matter.
- (5) After a right of reply has been taken, but subject to any *Councillor* exercising his or her right to ask any question concerning or arising out of the motion, the motion must be immediately put to the vote without any further discussion or debate.

46. Moving an Amendment

- (1) Subject to rule 55(2), a motion which has been moved and seconded may be amended by leaving out or adding words. Any words must be relevant to the subject of the motion.
- (2) A motion to confirm a previous resolution of the *Council* cannot be amended.
- (3) An amendment cannot be the negative of, or substantially contrary to, the motion.
- (4) Any *Councillor* moving an amendment will be allocated one (1) minute to explain the reasons for the amendment. The statement must be an explanation only and will not entertain the benefits or detriments of the amendment or the substantive motion.
- (5) No notice needs to be given of any amendment, however, if any *Councillor* intends to move an amendment, it must be done prior to the right of reply being exercised.

47. Agreed Alterations to a Motion or Amendment

- (1) A motion having been moved and seconded may, with the consent of the mover and seconder, be amended by leaving out, inserting or adding words which must be relevant to the original motion or amendment and framed so as to complement it as an intelligible and consistent whole, provided that the amendment is made before the motion or amendment is voted on.
- (2) With the leave of the *Chair*, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other *Councillor*. This does not necessitate the recording of an amendment into the *Minutes* of the *Council Meeting* as the alteration would then form part of the substantive motion.

48. Who May Propose an Amendment

An amendment may be proposed or seconded by any *Councillor*, other than the mover or seconder of the original motion.

49. Who May Debate an Amendment

A *Councillor* may address the *Council Meeting* once (1) on any amendment, whether or not they have spoken to the original motion, but their debate must be confined to the terms of the amendment.

50. How Many Amendments May be Proposed

- (1) Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the *Chair* at any one (1) time.
- (2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken

into consideration until the previous amendment has been dealt with.

51. An Amendment once Carried

- (1) If an amendment is carried, the motion as amended becomes the motion before the *Council Meeting*.
- (2) The amended motion will then be dealt with in accordance with *these Rules*.

52. Foreshadowing a Motion

- (1) At any time during debate, a *Councillor* may foreshadow a motion to inform the *Council* of his or her intention to move a motion at a later stage in the *Council Meeting*. This does not extend any special rights to the foreshadowed motion.
- (2) A foreshadowed motion may be prefaced with a statement that in the event a particular motion is resolved in a certain way a *Councillor* intends to move an additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the *Meeting*.
- (4) The *Chief Executive Officer* or his/her delegate is not expected to record a foreshadowed motion in the *Minutes* until the foreshadowed motion is formally moved.

53. Withdrawal of a Motion

Before any motion is put to the vote, it may be withdrawn by the mover with agreement of the seconder or by resolution of the *Council*.

54. Separation of Motions

Where a motion contains more than one (1) part a *Councillor* may request the *Chair* to put the vote in separate parts.

55. Chair may Separate or Allow Motions to be Moved in a Block

- (1) The *Chair* may decide to put any motion to the vote in separate parts.
- (2) The *Chair* may allow or request *Councillors* to move "like items" in a block.

56. Motions In Writing

- (1) A *Councillor* wishing to move a motion other than a recommendation or alternate motion included in an *Officer Report* (detailed in the *Agenda*) must prepare the motion *In Writing* and either read it out to the *Council Meeting* or submit it to the *Chair*.
- (2) The *Chair* may adjourn the *Council Meeting* while the motion is being *Written* or may request that the *Council* defer the matter until the motion has been *Written*, allowing the *Council Meeting* to proceed uninterrupted.
- (3) The *Chair* may request the *Chief Executive Officer* or the person taking the *Minutes* of the *Council Meeting* to read the motion or amendment to the *Council meeting* before the vote is taken.

57. Debate must be Relevant to the Motion

- (1) Debate must always be relevant to the motion before the *Council Meeting* and, if not, the *Chair* will request the speaker to confine debate to the subject matter.
- (2) If, after being told to confine debate to the motion before the *Council Meeting*, the speaker continues to debate irrelevant matters, the *Chair* may disallow the speaker any further comment in respect of the matter before the *Council Meeting*.

- (3) A speaker to whom a direction has been given under rule 66(2) must comply with that direction.

DIVISION 7 – PROCEDURAL MOTIONS

58. Procedural Motions

- (1) Unless otherwise prohibited, a *Procedural Motion* may be moved at any time and must be dealt with immediately by the *Chair*.
- (2) *Procedural Motions* require a seconder.
- (3) The *Chair* is unable to move or second a *Procedural Motion*.
- (4) Notwithstanding any other provision in *these Rules*, *Procedural Motions* must be dealt with in accordance with the procedures set out in Appendix 1 to *these Rules*.

DIVISION 8 – SPEAKING TO THE MEETING

59. Rising when speaking

- (1) Except in cases of sickness or infirmity, a *Councillor* must rise when speaking at a *Council Meeting*.
- (2) The *Chair* may remain seated when speaking at a *Council Meeting*.
- (3) It is unnecessary to rise when speaking at a *Delegated* or *Community Asset Committee Meeting*.

60. Speaking Times

- (1) A *Councillor* must not speak longer than the times prescribed in this Local Law i.e.:
- (a) the mover of a motion or amendment – five (5) minutes;
 - (b) the seconder of a motion or amendment – three (3) minutes;
 - (c) any other *Councillor* – three (3) minutes; and
 - (d) the mover of a motion exercising their right of reply – two (2) minutes.
- (2) An extension of speaking time may be granted by the *Chair* for each *Councillor*. Any extension of speaking time must not exceed two (2) minutes. There is no limit to the number of extensions that can be requested, with discretion to grant any extension being that of the *Chair*'s. A motion for an extension of speaking time must be proposed:
- (a) immediately before the speaker commences debate;
 - (b) during the speaker's debate; or
 - (c) immediately after the speaker has concluded debate but before the next speaker has commenced.
- (3) A motion for an extension of speaking time cannot be accepted by the *Chair* if another speaker has commenced his or her debate.

61. Interruptions, Interjections and Relevance

A *Councillor* must not be interrupted except by the *Chair* or upon a *Point of Order*. All debate and discussion must be relevant to the item presented and interjections will not be allowed.

See rule 70 - Point of Order

62. Priority of Address

In the case of competition for the right to speak, the *Chair* must decide the order in which *Councillors* will be heard.

63. Councillors Not to Speak Twice to Same Motion or Amendment

Except that the mover of a motion (other than an amendment) has the right of reply and that any *Councillor* may take a *Point of Order*, a *Councillor* must not speak more than once to the same motion or amendment.

64. Right to Ask Questions

- (1) A *Councillor* may, when no other *Councillor* is speaking, ask through the *Chair* any question concerning or arising out of the motion or amendment before the *Chair*.
- (2) The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

DIVISION 9 - RESCISSION MOTIONS

65. Rescission Motion

- (1) Motions to revoke, rescind or alter a previous resolution of the *Council* can only be made in the following ways:
 - (a) *Notice of Motion*; or
 - (b) recommendation contained in an *Officer Report*, included in the *Agenda*, that a previous decision be altered or revoked.
- (2) A *Notice of Motion* lodged by a *Councillor* and proposing a *Rescission Motion* must:
 - (a) be signed by the *Councillor* and dated;
 - (b) not relate to a resolution that has been acted on;
 - (c) not, in the opinion of the *Chief Executive Officer*, have the effect, if passed, of placing of the *Council* at significant legal, financial or other risk, including non-compliance with statutory obligations; and
 - (d) be delivered or sent electronically to the *Chief Executive Officer* setting out:
 - (i) the resolution to be rescinded; and
 - (ii) the *Council Meeting* at, and date on, which the resolution was made.
- (3) Where possible, a resolution should not be acted on for a period of 24 hours after the decision is made. Where there is a need to action a resolution more immediately, this need should be demonstrated in the *Officer's Report*.
- (4) A resolution will be deemed to have been acted on if:
 - (a) its content or substance has been formally communicated *In Writing* by the *Chief Executive*

Officer or another *Officer* to a person whose interests are materially affected by it;

- (b) a statutory process has been commenced; or
- (c) work has been commenced in respect of if,

so as to vest enforceable rights in or obligations on the *Council* or any other person.

(5) The *Chief Executive Officer* or an appropriate *Officer* must defer implementing a resolution which:

- (a) has not been acted on; and
- (b) is the subject of a *Rescission Motion* which has been delivered or sent to the *Chief Executive Officer* in accordance with rule 65(2)(d),

unless deferring implementation of the resolution would, in the opinion of the *Chief Executive Officer*, have the effect of:

- (c) depriving the resolution of its usefulness or efficacy; or
- (d) placing the *Council* at significant legal, financial or other risk.

66. Rescission, If Lost

If a motion to rescind or alter a previous resolution is lost, an identical or similar motion may not be put before the *Council* for at least six (6) months from the date it was last lost, unless:

- (1) the *Council* resolves that the *Rescission Motion* be re-listed at a future *Council Meeting*; or
- (2) an *Officer Report* is included in an *Agenda* for a *Council Meeting*.

67. Rescission, If Not Moved

If a *Rescission Motion* is not moved at the *Council Meeting* at which it is listed, it lapses.

68. Rescission Motion May Be Moved By Any Councillor

A *Rescission Motion* listed on an *Agenda* may be moved by any *Councillor* present at the *Council Meeting* but may not be amended.

DIVISION 10 – POINTS OF ORDER

69. Points of Order

A *Point of Order* may be raised on the grounds that a matter is:

- (a) contrary to *these Rules*;
- (b) an act of disorder or conduct in contravention of the *Councillor Code of Conduct*;
- (c) defamatory;
- (d) irrelevant to the matter before *Council*;
- (e) outside the *Council's* power; or
- (f) frivolous, vexatious or constitutes improper conduct.

- (2) A *Councillor* expressing a difference of opinion or contradicting a speaker is not grounds for raising a *Point of Order*.

70. Procedure for Point of Order

- (1) The *Councillor* taking the *Point of Order* must nominate the ground under rule 69(1) relied upon to support the *Point of Order* being taken.
- (2) If called to order, the *Councillor* who is speaking must stop and remain silent until the *Point of Order* is decided upon, unless otherwise directed by the *Chair*.
- (3) The *Chair* may request a *Councillor* provide an explanation in respect to the *Point of Order* raised.

71. Chair to Decide Point of Order

- (1) The *Chair* when ruling on a *Point of Order* must state the reason for the ruling.
- (2) The *Chair* may adjourn the *Council Meeting* to consider a *Point of Order* but must otherwise rule upon it as soon as it is raised.
- (3) All other matters before the *Council* are to be suspended until the *Point of Order* is decided.

72. Final Ruling on a Point of Order

- (1) The decision of the *Chair* in respect of a *Point of Order* will not be open for discussion and will be final and conclusive unless the majority of *Councillors* present vote in favour of a motion of dissent.
- (2) A motion of dissent on a *Point of Order* must state the provision, rule, practice or precedent to be substituted for the *Chair's* ruling.
- (3) A motion of dissent in relation to a *Point of Order* is not a motion of dissent in the *Chair* and the *Chair* must at all times remain in the *Chair* and he or she will maintain his or her right to a second vote.
- (4) A motion of dissent on a *Point of Order* will take precedence over all other business and if carried must be acted on instead of the ruling given by the *Chair*.

73. Criticism of Officers

The *Chief Executive Officer* may make a brief statement at a *Council Meeting* in respect of any public statement (whether made at a *Council Meeting* or not) which has been critical of or may adversely affect an *Officer*.

74. Ordering Withdrawal of Remark

- (1) Whenever any *Councillor* at a *Council Meeting* makes use of any expression or remark that is disorderly or capable of being applied offensively to any other *Councillor* or *Officer*, the offending *Councillor* may be required by the *Chair* to withdraw the expression or remark and to make a satisfactory apology to the *Council Meeting*.
- (2) The *Chair* may require a *Councillor* to withdraw any remark that is defamatory, indecent, abusive or offensive in language or substance.
- (3) A *Councillor* required to withdraw a remark must do so immediately without qualification or explanation.

DIVISION 11 – SUSPENSION OF STANDING ORDERS

75. Suspension of Standing Orders for the Purpose of Discussion

- (1) The provisions of *these Rules* may be suspended for a particular purpose by resolution of the *Council*.
- (2) The *Suspension of Standing Orders* will be used to enable full discussion of any issues without the constraints of formal procedures. An appropriate motion would be "*That Standing Orders be suspended to enable discussion on* _____".
- (3) Once the discussion has taken place and before any motion can be moved the *Resumption of Standing Orders* will be necessary. An appropriate motion would be "*That Standing Orders be resumed*".
- (4) No motion may be accepted by the *Chair* or be lawfully dealt with during any *Suspension of Standing Orders*.

DIVISION 12 – MEETING ADJOURNMENTS

76. *Adjourning the Meeting*

- (1) In addition to any procedures for adjourning a *Council Meeting* provided in *these Rules*, the *Council* may, from time to time, resolve to adjourn a *Council Meeting*:
 - (a) if the *Council Meeting* becomes disorderly and order cannot be restored;
 - (b) to allow for additional information to be presented to the *Council Meeting*; and
 - (c) in any other situation where adjournment is considered by the *Council* to be desirable.
- (2) A *Council Meeting* cannot be adjourned for a period exceeding seven (7) days from the date of the adjournment.
- (3) An appropriate motion would be: "*That the meeting be adjourned until* _____ *at* _____ *on* _____ *at* _____ *o'clock* _____ *of the month of* _____ *in the year of our Lord one thousand nine hundred and* _____ *and* _____ *of the reign of our said Majesty King Charles the Third*". (Time and date to be specified which does not exceed seven (7) days.)
- (4) No discussion is allowed on any motion for adjournment of the *Council Meeting*, but if the motion is lost, the substantive matter before the *Council Meeting* must be disposed of before any subsequent motion for adjournment of the *Council Meeting* is moved.

77. *Notice for Adjourned Meeting*

- (1) If a *Council Meeting* is adjourned, the *Chief Executive Officer* will ensure that the *Agenda* for the continuation of the adjourned *Council Meeting* is identical to the *Agenda* for the *Council Meeting* which was originally adjourned.
- (2) Except where a *Council Meeting* is adjourned until later on the same day, the *Chief Executive Officer* must give all *Councillors Written* notice of a new date for the continuation of the adjourned *Council Meeting* and every reasonable attempt must be made to advise the public of the new *Council Meeting* date.
- (3) Where it is not practical to provide *Written* notice to *Councillors* because time does not permit that to occur then, provided a reasonable attempt is made to contact each *Councillor*, contact by telephone, electronic form, or in person will be sufficient.

DIVISION 13– MINUTES & RECORDING OF MEETINGS

78. *Keeping of Minutes*

The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the *Council Meeting* and to take the *Minutes* of such *Council Meeting*) must keep *Minutes* of each *Council Meeting* and those *Minutes* must record:

- (1) the date and time the *Council Meeting* was commenced, adjourned, resumed and concluded;
- (2) the names of the *Councillors* and whether they are present, an apology, on *Leave of Absence* or other details as provided;
- (3) the titles of the *Officers* in attendance;
- (4) any disclosure of a conflict of interest made by a *Councillor*;
- (5) arrival and departure times (including temporary departures) of *Councillors* during the course of the *Council Meeting*;
- (6) each motion and amendment moved, including the mover and seconder of the motion or amendment;
- (7) the outcome of every motion or amendment, whether it was put to the vote and the result to indicate whether the motion or amendment was carried, lost, withdrawn, lapsed, amended and the names of every *Councillor* and how they voted (either FOR or AGAINST or DID NOT VOTE);
- (8) where a *Division* is called, the names of every *Councillor* and the way their vote was cast (either FOR or AGAINST or DID NOT VOTE);
- (9) details of a failure to achieve a *Quorum* and any adjournment whether as a result of that or otherwise;
- (10) the time and reason for any adjournment of the *Council Meeting* or *Suspension of Standing Orders*;
- (11) closure of the *Council Meeting* to members of the public and the reason for such closure; and
- (12) any other matter which the *Chief Executive Officer* deems should be recorded to clarify the intention of the *Council Meeting* or the reading of the *Minutes*.

79. Availability of Minutes

Advice that the *Minutes* are available must be provided to all *Councillors* no later than forty-eight (48) hours before the next *Scheduled Council Meeting*.

80. Confirmation of Minutes

At every *Council Meeting* the *Minutes* of the previous *Council Meeting(s)* must be dealt with as follows:

- (1) when confirming the *Minutes* of a *Council Meeting*, the *Chair* shall ask *Councillors* "Are any changes required to the *Minutes*?";
- (2) opposition can only be expressed on the basis that the record contained in the *Minutes* is incorrect (in line with rule 86) or inaccurate and the *Chair* must not allow discussion or motions on any issue other than an alleged omission from, or inaccuracy of, the *Minutes*;
- (3) if a *Councillor* indicates opposition, he or she must specify the particular item or items in the *Minutes* concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record;
- (4) if no *Councillor* indicates opposition, the *Chair* must, after seeking a mover and seconder, put the matter to the vote and declare the *Minutes* to be confirmed; and

- (5) after the *Minutes* are confirmed, they must be signed by the *Chair* of the *Council Meeting* at which they were confirmed.

81. Deferral of Confirmation of *Minutes*

The *Council* may resolve to defer the confirmation of *Minutes* until later in the *Council Meeting* or until the next *Scheduled Council Meeting* as appropriate.

82. Recording of Council Meetings

- (1) The *Chief Executive Officer* or their delegate shall record and, where feasible, livestream via Council's website on suitable equipment, all proceedings of *Council Meetings* except where the *Council Meeting* is closed to the public to consider *Confidential Information*.
- (2) Recordings of *Council Meetings* will be retained and available for public for viewing or listening on the *Council Website* for a period of twelve (12) months from the date of the *Council Meeting*.
- (3) *Visitors* are to be advised that the *Council Meeting* is being livestreamed and recorded and will be made available on the *Council Website*.
- (4) *Visitors* will also be advised by appropriate venue signage that, while care is taken through recording and filming to maintain a person's privacy as an attendee in the *Council Chamber*, they may be recorded on audio and film.
- (5) Media representatives may, with the consent of the *Council*, record any part of the *Council Meeting*. The consent of the *Council* must not be unreasonably withheld, and may be revoked any time during the course of the relevant *Council Meeting*. The Chair shall provide reasons why permission has been revoked.

DIVISION 14 – CONDUCT AND BEHAVIOUR

83. Conduct of Councillors

During the course of any *Council Meeting*, *Councillors* must comply with the *Councillor Code of Conduct*, a copy of which is available on the *Council Website*, or can be obtained by contacting the *Chief Executive Officer's* office.

84. Conduct of Visitors

- (1) *Visitors* must not interject or take part in the debate at a *Council Meeting*.
- (2) *Visitors* must extend due courtesy and respect to the *Council* and the processes under which it operates and *Councillors* and *Officers* present at the *Council Meeting* and must take direction from the *Chair* whenever called on to do so.
- (3) *Visitors* must not operate photographic audio or video recording equipment or any other recording device at any *Council Meeting* without first obtaining the consent of the *Council*.

85. Chair May Remove

- (1) The *Chair* may order and cause the removal of any person including a *Councillor* who disrupts any *Council Meeting* or fails to comply with a direction.
- (2) A person removed from a *Council Meeting* must leave the *Council Chamber* or move to a public area of the *Council Chamber* where they can no longer disrupt the *Council Meeting*.

86. Removal from the Meeting

If necessary, the *Chair* may ask the *Chief Executive Officer* or Victoria Police to remove from the *Council Meeting* any person who acts inconsistently with *these Rules* and whom the *Chair* has ordered to be removed from the *Council Meeting* under rule 94.

87. Chair may Adjourn Disorderly Meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the *Council Chamber* makes it desirable to adjourn a *Council Meeting*, the *Chair* may adjourn the *Council Meeting* to a later time on the same day, or to some later day prior to the next *Scheduled Council Meeting*, at a time and date and venue to be fixed.
See *Division 12 – Meeting Adjournments*

DIVISION 15 - PROVISIONS MADE FOR REMOTE (VIRTUAL) COUNCIL MEETINGS

In the event that Council needs to conduct a Council Meeting remotely, such as during a pandemic or emergency situation (as experienced throughout the COVID-19 pandemic), the Regulatory Legislation Amendment (Reform) Act 2022, which received Royal Assent on 29 March 2022, provides reforms relating to virtual Council Meetings. These reforms will be incorporated into Part 3, Division 2 of the Local Government Act 2020 from 2 September 2022 and relate to procedures for decision making and the holding of virtual meetings (either Council Meetings, Joint Meetings of Councils, Delegated Committee Meetings and Joint Delegated Committee Meetings).

Notwithstanding any protocols or guidelines developed and provided to all participants of a Council Meeting (and which do not form part of these Rules), the following outlines how any Meeting is to be conducted and what procedures participants must follow under the Local Government Act 2020 to ensure a consistent and transparent approach is maintained throughout any virtual Meeting. All reasonable technological support and advice will be provided to participants attending a Council Meeting virtually. This section of these Governance Rules applies to all Council Meetings, Joint Meetings of Councils, Delegated Committee Meetings and Joint Delegated Committee Meetings.

Note that protocols or guidelines may change from time to time as information technology improvements are made.

88. Mode of Attendance

Each Notice of Meeting (Agenda) must indicate whether the relevant Council Meeting is to be conducted:-

- i) wholly in person;
- ii) wholly by electronic means, or
- iii) partially in person and partially by electronic means.

The indication in the Notice of Meeting (Agenda) must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when those Council Meetings are to be conducted:-

- i) wholly in person;
- ii) wholly by electronic means, or
- iii) partially in person and partially by electronic means.

89. Request to Attend Meeting Virtually

If a Council Meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means. Any request made under this clause must:-

- i) be in writing;
- ii) be given to the Chief Executive Officer or Chair no less than 24 hours prior to the commencement of the relevant Council Meeting; and
- iii) specify the reasons why the Councillor is unable or does not wish to attend the Council Meeting in person.

The Chief Executive Officer or Meeting Chair must ensure that any request received in accordance with the above and any other request received from a Councillor to attend by electronic means is made known at the

commencement of the relevant Council Meeting.

Council may approve and must not unreasonably refuse any request.

Despite anything in these Rules, the Chief Executive Officer may determine that a meeting be conducted wholly by electronic means of communication, with consideration to the following, but not limited to, factors:

- i) Any health or safety risk to Councillors, staff and the community;
- ii) The majority of Councillors have requested to participate by electronic means of communication;
- iii) Any other extraordinary circumstances deemed appropriate by the Chief Executive Officer.

90. Responsibilities of Attending Meeting Virtually

A Councillor who is attending a Council Meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council Meeting.

Without detracting from anything said in the above clause, a Councillor who is attending by electronic means must be able to:-

- i) hear the proceedings;
- ii) see all Councillors and members of Council staff who are also attending the Council Meeting, at least while a Councillor or member of Council staff is speaking;
- iii) be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council Meeting; and
- iv) be heard when they speak.

If these conditions cannot be met by one or more Councillors attending a Council Meeting, whether because of technical difficulties or otherwise:

- i) the Council Meeting will nonetheless proceed as long as a quorum is present, and
- ii) the relevant Councillor (or Councillors) will be treated as being absent from the Council Meeting or that part of the Council Meeting.

Unless the Meeting has been adjourned in accordance with these Rules.

Nothing in this section prevents a Councillor from joining (or re-joining) a Council Meeting at the time that they achieve compliance with the above even if the Council Meeting has already commenced or has continued in their absence.

91. Meetings Conducted Remotely

If a Council Meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the Meeting, modify the application of any of these Rules to facilitate the more efficient and effective transaction of the business of the Meeting.

If the Live Stream is disrupted during a Council Meeting that is being conducted wholly by electronic means of communication, the meeting will adjourned for up to 30 minutes. If the technical matter cannot be resolved within 30 minutes, the meeting will be adjourned to a date and time nominated by the Chief Executive Officer.

PART D – COUNCILLOR BRIEFINGS, DEPUTATIONS & PRESENTATIONS

91:92. Deputations and Presentations

- (1) Members of the public may present deputations to the *Council* and these will usually be considered at an *Informal Meeting of Councillors*.

- (2) A person who seeks, or persons who seek, to make a deputation or presentation to the *Council* shall make a *Written* request to do so to the *Chief Executive Officer*.
- (3) The *Chief Executive Officer* shall determine which *Informal Meeting of Councillors* the request shall be referred to for consideration.
- (4) Time limits may be set for speakers and *Councillors* may question the deputation on matters raised for the purpose of clarification.

PART E - MISCELLANEOUS

92-93. Procedure Not Provided in the Local Law

Where a situation has not been provided for in *these Rules*, the *Council* may determine the matter by resolution.

93-94. Policies and Guidelines

The *Council* may adopt any policies or guidelines from time to time for the purpose of exercising any discretions provided by *these Rules*.

Appendix 1 – Procedural Motions

Procedural Motions Table:

Procedural Motion	Form	Mover/Seconder	When Prohibited	Motion	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to “am/pm” and/or “date”	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking		Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice.	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made.		Motion and any amendment postponed but may be resumed at any later <i>Meeting</i> if on the <i>Agenda</i>	Debate continues unaffected	Yes
3. The Closure	That the motion be now put.	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	During nominations for <i>Chair</i>		Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any <i>Councillor</i> exercising his or her right to ask any question concerning or arising out of the motion.	Debate continues unaffected	No

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Procedural Motion	Form	Mover/Seconder	When Prohibited	Motion	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
4. Laying question on the table	That the question lie on the table	Any <i>Councillor</i> who has not moved or seconded the motion or otherwise spoken to the motion.	(a) During the election of a <i>Chair</i> ; (b) During a <i>Meeting</i> which is a call of the <i>Council</i> ; (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement		Motion and amendment is not further discussed or voted on until: (a) the <i>Council</i> resolves to take the question from the table at the same <i>Meeting</i> ; (b) the matter is placed on an <i>Agenda</i> and the <i>Council</i> resolves to take the question from the table.	Debate continues unaffected	No
5. Previous question	That the question be not now put	A <i>Councillor</i> who has spoken to the motion or any amendment of it.	(a) During the election of a <i>Chair</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made. (d) When an amendment is before the <i>Council</i> ; or (e) When a motion would have the effect of causing the <i>Council</i> to be in breach of a legislative requirement.		(a) No vote or further discussion on the motion until it is placed on an <i>Agenda</i> for a later <i>Meeting</i> ; (b) Proceed to next business.	Motion (as amended up to that time) put immediately without further amendment or debate.	Yes

Procedural Motion	Form	Mover/Seconder	When Prohibited	Motion	Effect if Carried	Effect if Lost	Debate Permitted on a Motion	
6. Proceeding to next business	<p>That the <i>Meeting</i> proceed to the next business.</p> <p>Nb: This Motion</p> <p>(a) May not be amended;</p> <p>(b) May not be debated; and</p> <p>(c) Must be put to the vote as soon as seconded.</p>	A <i>Councillor</i> who has spoken to the motion or any amendment of it.	(a) During the election of a <i>Chair</i> ;	(b) When another <i>Councillor</i> is speaking;	(c) When the matter is one in respect of which a call of the <i>Council</i> has been	<p>If carried in respect of:</p> <p>(a) An amendment, <i>Council</i> consider the motion without reference to the amendment</p> <p>(b) A motion – no vote or further discussion on the motion until it is placed on an <i>Agenda</i> for a later <i>Meeting</i>.</p>	Debate continues unaffected	No
7. Alter the order of business	That the item listed as ## on the <i>Agenda</i> be considered before/after the item listed as item ##.	Any <i>Councillor</i> (including the <i>Mayor/Chair</i>)	During debate		Alters the order of business for the <i>Meeting</i> .	Items are considered in the order as listed in the <i>Agenda</i> .	No	

Procedural Motion	Form	Mover/Seconder	When Prohibited	Motion	Effect if Carried	Effect if Lost	Debate Permitted on a Motion
8. Suspension of Standing Orders	That Standing Orders be suspended to ##(reason must be provided)	Any <i>Councillor</i> (including the <i>Mayor/Chair</i>)	During any debate		The rules of the <i>Meeting</i> are temporarily suspended for the specific reason given in the motion.	<i>Meeting</i> continues unaffected.	No and no debate or decision on any matter. Resolution to resume Standing Orders is the only decision permissible.
9. Resumption of Standing Orders	That the Standing Orders be resumed.	Any <i>Councillor</i> (including the <i>Mayor/Chair</i>)	When Standing Orders have not been suspended.		The temporary suspension of the rules of the <i>Meeting</i> is removed.	The <i>Meeting</i> cannot continue.	No
10. Consideration of confidential matter(s)	That, in accordance with sections 89(2) and 77(2) of <i>the Act</i> , the <i>Meeting</i> be closed to members of the public for the consideration of item ## which has been designated confidential on the grounds it relates to ## (insert grounds from s.77(2))	Any <i>Councillor</i>	N/A		The <i>Meeting</i> is closed to members of the public.	The <i>Meeting</i> continues to be open to the public.	Yes
11. Reopen the meeting.	That the <i>Meeting</i> be reopened to members of the public.	Any <i>Councillor</i>	N/A		The <i>Meeting</i> is reopened to members of the public.	<i>Meeting</i> remains closed to members of the public.	No.

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and any reference in Chapter 2 to:

a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;

a Councillor is to be read as a reference to a member of the *Delegated Committee*; and

the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

Council may; or

the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.*

2. Definition

In this Chapter:

“meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and

a member of a *Delegated Committee* includes a Councillor.

3. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or

intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:

advising of the conflict of interest;

explaining the nature of the conflict of interest; and

detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:

name of the other person;

nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or

intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:

advising of the conflict of interest;

explaining the nature of the conflict of interest; and

detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:

name of the other person;

nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or

intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

advising of the conflict of interest;

explaining the nature of the conflict of interest; and

detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

name of the other person;

nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:

disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;

absent himself or herself from any discussion of the matter; and

as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

Council meeting;

Delegated Committee meeting;

Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer* the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

9. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

10. Retention of Written Notices

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- tabled at the next convenient *Council meeting*; and
- recorded in the minutes of that *Council meeting*.

1. Confidential Information

If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

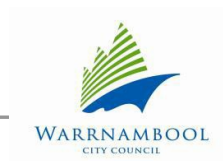
Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

Chapter 7 – Election Period Policy



WARRNAMBOOL
CITY COUNCIL

ELECTION PERIOD POLICY



DOCUMENT CONTROL

Document Title:	<i>Election Period Policy</i>
Policy Type:	<i>Council</i>
Responsible Branch:	<i>Executive Services</i>
Responsible Officer:	<i>Manager Governance</i>
Document Status:	<i>3 August 2020</i>
Approved By:	<i>Council</i>
Adopted Date:	
Review Date:	

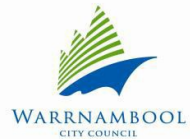


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1.1 PURPOSE

During the period preceding a Council election the Council assumes a “caretaker role”. This period is defined in the Act as the ‘Election Period’.

The purpose of this Policy is to ensure that the business of local government in the City of Warrnambool continues throughout an Election Period in a responsible and transparent manner in accordance with statutory requirements and established “caretaker” conventions.

Councils Procedure and proceedings functions are set out in Part 3 Division 2 of the 2020 Local Government Act the caretaker provisions that Councils must take heed of are contained in section 69.

1.2 SCOPE

This policy applies to all Councillors and staff.

During an Election Period the business of the Council continues, and ordinary matters of administration still need to be addressed. This policy establishes a series of caretaker practices which aim to ensure that actions of the Council do not bind an incoming council and limit its freedom of action.

1.3 DEFINITIONS

Term	Definition/Meaning
Act	Local Government Act 2020
Election Period	The period that: Starts at the time that nominations close on nomination day; and Ends at 6pm on election day
Nomination Day	The last day on which nominations to be a candidate at a Council election may be received in accordance with the Act and the regulations
Publication	includes any means of publication, including letters and electronic information on the Internet
Public Consultation	A process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public
Council Resources	Includes the financial, human and material resources of Council and includes – offices, vehicles, staff, hospitality, services, property, equipment (phones, computers etc.) and stationery etc.

2. POLICY

2.1 POLICY STATEMENT

This policy commits the Council during an Election Period to:

- not making any major decisions;
- not making decisions that significantly affect the municipality or unreasonably bind the incoming Council;
- ensuring that public resources, including staff resources, are not used for election

campaign purposes, or in a way that may improperly influence the result of an election;
and

- not publishing or distributing electoral matter, unless it is simply information about the election process.

This policy prescribes the actions and procedures the organisation, Councillors and staff will implement during an Election Period in observance of the statutory requirements and in the interests of good governance and a fair election generally.

2.2 POLICY POSITION

This policy applies during any Council Election Period and covers:

- Major decisions made by the Council;
- Scheduling consideration and announcement of major decisions;
- Use of the Council's resources including staff and materials published by Council;
- Access to information by Councillors and candidates;
- Council's online presence including social media;
- Communications and media services;
- Attendance and participation at Council organised activities and events;
- Public Consultation.

2.3 ROLES AND RESPONSIBILITIES

2.3.1 Councillors

Councillors are bound by sec. 76D and 76E of the Local Government Act 1989 regarding misuse of position and improper direction and improper influence. A breach of sec. 76D attracts serious penalties including possible imprisonment.

During an Election Period, Councillors must not use Council resources for campaigning to increase advantage over other candidates or to influence voters.

2.3.2 Chief Executive Officer

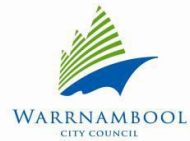
The Chief Executive Officer will ensure, as far as practicable, that all Councillors and staff are informed of the application of this policy at least 30 days prior to the commencement of an Election Period and instructions are provided to staff on the implementation of the procedures detailed in this policy.

During an Election Period the Chief Executive Officer will be the official spokesperson for the Council in relation to all matters.

3. PROCEDURES

3.1 DECISION MAKING PROCESSES DURING AN ELECTION PERIOD

- a) It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to this principle in that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council. This includes a commitment to not making any "Major Decision" or "Significant Decisions" as specified in this policy.



- c) The Chief Executive Officer will ensure, as far as practicable, that matters of Council business requiring Major Decision or Significant Decision are scheduled for Council to enable resolution prior to the commencement of an Election Period or deferred where appropriate for determination by the incoming Council.
- d) Scope exists for Council to hold a Council meeting but only in the most urgent or extraordinary circumstances or any statutory circumstances or any statutory processes that may arise. *Refer clause 3.1.3*

3.1.1 Major Decision

- a) A 'Major Decision means any decision relating to:
 - (i) the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer;
 - (ii) termination or the appointment of a Chief Executive Officer;
 - (iii) committing the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; and
 - (iv) enabling the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- b) If Council considers that there are extraordinary circumstances where the community would be significantly disadvantaged by the Council not making a particular Major Decision, the Council will, by resolution, request an exemption from the Minister for Local Government.
- c) The prohibitions on Major Decisions apply to Special Committees and a person acting under delegation.

3.1.2 Significant Decisions

- a) Over and above the decisions specified as Major Decisions, the Council will avoid making other decisions during an Election Period that are of a significant nature and which would unnecessarily bind an incoming Council.
- b) "Significant Decisions" include:
 - (i) Irrevocable decisions that commit the Council to substantial expenditure or major actions; and
 - (ii) Irrevocable decisions that will have a major impact on the municipality or the community.
- c) The Council acknowledges that it has an ongoing responsibility to act in the best interests of the community. Therefore, where a delay in making a "Significant Decision" would result in significant detriment to the local community, or the broader community, the Council may make an exception to this procedure. In making an exception to this procedure, the Council will deal with the matter impartially, having regard to the long-term interests of the community and as transparently as possible.
- d) In the case of a decision that significantly affects the municipality or binds the incoming Council, which is not expressly prohibited, a number of factors will be considered, including:

- (i) The urgency of the issue - could a decision be reasonably deferred until the next Council is in place;
- (ii) The possibility of financial and/or legal repercussions if it is deferred;
- (iii) Whether the decision is likely to be controversial; and
- (iv) The best interests of Council.

3.1.3 Council Meetings

Note: The Council will not hold an ordinary Council Meeting during an Election Period. This section only applies to reports for an unscheduled Council Meeting, if such a meeting is called.

In order to facilitate compliance with its commitment to ensuring appropriate decision-making during elections, Council adopts the following procedure:

- a) During an Election Period, the Chief Executive Officer will ensure that a "Caretaker Statement" is included in every report submitted to a Council meeting (if required) for a decision.
- b) The "Caretaker Statement" will specify one of the following:
 - (i) *"The recommended decision is not a "Major Decision" or a "Significant Decision" within the meaning of this policy"; or*
 - (ii) *"The recommended decision is not a "Major Decision". The recommended decision is a "Significant Decision" within the meaning of this policy, but an exception should be made for the following reasons [insert reasons for making an exemption]"; or*
 - (iii) *"The recommended decision is to seek an exemption from the Minister because the matter requires a "Major Decision"; or*
 - (iv) *"The recommended decision is a "Major Decision", but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date]".*
- c) During an Election Period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

3.1.4 Delegated Committees and Advisory Committees

The operation of all Delegated Committees and Advisory Committees will be suspended upon the commencement of an Election Period.

3.2 PUBLIC CONSULTATION DURING AN ELECTION PERIOD

- a) Public consultations are best to be avoided during an Election Period.
- b) This clause does not apply to public consultation required under any statutory provisions, including the Planning and Environment Act 1987.
- c) Consultations may be undertaken during an Election Period to facilitate the day-to-day business of Council, to ensure matters continue to be proactively managed. Consultations will avoid any express or implied links to a Council election.
- d) Consultations under statutory provisions shall only proceed after express agreement by the Chief Executive Officer and then if it relates solely to the normal day-to-day business

of Council.

3.3 COUNCIL PUBLICATIONS DURING AN ELECTION PERIOD

3.3.1 Certification of Council publications during an election period

- a) The Council will not publish material with public funds that may influence, or be seen to influence, voting in a Council election.
- b) The Council will not:
 - (i) Print, publish or distribute; or
 - (ii) Cause, permit or authorise to be printed, published or distributed on behalf of the Council;

any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer.

- c) This prohibition applies to all documents produced for the purpose of communicating with the community, including:
 - (i) Council newsletters
 - (ii) Advertisements and notices e.g. job advertisements, public notices of contracts etc.
 - (iii) Media releases
 - (v) Leaflets and brochures
 - (vi) Mailouts to multiple addresses
- d) Council will avoid all publication activity during an Election Period except where essential for the conduct of Council operations. Where printing, publishing or distributing a document is deemed essential to Council business during an Election Period the Chief Executive Officer's certification is required. Publication includes electronic information and web-based productions.
- e) The procedure for certifying publication is:

Step	Procedure
1	During an Election Period all proposed publications that are normally sent to the Communications unit and/or other Council units for publication e.g. Organisational Development for job advertisements must be sent in the first instance to the Manager Governance
2	The Manager Governance is responsible for checking that no election material is present (other than factual election process information). Refer clause 3.3.5
3	Should the proposed publication contain electoral material, it will be returned to the author for correction and re-submission.
4	Should the proposed publication not contain electoral material, the Manager Governance will send the material to the Chief Executive Officer for certification, by advising: <i>"This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge. Can you please certify in writing that you authorise for this material to be printed, published or distributed?"</i>
5	If the proposed publication is approved by the Chief Executive Officer, he/she



	will certify this in writing: <i>"I certify that the attached material is suitable for printing, publishing or distributing on behalf of Warrnambool City Council"</i>
6	The Manager Governance is responsible for maintaining the record of certification of documents and advising relevant officers of the publication approval.

- f) Councillors may publish campaign material on their own behalf, as long as the material does not originate from, or is authorised by, the Council or use Council logos.

3.3.2. Council's Online Facilities (includes Social Media)

- a) The Council website is the main corporate site; there are separate websites for some activities including Warrnambool Art Gallery, Aquazone, Lighthouse Theatre, Surfside Holiday Park and Flagstaff Hill Maritime Village. The Council also has a number of social media sites including twitter feeds and Facebook pages.
- b) Council auspiced social media must not be used for election campaigning.
- c) At the start of an Election Period any online information on Council hosted sites about Councillors who are candidates will be restricted to their name and contact details.
- d) Council agendas and minutes of meetings do not require certification if they are published in the usual way on the website.
- e) Any references on Council's website to the election will only relate to the election process.
- f) Any new material published on Council's website during an Election Period that may be considered an advertisement, handbill, pamphlet or notice must be subject to the certification process.
- g) Any publication on social media sites such as, Facebook, twitter etc. which are auspiced by Council, will require certification by the Chief Executive Officer.
- h) During an Election Period Facebook and twitter posts are to be kept to minimum, normal day- to-day activities only. No launches or announcement of any new projects, policy initiatives, or programs must be made. Where possible, the functions that permit comments and posts by the public on Council social media will be disabled during an Election Period and if so, the Council will provide an explanation via social media on this being necessitated in accordance with this Policy.
- i) No new Council You Tube videos will be uploaded during an Election Period.
- j) Council's Communications unit monitors the Council's corporate website, Facebook site and twitter feeds between the hours of 8.15am and 5.00pm on weekdays (excluding public holidays). During an Election Period monitoring will extend to after hours and weekends and will be undertaken by the Communication unit which will have the editing access to delete any material posted that makes reference to candidates or a Council election.

3.3.3 Council Publications

- a) Any current Council publication which may be potentially affected by this policy will be reviewed by the Communication unit in consultation with the Manager Governance to

ensure that any circulated, displayed or otherwise publicly available material during an Election Period does not contain material that may be construed as “electoral matter”.

- b) Council’s City Assist unit undertake an audit of brochures and pamphlets in all Council’s customer service centres and remove any which might contain electoral matter prior to an Election Period.
- c) Any references to Councillors in Council publications printed, published or distributed during an Election Period must not include promotional text.
- d) Emails that are part of the normal conduct of Council business should not require certification. However, emails with multiple addressees, used for broad communication with the community, will be subject to the certification process.
- e) Mass mail outs or identical letters sent to a large number of people by or on behalf of Council must be subject to the certification process.
- f) Council staff should not prepare Councillors’ private mail or electoral correspondence and such material must not be printed on Council stationery or using Council equipment.
- g) Councillors may use the title “Councillor” in their election material, as they continue to hold that position during an Election Period. To avoid confusion, Councillors shall ensure that any election publication using the title “Councillor” clearly indicates that it is their own material and does not represent Council.
- h) Material printed or disseminated during an Election Period to publicise a function or event must be subject to the certification process.

3.3.4 Council Annual Report

- a) Council is required to produce an Annual Report and this generally will coincide with an Election Period. This publication is not considered an ‘advertisement, handbill, pamphlet or notice’ and does not require certification.
- b) The Annual Report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.
- c) A summary version of the Annual Report is regarded as a pamphlet and must be subject to the certification process.
- d) Printed copies of the text version of the Annual Report will only be distributed upon request until the expiration of an Election Period.

3.3.5 Electoral Material

Material is definitely an electoral matter if it:

- Publicises the strength or weaknesses of a candidate;
- Advocates the policies of the Council or of a candidate;
- Responds to claims made by a candidate;
- Publicises the achievements of the elected Council;
- Publicises matters that have already been the subject of public debate;
- About matters that are known to be contentious in the community and likely to be the subject of election debate;

- Deals with Election Candidates statements;
- Refers to Councillors or candidates by name or by implicit reference.

3.4 USE OF COUNCIL RESOURCES DURING AN ELECTION PERIOD

- a) Public resources must not be used in a manner that would influence the way people vote in elections. The Council commits to this principle in that it will ensure that Council resources are not used inappropriately during an Election Period. This includes a commitment to comply with the following procedures.
- b) The Council will ensure that due propriety is observed in the use of all Council resources, and staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice is to be sought from the relevant Director.
- c) Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during an Election Period. and shall not be used in connection with any electioneering activity.
- d) No Council events, logos, letterheads, or other Warrnambool City Council branding can be used for, or linked in any way to, a candidate's election campaign.
- e) The Chief Executive Officer or any staff should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- f) Photos or images taken by or provided by the Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council websites that may be able to be copied. *Also refer to clause 3.7*
- g) No election material or active campaigning is to be conducted at Council sponsored events or to be displayed in any Council building.
- h) Staff must not undertake an activity that may affect voting in the election or authorise, use or allocate a Council resource for any purpose that may influence voting in the election.
- i) If staff that feel they are being placed in a compromising situation by a request from a Councillor they should refer the Councillor to the Chief Executive Officer for clarification.
- j) Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate shall advise the relevant Director before authorising, using or allocating the resource. The Director in consultation with the Chief Executive Officer will decide if the use of Council resources is appropriate or not.
- k) Public events will only be organised and run if it is totally unavoidable to conduct such events during an Election Period and then only with the express permission of the Chief Executive Officer.
- l) Speeches for Councillors will only be prepared by staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be

circulated or available for publication.

- m) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.
- n) Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes.
- o) Reimbursement of Councillor expenses incurred during an Election Period should only apply to costs incurred in the performance of normal Council duties, and not for campaigning and not for expenses that could be perceived as supporting or being in connection with a candidate's election campaign.
- p) Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, then Councillors will either reimburse the Council or not make a Council claim that exceeds normal usage levels for usage of those services during an Election Period.
- q) Councillors with their own private mobile phones may continue to seek reimbursement of telephone expenses incurred in undertaking Council business related calls. Councillors will be required to declare that those expenses were incurred in undertaking normal Council business.
- r) During an Election Period, Councillors shall not participate in any regional and or interstate travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, the Council may by resolution approve such attendance. If consideration by the Council is impractical the Chief Executive Officer may determine the issue.

3.5 ACCESSING COUNCIL INFORMATION DURING AN ELECTION PERIOD

- a) The Council recognises that all election candidates have rights to information from the Council administration and that it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles.
- b) Neither Councillors nor candidates will receive information or advice from staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during an Election Period.
- c) Information and briefing material prepared by staff for Councillors during an Election Period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.
- d) An Information Request Register will be maintained by the Manager Governance commencing on the opening of nominations. The Register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates, and the responses given to those requests.
- e) Responses to candidate's requests will only be issued through the Manager Governance. Staff in receipt of a candidate request must refer the request and any proposed response to the relevant Director and Manager Governance. Only information that can be reasonably accessed will be released.

- f) Any Freedom of Information (FOI) application lodged during an Election Period will be dealt with where possible outside of an Election Period. (the FOI Act specifies a 45-day period in providing a response)

3.6 ASSISTANCE TO CANDIDATES

- a) The Council affirms that all candidates standing for the Council election will be treated equally.
- b) Any assistance and advice to be provided to candidates as part of the conduct of a Council election will be provided equally to all candidates.
- c) All election related enquiries from candidates will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Manager Governance.

3.7 COMMUNICATIONS AND MEDIA SERVICES DURING AN ELECTION PERIOD

- a) The Council's communication systems and media services will not be used in any way that might influence the outcome of a Council election.
- b) During an Election Period, staff must not initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- c) Council newsletters will not be printed by the Council during an Election Period.
- d) Any edition(s) of Council's C2C published within two months prior to the commencement of an Election Period will only contain general information pertaining to the election process and will not contain any photograph of a Councillor or candidate, or any statement by a Councillor or candidate. Articles will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate.
- e) In response to media inquiries the Chief Executive Officer, Directors or the Manager Communications will only provide a response and such information should relate only to current services and operations.
- f) During an Election Period, the Council initiated communications shall be restricted to the communication of normal Council activities.
- g) No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- h) No publicity will be provided that involves specific Councillors during an Election Period.
- i) Councillors should not use their position as an elected representative or their access to staff and other Council resources or information in support of an election campaign. This includes photos or images provided by the Council for past Council activities.
- j) Any requests from Councillors for media advice or assistance during an Election Period will be referred to the Chief Executive Officer.

- k) Media releases will not mention or quote any Councillor(s) during an Election Period.**
- l) Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving an election or possible election outcomes.**
- m) Publicity for Council events (if any during an Election Period) will be restricted to the communication of factual material and will not mention or quote any Councillor or candidate.**
- n) Councillor participation at Council sponsored events during an Election Period will not be used to gain attention in support of an election campaign.**

4. GOVERNANCE

4.1 Policy Owner

- a) The Manager Governance shall be responsible for monitoring the currency of this Policy.**
- b) Staff enquiries regarding the implementation of this policy should be directed to either Manager Governance or the relevant Director.**
- c) Councillor or candidate enquires should be directed to the Manager Governance or the Chief Executive Officer.**

4.2 Policy Review

This policy will be reviewed no later than six (6) months prior a Council General Election.

7.2. FINANCIAL STATEMENTS PERFORMANCE STATEMENT 2021-2022

DIRECTORATE : Corporate Strategies

PURPOSE:

The purpose of this report is to present the 2021-22 Performance Statement and Financial Statements to Council for in-principle approval as recommended by Council's Audit and Risk Committee and in accordance with Section 99 of the Local Government Act 2020.

It further seeks to nominate two Councillors to have the authority to sign the annual accounts and performance statement on behalf of Council, once final sign off has been received from the Victorian Auditor General's Office (VAGO).

This authorisation will enable Council to meet its statutory obligations for the presentation of its Annual Statements (as part of the Annual Report) to an open Council meeting by 31 October 2022. The Annual Report, which includes the Financial and Performance Statements, will return to Council for consideration at a future Council Meeting.

Also provided with this report for Council's information is the DRAFT Report of Operations which accompanies the Financial Statements and the Annual Performance Statement. -

EXECUTIVE SUMMARY

The Auditor-General is responsible under part 3 of the *Audit Act 1994* for the audit of Council's annual Financial and Performance Statements. These audits are conducted by contractors as agents of the Auditor-General. RSD Audit have been appointed Auditor-General's agent and conducted the 2021-22 audit.

The Audit and Risk Committee considered the Statements at its meeting held on Friday 2 September 2022. The recommendations in this report assume that the Audit and Risk Committee endorsed the in-principle approval of the statements at this meeting.

If the Audit and Risk Committee did not endorse the in-principle approval of the Statements at its meeting on Friday 2 September, it is proposed that Council do not vote on the recommendation below, and instead have the Statements returned to a future meeting after endorsement of the Audit and Risk Committee is achieved.

Sections 98-100 of the *Local Government Act 2020* (LGA) and the Local Government (Planning and Reporting) Regulations 2020 deal with statutory procedures that govern the preparation of an Annual Report inclusive of Financial Statements, Performance Statement, report of operations, auditor's reports, and adoption by Council.

Section 98 of the Local Government Act 2020 states that Council must prepare an Annual Report as soon as practicable after the end of each financial year.

The Annual Report must contain:

- a) a report of operations of the Council;
- b) an audited Performance Statement;
- c) audited Financial Statements;
- d) a copy of the auditor's report on the Performance Statement;
- e) a copy of the auditor's report on the Financial Statements under Part 3 of the Audit Act 1994;
- f) any other matters prescribed by the regulations.

Council must first pass a resolution to give in-principle approval to the Performance Statement and Financial Statements before providing the statements to the auditor.

After the Financial and Performance Statements have achieved final sign-off from the Victorian Auditor General, the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at an open Council meeting within four months of the end of the financial year (October 31).

Once considered the Annual Report remains available on Council's website for the community to access.

MOVED: CR MAX TAYLOR

SECONDED: CR DEBBIE ARNOTT

- 1. That Council approve in principle the 2021-2022 Financial Statements (refer Attachment 3.1.1) which have been subject to external audit by the Auditor-General's agent, with the outcomes also having been reviewed by Warrnambool City Council's Audit & Risk Committee.**
- 2. That Council approve in principle the 2021-2022 Performance Statement (refer Attachment 3.1.2) which has been subject to external audit by the Auditor-General's agent, with the outcomes also having been reviewed by Warrnambool City Council's Audit & Risk Committee.**
- 3. That Councillor Angie Paspaliaris and Councillor Ben Blain be authorised to certify the 2021-2022 Financial Statements, after any changes recommended by the review of audit from the Victorian Auditor General have been made.**
- 4. That Councillor Angie Paspaliaris and Councillor Ben Blain be authorised to certify the 2021-2022 Performance Statement, after any changes by the review of audit from the Victorian Auditor General have been made.**
- 5. That the Council put out for public advertisement, its intention to consider the Annual Report at a future Council Meeting.**

CARRIED - 7:0

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

ATTACHMENTS

1. Annual Financial Statements 2022 [7.2.1 - 67 pages]
2. Performance Statement 2022 [7.2.2 - 19 pages]
3. Report of Operations 2022 [7.2.3 - 12 pages]

DRAFT

Warrnambool City Council

ANNUAL FINANCIAL REPORT
for the year ended 30 June 2022



Warrnambool City Council

2021/2022 Financial Report

Annual Financial Report for the year ended 30 June 2022

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Warrnambool City Council

2021/2022 Financial Report

Annual Financial Report

for the year ended 30 June 2022

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for the year ended 30 June 2022

Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, the Australian Accounting Standards and other mandatory professional reporting requirements.

John Brockway CPA

Principal Accounting Officer

dd MMMM yyyy

Warrnambool

In our opinion, the accompanying financial statements present fairly the financial transactions of Warrnambool City Council for the year ended 30 June 2022 and the financial position of the Council as at that date.

At the date of signing, we are not aware of any circumstances which would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify the financial statements in their final form.

Cr Angie Paspaliaris

Councillor

dd MMMM yyyy

Warrnambool

Cr Benjamin Blain

Councillor

dd MMMM yyyy

Warrnambool

Peter B Schneider

Chief Executive Officer

dd MMMM yyyy

Warrnambool

Warrnambool City Council

2021/2022 Financial Report

Annual Financial Report
for the year ended 30 June 2022

Victorian Auditor-General's Office Report

Insert VAGO Report here

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Warrnambool City Council

2021/2022 Financial Report

Annual Financial Report

for the year ended 30 June 2022

Victorian Auditor-General's Office Report (continued)

Insert VAGO Report here

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Warrnambool City Council

2021/2022 Financial Report

Annual Financial Report

for the year ended 30 June 2022

Understanding Council's Financial Statements

Introduction

Each year, individual Local Governments across Victoria are required to present a set of audited financial statements to their council and community.

What you will find in the Report

The financial report set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2022.

The format of the financial report is standard across all Victorian Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by Local Government Victoria.

About the Certification of the Financial Statements

The financial statements must be certified by senior staff and Councillors as "presenting fairly" the Council's financial results for the year as well as Council's financial position, and are required to be adopted by Council - ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate 5 "primary" financial statements:

1. Comprehensive Income Statement

Summarises Council's financial performance for the year, listing all income & expenses.

Includes other comprehensive income which primarily records changes in the fair values of Council's property, infrastructure, plant and equipment.

2. Balance Sheet

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

3. Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

4. Statement of Cash Flows

Indicates where Council's cash came from and where it was spent.

5. Statement of Capital Works

This statement details all amounts expended by Council on capital works.

About the Notes to the Financial Report

The Notes to the financial statements provide greater detail and additional information on the 5 primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the Victorian Auditor General's Office.

The auditor provides an audit reports which gives an opinion on whether the financial statements present fairly the Council's financial performance and position.

Who uses the Financial Report?

The financial report is a publicly available document and is used by (but not limited to) Councillors, residents and ratepayers, employees, suppliers, contractors, customers, Local Government Victoria, state and federal governments, and financiers including banks and other financial institutions.

The financial statements must be presented at a Council meeting (open to the public) by 31 October.

Warrnambool City Council

2021/2022 Financial Report

Comprehensive Income Statement
for the year ended 30 June 2022

	Notes	2022 \$ '000	2021 \$ '000
Income			
Rates and charges	3.1	43,202	41,828
Statutory fees and fines	3.2	2,239	2,079
User fees	3.3	16,261	12,593
Grants - operating	3.4	14,481	14,686
Grants - capital	3.4	8,157	4,659
Contributions - monetary	3.5	1,278	1,734
Found assets	3.8	102	61
Contributions - non monetary	3.5	4,705	6,132
Net gain on disposal of property, infrastructure, plant and equipment	3.6	126	8
Share of net profits/(loss) of associates and joint ventures	6.2	-	(49)
Other income	3.7	2,742	954
Total income		93,293	84,685
Expenses			
Employee costs	4.1	35,990	33,563
Materials and services	4.2	25,228	25,601
Depreciation	4.3	12,435	12,099
Amortisation - Right of use assets	4.4	282	260
Bad and doubtful debts	4.5	37	160
Borrowing costs	4.6	211	264
Finance Costs - Leases	4.7	35	34
Other expenses	4.8	630	619
Total expenses		74,848	72,600
Surplus for the year		18,445	12,085
Other comprehensive income:			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment/(decrement)	6.1	84,582	-
Total items which will not be reclassified subsequently to the operating result		84,582	-
Total other comprehensive income		84,582	-
Total comprehensive result		103,027	12,085

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Warrnambool City Council

2021/2022 Financial Report

Balance Sheet

as at 30 June 2022

	Notes	2022 \$ '000	2021 \$ '000
Assets			
Current assets			
Cash and cash equivalents	5.1	12,838	10,314
Trade and other receivables	5.1	3,552	2,923
Other financial assets	5.1	25,000	20,000
Inventories	5.2	202	175
Other assets	5.2	2,169	1,186
Total current assets		43,761	34,598
Non-current assets			
Trade and other receivables	5.1	1	5
Other financial assets	5.1	2	2
Property, infrastructure, plant and equipment	6.1	737,030	640,290
Right-of-use assets	5.8	1,225	1,427
Total non-current assets		738,258	641,724
Total assets		782,019	676,322
Liabilities			
Current liabilities			
Trade and other payables	5.3	5,322	4,667
Trust funds and deposits	5.3	2,034	1,694
Unearned income/revenue	5.3	6,291	6,718
Provisions	5.5	6,813	6,844
Interest-bearing liabilities	5.4	1,562	1,586
Lease liabilities	5.8(b)	286	261
Total current liabilities		22,308	21,770
Non-current liabilities			
Provisions	5.5	992	1,092
Interest-bearing liabilities	5.4	9,039	6,587
Lease liabilities	5.8(b)	963	1,183
Total non-current liabilities		10,994	8,862
Total liabilities		33,302	30,632
Net assets		748,717	645,690
Equity			
Accumulated surplus		265,259	248,976
Reserves	9.1	483,458	396,714
Total Equity		748,717	645,690

The above balance sheet should be read in conjunction with the accompanying notes.

Warrnambool City Council

2021/2022 Financial Report

Statement of Changes in Equity
for the year ended 30 June 2022

	Notes	Total \$ '000	Accumulated Surplus \$ '000	Revaluation Reserves \$ '000	Other Reserves \$ '000
2022					
Balance at beginning of the financial year		645,690	248,976	384,874	11,840
Surplus/(deficit) for the year		18,445	18,445	–	–
Other comprehensive income					
Net asset revaluation increment/(decrement)	6.1	84,582	–	84,582	–
Other comprehensive income from investment in associates		–	–	–	–
Other comprehensive income		84,582	–	84,582	–
Total comprehensive income		103,027	18,445	84,582	–
Transfers to other reserves	9.1	–	(2,781)	–	2,781
Transfers from other reserves	9.1	–	619	–	(619)
Balance at end of the financial year		748,717	265,259	469,456	14,002
2021					
Balance at beginning of the financial year		633,605	239,575	385,580	8,450
Surplus/(deficit) for the year		12,085	12,085	–	–
Other comprehensive income					
Other comprehensive income from investment in associates		–	–	–	–
Other comprehensive income		–	–	–	–
Total comprehensive income		12,085	12,085	–	–
Transfers to other reserves	9.1	–	(2,936)	(706)	3,642
Transfers from other reserves	9.1	–	252	–	(252)
Balance at end of the financial year		645,690	248,976	384,874	11,840

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Warrnambool City Council

2021/2022 Financial Report

Statement of Cash Flows

for the year ended 30 June 2022

	2022	2021
	Inflows/ (Outflows)	Inflows/ (Outflows)
Notes	\$ '000	\$ '000
Cash flows from operating activities		
Rates and charges	43,630	41,748
Statutory fees and fines	1,905	2,259
User fees	15,357	12,067
Grants - operating	16,046	15,099
Grants - capital	6,185	7,247
Contributions - monetary	1,278	1,734
Interest received	47	183
Trust funds and deposits taken	5,223	839
Other receipts	1,635	564
Net GST refund/(payment)	209	(392)
Employee costs	(35,895)	(34,152)
Materials and services	(24,544)	(22,822)
Short-term, low value and variable lease payments	(234)	(300)
Trust funds and deposits repaid	(4,883)	(195)
Other payments (incl. Interest paid)	(841)	(883)
Net cash provided by/(used in) operating activities	25,118	22,996
	9.2	
Cash flows from investing activities		
Payments for property, infrastructure, plant and equipment	(20,141)	(19,261)
Proceeds from sale of property, infrastructure, plant and equipment	429	641
Payments for investments	(11,000)	(21,280)
Proceeds from sale of investments	6,000	17,951
Net cash provided by/(used in) investing activities	(24,712)	(21,949)
	6.1	
Cash flows from financing activities		
Proceeds from borrowings	4,125	1,400
Repayment of borrowings	(1,697)	(1,528)
Interest paid - lease liability	(35)	(34)
Repayment of lease liabilities	(275)	(249)
Net cash flow provided by/(used in) financing activities	2,118	(411)
Net Increase (decrease) in cash and cash equivalents	2,524	636
Cash and cash equivalents at the beginning of the financial year	10,314	9,678
Cash and cash equivalents at the end of the financial year	12,838	10,314
Financing arrangements	5.6	5,850
Restrictions on cash assets	5.1	2,295
		350
		1,884

The above statement of cash flows should be read in conjunction with the accompanying notes.

Warrnambool City Council

2021/2022 Financial Report

Statement of Capital Works

for the year ended 30 June 2022

	2022 \$ '000	2021 \$ '000
Property		
Land	429	57
Land improvements	–	–
Total land	<u>429</u>	<u>57</u>
Buildings specialised	2,875	740
Buildings non-specialised	–	14
Building improvements	–	15
Total buildings	<u>2,875</u>	<u>769</u>
Total property	<u>3,304</u>	<u>826</u>
Plant and equipment		
Plant, machinery and equipment	987	1,697
Fixtures, fittings and furniture	–	113
Computers and telecommunications	422	647
Library books	150	–
Paintings and exhibits	69	37
Total plant and equipment	<u>1,628</u>	<u>2,494</u>
Infrastructure		
Roads	4,609	4,333
Bridges	2,615	642
Footpaths and cycleways	754	1,069
Drainage	499	105
Recreational, leisure and community facilities	–	125
Parks, open space and streetscapes	6,733	6,192
Aerodromes	–	5
Off street car parks	–	46
Other infrastructure	1	1,200
Total infrastructure	<u>15,211</u>	<u>13,717</u>
Total capital works expenditure	<u>20,143</u>	<u>17,037</u>
Represented by:		
New asset expenditure	3,828	3,022
Asset renewal expenditure	14,103	9,976
Asset expansion expenditure	6	85
Asset upgrade expenditure	2,206	3,954
Total capital works expenditure	<u>20,143</u>	<u>17,037</u>

The above statement of capital works should be read in conjunction with the accompanying notes.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 1. Overview

Introduction

Warrnambool City Council was established by an Order of the Governor in Council on 20 September 1994 and is a body corporate.

The Council's main office is located at 25 Liebig Street, Warrnambool.

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Council is a not-for-profit entity and therefore applies the additional AUS paragraphs applicable to a not-for-profit entity under the Australian Accounting Standards.

Significant accounting policies

(a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, except for the cash flow information, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

The financial statements are based on the historical cost convention unless a different measurement basis is specifically disclosed in the notes to the financial statements.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

The financial statements have been prepared on a going concern basis. The financial statements are in Australian dollars. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified. Minor discrepancies in tables between totals and the sum of components are due to rounding.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1.)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1.).
- the determination of employee provisions (refer to Note 5.5.).
- the determination of landfill provisions (refer to Note 5.5.)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of *AASB 15 Revenue from Contracts with Customers* or *AASB 1058 Income of Not-for-Profit Entities* (refer to Note 3)
- the determination, in accordance with *AASB 16 Leases*, of the lease term, the estimation of the discount rate when not implicit in the lease and whether an arrangement is in substance short-term or low value (refer to Note 5.8)
- whether or not *AASB 1059 Service Concession Arrangements: Grantors* is applicable
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 1. Overview (continued)

(b) Impact of Covid-19

During 2021-22 the COVID-19 pandemic continued to impact Council's operations. Council has noted the following significant impacts on its financial operations:

- Additional revenue: Council received COVID-19 related grants of \$878,080 across Community Development, City Growth and Corporate Strategies directorates.
- Revenue reductions: The first half of the financial year saw reductions in revenue at Aquazone, Flagstaff Hill and the Holiday Parks. This was offset by reductions in related expenses.
- Revenue foregone: Council took decreased parking management fees of \$309,607 compared to the original budget.
- Additional costs: COVID-19 requirements for extra staff and additional cleaning contributed to increased costs across Council venues.

Note 2.1. Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variances. Council has adopted a materiality threshold of greater than 10 percent and at least \$500,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

These notes are prepared to meet the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

	Budget 2022 \$ '000	Actual 2022 \$ '000	Variance \$ '000	Variance %	Ref
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2.1.1 Income and expenditure

Income

Rates and charges	42,906	43,202	296	1%	
Statutory fees and fines	2,117	2,239	122	6%	
User fees	17,636	16,261	(1,375)	(8)%	
Grants - operating	12,626	14,481	1,855	15%	1
Grants - capital	5,313	8,157	2,844	54%	2
Contributions - monetary	563	1,278	715	127%	3
Contributions - non monetary	5,200	4,705	(495)	(10)%	4
Net gain on disposal of property, infrastructure, plant and equipment	–	126	126	∞	
Found Assets	–	102	102	∞	
Share of net profits of associates and joint ventures	–	–	–	∞	
Other income	418	2,742	2,324	556%	5
Total income	86,779	93,293	6,514	8%	

Expenses

Employee costs	37,689	35,990	1,699	5%	
Materials and services	26,471	25,228	1,243	5%	
Depreciation	13,050	12,435	615	5%	
Amortisation - right of use assets	265	282	(17)	(6)%	
Bad and doubtful debts	131	37	94	72%	
Borrowing costs	302	211	91	30%	

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 2.1. Performance against budget (continued)

	Budget 2022 \$ '000	Actual 2022 \$ '000	Variance \$ '000	Variance %	Ref
Finance costs - leases	46	35	11	24%	
Net loss on disposal of property, infrastructure, plant and equipment	1,036	-	1,036	100%	6
Other expenses	841	630	211	25%	
Total expenses	79,831	74,848	4,983	6%	
Surplus for the year	6,948	18,445	11,497	165%	
Other comprehensive income					
Net asset revaluation increment / (decrement)	10,000	84,582	(74,582)	(746)%	7
Total comprehensive result	16,948	103,027	(86,079)	(508)%	

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 2.1. Performance against budget (continued)

(i) Explanation of material variations

Variance Explanation

Ref

1. The Victorian Local Government Grants Commission funding increased by \$286k compared to the budget and the advance payment of 2022/23 funding has resulted in an additional \$1.200m favourable variance. Unbudgeted government grants of \$670k relating to COVID19 support have been received by Council. There were some areas where grants were approved throughout the year relating to specific projects of \$100k.
2. Capital grant income was \$2.844m favourable to the Original Budget primarily due to the timing of projects. The Reid Oval Redevelopment grant was carried over from 2020/21 of \$3.402m and an additional \$500k received in 2021/22 for this project was unbudgeted along with \$1.293m for the Joint Use Learning and Library Hub due to timing of the projects. This variance is partially offset by some grant funds budgeted but not yet received including the Stanley Street Bridge Upgrade (\$700k) and the Local Roads and Community Infrastructure Program grant being allocated to unearned income (\$1.208m) as projects are being carried out over multiple years.
3. A number of unbudgeted developer contributions were paid during 2021/22 which are related to continued increase demand for property (\$253k). Some contributions received by Council that were not known at the time of adopting the budget include contributions for various Warrnambool Art Gallery projects (\$173k), a Social Prescribing project (\$49k) and a Volunteer management activity contribution (\$89k). Council also received external contributions towards the Jetty Flat Pavilion Redevelopment (\$27k) and the Bushfield Reserve Lighting Upgrade (\$56k) that were not included in the budget.
4. The level of non monetary contributions (gifted assets) is dependent on the level of development activity. The number of subdivisions that are completed vary from year to year and the timing of these assets transfers is outside of Council control and difficult to predict.
5. Council was required to relocate one of their child care centres due to building maintenance issues which was covered under insurance and now this claim has concluded with Council receiving a final settlement of \$1.285m. This was unbudgeted due to the uncertain nature of the claim. In addition, rebates were received from the National Carbon Bank of Australia and Powercor to assist in efficient street lighting installation (\$350k), a fuel tax credit review resulted in additional claims (\$56k), other insurance claims received (\$183k), a reimbursement of costs for a shared strategy review (\$55k) were received. These claims were unknown at the time of adopting the Original Budget. Recognition of the volunteer workforce at Lighthouse Theatre and Meals on Wheels (\$218k) and is offset with an equivalent amount in expenditure.
6. During the 2021/22 financial year, Council made a profit on sale of its motor vehicles and heavy plant due to the strong second hand market for vehicles which resulted in improved sale prices.
7. Council has assessed the value of its asset base through a unit costing methodology. A revaluation of all infrastructure assets and building occurred in 2021/22 and there were significant increases in construction costs.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 2.1. Performance against budget (continued)

	Budget 2022 \$ '000	Actual 2022 \$ '000	Variance \$ '000	Variance %	Ref
2.1.2 Capital works					
Property					
Land	–	429	429	∞	1
Total land	–	429	429	∞	
Buildings specialised	–	2,875	2,875	∞	2
Buildings non-specialised	–	–	–	∞	
Building improvements	2,679	–	(2,679)	(100)%	3
Total buildings	2,679	2,875	196	7%	
Total property	2,679	3,304	625	23%	
Plant and equipment					
Plant, machinery and equipment	980	987	7	1%	
Fixtures, fittings and furniture	–	–	–	∞	
Computers and telecommunications	316	422	106	34%	
Library books	270	150	(120)	(44)%	
Paintings and exhibits	35	69	34	97%	
Total plant and equipment	1,601	1,628	27	2%	
Infrastructure					
Roads	3,752	4,609	857	23%	4
Bridges	3,000	2,615	(385)	(13)%	
Footpaths and cycleways	1,673	754	(919)	(55)%	5
Drainage	340	499	159	47%	
Recreational, leisure and community facilities	1,850	–	(1,850)	(100)%	6
Parks, open space and streetscapes	519	6,733	6,214	1,197%	7
Aerodromes	30	–	(30)	(100)%	
Off street car parks	415	–	(415)	(100)%	
Other infrastructure	2,728	1	(2,727)	(100)%	8
Total infrastructure	14,307	15,211	904	6%	
Total capital works expenditure	18,587	20,143	1,556	8%	
Represented by:					
New asset expenditure	976	3,828	2,852	292%	9
Asset renewal expenditure	11,846	14,103	2,257	19%	10
Asset expansion expenditure	–	6	6	∞	
Asset upgrade expenditure	5,765	2,206	(3,559)	(62)%	11
Total capital works expenditure	18,587	20,143	1,556	8%	

continued on next page ...

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 2.1. Performance against budget (continued)

(i) Explanation of material variations

Variance Explanation

Ref

1. The purchase of a block of land for additional parking was expected to be purchased in the 2020/21 financial year, however the settlement date was in July 2021 and pushed into the 2021/22 financial year.
2. The Reid Oval pavilion was initially budgeted for completion in the 2020/21 financial year however the project ran into 2021/22 with a significant amount of spend occurring in the first part of the 2021/22 financial year. The saleyard upgrade works were classified as Buildings however, the budget for the saleyards work was classified as Other Infrastructure. Initial works on the new Joint Use Library was not budgeted however has commenced and has been classified under Buildings.
3. This budget line will offset some of the costs in Buildings - Specialised. When the budget was set it was unknown which category of buildings to place the budget amount.
4. Part of Council's reseal program from 2020/21 was rolled over into 2021/22 and was completed in this financial year. The initial budget did not have this allowed for and it would have been taken up in Council's forecast variations during the year.
5. Council was unable to complete all of its footpath renewal program due to lack of contractor availability and the backlog of footpath projects from the prior year. Many of these projects will be rolled over into the 2022/23 financial year.
6. The budget for the Reid Oval ground work was incorrectly shown on the Recreational, leisure and community facilities line rather than the Parks, open space and streetscapes, which is where the actuals have been classified.
7. The majority of the actuals are for the Reid Oval ground work which was budgeted in prior years and funded from budget rollovers.
8. The saleyards upgrade works were budgeted in Other infrastructure however, the actual costs for the saleyards work has been classified as Buildings - specialised.
9. The Joint Use Library works have been classified as New which were not initially in the budget. The solar panel installation works was classified as Upgrade in the budget however, the actuals have been classified as New.
10. The Reid Oval pavilion works was classified as Renewal. This item was not in the initial budget as it was rolled over works from 2020/21.
11. The solar panel installation works was classified as Upgrade in the budget however, the actuals have been classified as New.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 2.2. Analysis of Council results by program

2.2.1 Analysis of Council results by program

Council delivers its functions and activities through the following programs.

Corporate Strategies

The Corporate Strategies directorate is responsible for financial services, procurement, revenue, property and land management, leasing and legal issues, city assist (customer service), organisational development (human resources, occupational health and safety, learning and development), business improvement, information technology and records, communication services and the Warrnambool Livestock Exchange.

The directorate is largely responsible for servicing the administrative and legislative needs of other directorates with back-of-house systems and other support.

City Infrastructure

The City Infrastructure directorate provides infrastructure, capital works, asset management, waste management, environmental management, local laws, environmental health and services to the Port of Warrnambool and the Warrnambool Regional Airport. The directorate also assists in facility management and oversight of the council cleaning contract, through the building services team included in the facilities and projects branch. Administrative support is provided to a number of Project Control Groups, Reference Groups and where possible administration support is provided to other programs outside of the City Infrastructure directorate.

The directorate provides engineering services including investigation, design, processing of development approvals, project management and engineering supervision of key infrastructure projects. Strategy and policy advice is provided to council along with technical services and advice to the community. Provision of some contract management for projects in the capital works program as well as servicing the community by managing the city's road, drainage and footpath network, parks, recreational and sporting facilities and vehicle fleet.

The directorate is also responsible for local law enforcement, traffic and animal control and administration of school crossing supervision and is active in promoting and protecting the health of all residents and visitors through food safety monitoring, law enforcement of the Health Act, immunisation and public health education programs. The directorate's immunisation team have also actively assisted in the roll-out of the Covid-19 (Astra Zeneca) vaccine.

In 2021/22, the City Infrastructure team has overseen the implementation of a number of large capital works projects. These include the completion of the Reid Oval upgrade, a project valued at \$11m, the commencement of the Edwards Bridge construction at a value of approximately \$4.5m and the reconstruction of the Warrnambool Boat Ramp and Jetties at a value of \$2.2m. All of these projects have required the management of significant grant funds to enable them to be undertaken.

Community Development

The Community Development directorate plans for and provides a broad range of social, cultural, community, recreational and educational services and facilities to support residents of all ages and stages of life. The directorate receives funding from a variety of sources including State and Federal Government departments in order to subsidise and support the services provided. The directorate also works in partnership with a range of Government departments, and strategic partners and sectors in order to plan for and achieve the community's strategic goals and aspirations.

Services in the directorate include: community policy and planning, baby makes 3+, early years learning and development, maternal and child health, family and children's services, pre-schools, family day care, outside school hours care, Warrnambool Library, AquaZone, multi-purpose stadium, gymnastics stadium, recreation and planning, Warrnambool Art Gallery, Lighthouse Theatre, youth services, Archie Graham Community Centre, volunteer services, home and community care, meals on wheels, home maintenance, respite care, social support programs and a range of community projects.

City Growth

The City Growth Directorate is required to plan, facilitate and deliver growth of population, jobs and investment but with the added responsibility of maintaining the liveability of Warrnambool for residents and visitors. City Growth has a key role in engaging business and all tiers of government, as well as supporting regional growth in business and tourism.

The City Growth directorate provides many services including tourism development, visitor information centre, holiday parks, Flagstaff Hill Maritime Village, economic development and investment, business support, events, regional skilled migration programs (including the Great South Coast Designated Area Migration Agreement), city statutory planning and development, strategic planning to cater for new residential and commercial/industrial growth, building services, environment and sustainability projects and services, open space planning and graphical information support.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 2.2. Analysis of Council results by program (continued)

The directorate also has responsibility for supporting and adding value to the city's international relationships with Miura (Japan), Changchun (China), Knoxville (USA) and Mariestad (Sweden).

2.2.2 Summary of income, expenses, assets and capital expenses by program

Functions/activities	Income \$ '000	Expenses \$ '000	Surplus / (Deficit) \$ '000	Grants included in income \$ '000	Total assets \$ '000
2022					
Corporate Strategies	58,507	24,315	34,192	6,396	49,361
City Infrastructure	7,601	18,935	(11,334)	3,473	718,243
Community Development	21,504	23,583	(2,079)	12,159	2,667
City Growth	5,681	8,015	(2,334)	610	13,193
Unattributed	–	–	–	–	(1,445)
Total functions and activities	93,293	74,848	18,445	22,638	782,019
2021					
Corporate Strategies	56,328	25,267	31,061	5,443	41,125
City Infrastructure	5,643	19,028	(13,385)	2,088	619,688
Community Development	18,344	19,819	(1,475)	11,317	2,316
City Growth	4,370	8,486	(4,116)	497	13,193
Total functions and activities	84,685	72,600	12,085	19,345	676,322

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Warrnambool City Council

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 3. Funding for the delivery of our services

	2022	2021
	\$ '000	\$ '000

3.1 Rates and charges

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is its imputed market value.

The valuation base used to calculate general rates for 2021/22 was \$7.526 billion (2020/21 \$7.204 billion).

Residential Rates	22,435	21,705
Municipal charge	5,067	4,927
Waste management charge	6,691	6,482
Commercial rates	5,240	5,153
Vacant Land rates	1,285	1,265
Industrial rates	1,840	1,714
Urban farm rates	442	416
Cultural and recreational land rates	87	87
Interest on rates and charges	115	79
Total rates and charges	43,202	41,828

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2021, and the valuation will be first applied in the rating year commencing 1 July 2021.

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

	2022	2021
	\$ '000	\$ '000

3.2 Statutory fees and fines

Town planning and building	752	652
Parking fines	503	526
Animal control	448	520
Permits and certificates	348	210
Health and Local Laws	188	171
Total statutory fees and fines	2,239	2,079

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 3. Funding for the delivery of our services (continued)

	2022 \$ '000	2021 \$ '000
3.3 User fees		
Children's services	4,123	3,665
Foreshore holiday parks	2,622	1,867
Regulatory control	1,779	1,393
Cultural centres	1,546	481
Indoor aquatic centre	1,339	829
Tourism and promotion	1,144	831
Livestock exchange	1,138	1,191
Property management	806	643
Multi Purpose Sports Stadium	766	672
Aged services fees	646	729
Other fees and charges	352	292
Total user fees	16,261	12,593

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements
for the year ended 30 June 2022

Note 3. Funding for the delivery of our services (continued)

	2022 \$ '000	2021 \$ '000
3.4 Funding from other levels of government		
Grants were received in respect of the following:		
Summary of grants		
Commonwealth funded grants	9,466	6,630
State funded grants	13,172	12,715
Total grants received	22,638	19,345
(a) Operating Grants		
Recurrent - Commonwealth Government		
Victoria Grants Commission - Financial Assistance Grant	4,786	3,554
Victoria Grants Commission - local roads	858	697
Aged Services	2,076	1,959
Other	-	89
Recurrent - State Government		
Family and children	3,079	3,792
Aged services	542	882
Pension rebate	751	743
Cultural centres	713	344
School crossing supervision	197	187
Port operations	97	97
Environment initiatives	70	57
Other	48	168
Total recurrent operating grants	13,217	12,569
Non-recurrent - Commonwealth Government		
Other	9	1
Non-recurrent - State Government		
Family and children	345	1,022
Economic development	588	250
Aged services	84	212
Environment initiatives	71	209
Cultural centres	7	192
Recreation	9	90
Infrastructure Services	151	41
Other	-	100
Total non-recurrent operating grants	1,264	2,117
Total operating grants	14,481	14,686

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 3. Funding for the delivery of our services (continued)

	2022 \$ '000	2021 \$ '000
(b) Capital Grants		
<i>Recurrent - Commonwealth Government</i>		
Roads to recovery	650	200
Total recurrent capital grants	650	200
<i>Non-recurrent - Commonwealth Government</i>		
Infrastructure services	1,087	130
<i>Non-recurrent - State Government</i>		
Other	1,396	430
Infrastructure services	860	901
Recreation	3,920	2,728
Port operations	244	270
Total non-recurrent capital grants	7,507	4,459
Total capital grants	8,157	4,659
(c) Unspent grants received on condition that they be spent in a specific manner:		
<i>Operating</i>		
Balance at start of year	700	2,329
Received during the financial year and remained unspent at balance date	2,272	2,958
Received in prior years and spent during the financial year	(698)	(4,587)
Balance at year end	2,274	700
<i>Capital</i>		
Balance at start of year	6,018	350
Received during the financial year and remained unspent at balance date	2,527	9,195
Received in prior years and spent during the financial year	(4,528)	(3,527)
Balance at year end	4,017	6,018

Grant income is recognised at the point in time when the council satisfies its performance obligations as specified in the underlying agreement.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 3. Funding for the delivery of our services (continued)

	2022	2021
	\$ '000	\$ '000

(d) Recognition of grant income

Before recognising funding from government grants as revenue the Council assesses whether there is a contract that is enforceable and has sufficiently specific performance obligations in accordance with *AASB 15 Revenue from Contracts with Customers*. When both these conditions are satisfied, the Council:

- identifies each performance obligation relating to revenue under the contract/agreement
- determines the transaction price
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations, at the time or over time when services are rendered.

Where the contract is not enforceable and/or does not have sufficiently specific performance obligations, the Council applies *AASB 1058 Income for Not-for-Profit Entities*.

Grant revenue with sufficiently specific performance obligations is recognised over time as the performance obligations specified in the underlying agreement are met. Where performance obligations are not sufficiently specific, grants are recognised on the earlier of receipt or when an unconditional right to receipt has been established. Grants relating to capital projects are generally recognised progressively as the capital project is completed. The following table provides a summary of the accounting framework under which grants are recognised.

Income recognised under AASB 1058 Income of Not-for-Profit Entities		
General purpose	13,037	12,452
Specific purpose grants to acquire non-financial assets	8,234	4,658
Other specific purpose grants	791	1,858
Revenue recognised under AASB 15 Revenue from Contracts with Customers		
Specific purpose grants	576	377
	22,638	19,345

Warrnambool City Council

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 3. Funding for the delivery of our services (continued)

	2022 \$ '000	2021 \$ '000
3.5 Contributions		
Monetary contributions		
Monetary	1,278	1,734
Total monetary contributions	1,278	1,734
Non-monetary contributions		
Non-monetary	4,705	6,132
Total non-monetary contributions	4,705	6,132
Total contributions	5,983	7,866

Contributions of non monetary assets were received in relation to the following asset classes.

Land	284	244
Roads	1,863	2,450
Bridges	-	29
Parks open spaces and streetscapes	-	211
Drainage	1,857	966
Footpaths and cycleways	701	1,296
Land under roads	-	922
Paintings and exhibits	-	14
Total non-monetary contributions	4,705	6,132

Monetary and non monetary contributions are recognised as revenue at their fair value when Council obtains control over the contributed asset.

	2022 \$ '000	2021 \$ '000
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3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

Land and buildings		
Proceeds of sale	-	309
Written down value of assets disposed	-	(250)
Total net gain/(loss) on disposal of land and buildings	-	59
Plant and equipment		
Proceeds of sale	429	332
Written down value of assets disposed	(289)	(185)
Total net gain/(loss) on disposal of plant and equipment	140	147
Infrastructure Assets		
Written down value of assets disposed	(14)	(198)
Total net gain/(loss) on disposal of Infrastructure Assets	(14)	(198)
Total net gain/(loss) on disposal of property, infrastructure, plant and equipment	126	8

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 3. Funding for the delivery of our services (continued)

	2022 \$ '000	2021 \$ '000
3.7 Other income		
Reimbursements	1,630	539
Interest	50	137
Infrastructure services	174	61
Family and community	14	4
Recreation and cultural programs	38	7
Recognition of in-kind volunteer support	218	79
Other	618	127
Total other income	2,742	954

Interest is recognised as it is earned.

Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

	2022 \$ '000	2021 \$ '000
3.8 Found Assets		
Found Assets were received in relation to the following asset classes		
Roads	102	-
Drainage	-	57
Footpaths and cycleways	-	-
Recreation, Leisure and Community Facilities	-	-
Parks and Streetscapes	-	2
Plant and Equipment	-	2
Total found assets	102	61

Found assets are recorded if they are discovered when Council completes its maintenance program. This mainly occurs with assets that are underground such as drainage and drainage pits.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements for the year ended 30 June 2022

Note 4. The cost of delivering services

	2022 \$ '000	2021 \$ '000
4.1 Employee costs		
(a) Employee costs		
Wages and salaries	31,470	29,640
Superannuation	3,033	2,667
WorkCover	1,220	1,025
Fringe benefits tax	267	231
Total employee costs	35,990	33,563
(b) Superannuation		
Council made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	201	200
	201	200
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	2,149	2,102
Employer contributions - other funds	683	365
	2,832	2,467
Total superannuation costs	3,033	2,667
Employer contributions payable at reporting date	358	331
Refer to Note 9.3. for further information relating to Council's superannuation obligations.		
4.2 Materials and services		
Corporate services	4,762	5,661
Infrastructure services	5,330	5,891
Waste management	3,870	3,679
Recreation and cultural services	4,912	4,075
Tourism and promotion	1,594	1,648
Children's services	1,288	1,045
Health and local laws	1,086	1,021
Aged services	850	740
Foreshore caravan parks	587	679
Livestock Exchange	474	669
Family day care	136	145
Office administration	1	-
Other	338	348
Total materials and services	25,228	25,601

Expenses are recognised as they are incurred and reported in the financial year to which they relate.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 4. The cost of delivering services (continued)

	2022 \$ '000	2021 \$ '000
4.3 Depreciation		
Property		
Land improvements	16	18
Buildings - specialised	2,077	2,035
Buildings - non specialised	37	37
Building improvements	19	20
Total depreciation - property	2,149	2,110
Plant and equipment		
Plant machinery and equipment	1,004	952
Fixtures fittings and furniture	98	90
Computers and telecomms	619	524
Library books	62	-
Total depreciation - plant and equipment	1,783	1,566
Infrastructure		
Roads	4,389	4,282
Bridges	386	379
Footpaths and cycleways	1,307	1,263
Drainage	940	941
Recreational, leisure and community	103	124
Waste management	41	41
Parks open spaces and streetscapes	608	624
Aerodromes	257	258
Off street car parks	330	331
Other infrastructure	142	180
Total depreciation - infrastructure	8,503	8,423
Total depreciation	12,435	12,099

Refer to note 5.8 and 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

4.4 Amortisation - Right of use assets

Property	51	21
Plant & equipment	231	239
Total Amortisation - Right of use assets	282	260

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 4. The cost of delivering services (continued)

	2022 \$ '000	2021 \$ '000
4.5 Bad and doubtful debts		
Local Laws debtors	24	135
Other debtors	13	25
Total bad and doubtful debts	37	160
Movement in provisions for doubtful debts		
Balance at the beginning of the year	870	743
New provisions recognised during the year	30	159
Amounts already provided for and written off as uncollectible	(17)	(30)
Amounts provided for but recovered during the year	(3)	(2)
Balance at end of year	880	870

Provision for doubtful debt is recognised based on an expected credit loss model.

This model considers both historic and forward looking information in determining the level of impairment.

4.6 Borrowing costs

Interest - Borrowings	211	264
Total borrowing costs	211	264

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

4.7 Finance Costs - Leases

Interest - Lease Liabilities	35	34
Total finance costs	35	34

4.8 Other expenses

Councillors' allowances	281	258
Auditors' remuneration - Internal Audit	72	57
Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	56	50
Recognition of in-kind volunteer support	221	79
Impairment of Corangamite Regional Library Corporation investment ¹	-	175
Total other expenses	630	619

⁽¹⁾ Impairment of Councils investment in the Corangamite Regional Library Corporation based on its equity share at the exit date of the 30th June 2021.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position

	Notes	2022 \$ '000	2021 \$ '000
5.1 Financial assets			
(a) Cash and cash equivalents			
Current			
Cash at bank		12,790	10,274
Cash on hand		48	40
Total current cash and cash equivalents		12,838	10,314
(b) Other financial assets			
Current			
Term deposits - current		25,000	20,000
Total current other financial assets		25,000	20,000
Non-current			
Unlisted shares in corporations		2	2
Total non-current other financial assets		2	2
Total current financial assets		37,838	30,314
Total non-current financial assets		2	2
External restrictions			
Councils cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:			
Resort and recreation reserve	9.1	261	190
Trust funds and deposits	5.3	2,034	1,694
Total restricted funds		2,295	1,884
Total unrestricted cash and cash equivalents		10,543	8,430
Intended allocations			
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:			
Cash held to fund carried forward capital works		11,173	11,457
Total funds subject to intended allocations		11,173	11,457

Cash and term deposits held to fund carried forward capital works.

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

Other financial assets include term deposits and those with original maturity dates of three to 12 months are classified as current, whilst term deposits with maturity dates greater than 12 months are classified as non-current.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements
for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022 \$ '000	2021 \$ '000
(c) Trade & Other Receivables		
Current		
<i>Statutory receivables</i>		
Rates debtors	659	1,087
Infringement debtors	1,288	1,078
GST receivable	409	443
<i>Non-statutory receivables</i>		
Development and buildings	62	55
Animals	138	156
Child care	39	27
TAFE	60	45
Fire Service Levy	10	9
Loans and advances to community organisations	14	14
Other debtors	1,753	880
<i>Provisions for doubtful debts</i>		
Provision for doubtful debts - other debtors	(19)	(31)
Provision for doubtful debts - infringements	(861)	(840)
Total current trade and other receivables	3,552	2,923
Non-Current		
<i>Non-statutory receivables</i>		
Loans and advances to community organisations	1	5
Total non-current trade and other receivables	1	5
Total trade and other receivables	3,553	2,928

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

	2022 \$ '000	2021 \$ '000
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(d) Ageing of receivables

The ageing of the Council's trade & other receivables (excluding statutory receivables) that are not impaired was:

Current (not yet due)	1,702	906
Past due by up to 30 days	139	40
Past due between 31 and 180 days	65	106
Past due between 181 and 365 days	14	17
Past due by more than 1 year	138	91
Total trade and other receivables	2,058	1,160

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements
for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022	2021
	\$ '000	\$ '000

5.2 Non-financial assets

(a) Inventories

Current

Inventories held for sale	136	109
Inventories held for distribution	66	66
Total current inventories	202	175

Inventories held for distribution are measured at cost, adjusted when applicable for any loss of service potential. All other inventories, including land held for sale, are measured at the lower of cost and net realisable value. Where inventories are acquired for no cost or nominal consideration, they are measured at current replacement cost at the date of acquisition.

(b) Other assets

Current

Prepayments	552	825
Accrued income	1,617	361
Total current other assets	2,169	1,186

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022 \$ '000	2021 \$ '000
5.3 Payables, trust funds and deposits and unearned income/revenue		
(a) Trade and other payables		
Current		
<i>Non-statutory payables</i>		
Accrued expenses	4,054	3,648
Trade payables	1,047	973
<i>Statutory payables</i>		
Net GST payable	221	46
Total current trade and other payables	5,322	4,667
(b) Trust funds and deposits		
Current		
Refundable deposits	1,969	1,660
Retention amounts	65	34
Total current trust funds and deposits	2,034	1,694
(c) Unearned income/revenue		
Current		
Grants received in advance:		
Grants received in advance - operating	2,274	700
Grants received in advance - capital	4,017	6,018
Total grants received in advance	6,291	6,718
Total unearned income/revenue	6,291	6,718

Unearned income/revenue represents contract liabilities and reflect consideration received in advance from customers in respect of which Council is yet to meet its obligations. Unearned income are derecognised and recorded as revenue when promised goods and services are transferred to the customer. Refer to Note 3.

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Purpose and nature of items

Refundable developer deposits - Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022 \$ '000	2021 \$ '000
5.4 Interest-bearing liabilities		
Current		
Treasury Corporation of Victoria borrowings - secured	268	-
Other borrowings - secured	1,294	1,586
	<u>1,562</u>	<u>1,586</u>
Non-current		
Treasury Corporation of Victoria borrowings - secured	3,746	-
Other borrowings - secured	5,293	6,587
	<u>9,039</u>	<u>6,587</u>
Total	<u>10,601</u>	<u>8,173</u>

Borrowings are secured by Council rates

a) The maturity profile for Council's borrowings is:

Not later than one year	1,561	1,586
Later than one year and not later than five years	6,625	4,776
Later than five years	2,415	1,811
	<u>10,601</u>	<u>8,173</u>

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition. At present, all Council's borrowings are classified as amortised cost.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements
for the year ended 30 June 2022

Note 5. Our financial position (continued)

	Employee provisions \$ '000	Landfill restoration \$ '000	Total \$ '000
5.5 Provisions			
2022			
Balance at the beginning of the financial year	7,284	652	7,936
Additional provisions	2,788	–	2,788
Amounts used	(2,816)	(62)	(2,878)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(18)	(23)	(41)
Balance at the end of the financial year	7,238	567	7,805
2021			
Balance at the beginning of the financial year	7,097	732	7,829
Additional provisions	2,638	–	2,638
Amounts used	(2,425)	(77)	(2,502)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(26)	(3)	(29)
Balance at the end of the financial year	7,284	652	7,936
		2022	2021
		\$ '000	\$ '000
Summary of provisions			
Total current provisions		6,813	6,844
Total non-current provisions		992	1,092
Total provisions		7,805	7,936

Warrnambool City Council

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022 \$ '000	2021 \$ '000
(a) Employee provisions		
Current provisions expected to be wholly settled within 12 months		
Annual leave	2,240	1,862
Long service leave	661	600
	2,901	2,462
Current provisions expected to be wholly settled after 12 months		
Annual leave	261	718
Long service leave	3,570	3,583
	3,831	4,301
Total current employee provisions	6,732	6,763
Non-Current		
Long service leave	506	521
Total Non-Current Employee Provisions	506	521
Aggregate Carrying Amount of Employee Provisions:		
Current	6,732	6,763
Non-current	506	521
Total Aggregate Carrying Amount of Employee Provisions	7,238	7,284
The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.		
<i>Annual leave</i>		
A liability for annual leave is recognised in the provision for employee benefits as a current liability because the Council does not have an unconditional right to defer settlement of the liability. Liabilities for annual leave are measured at:		
- nominal value if the Council expects to wholly settle the liability within 12 months		
- present value if the Council does not expect to wholly settle within 12 months.		
Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.		
<i>Long service leave</i>		
Liability for long service leave (LSL) is recognised in the provision for employee benefits. Unconditional LSL is disclosed as a current liability as the Council does not have an unconditional right to defer settlement. Unconditional LSL is measured at nominal value if expected to be settled within 12 months or at present value if not expected to be settled within 12 months. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability and measured at present value.		
Key assumptions:		
- on-cost rate	12.10%	11.83%
- wage inflation rate	3.85%	2.95%
- discount rate	3.69%	1.49%

Warrnambool City Council

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022 \$ '000	2021 \$ '000
(b) Landfill restoration		
Current		
Current	81	81
Total current	81	81
Non-current		
Non-current	486	571
Total non-current	486	571

Council is obligated to restore Watson Street landfill site to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Key assumptions:

- inflation rate	5.10%	2.00%
- rehabilitation years	30	30
- remaining rehabilitated years	7	8

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Warrnambool City Council

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Notes to the Financial Statements
 for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022	2021
	\$ '000	\$ '000

5.6 Financing arrangements

The Council has the following funding arrangements in place as at 30 June 2022.

Bank overdraft	200	200
Credit card facilities	150	150
Treasury Corporation of Victoria facilities	5,500	–
Total Facilities	5,850	350
Used facilities	4,197	47
Used facilities	4,197	47
Unused facilities	1,653	303

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Warrnambool City Council

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position (continued)

	Not later than 1 year \$ '000	Later than 1 year and not later than 2 years \$ '000	Later than 2 years and not later than 5 years \$ '000	Later than 5 years \$ '000	Total \$ '000
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5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

(a) Commitments for expenditure

2022

Operating

Recycling collection	1,003	1,029	2,135	–	4,167
Waste collection	1,931	1,979	4,062	–	7,972
Food and organics collection	1,334	1,367	2,838	–	5,539
Glass collection	485	497	1,031	–	2,013
Transactional banking	56	59	128	–	243
Cleaning services	747	516	164	–	1,427
Security Services	217	222	190	–	629
Parking Services	50	–	–	–	50
Animal Services	485	165	–	–	650
Internal Audit	78	40	–	–	118
Meals for delivery	167	–	–	–	167
Information technology	50	47	–	–	97
Total	6,603	5,921	10,548	–	23,072

Capital

Information technology	–	–	–	–	–
Infrastructure	7,511	78	21	–	7,610
Library and Learning HUB	1,650	–	–	–	1,650
Total	9,161	78	21	–	9,260

2021

Operating

Recycling collection	671	696	2,251	–	3,618
Waste collection	410	405	1,116	–	1,931
Food and organics collection	850	882	2,850	–	4,582
Glass collection	500	518	1,666	–	2,684
Transactional banking	16	–	–	–	16
Cleaning services	262	17	–	–	279
Security Services	6	–	–	–	6
Parking Services	48	–	–	–	48
Animal Services	489	506	170	–	1,165
Internal Audit	37	–	–	–	37
Meals for delivery	319	218	–	–	537
Information technology	69	71	66	–	206
Total	3,677	3,313	8,119	–	15,109

Capital

Information technology	5	–	–	–	5
Infrastructure	4,110	–	–	–	4,110
Library and Learning HUB	3,025	–	–	–	3,025
Total	7,140	–	–	–	7,140

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2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 5. Our financial position (continued)

5.8 Leases

At inception of a contract, all entities would assess whether a contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. To identify whether a contract conveys the right to control the use of an identified asset, it is necessary to assess whether:

- The contract involves the use of an identified asset;
- The customer has the right to obtain substantially all of the economic benefits from use of the asset throughout the period of use; and
- The customer has the right to direct the use of the asset.

This policy is applied to contracts entered into, or changed, on or after 1 July 2019.

As a lessee, Council recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentives received; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The estimated useful lives of right-of-use assets are determined on the same basis as those of property, plant and equipment. In addition, the right-of-use asset is periodically reduced by impairment losses, if any, and adjusted for certain measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, an appropriate incremental borrowing rate. Generally, Council uses an appropriate incremental borrowing rate as the discount rate.

Lease payments included in the measurement of the lease liability comprise the following:

- Fixed payments
- Variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable under a residual value guarantee; and
- The exercise price under a purchase option that Council is reasonably certain to exercise, lease payments in an optional renewal period if Council is reasonably certain to exercise an extension option, and penalties for early termination of a lease unless Council is reasonably certain not to terminate early.

When the lease liability is remeasured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to zero.

The interest rate applied to lease payments for 2021/22 was 3.2350% (2020/21: 2.0400%).

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements
for the year ended 30 June 2022

Note 5. Our financial position (continued)

(a) Right-of-Use Assets

	Property \$ '000	Plant & Equipment \$ '000	Total \$ '000
2022			
Balance at 1 July	97	1,330	1,427
Additions	36	44	80
Adjustments to right-of-use assets due to re-measurement of lease liability	–	–	–
Amortisation charge	(50)	(232)	(282)
Balance at 30 June	83	1,142	1,225
2021			
Balance at 1 July	45	1,112	1,157
Additions	73	422	495
Adjustments to right-of-use assets due to re-measurement of lease liability	–	35	35
Amortisation charge	(21)	(239)	(260)
Balance at 30 June	97	1,330	1,427

	2022 \$ '000	2021 \$ '000
--	-----------------	-----------------

(b) Lease Liabilities

Maturity analysis - contractual undiscounted cash flows		
Less than one year	315	295
One to five years	872	968
More than five years	149	297
Total undiscounted lease liabilities as at 30 June:	1,336	1,560
Lease liabilities included in the Balance Sheet at 30 June:		
Current	286	261
Non-current	963	1,183
Total lease liabilities	1,249	1,444

Short-term and low value leases

Council has elected not to recognise right-of-use assets and lease liabilities for short-term leases that have a lease term of 12 months or less and leases of low-value assets (individual assets worth less than existing capitalisation thresholds for a like asset up to a maximum of AUD\$10,000), including IT equipment. Council recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Expenses relating to:

Short-term leases	–	13
Leases of low value assets	234	287
Total	234	300

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements for the year ended 30 June 2022

Note 5. Our financial position (continued)

	2022	2021
	\$ '000	\$ '000

Non-cancellable lease commitments - Short-term and low-value leases

Commitments for minimum lease payments for short-term and low-value leases are payable as follows:

Payable:		
Within one year	254	199
Later than one year but not later than five years	536	353
Total lease commitments	790	552

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 6. Assets we manage

6.1 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment	Carrying amount 30 June 2021 \$ '000	Additions \$ '000	Contributions \$ '000	Revaluation \$ '000	Depreciation \$ '000	Disposal \$ '000	Write-off \$ '000	Transfers \$ '000	Carrying amount 30 June 2022 \$ '000
Property	289,180	654	284	2,142	(2,149)	-	-	88	290,199
Plant and equipment	22,570	1,329	-	-	(1,783)	(289)	(48)	-	21,779
Infrastructure	321,241	1,541	4,524	82,440	(8,503)	(14)	-	99	401,328
Work in progress	7,299	16,618	-	-	-	-	(89)	(100)	23,728
Total	640,290	20,142	4,808	84,582	(12,435)	(303)	(137)	87	737,034

Summary of Work in Progress	Opening WIP \$ '000	Additions \$ '000	Write-off \$ '000	Transfers \$ '000	Closing WIP \$ '000
Property	1,202	2,650	(88)	(682)	3,082
Plant and equipment	-	299	-	-	299
Infrastructure	6,097	13,669	(1)	582	20,347
Total	7,299	16,618	(89)	(100)	23,728

	Land specialised \$ '000	Land non specialised \$ '000	Land improvements \$ '000	Total land and land improvements \$ '000	Buildings specialised \$ '000	Buildings non specialised \$ '000	Building improvements \$ '000	Total buildings \$ '000	Work in progress \$ '000	Total property \$ '000
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Property

At fair value 1 July 2021	160,413	2,689	995	164,097	140,570	2,853	926	144,349	1,202	309,648
Accumulated depreciation at 1 July 2021	-	-	(423)	(423)	(18,486)	(74)	(283)	(18,843)	-	(19,266)
Carrying amount - 1 July 2021	160,413	2,689	572	163,674	122,084	2,779	643	125,506	1,202	290,382
Movements in fair value										
Additions	-	-	-	-	654	-	-	654	2,650	3,304

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 6. Assets we manage (continued)

	Land specialised \$ '000	Land non specialised \$ '000	Land improvements \$ '000	Total land and land improvements \$ '000	Buildings specialised \$ '000	Buildings non specialised \$ '000	Building improvements \$ '000	Total buildings \$ '000	Work in progress \$ '000	Total property \$ '000
Contributions and Found Assets	284	–	–	284	–	–	–	–	–	284
Revaluation	–	–	–	–	(3,702)	(14)	(60)	(3,776)	–	(3,776)
Disposal	–	–	–	–	–	–	–	–	–	–
Write-off	–	–	–	–	–	–	–	–	(88)	(88)
Transfers	–	–	–	–	88	–	–	88	(682)	(594)
Total movements in fair value	284	–	–	284	(2,960)	(14)	(60)	(3,034)	1,880	(870)
Movements in accumulated depreciation										
Depreciation and amortisation	–	–	(16)	(16)	(2,077)	(37)	(19)	(2,133)	–	(2,149)
Accumulated depreciation of disposals	–	–	–	–	–	–	–	–	–	–
Transfers	–	–	–	–	–	–	–	–	–	–
Revaluation	–	–	–	–	5,932	(191)	177	5,918	–	5,918
Total movements in accumulated depreciation	–	–	(16)	(16)	3,855	(228)	158	3,785	–	3,769
At fair value 30 June 2022	160,694	2,689	996	164,379	137,611	2,839	866	141,316	3,082	308,777
Accumulated depreciation at 30 June 2022	–	–	(439)	(439)	(14,632)	(302)	(126)	(15,060)	–	(15,499)
Carrying amount - 30 June 2022	160,694	2,689	557	163,940	122,979	2,537	740	126,256	3,082	293,278

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2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 6. Assets we manage (continued)

	Plant machinery and equipment \$ '000	Fixtures fittings and furniture \$ '000	Computers and telecomms \$ '000	Library books \$ '000	Paintings and exhibits \$ '000	Total \$ '000	Work in progress \$ '000	Total plant and equipment \$ '000
Plant and Equipment								
At fair value 1 July 2021	10,303	5,787	7,211	352	13,193	36,846	–	36,846
Accumulated depreciation at 1 July 2021	(6,017)	(4,737)	(3,522)	–	–	(14,276)	–	(14,276)
Carrying amount - 1 July 2021	4,286	1,050	3,689	352	13,193	22,570	–	22,570
Movements in fair value								
Additions	987	–	192	150	–	1,329	299	1,628
Contributions and Found Assets	–	–	–	–	–	–	–	–
Revaluation	–	–	–	–	–	–	–	–
Disposal	(507)	–	(103)	(72)	–	(682)	–	(682)
Write-off	–	–	–	(48)	–	(48)	–	(48)
Transfers	–	–	–	–	–	–	–	–
Transfers from associates and joint ventures	–	–	–	–	–	–	–	–
Total movements in fair value	480	–	89	30	–	599	299	898
Movements in accumulated depreciation								
Depreciation and amortisation	(1,004)	(98)	(619)	(62)	–	(1,783)	–	(1,783)
Accumulated depreciation of disposals	393	–	–	–	–	393	–	393
Transfers	–	–	–	–	–	–	–	–
Total movements in accumulated depreciation	(611)	(98)	(619)	(62)	–	(1,390)	–	(1,390)
At fair value 30 June 2022	10,781	5,787	7,300	382	13,193	37,443	299	37,742
Accumulated depreciation at 30 June 2022	(6,628)	(4,835)	(4,143)	(62)	–	(15,668)	–	(15,668)
Carrying amount - 30 June 2022	4,153	952	3,157	320	13,193	21,775	299	22,074

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements for the year ended 30 June 2022

Note 6. Assets we manage

	Roads \$ '000	Bridges \$ '000	Foot- paths and cycle- ways \$ '000	Drainage \$ '000	Recreati- on, leisure, communi- ty \$ '000	Waste manage- ment \$ '000	Parks, open spaces, streetsca- pes \$ '000	Aerodro- mes \$ '000	Off street car parks \$ '000	Other infra- structure \$ '000	Total \$ '000	Work in progress \$ '000	Total infra- structure \$ '000
Infrastructure													
At fair value 1 July 2021	265,508	33,676	59,610	94,473	7,013	606	19,055	10,064	13,860	8,877	512,742	6,097	518,839
Accumulated depreciation at 1 July 2021	(105,853)	(11,255)	(25,434)	(25,131)	(4,698)	(89)	(6,287)	(2,140)	(6,006)	(4,608)	(191,501)	–	(191,501)
Carrying amount - 1 July 2021	159,655	22,421	34,176	69,342	2,315	517	12,768	7,924	7,854	4,269	321,241	6,097	327,338
Movements in fair value													
Additions	1,435	–	66	19	–	–	21	–	–	–	1,541	13,669	15,210
Contributions and Found Assets	1,966	–	701	1,857	–	–	–	–	–	–	4,524	–	4,524
Revaluation	18,158	(8,914)	18,209	13,792	20	–	(2,815)	(801)	984	8	38,641	–	38,641
Disposal	(6)	(8)	(17)	–	–	–	–	–	–	–	(31)	–	(31)
Write-off	–	–	–	–	–	–	–	–	–	–	–	(1)	(1)
Transfers	5	–	94	–	–	–	–	–	–	–	99	582	681
Total movements in fair value	21,558	(8,922)	19,053	15,668	20	–	(2,794)	(801)	984	8	44,774	14,250	59,024
Movements in accumulated depreciation													
Depreciation and amortisation	(4,389)	(386)	(1,307)	(940)	(103)	(41)	(608)	(257)	(330)	(142)	(8,503)	–	(8,503)
Accumulated depreciation of disposals	3	6	8	–	–	–	–	–	–	–	17	–	17
Transfers	–	–	–	–	–	–	–	–	–	–	–	–	–
Revaluations	52,388	2,971	(19,798)	4,748	434	–	307	1,296	1,393	62	43,801	–	43,801
Total movements in accumulated depreciation	48,002	2,591	(21,097)	3,808	331	(41)	(301)	1,039	1,063	(80)	35,315	–	35,315
At fair value 30 June 2022	287,067	24,754	78,664	110,140	7,032	606	16,261	9,263	14,844	8,886	557,517	20,347	577,864
Accumulated depreciation at 30 June 2022	(57,853)	(8,663)	(46,532)	(21,322)	(4,366)	(131)	(6,589)	(1,100)	(4,942)	(4,688)	(156,186)	–	(156,186)
Carrying amount - 30 June 2022	229,214	16,091	32,132	88,818	2,666	475	9,672	8,163	9,902	4,198	401,331	20,347	421,678

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 6. Assets we manage (continued)

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

Asset recognition thresholds and depreciation periods

	Depreciation Period years	Threshold Limit \$ '000
Land and land improvements		
land	n/a	–
land improvements	20 - 200 years	5
Buildings		
buildings	30 - 100 years	5
building improvements	25 - 60 years	1
leasehold improvements	10 - 20 years	1
Plant and Equipment		
plant, machinery and equipment	3 - 40 years	1
fixtures, fittings and furniture	2 - 25 years	5
computers and telecommunications	5 - 20 years	2
paintings and exhibits	n/a	–
Infrastructure		
roads	16 - 200 years	5
bridges	30 - 200 years	5
footpaths and cycleways	15 - 65 years	5
drainage	20 - 200 years	1
recreational, leisure and community facilities	20 - 80 years	1
parks, open spaces and streetscapes	15 - 80 years	5
off street car parks	16 - 200 years	5
aerodromes	16 - 100 years	1
other infrastructure	20 - 60 years	5

Land under roads

Council recognises land under roads it controls at fair value from 1 January 2008.

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 6. Assets we manage (continued)

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Valuation of land and buildings

Land- Non Specialised

Valuation of non-specialised land was undertaken by Mr L Speed AAPI (Val) in 2020. The valuation of land is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Land - Specialised

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

Buildings - Non-specialised

Non-specialised buildings were reviewed in 2022 by Mr Sam Ortisi (Graduate Diploma - Electrical Engineering and Quality Management) from CT Management who reviewed the unit rates used in the valuation process. It should be noted that non-specialised buildings are fair value hierarchy 2 due to the available market for this type of asset.

Buildings - Specialised

The current valuation of specialised buildings is based on a component level condition assessment and current replacement cost, based on information by CT Management who were engaged by Warrnambool City Council in 2022. The details of the current valuation are detailed in the table below.

The date of the current valuation is detailed in the following table.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2022 are as follows:

	Level 1 2022 \$ '000	Level 2 2022 \$ '000	Level 3 2022 \$ '000	Date of valuation
Land - non specialised	–	2,689	–	30/06/2020
Land - specialised	–	–	160,694	30/06/2020
Land improvements	–	–	557	30/06/2021
Buildings - non-specialised	–	2,537	–	30/06/2022
Buildings - specialised	–	–	122,979	30/06/2022
Building improvements	–	–	740	30/06/2022
Total	–	5,226	284,970	

Valuation of Infrastructure

Valuation of infrastructure assets was performed by internal professional staff and approved by Mr David Leahy, Director City Infrastructure with Warrnambool City Council. The date of the current assessment is 30 June 2022.

The valuation is at fair value based on current replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2022 are as follows:

Warrnambool City Council

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Notes to the Financial Statements
for the year ended 30 June 2022

Note 6. Assets we manage (continued)

	2022	2022	2022	Level 1	Level 2	Level 3	
				\$ '000	\$ '000	\$ '000	
Roads				–	–	229,214	30/06/2022
Bridges				–	–	16,091	30/06/2022
Footpaths and cycleways				–	–	32,132	30/06/2022
Drainage				–	–	88,818	30/06/2022
Recreational, leisure & community facilities				–	–	2,666	30/06/2022
Waste management				–	–	475	30/06/2019
Parks, open space & streetscapes				–	–	9,672	30/06/2022
Aerodromes				–	–	8,163	30/06/2022
Off street car parks				–	–	9,902	30/06/2022
Other				–	–	4,198	30/06/2022
Total				–	–	401,331	

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 70% and 95%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$0.12 and \$939 per square metre.

Specialised buildings are valued using a current replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs is calculated on a square metre basis and ranges from \$293 to \$4,941 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 0 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the current replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 0 years to 200 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

Reconciliation of specialised land

	2022	2021
	\$ '000	\$ '000
Land under roads	5,506	5,222
Crown land	75,144	75,144
Council freehold land	80,044	80,047
Total specialised land	160,694	160,413

Warrnambool City Council

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Notes to the Financial Statements for the year ended 30 June 2022

Note 6. Assets we manage (continued)

	2022 \$ '000	2021 \$ '000
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6.2 Investments in associates, joint arrangements and subsidiaries

(a) Investments in associates

Investments in associates and joint arrangements accounted for by the equity method are:

Corangamite Regional Library Corporation	-	-
Total investments in associates and joint arrangements	-	-

Associates and joint arrangements - in profit

Corangamite Regional Library Corporation	-	(49)
Total surplus for year in associates and joint arrangements	-	(49)

Corangamite Regional Library Corporation

Warrnambool City Council in conjunction with Colac Otway Shire, Corangamite Shire and Moyné Shire had an interest in the Corangamite Regional Library Corporation. Warrnambool City Council exited the Library Corporation on 30 June 2021. From this date onwards Warrnambool City Council has a 0% equity interest (39.00% in 2020/2021).

Council's share of accumulated surplus/(deficit)

Council's share of accumulated surplus/(deficit) at start of year	-	695
Reported surplus/(deficit) for year	-	(49)
Transfers (to) from reserves	-	25
Distributions for the year	-	(496)
Movement in equity share	-	-
Impairment Loss	-	(175)
Council's share of accumulated surplus/(deficit) at end of year	-	-

Council's share of reserves

Council's share of reserves at start of year	-	25
Transfers (to) from reserves	-	(25)
Council's share of reserves at end of year	-	-

Movement in carrying value of specific investment

Carrying value of investment at start of year	-	720
Share of surplus/(deficit) for year	-	(49)
Distributions received	-	(496)
Movement in equity share	-	-
Impairment Loss	-	(175)
Carrying value of investment at end of year	-	-

Associates are all entities over which Council has significant influence but not control or joint control. Investments in associates are accounted for using the equity method of accounting, after initially being recognised at cost.

Warrnambool City Council

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for the year ended 30 June 2022

Note 6. Assets we manage (continued)

	2022	2021
	\$ '000	\$ '000

(b) Committees of management

Committees of management

Port of Warrnambool

The Council is the Committee of Management for the Port of Warrnambool. The financial transactions have been included in Council's financial statements and are summarised below:

Summarised Statement of Comprehensive Income

Income

Grants - operating	97	97
User fees	6	9
Grants - capital	1,297	128

Expenditure

Materials and Services	(226)	(122)
Capital expenditure	(160)	(341)

Surplus/(Deficit) for the Year

1,014	(229)
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The operation of the Port of Warrnambool is by an agreement between Warrnambool City Council and the Department of Transport. Any assets are returnable on cessation of the agreement.

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Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 7. People and relationships

7.1 Council and key management remuneration

(a) Related Parties

Parent entity

Warrnambool City Council is the parent entity.

Subsidiaries and Associates

Interests in subsidiaries and associates are detailed in Note 6.2.

(b) Key Management Personnel

Key management personnel (KMP) are those people with the authority and responsibility for planning, directing and controlling the activities of Warrnambool City Council. The Councillors, Chief Executive Officer and Executive Directors are deemed KMP.

Details of persons holding the position of Councillor or other members of key management personnel at any time during the year are:

Councillors	Councillor Vicki Jellie (Mayor 01/07/2021 to 24/10/2021; 04/04/2022 to 30/06/2022) Councillor Richard Ziegeler (Mayor 25/10/2021 to 21/03/2022) Councillor Debbie Arnett (Deputy Mayor and Acting Mayor 22/03/2022 to 03/04/2022) Councillor Otha Akoch Councillor Angie Paspaliaris Councillor Ben Blain Councillor Max Taylor
Chief Executive Officer	Mr Peter Schneider
Key Management Personnel	Director - Corporate Strategies Mr Peter Utri Director - City Growth Mr Andrew Paton Director - City Infrastructure Mr David Leahy Director - Community Development Ms Jodie McNamara (Acting 14/10/2021 to 30/06/2022) Director - Community Development Mr Richard Stone (Acting 26/07/2021 to 13/10/2021) Director - Community Development Mr David Leahy (Acting 01/07/2021 to 25/07/2021)

	2022 No.	2021 No.
Total Number of Councillors	7	14
Total of Chief Executive Officer and other Key Management Personnel	6	9
Total Number of Key Management Personnel	13	23

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 7. People and relationships (continued)

	2022 \$ '000	2021 \$ '000
(c) Remuneration of Key Management Personnel		
Total remuneration of key management personnel was as follows:		
Short-term benefits	1,287	1,527
Long-term benefits	25	27
Post employment benefits	94	86
Total	1,406	1,640

	2022 No.	2021 No.
The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:		
\$10,000 - \$19,999	2	12
\$20,000 - \$29,999	3	1
\$30,000 - \$39,999	-	3
\$40,000 - \$49,999	1	-
\$50,000 - \$59,999	1	2
\$60,000 - \$69,999	1	-
\$120,000 - \$129,999	-	1
\$130,000 - \$139,999	1	-
\$210,000 - \$219,999	1	2
\$220,000 - \$229,999	2	-
\$280,000 - \$289,999	-	1
\$320,000 - \$329,999	1	-
\$390,000 - \$399,999	-	1
	13	23

Warrnambool City Council

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Notes to the Financial Statements
 for the year ended 30 June 2022

Note 7. People and relationships (continued)

(d) Senior Officer Remuneration

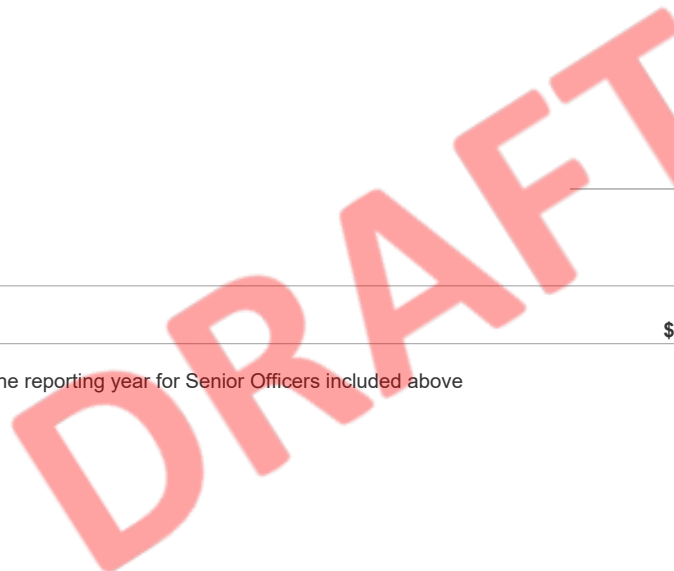
A Senior Officer is an officer of Council, other than Key Management Personnel, who:

- a) has management responsibilities and reports directly to the Chief Executive; or
- b) whose total annual remuneration exceeds \$151,000

The number of Senior Officers are shown below in their relevant income bands:

	2022 No.	2021 No.
Income Range:		
\$110,000 - \$119,999	–	1
\$140,000 - \$149,999	–	1
\$150,000 - \$159,999	1	–
\$170,000 - \$179,999	1	1
\$200,000 - \$209,999	1	–
	3	3

	2022 \$ '000	2021 \$ '000
Total Remuneration for the reporting year for Senior Officers included above amounted to:	529	434



Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 7. People and relationships (continued)

7.2 Related party disclosure

(a) Transactions with related parties

During the period Council entered into the following transactions with related parties:

Councillor	Related Party	Nature of Relationship	Terms and Conditions	Nature of Transaction	Aggregate Total \$'000
Cr Arnott	Style Active by Chloe	Controlled entity	Commercial	Vouchers	0.1
Cr Paspaliaris	Alex Pye Electrics	Spouse controlled entity	Commercial	Electrical repairs and maintenance	1

(b) Outstanding balances with related parties

The following balances are outstanding at the end of the reporting period in relation to transactions with related parties:

2022 - Nil (2021 - Nil)

(c) Loans to/from related parties

The aggregate amount of loans in existence at balance date that have been made, guaranteed or secured by the council to a related party as follows:

2022 - Nil (2021 - Nil)

(d) Commitments to/from related parties

The aggregate amount of commitments in existence at balance date that have been made, guaranteed or secured by the council to a related party are as follows:

2022 - Nil (2021 - Nil)

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 8. Managing uncertainties

8.1 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

(a) Contingent assets

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council.

Construction of infrastructure assets by developers in the course of creating new subdivisions results in the infrastructure assets being vested in Council when Council issues a Statement of Compliance.

At reporting date, developers had commenced construction of assets that will eventually be transferred to Council contingent upon council issuing a Statement of Compliance.

Due to the nature of the arrangements in place and the assets involved, a contingent asset amount cannot be reliably measured prior to completion.

(b) Contingent liabilities

Contingent liabilities are:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council; or
- present obligations that arise from past events but are not recognised because:
- it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation; or
- the amount of the obligation cannot be measured with sufficient reliability.

Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

MAV Workcare

Council was a participant of the MAV WorkCare Scheme. The MAV WorkCare Scheme provided workers compensation insurance. MAV WorkCare commenced business on 1 November 2017 and the last day the Scheme operated as a self-insurer was 30 June 2021. In accordance with the Workplace Injury Rehabilitation and Compensation Act 2013, there is a six year liability period following the cessation of the Scheme (to 30 June 2027). During the liability period, adjustment payments may be required (or received). The determination of any adjustment payments is dependent upon revised actuarial assessments of the Scheme's tail claims liabilities as undertaken by WorkSafe Victoria. If required, adjustments will occur at the 3-year and 6-year points during the liability period, and will affect participating members.

Gallagher Bassett is a direct provider appointed by WorkSafe Victoria to provide workers compensation insurance and have been appointed as Council's agent since the closure of the MAV WorkCare Scheme.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 8. Managing uncertainties (continued)

(c) Guarantees for loans to other entities

The amount disclosed for financial guarantee in this note is the nominal amount of the underlying loan that is guaranteed by the Council, not the fair value of the financial guarantee.

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that the right will be exercised.

The Council acts as guarantor in respect of bank loans provided to the following clubs and community groups:

Entity and Institution	Original Loan \$'000	Balance of borrowings 2022 \$'000	2021 \$'000
Warrnambool Returned Services Club - Commonwealth Bank	3,351	2,176	2,705
Warrnambool Football Netball Club - Commonwealth Bank	800	556	643
Old Collegians Football Netball Club - NAB	100	90	95
Dennington Football Netball Club - Bendigo Bank	49	35	40
Dennington Bowls Club -Bendigo Bank	100	8	1

8.2 Change in accounting standards

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2022 reporting period. Council assesses the impact of these new standards. As at 30 June 2022 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2023 that are expected to impact Council.

8.3 Financial instruments

(1) Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank and/or TCW borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(2) Market risk

Market risk is the risk that the fair value or future cash flows of Council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes Council to fair value interest rate risk.. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 2020*.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 8. Managing uncertainties (continued)

Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

(3) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council has exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- Council has a policy for establishing credit limits for the entities Council deals with;
- Council may require collateral where appropriate; and
- Council only invests surplus funds with financial institutions which have a recognised credit rating specified in Council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the Council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when Council provides a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

(4) Liquidity risk

Liquidity risk includes the risk that, as a result of Council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet and the amounts related to financial guarantees disclosed in Note 8.1(c), and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

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2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 8. Managing uncertainties (continued)

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(5) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A shift of + 2.5 % and - 0.25 % in market interest rates (AUD) from year-end rates of 3.52%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement

Fair Value Hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

AASB 13 defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value under AASB 13 is an exit price regardless of whether that price is directly observable or estimated using another valuation technique.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

- Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities
- Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and
- Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above. In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 1 to 5 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

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2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 8. Managing uncertainties (continued)

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

No matters have occurred after balance date that require disclosure in the financial report.

Note 9. Other matters

	Balance at beginning of reporting period \$ '000	Increment (decrement) \$ '000	Share of incr. (decr) on revaluation of the asset through disposal of investment \$ '000	Balance at end of reporting period \$ '000
9.1 Reserves				
(a) Asset revaluation reserves				
2022				
Property				
Land	124,251	–	–	124,251
Buildings	92,113	2,576	–	94,689
	216,364	2,576	–	218,940
Plant and equipment				
Artworks	2,640	–	–	2,640
	2,640	–	–	2,640
Infrastructure				
Roads	99,350	72,418	–	171,768
Bridges	15,346	(5,943)	–	9,403
Footpaths and cycleways	677	(677)	–	–
Drainage	21,218	18,540	–	39,758
Aerodromes	238	495	–	733
Offstreet car parks	–	553	–	553
Other infrastructure	29,041	(3,380)	–	25,661
	165,870	82,006	–	247,876
Total asset revaluation reserves	384,874	84,582	–	469,456

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Notes to the Financial Statements

for the year ended 30 June 2022

Note 9. Other matters (continued)

	Balance at beginning of reporting period \$ '000	Increment (decrement) \$ '000	Share of incr. (decr) on revaluation of the asset through disposal of investment \$ '000	Balance at end of reporting period \$ '000
2021				
Property				
Land	124,251	–	–	124,251
Buildings	92,113	–	–	92,113
	<u>216,364</u>	<u>–</u>	<u>–</u>	<u>216,364</u>
Plant and equipment				
Corangamite Regional Library Corporation	706	–	(706)	–
Artworks	2,640	–	–	2,640
	<u>3,346</u>	<u>–</u>	<u>(706)</u>	<u>2,640</u>
Infrastructure				
Roads	99,350	–	–	99,350
Bridges	15,346	–	–	15,346
Footpaths and cycleways	677	–	–	677
Drainage	21,218	–	–	21,218
Aerodromes	238	–	–	238
Other infrastructure	29,041	–	–	29,041
	<u>165,870</u>	<u>–</u>	<u>–</u>	<u>165,870</u>
Total asset revaluation reserves	<u>385,580</u>	<u>–</u>	<u>(706)</u>	<u>384,874</u>

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time. The Corangamite Regional Library Corporation recognises the fair value of revalued assets in their books

Warrnambool City Council

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Notes to the Financial Statements
for the year ended 30 June 2022

Note 9. Other matters (continued)

	Balance at beginning of reporting period \$ '000	Transfer from Accumulated Surplus \$ '000	Transfer to Accumulated Surplus \$ '000	Balance at end of reporting period \$ '000
(b) Other reserves				
2022				
Main drainage fund	886	–	(487)	399
Committed reserve	8,556	2,535	–	11,091
Heritage restoration fund	45	1	–	46
Insurance claims reserve	90	–	–	90
Art gallery reserve	47	1	–	48
Resort and recreation reserve	190	71	–	261
Car park fund	617	–	(132)	485
North of the Merri developer contribution reserve	1,113	57	–	1,170
Hopkins Point Road developer contribution reserve	140	108	–	248
North East growth area developer contribution reserve	156	8	–	164
Total Other reserves	11,840	2,781	(619)	14,002
2021				
Main drainage fund	749	137	–	886
Committed reserve	5,888	2,668	–	8,556
Heritage restoration fund	45	–	–	45
Insurance claims reserve	90	–	–	90
Information technology reserve	131	–	(131)	–
Art gallery reserve	47	–	–	47
Resort and recreation reserve	311	–	(121)	190
Car park fund	96	521	–	617
North of the Merri developer contribution reserve	1,080	33	–	1,113
Hopkins Point Road developer contribution reserve	13	127	–	140
North East growth area developer contribution reserve	–	156	–	156
Total Other reserves	8,450	3,642	(252)	11,840

Main Drainage Fund is maintained specifically for future major drainage works.
Committed Reserve is specifically for future works and Councils small infrastructure fund.
Heritage Restoration Fund is maintained specifically for grant loans for heritage works.
Insurance Claims Reserve is maintained specifically for Council's self-insurance.
Information Technology Reserve is maintained specifically for major information technology upgrades.
Art Gallery Reserve is maintained specifically for the purchase of art pieces.
Resort and Recreation Reserve is maintained specifically for public open space works.
Car Park Fund is maintained specifically for future major car park works.
North of the Merri Developer Contributions Reserve is maintained specifically for contributions held in this growth area.
Hopkins Point Road Developer Contributions Reserve is maintained specifically for contributions held in this growth area.
Northeast DCP Developer Contributions Reserve is maintained specifically for contributions held for the growth areas in the Northeast of Warrnambool.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements
for the year ended 30 June 2022

Note 9. Other matters (continued)

	2022 \$ '000	2021 \$ '000
9.2 Reconciliation of cash flows from operating activities to surplus		
Surplus for the year	18,445	12,085
Add / (deduct) non-cash items:		
Depreciation/amortisation	12,717	12,359
Profit/(loss) on disposal of property, infrastructure, plant and equipment	(126)	(8)
Contributions - Non-monetary assets	(4,705)	(6,132)
Found assets	(102)	(61)
Net share of net profits of associates and joint ventures	-	49
Interest on lease liabilities	35	34
Prior year periodical collections written off	48	-
Change in assets and liabilities:		
(Increase)/decrease in trade and other receivables	(625)	(9)
(Increase)/decrease in inventories	(27)	29
(Increase)/decrease in prepayments	273	384
Increase/(decrease) in accrued income	(1,256)	160
Increase/(decrease) in trade and other payables	659	1,482
Increase/(decrease) in provisions	(131)	107
Increase/(decrease) in trust deposits	340	644
Increase/(decrease) in Unearned income /revenue	(427)	1,873
Net cash provided by/(used in) operating activities	25,118	22,996

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 9. Other matters (continued)

9.3 Superannuation

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in the Comprehensive Income Statement when they are made or due.

Accumulation

The Fund's accumulation category, Vision MySuper/Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2022, this was 10.0% as required under Superannuation Guarantee (SG) legislation (2021: 9.5%)).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of the Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Funding Arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

As at 30 June 2021, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category.

The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 109.8%. The financial assumptions used to calculate the VBI were:

Net investment returns 4.75% pa
Salary information 2.75% pa
Price inflation (CPI) 2.25% pa.

As at 30 June 2022, an interim actuarial investigation is underway as the Fund provides lifetime pensions in the Defined Benefit category. It is expected to be completed by 31 October 2022.

Vision Super has advised that the VBI at 30 June 2022 was 102.2%. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021). The financial assumptions used to calculate this VBI were:

Net investment returns 5.5% pa
Salary information 2.5% pa to 30 June 2023, and 3.5% pa thereafter
Price inflation (CPI) 3.0% pa.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2021 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Employer contributions

(a) Regular contributions

On the basis of the results of the 2021 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2022, this rate was 10.0% of members' salaries (9.5% in 2020/21). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 9. Other matters (continued)

(b) Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

The 2021 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2021 and the last full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigations identified the following for the Defined Benefit category of which Council is a contributing employer:

	2021 (Interim) \$m	2020 (Triennial) \$m
- A VBI Surplus	214.7	100.0
- A total service liability surplus	270.3	200.0
- A discounted accrued benefits surplus	285.2	217.8

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2021.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2021.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2021.

Council was notified of the 30 June 2021 VBI during August 2021 (2020: August 2020).

The 2022 interim actuarial investigation

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2022 as the Fund provides lifetime pensions in the Defined Benefit category. It is anticipated that this actuarial investigation will be completed by October 2022. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021).

Warrnambool City Council

2021/2022 Financial Report

Notes to the Financial Statements

for the year ended 30 June 2022

Note 9. Other matters (continued)

Superannuation contributions

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2022 are detailed below:

Scheme	Type of scheme	Rate	2022 \$ '000	2021 \$ '000
Vision Super	Defined benefit	10%	201	200
Vision Super	Accumulation fund	10%	2,149	2,102
Other Funds	Accumulation fund	10%	683	365

In addition to the above contributions, Council has paid unfunded liability payments to Vision Super totalling \$0 during the 2021/22 year (2020/21 \$0).

There were \$358k contributions outstanding and no loans issued from or to the above schemes as at 30 June 2022.

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2023 is \$190k.

Note 10. Changes in accounting policies

There have been no changes to accounting policies in the 2021-22 year.

There are no pending accounting standards that are likely to have a material impact on council.

Warrnambool City Council

Performance Statement

For the year ended 30 June 2022

Performance Statement

For the year ended 30 June 2022

Description of municipality

The municipality of Warrnambool covers 120sqkm in Victoria's South West.

It includes the city of Warrnambool and townships of Allansford, Bushfield and Woodford.

Warrnambool is 263km south-west of Melbourne and connected to the capital via the Princes Highway and by rail.

It has annual population growth of about one per cent, a population of 35,600 and is the most populous city in the South West.

It contains the coastal city of Warrnambool and the towns of Allansford, Bushfield and Woodford.

Warrnambool has a growing population and over recent years has attracted people seeking a seachange and those from the region who are seeking professional and educational opportunities.

Stunning Lady Bay provides a focal point and major attraction for residents and visitors and in winter and spring the bay is home to southern right whales and their calves.

Warrnambool serves as a centre for a regional population of about 120,000 people. It contains a TAFE college, a Deakin University campus including a School of Medicine and a base hospital which is part of South West Healthcare. The major employment sectors are health care and social assistance, retail, manufacturing, education and training, accommodation and food services, professional services and construction.

Warrnambool has a moderate climate with an average maximum summer temperature of about 24°C, while the average winter maximum is about 14°C.

The Great South Coast region features major visitor attractions including the 12 Apostles, Tower Hill and Budj Bim National Park.

Along with the natural attractions visitors are drawn to events including the speedway car racing, the May Racing Carnival and surf lifesaving events.

The region also features some of Australia's most fertile agricultural land much of which is dedicated to dairy and beef production. Major dairy manufacturers and a large meat processor are situated in and around Warrnambool providing a major source of employment.

Warrnambool's economy generates an annual output of \$4.743 billion accounting for over 25 per cent of the Great South Coast region's economic output from less than one per cent of the land area.

Overview of 2021-2022

Throughout the course of the financial year COVID-safe measures began to ease which in turn meant that a number of Council entities including the Library and AquaZone began to return to more usual operation levels.

A number of substantial capital works projects were begun in the financial year including the replacement of Edwards Bridge and the upgrade of Lake Pertobe Adventure Playspace.

The redevelopment of Reid Oval as the premier regional sportsground was completed while work continued on the new library, situated on the campus of South West TAFE.

Sustainable Capacity Indicators							
For the year ended 30 June 2022							
	Results						
Indicator / measure [formula]	2019	2020	2021	2022	Comment		
Population							
<i>Expenses per head of municipal population</i>	\$2,154.41	\$2,052.59	\$2,044.55	\$2,102.06			
[Total expenses / Municipal population]							
<i>Infrastructure per head of municipal population</i>	\$13,443.32	\$13,267.27	\$13,429.52	\$16,094.87	A revaluation of all infrastructure assets and buildings occurred in 2021/22 and there were significant increases in construction costs.		
[Value of infrastructure / Municipal population]							
<i>Population density per length of road</i>	104.31	104.71	104.82	104.11			
[Municipal population / Kilometres of local roads]							
Own-source revenue							
<i>Own-source revenue per head of municipal population</i>	\$1,629.60	\$1,685.48	\$1,617.14	\$1,813.41	There has been an increase in user fees resulting from less COVID19 restrictions particularly in the second half of the financial year. Rates continue to increase via growth and increases in line with the rate cap. In addition, there was a substantial property insurance settlement received for the Florence Collins Child Care Centre building maintenance issue of \$1.285m.		
[Own-source revenue / Municipal population]							
Recurrent grants							

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"population" means the resident population estimated by council

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

<p><i>Critical and major non-compliance outcome notifications</i></p> <p>[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100</p>	84.21%	100.00%	47.22%	100.00%	All major non-compliance issues have been made a priority which causes the number of standard food safety assessments able to be performed reduce.
Governance					
Satisfaction					
<p><i>Satisfaction with council decisions</i></p> <p>[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]</p>	48	38	49	58	The increase in community satisfaction with Council's decisions is a reflection of Council's transparency and commitment to informed, fact based decision making in accordance with the role of Councillors under the Local Government Act 2020.
Libraries					
Participation					
<p><i>Active library borrowers in municipality</i></p> <p>[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100</p>	13.77%	13.87%	12.36%	11.22%	In 2021/22 the Warrnambool Library conducted an active member review, purging all cards that had been inactive or not updated by 31st of May 2022.
Maternal and Child Health (MCH)					
Participation					

<p><i>Participation in the MCH service</i></p> <p>[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100</p>	76.99%	77.68%	82.25%	82.97%	Warrnambool City Council has targeted assertive outreach to re-engage families who typically fall away from the 2-year-old Key Age and Stage visits.
Participation					
<p><i>Participation in the MCH service by Aboriginal children</i></p> <p>[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100</p>	73.24%	80.00%	86.81%	93.21%	Warrnambool City Council has signed a Memorandum of Understanding with Gunditjmara Aboriginal Cooperative to deliver Maternal and Child Health services to families who identify as Aboriginal, via a cultural coordinator who works with the Maternal and Child Health staff to undertake Maternal and Child Health Key Age and Stage visits.
Roads					
Satisfaction					
<p><i>Satisfaction with sealed local roads</i></p> <p>[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]</p>	58	48	59	60	The public perceptions in relation to this category relate predominately to the State road network. Warrnambool's local road network is at a high standard.
Statutory Planning					
Decision making					
<p><i>Council planning decisions upheld at VCAT</i></p> <p>[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100</p>	50.00%	0.00%	50.00%	0.00%	During the 2021/22 financial year, there were no VCAT decisions made in relation to planning applications.
Waste Collection					

<i>Waste diversion</i>								
<i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	47.78%	64.30%	64.44%	66.24%	Council continues to see increased diversion from landfill with the glass bin rollout meaning recycling is front of mind for ratepayers.			

Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

"active library borrower" means a member of a library who has borrowed a book from the library

"annual report" means an annual report prepared by a council under section 98 of the Act

"class 1 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 2 food premises under section 19C of that Act

"critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the Food Act 1984

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"population" means the resident population estimated by council

<i>Current assets compared to current liabilities</i>	171.63%	158.72%	158.93%	196.17%	140.78%	140.18%	133.56%	152.60%	Council's cash balance increased due to the receipt of a number of grants for projects that will commence in 2022/23, the major one being the Port boat ramp upgrade. Council also received 75% of the 2022/23 Victoria Grants Commission payment in 2021/22, there was an increase in user fees and salary costs were lower than expected due to vacancies. A number of multi-year capital projects or capital projects scheduled for 2021/22 that were not completed have been rolled over into 2022/23 which will reduce the ratio in that year before averaging out over the coming years.
[Current assets / Current liabilities] x100									
<i>Unrestricted cash</i>									
<i>Unrestricted cash compared to current liabilities</i>	66.21%	125.43%	77.97%	109.24%	88.03%	86.74%	80.77%	96.80%	Council's cash balance increased due to the receipt of a number of grants for projects that will commence in 2022/23, the major one being the Port boat ramp upgrade. Council also received 75% of the 2022/23 Victoria Grants Commission payment in 2021/22, there was an increase in user fees and salary costs were lower than expected due to vacancies. A number of multi-year capital projects or capital projects scheduled for 2021/22 that were not completed have been rolled over into 2022/23 which will reduce the ratio in that year before averaging out over the coming years.

[Unrestricted cash / Current liabilities] x100									
Obligations									
Loans and borrowings									
<i>Loans and borrowings compared to rates</i>	26.23%	20.39%	19.54%	24.54%	31.32%	32.11%	33.61%	31.61%	Council borrowed funds in 2021/22 for the Reid Oval upgrade. Council also borrowed funds for the Library and Learning Centre with part of the funds being drawn down in 2021/22 and the balance being drawn down in 2022/23. In the forecast period, Council is intending to borrow funds to complete some major capital projects.
[Interest bearing loans and borrowings / Rate revenue] x100									
<i>Loans and borrowings repayments compared to rates</i>	4.84%	4.85%	4.28%	4.42%	4.74%	5.43%	5.59%	5.79%	Loan repayments increased in 2021/22 as Council borrowed funds for the Reid Oval upgrade and the Learning and Library Hub. Part of the funds were drawn down in 2021/22 for the Learning and Library Hub with the balance being drawn down in 2022/23. In the forecast period, Council is intending to borrow more funds to complete some major capital projects.
[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100									
Indebtedness									
<i>Non-current liabilities compared to own source revenue</i>	16.79%	15.09%	15.42%	17.03%	20.48%	20.43%	21.06%	19.67%	Council borrowed funds in 2021/22 for the Reid Oval upgrade and the Learning and Library Hub. In the forecast period, Council is intending to

										borrow significant funds to complete some major capital projects.
[Non-current liabilities / Own source revenue] x100										
Asset renewal and upgrade										
<i>Asset renewal and upgrade compared to depreciation</i>	New in 2020	101.76%	115.13%	131.15%	212.19%	112.50%	92.05%	126.22%		Council received significant grant funds for projects that had elements of renewal, in particular, the Reid Oval upgrade which was completed in 2021/22. In the forecast period, the level of asset renewal will fluctuate depending on the major capital works and level of government funding.
[Asset renewal and asset upgrade expense / Asset depreciation] x100										
Operating position										
Adjusted underlying result										
<i>Adjusted underlying surplus (or deficit)</i>	-1.03%	3.21%	0.81%	7.57%	1.42%	1.65%	1.56%	3.90%		Council aims for a breakeven underlying surplus however it was higher in 2021/22 due to a number of reasons including: <ul style="list-style-type: none"> - 75% of the 2022/23 Victorian Local Government Grants Commission funding was received in 2021/22; - Property insurance settlement received for the Florence Collins Child Care Centre building maintenance issue (\$1.285m); - User fees increased higher than the previous year due to increased usage across multiple services post COVID19;

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"population" means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant" means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Other Information

For the year ended 30 June 2022

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by council in its financial plan on 28 June 2021 and which forms part of the council plan. The financial plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The financial plan can be obtained by contacting council.

Certification of the Performance Statement

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

John Brockway CPA
Principal Accounting Officer
Dated:

In our opinion, the accompanying performance statement of the Warrnambool City Council for the year ended 30 June 2022 presents fairly the results of council's performance in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify this performance statement in its final form.

Cr Ben Blain
Councillor
Dated:

Cr Angie Paspaliaris
Councillor
Dated:

Peter B Schneider
Chief Executive Officer
Dated:

OFFICIAL

REPORT OF OPERATIONS (ANNUAL REPORT INSERT)

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
<p>Aquatic Facilities Service standard <i>Health inspections of aquatic facilities</i></p> <p>[Number of authorised officer inspections of Council aquatic facilities / Number of Council aquatic facilities]</p>	2.00	3.00	4.00	4.00	
<p>Utilisation <i>Utilisation of aquatic facilities</i></p> <p>[Number of visits to aquatic facilities / Municipal population]</p>	6.85	4.37	3.65	3.96	Reduction in COVID closures this financial year but still periods of tight restrictions with about 8-9 months of non impacted operations.
<p>Service cost <i>Cost of aquatic facilities</i></p> <p>[Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]</p>	New in 2020	\$3.87	\$4.53	\$3.80	Operations were impacted in the first quarter by COVID19 closures and restrictions with the remaining nine months being relatively normal. This allowed a stronger return of income streams from Learn to Swim and memberships. There was also an 8% increase in overall visitation numbers for the financial year.

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REPORT OF OPERATIONS (ANNUAL REPORT INSERT)

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Animal Management					
Timeliness <i>Time taken to action animal management requests</i>	1.00	1.00	1.00	1.00	
[Number of days between receipt and first response action for all animal management requests / Number of animal management requests]					
Service standard <i>Animals reclaimed</i>	84.24%	19.16%	20.92%	17.25%	While the number of dogs reclaimed maintained pretty steady from the prior year, the number of dogs collected increased from the prior year from 612 to 655.
[Number of animals reclaimed / Number of animals collected] x100					
<i>Animals rehomed</i>	New in 2020	64.57%	71.73%	66.72%	
[Number of animals rehomed / Number of animals collected] x100					
Service cost <i>Cost of animal management service per population</i>	New in 2020	\$16.12	\$17.32	\$19.34	There was an increase in the cost of the RSPCA Agreement to cover ongoing increases in costs to run the pound facility.
[Direct cost of the animal management service / Population]					
Health and safety <i>Animal management prosecutions</i>	New in 2020	0.00%	0.00%	0.00%	During the 2021-22 financial year, Council did not initiate any animal management prosecutions as there were no incidents that warranted a prosecution.
[Number of successful animal management prosecutions / Number of animal management prosecutions] x 100					

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REPORT OF OPERATIONS (ANNUAL REPORT INSERT)

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Food Safety					
Timeliness					
<i>Time taken to action food complaints</i>	1.00	1.00	1.00	1.00	
[Number of days between receipt and first response action for all food complaints / Number of food complaints]					
Service standard					
<i>Food safety assessments</i>	99.64%	94.26%	53.27%	20.32%	The number of food safety assessments that were performed are lower than prior years due to the limited staffing the department has had since 2021.
[Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the Food Act 1984 / Number of registered class 1 food premises and class 2 food premises that require an annual food safety assessment in accordance with the Food Act 1984] x100					
Service cost					
<i>Cost of food safety service</i>	\$323.35	\$281.93	\$289.76	\$353.27	Consulting labour has had to be used to fill gaps in staff shortages causing an increase in costs.
[Direct cost of the food safety service / Number of food premises registered or notified in accordance with the Food Act 1984]					
Health and safety					
<i>Critical and major non-compliance outcome notifications</i>	84.21%	100.00%	47.22%	100.00%	All major non-compliance issues have been made a priority which causes the number of standard food safety assessments able to be performed reduce.
[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100					

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
<p>Governance</p> <p>Transparency</p> <p><i>Council decisions made at meetings closed to the public</i></p> <p>[Number of Council resolutions made at meetings of Council, or at meetings of a delegated committee consisting only of Councillors, closed to the public / Number of Council resolutions made at meetings of Council or at meetings of a delegated committee consisting only of Councillors] x100</p>	5.19%	12.68%	5.77%	1.88%	Council has worked diligently to meet its Transparency Policy and transparency obligations under the Local Government Act 2020 and has reduced both the number of closed Council Meetings, as well as the total number of items being decided in closed meetings.
<p>Consultation and engagement</p> <p><i>Satisfaction with community consultation and engagement</i></p> <p>[Community satisfaction rating out of 100 with how Council has performed on community consultation and engagement]</p>	47.00	42.00	50.00	56.00	Council has undertaken significant engagement with the community in accordance with the Act and Council's Community Engagement Policy and the quality and quantity of that engagement has been reflected in the community's satisfaction results.
<p>Attendance</p> <p><i>Councillor attendance at council meetings</i></p> <p>[The sum of the number of Councillors who attended each Council meeting / (Number of Council meetings) × (Number of Councillors elected at the last Council general election)] x100</p>	90.68%	90.48%	100.00%	100.00%	Councillors understand the importance of attending Council Meetings and have done a fantastic job of ensuring their attendance at as many meetings as possible.

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
<p>Service cost Cost of elected representation</p> <p><i>[Direct cost of the governance service / Number of Councillors elected at the last Council general election]</i></p>	\$56,627.94	\$42,908.86	\$47,574.14	\$45,870.43	Despite an increase to the Councillor Allowance, Councillors have remained at in the lower half of the expected range.
<p>Satisfaction Satisfaction with council decisions</p> <p><i>[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]</i></p>	48.00	38.00	49.00	58.00	The increase in community satisfaction with Council's decisions is a reflection of Council's transparency and commitment to informed, fact based decision making in accordance with the role of Councillors under the Local Government Act 2020.

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Libraries					
Utilisation					
<i>Physical library collection usage</i>	4.49	3.44	3.07	3.48	Library loans are up due to the lessening effect of COVID-19 closures and restrictions and increased patron confidence in returning to the library to regularly borrow items.
[Number of physical library collection item loans / Number of physical library collection items]					
Resource standard					
<i>Recently purchased library collection</i>	69.03%	66.40%	77.01%	90.26%	With the exit from the Corangamite Regional Library Corporation on 1st of July 2021, Warrnambool library's collection was greatly reduced with the result that a greater percentage of items are less than 5 years old. The library has been following a program of regular collection management practices to assess and delete items according to our Collection management policy.
[Number of library collection items purchased in the last 5 years / Number of library collection items] x100					
Participation					
<i>Active library borrowers in municipality</i>	13.77%	13.87%	12.36%	11.22%	In 2021/22 the Warrnambool Library conducted an active member review, purging all cards that had been inactive or not updated by 31st of May 2022.
[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100					
Service cost					
<i>Cost of library service per population</i>	New in 2020	\$21.62	\$22.67	\$25.77	Previously Warrnambool City Council was paying a contribution to the Corangamite Regional Library Corporation to deliver a library service, in 2021/22 Warrnambool City Council are paying the full cost of running a library service in-house.
[Direct cost of the library service / Population]					

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Maternal and Child Health (MCH)					
Service standard					
<i>Infant enrolments in the MCH service</i>	99.74%	100.00%	100.00%	103.10%	
[Number of infants enrolled in the MCH service (from birth notifications received) / Number of birth notifications received] x100					
Service cost					
<i>Cost of the MCH service</i>	\$75.13	\$78.44	\$81.30	\$87.24	
[Cost of the MCH service / Hours worked by MCH nurses]					
Participation					
<i>Participation in the MCH service</i>	76.99%	77.68%	82.25%	82.97%	Warrnambool City Council has targeted assertive outreach to re-engage families who typically fall away from the 2-year-old Key Age
[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100					
Participation					
<i>Participation in the MCH service by Aboriginal children</i>	73.24%	80.00%	86.81%	93.21%	Warrnambool City Council has signed a Memorandum of Understanding with Gunditjmara Aboriginal Cooperative to deliver
[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100					
Satisfaction					
<i>Participation in 4-week Key Age and Stage visit</i>	New in 2020	98.62%	96.10%	101.97%	
[Number of 4-week key age and stage visits / Number of birth notifications received] x100					

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Roads					
Satisfaction of use					
<i>Sealed local road requests</i>	67.89	58.50	60.19	54.98	
[Number of sealed local road requests / Kilometres of sealed local roads] x100					
Condition					
<i>Sealed local roads maintained to condition standards</i>	96.48%	96.80%	96.05%	105.27%	
[Number of kilometres of sealed local roads below the renewal intervention level set by Council / Kilometres of sealed local roads] x100					
Service cost					
<i>Cost of sealed local road reconstruction</i>	\$91.05	\$97.30	\$98.78	\$112.65	The reason for the higher variance between 2020/21 and 2021/22 is due to a substantial increase in the market unit rates for costs of road construction jobs nation-wide in 2021/22 due to changes with materials supply and demand.
[Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]					

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
<p>Service Cost <i>Cost of sealed local road resealing</i></p> <p>[Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]</p>	\$8.18	\$6.65	\$6.85	\$5.87	The 2021/22 Reseal Program for Warrnambool City Council was conducted as a Joint Road Resealing Program with Corangamite Shire using the services of Boral - a well-known contractor in the Roads Industry. As a large number of roads were resealed in 2021/22, and as two councils were involved through this Joint Venture, Boral had decreased their market rate for road reseals (spray sealing). The reason for the favourable variance between 2020/21 and 2021/22 is due to a decrease in the pricing for road reseals this year from Boral.
<p>Satisfaction <i>Satisfaction with sealed local roads</i></p> <p>[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]</p>	58.00	48.00	59.00	60.00	The public perceptions in relation to this category relate predominately to the State road network. Warrnambool's local road

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Statutory Planning					
Timeliness					
<i>Time taken to decide planning applications</i>	37.00	35.00	28.00	53.00	There are high numbers of planning permit applications with less resources as there has been a significant time frame between positions becoming vacant and being filled.
[The median number of days between receipt of a planning application and a decision on the application]					
Service standard					
<i>Planning applications decided within required time frames</i>	93.20%	91.97%	100.00%	71.79%	There are high numbers of planning permit applications with less resources as there has been a significant time frame between positions becoming vacant and being filled.
[(Number of regular planning application decisions made within 60 days) + (Number of VicSmart planning application decisions made within 10 days) / Number of planning application decisions made] x100					
Service cost					
<i>Cost of statutory planning service</i>	\$1,928.14	\$1,806.07	\$1,399.64	\$1,691.67	With the continued increase in development activity, Council is still receiving high numbers of planning applications and staffing levels have increased with some vacant positions being filled.
[Direct cost of the statutory planning service / Number of planning applications received]					
Decision making					
<i>Council planning decisions upheld at VCAT</i>	50.00%	0.00%	50.00%	0.00%	During the 2021/22 financial year, there were no VCAT decisions made in relation to planning applications.
[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100					

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
Waste Collection					
Satisfaction					
<i>Kerbside bin collection requests</i>	162.81	215.87	207.27	46.52	There has been a noticeable decrease in the number of bin collection requests. A lot of requests in the prior year were as a result of the glass bin rollout.
[Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1000					
Service standard					
<i>Kerbside collection bins missed</i>	4.49	7.03	10.43	2.19	There has been a noticeable decrease in the number of bin collections missed. The prior years were high due to the 4 bin system being implemented.
[Number of kerbside garbage and recycling collection bins missed / Number of scheduled kerbside garbage and recycling collection bin lifts] x10,000					
Service cost					
<i>Cost of kerbside garbage bin collection service</i>	\$111.26	\$86.17	\$87.43	\$75.67	Lower garbage volumes are going to landfill - which reduces the cost of the service. The landfill costs are an expensive element of the garbage costs.
[Direct cost of the kerbside garbage bin collection service / Number of kerbside garbage collection bins]					
Service cost					
<i>Cost of kerbside recyclables collection service</i>	\$59.15	\$61.03	\$52.49	\$45.49	There is now an additional bin collection service with a separate Recycle and Glass Bin services. While there is a cost for the glass service, the number of bin pickups doubled as there is now recycling and glass bin pickups.
[Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]					

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Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2019	2020	2021	2022	
<p>Waste diversion <i>Kerbside collection waste diverted from landfill</i></p> <p>[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100</p>	47.78%	64.30%	64.44%	66.24%	Council continues to see increased diversion from landfill with the glass bin rollout meaning recycling is front of mind for ratepayers.

7.3. WARRNAMBOOL PLANNING SCHEME AMENDMENT C205WARR NORTH WARRNAMBOOL FLOOD CONTROLS

DIRECTORATE : City Growth

PURPOSE:

This report considers the report of the Independent Panel received for Amendment C205warr (North Warrnambool Flood Controls) to the Warrnambool Planning Scheme. This report recommends that Council adopt the Amendment in the manner recommended by the Panel, and submit the adopted amendment to the Minister for Planning for approval.

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider the report of the Independent Panel which considered submissions in relation to Amendment C205warr (North Warrnambool Flood Controls) to the Warrnambool Planning Scheme, and to make a decision whether or not to adopt the Amendment in the manner recommended by the Independent Panel.
- The Panel Report was received by Council on 7 July 2022 and released to the public on 21 July 2022. A copy of the Panel Report is included as **Attachment 1**.
- Amendment C205warr to the Warrnambool Planning Scheme, as exhibited, proposed to introduce and/or revise flood controls in relation to 400 properties (approximately) in the Merri River and Russells Creek catchments in North Warrnambool. These controls were proposed to apply to land identified by Glenelg Hopkins Catchment Management Authority (CMA) and Council as being liable to inundation from an open watercourse, during severe storm event (1 per cent Annual Exceedance Probability (AEP) flood event).
- The Amendment was exhibited for six weeks from 23 September 2021 to 12 November 2021. A total of 21 submissions were received.
- In relation to its consideration of submissions to Amendment C205warr, at its meeting of 7 February 2022, Council resolved to endorse the officers response to each submission, and to refer those submissions to an Independent Panel for its consideration.
- The report of the Independent Panel recommends that Amendment C205warr to the Warrnambool Planning Scheme be adopted subject to mapping changes that had already been agreed upon by Council and the CMA through the Panel process. The Panel agreed with the CMA and Council's position that the Amendment is strategically justified, based on sound modelling of flood events, and has been translated appropriately into flood controls.
- Pursuant to Section 27(1) of the Planning and Environment Act 1987, Council must consider the Panel's report before deciding whether or not to adopt the Amendment (with or without changes).
- It is recommended that Council accept the Panel recommendations and adopt Amendment C205warr, subject to the changes recommended in the Panel report.

MOVED: CR MAX TAYLOR

SECONDED: CR DEBBIE ARNOTT

That Council:

1. **Consider the Panel report for Amendment C205warr to the Warrnambool Planning Scheme in accordance with section 27(1) of the *Planning and Environment Act 1987*, and adopts the Panel's recommendations.**
2. **Adopts Amendment C205warr to the Warrnambool Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*, incorporating the changes to Amendment C205warr recommended by the Panel.**

3. Submits Amendment C205warr to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
4. Notifies all submitters to Amendment C205warr of Council's decision.

CARRIED - 7:0

BACKGROUND

Overview of the Amendment

Amendment C205warr to the Warrnambool Planning Scheme

The Amendment proposes to introduce/or revise the application of flood controls (Urban Flood Zone (UFZ), Floodway Overlay (FO), and Land Subject to Inundation Overlay (LSIO)) within parts of the Merri River and Russells Creek catchments in North Warrnambool as identified by Council and Glenelg Hopkins Catchment Management Authority (CMA) as being liable to flooding during a 1 in 100 year storm event (1% Annual Exceedance Probability (AEP) flood event^[1]), as indicated on the map below.

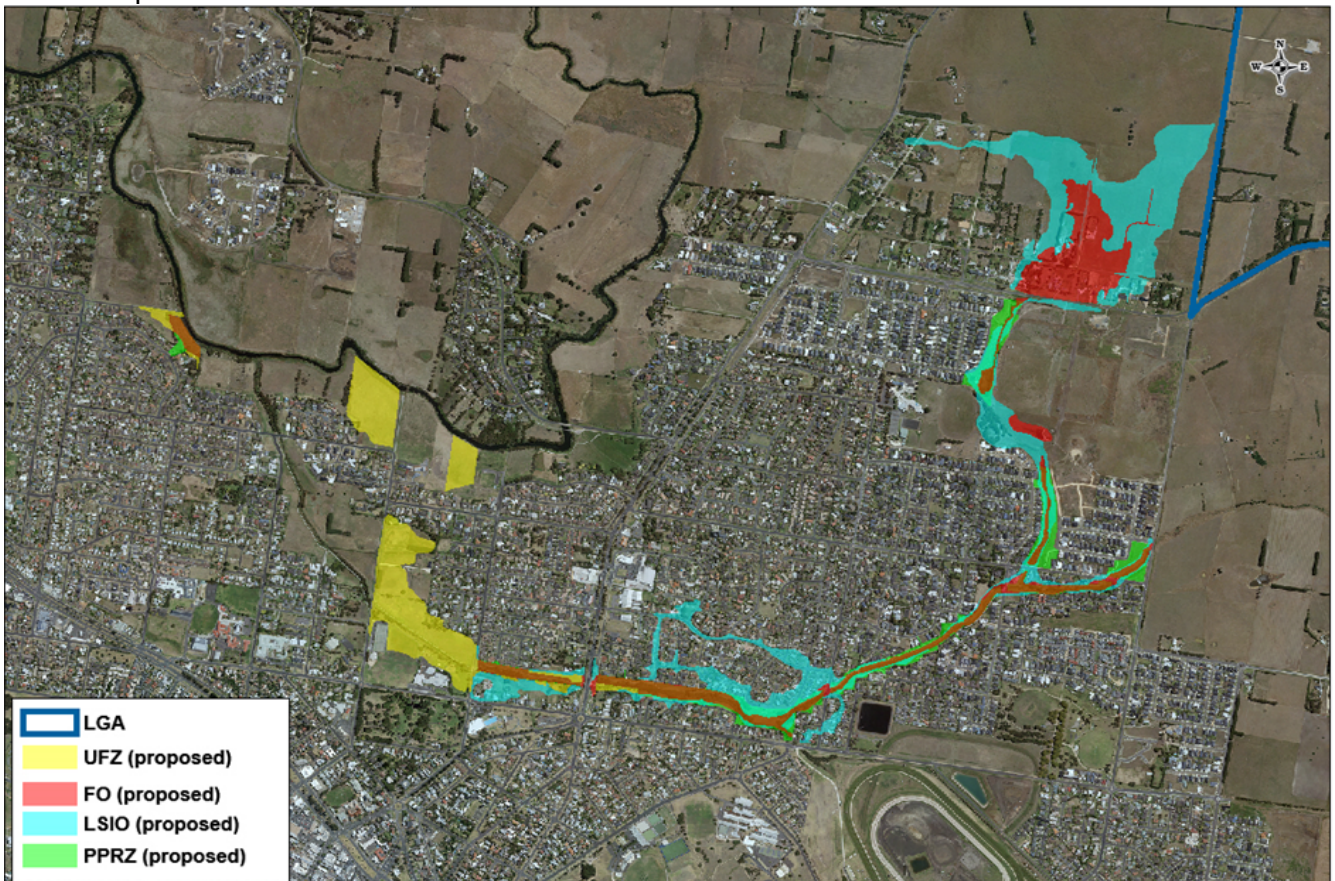


Figure 1: Merri River and Russells Creek catchments proposed rezoning and overlays

More specifically the Amendment seeks to:

- Apply the Urban Floodway Zone (**UFZ**) or Floodway Overlay (**FO**) to areas identified as high hazard flood risk which have the greatest risk and frequency of being flooded.
- Apply the Land Subject to Inundation Overlay (**LSIO**) to areas identified as low hazard flood risk during a 1 in 100 year storm event (1% AEP flood event).
- Amend the Schedule to Clause 72.08 to include Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010) as a Background Document.

In a number of areas, the application of the extent of the UFZ has been reduced and replaced with the Public Park and Recreation Zone (**PPRZ**) or General Residential Zone (**GRZ**), as appropriate.

A number of areas have also had the LSIO removed or reduced.

Planning Controls applicable to the Amendment

The relevant planning controls applicable to the Amendment as shown in Figure 1 are described in **Table 1** below.

Planning Control	Purposes
Urban Floodway Zone (UFZ)	<ul style="list-style-type: none"> To identify waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding. To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
Public Park and Recreation Zone (PPRZ)	<ul style="list-style-type: none"> To recognise areas for public recreation and open space. To protect and conserve areas of significance where appropriate.
Floodway Overlay (FO)	<ul style="list-style-type: none"> To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding. To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting. To ensure that development maintains or improves river and wetland health, waterway protection and floodplain health.
Land Subject to Inundation Overlay (LSIO)	<ul style="list-style-type: none"> To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. To ensure that development maintains or improves river and wetland health, waterway protection and floodplain health.

Table 1 Relevant Planning Controls and their Description

Why is the Amendment Required?

The Amendment represents a significant correction to the flood controls that are currently applied to North Warrnambool in the Warrnambool Planning Scheme.

There are significant areas of land currently covered by a flood control that will have that control removed through the proposed Amendment. This is a direct result of the Planning Scheme's existing flood controls being based largely on a study from 1997 (*Warrnambool Land Liable to Flooding Report, 1997*). Conversely there is land that will be covered by a flood control for the first time (e.g., North Wangoom Road area).

Vast changes to the North Warrnambool area have occurred in recent decades. Development has occurred within the northeast growth corridor and a major flood mitigation project has been constructed in the Mortlake Road/Garden Street precinct along Russells Creek. The changes across the subject area are significant and considered a 'resetting' of the framework for flood controls.

Table 2 below seeks to quantify the changes in the context of the timeframe in which the change has occurred.

Criteria	UFZ	PPRZ	LSIO	FO	Comment
Number of Current Properties	59	5	259	0	The majority of properties currently within an LSIO coverage, about the Mortlake Road area.
Number of Properties Proposed	30	20	269	49	A significant number of properties will now be zoned PPRZ or GRZ as a result of a reduction in flood hazard – and a preference for PPRZ in public open space areas. The increase in properties with an LSIO is largely due to the inclusion of flood affected properties that currently have no controls in the North Wangoom and Whites Road areas.
Area of Current Coverage (ha)	39	1.6	20	0	
Area of Proposed Coverage (ha)	13	19	43	20	The increase in LSIO areas can be attributed to new areas such as North Wangoom Road which currently do not have any flood controls.

Table 2 Key Statistics for the Amendment

A range of flood investigations have been undertaken for the North Warrnambool area since 2003. Flood investigations for an area with significant flood risk, such as the Russells Creek floodplain are ongoing and responsive to technological improvements and changes in the landscape (resulting from urbanisation including construction of roads, retention basins, etc), and will continue to occur over time.

It is important however that the flood controls are updated in the Planning Scheme concurrently with the best available flood information. Parts of the Warrnambool Planning Scheme (including the Russell Creek area) are currently based on the outdated *Warrnambool Land Liable to Flooding Report (1997)*.

The most recent flood study, the *Russell Creek Flood Mitigation – As Constructed Flood Modelling Project* (Water Technology 2017) was in response to the flood mitigation works installed along Russell Creek in 2016. The works consisted of four constructed flood walls and two new 2.4 x 3.6m box culverts under Mortlake Road, refer **Figure 2, 3 and 4**.



Figure 2. Location of the constructed flood walls. (Source; Water Technology 2017).



Figure 3. Constructed flood walls. (Source; Water Technology 2017).



Figure 4. Constructed culverts under Mortlake Road. (Source; Water Technology 2017).

The constructed mitigation works were designed to maintain the public open space provided by the Russell creek corridor and reduce privacy issues that could arise out of public access to a raised embankment abutting private property. Maintaining pedestrian access to the creek corridor over and around these walls was an important design consideration. These access points can be rapidly closed off in the event of major flood.

The constructed mitigation works were also designed to provide a significant benefit to properties within the floodplain. The benefits are summarised in **Table 3**.

Condition	Pre-Mitigation	Post-Mitigation	Benefit	Comment
Average Annual Damages	\$491,783	\$69,571	\$422,212	
Properties Flooded Above Floor	146	14	132	The 1% AEP flood event has reduced the number of properties expected to be flooded above floor from 146 to 14. Whilst 14 properties are still shown to be flooded above floor, a number of these properties are shown to be flooded by relatively shallow depths. All of the properties shown to be flooded above floor following the mitigation works had previously been identified at being at risk from above floor flooding during the 1% AEP flood events. The depth of above floor flooding has reduced for all but 1 of the 14 properties. The average depth of above floor flooding has reduced by 100mm. The locations of the above floor flooded properties are focused on three areas Wangoom Road, Whites Road and within the breakout area around Moonah Drive.

Properties Flooded Below Floor	234	205	29	
Area of Proposed Coverage (ha)	13	19	43	

Table 3. Benefit estimates from the mitigation works for a 1% AEP design flood

It should be noted that Table 3 refers to the benefits from the design 1% AEP flood. This is the probability or risk of a flood of a given size occurring or being exceeded in every given year. It is a very large flood and is used as the minimum design standard for new development in Victoria. The reduction in flood level is translated into a reduction in flood extents for a wide area (refer **Figure 5**).

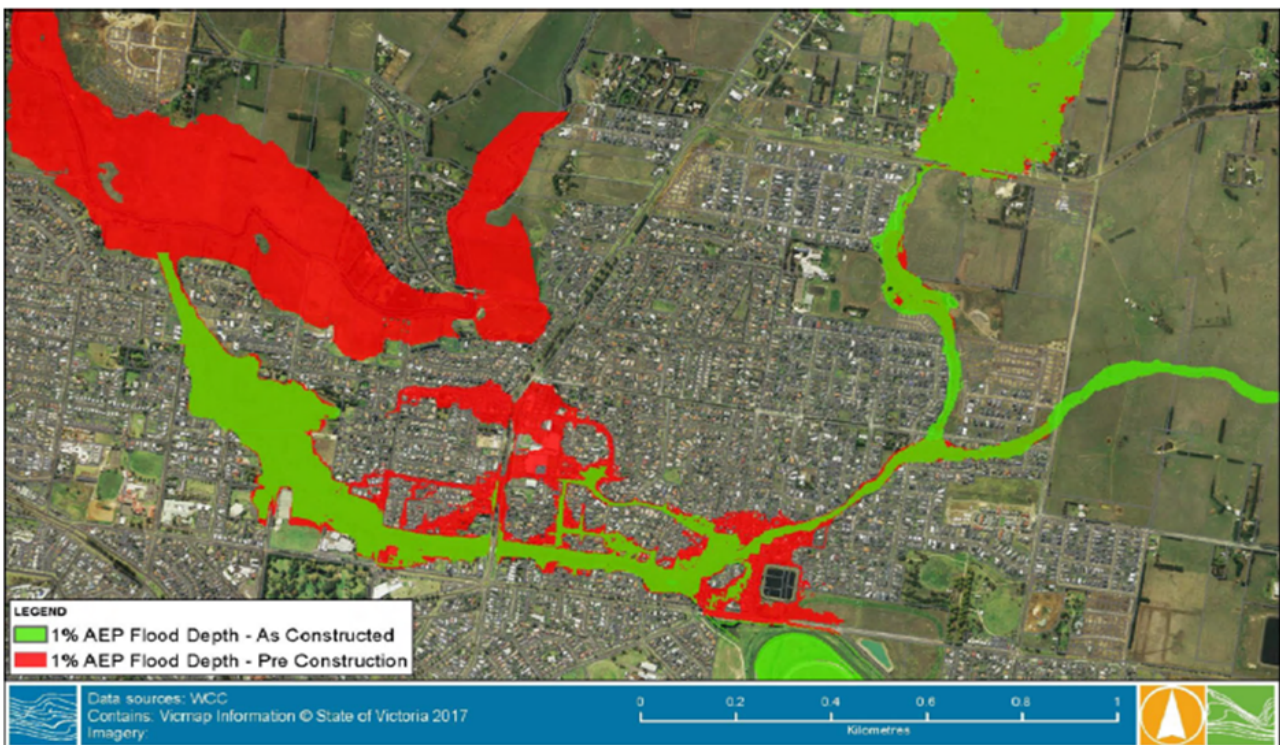


Figure 5. Comparison of pre and post mitigation works

The pre-mitigation flood extent (Figure 5 - red) is based on the design 1% AEP flood extent from the ‘Floodplain Management Plan; Implementation Works’ project (Cardno 2010). This modelling was based upon the floodplain of the day which did not include any of the mitigation infrastructure. The modelling representing the current day 1% AEP design flood extent is represented in Figure 5 – green.

Authorisation & Exhibition of the Amendment

The request for Authorisation to prepare the Amendment was submitted to the Department of Environment, Land, Water and Planning (DELWP) on 12 July 2021. The Amendment was authorised on 3 August 2021, subject to minor administrative corrections.

The Amendment was exhibited for six (6) weeks from 23 September 2021 to 12 November 2021 in accordance with relevant requirements of the *Planning and Environment Act 1987*. A total of 21 submissions were received.

Council considered the 21 submissions received to the Amendment on 7 February 2022 and resolved as follows:

1. Receives and considers all submissions made to Amendment C205warr to the Warrnambool Planning Scheme, including the two late submissions.

2. Requests that the Minister for Planning appoint an Independent Planning Panel to review the submissions received to Amendment C205warr, in accordance with Part 8 of the Planning and Environment Act, 1987.
3. Refers all submissions to the Independent Planning Panel to be appointed by the Minister for Planning.
4. Endorses the officer response to issues raised by submissions outlined in Attachments 3, 4, 5 & 6 as the basis for Council's submission to the Independent Planning Panel.
5. Note other actions outside of the Amendment that relate to possible mitigation/improvement outlined in Attachment 4.
6. Writes to all submitters, informing them of Council's decision.
- 7.

^[1] Annual Exceedance Probability refers to the probability or risk of a flood of a given size occurring or being exceeded in any given year. It is the largest flood that could conceivably occur at a particular location. The 1% AEP design flood is the industry standard for planning purposes.

ISSUES

Planning Panel

Following Council consideration of submissions, the Minister for Planning appointed a two (2) person Independent Planning Panel. The role of the Planning Panel is to conduct a public hearing, consider all unresolved submissions, review the strategic merit of Amendment C205warr and provide a report to the Minister for Planning and Council detailing their findings and recommendations. Prior to the Hearing all submitters were invited to provide further written and verbal presentations to the Panel as part of proceedings.

A Directions Hearing was conducted 8 March 2022. At the Directions Hearing, the Panel instructed Council to convene discussions with those submitters who intend to present at the Panel Hearing to explain the background to the Amendment including the methodology for the flood studies, to discuss the matters in dispute and to explain the effect of proposed Overlays on individual properties. The purpose was to assist submitters with their presentations at the Hearing.

The Panel Hearing was held on 26 April 2022. The Directions hearing and the Panel hearing were held online via videoconferencing. Council officers represented Council and called expert evidence from Tim Morrison of Catchment Simulation Solutions Pty Ltd who had also undertaken a peer review of the flood modelling and mapping and response to each of the submissions. Nine (9) submitters, including the CMA were heard by the Panel. The Panel undertook a rigorous and thorough discussion with all submitters and Council. In particular, the Panel's cross examination of Council's expert witness provided an intense scrutiny of the flood modelling and the issues raised by the submitters.

Planning Panel Report

The Panel Report was received by Council on 7 July 2022 and released to the public on 21 July 2022 and is included as **Attachment 1** to this report.

The Panel found that the Amendment is strategically justified and will implement the Planning Policy Framework and Municipal Planning Strategy which both support the introduction of flood provisions to assist in the protection of life, property, community infrastructure and the environment from the hazards associated with floods.

The Panel found that the Amendment is based on sound modelling of flood extents which have been appropriately translated into zones and overlays.

The Panel's findings and recommendations align and support the evidence base of the flood modelling, translating the modelling into appropriate planning controls, and responding to and assessing submissions. The Panel recommends that Amendment C205warr is adopted as exhibited, subject to minor changes.

Based on the reasons set out in its report, the Panel makes the following recommendations in relation to the balance of the Amendment:

1. Delete the Land Subject to Inundation Overlay from the 43 'minor incursion' sites listed in Appendix D of this Report.
2. Reduce the extent of land at 20 (16) Botanic Road, Warrnambool included in the Land Subject to Inundation Overlay in accordance with 'updated mapping' shown in Figure 4 of this Report.
3. Rezone part of the land at 120 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 5 of this Report.
4. Rezone part of the land at 138 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 6 of this Report.
5. Rezone part of the land at 2-18 Daltons Road, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 7 of this Report.
6. Rezone part of the land at 32 Dooley Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Floodway Overlay to land as shown on updated zone mapping and the updated overlay mapping in Figure 8 of this Report.
7. Amend the Schedule to Clause 74.02 (Further Strategic Work) to include the following:
 - a. Prepare Local Floodplain Development Plans to provide a performance-based approach for decision making that reflects local issues and best practice, including flood risk assessment, in floodplain management.
 - b. Prepare Schedules to the Floodway Overlay and Land Subject to Inundation Overlay to introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth.

The Panel findings and recommendations are discussed in more detail below.

Modelling and mapping

The Panel has addressed the issue of whether the flood modelling undertaken was suitable for the purposes of applying the proposed planning controls.

The Panel heard expert evidence from Tim Morrison of Catchment Simulation Solutions that the flood models were developed using industry standard software packages. Further, a detailed peer review of the flood models and approaches was undertaken by the DELWP anonymous review panel at several stages. While some limitations of the flood modelling were identified by Mr Morrison, appropriate alternative assessments were undertaken that confirmed the results.

The Panel was satisfied the modelling approach undertaken by Council and the CMA has been undertaken accurately and is fit for purpose of applying the proposed zones and overlays, subject to site specific changes discussed later in the report.

More particularly:

“The Panel has given significant weight to the evidence of Mr Morrison that the modelling has been undertaken accurately and that outputs have been appropriately translated into flood controls. Where limitations of the modelling have been identified by Mr Morrison, the Panel notes that alternative calibration methods have been applied to provide confidence that the modelling is sufficiently accurate to inform the planning controls proposed.”

Lived Experience

A number of submissions to the Amendment claimed properties have not experienced flooding in the past (within the past 5 to 60 years) and therefore should not be subject to flood controls.

The Panel heard from Council and the CMA that the past lived experiences outlined in submissions only includes smaller floods that are not comparable to the modelled 1 per cent AEP. This was supported by expert evidence from Catchment Simulation Solutions, noting the 1 per cent AEP was unlikely to have been experienced by the local community within the Merri River or Russell Creek catchment.

The Panel agreed with Council and the CMA and concluded the recent lived experiences of flooding are not comparable to the modelled 1 per cent AEP that has informed the Amendment.

More particularly:

“The Panel accepts that advice of the GHCMA that flood events in the Merri River and Russells Creek catchments in 2020 and 2021 are not comparable to the scale of event (1 per cent AEP) the Amendment is planning for. The Panel agrees with Mr Morrison’s evidence that flood controls should not be based on the observations and experience of residents, notwithstanding they can be valuable inputs into the modelling.”

Mitigation Works

The Panel has considered the matter of whether the Amendment should be delayed until flood mitigation works have been implemented.

The Panel heard from Council and the CMA that flood mitigation works/improvements across the entire Warrnambool catchment area would cost the community millions of dollars and can only be undertaken incrementally over a period of many years. In accordance with legislation, Council and the CMA work collaboratively on opportunities to reduce the impact of flooding throughout the municipality, with highest priority given to areas that pose high risk to public safety.

The recent flood mitigation works undertaken by Council in North Warrnambool (Russell Creek catchment) has reduced the number of above flooded properties from 146 to 14 properties. This is a significant achievement. The locations of the above floor flooded properties are focused on three areas including north of Wangoom Road (6 properties), Whites Road (4 properties) and within the breakout area around Moonah Street (4 properties).

At this current stage, Council and the CMA submitted to the Panel the most practical and economical solution to manage flood prone land in north Warrnambool is to manage new development to reduce the impact of possible flooding by requiring planning permission for certain buildings and works on properties that are subject to flooding (e.g. raise floor levels of new buildings), and to utilise a capital works program.

The Panel agreed with Council and the CMA that the Amendment should progress based on the current flood modelling. If further strategic work or on-ground mitigations are carried out in the future, the approved flood provisions can be reviewed and revised as necessary.

More particularly, the Panel concluded:

“Progress of the Amendment should not be delayed based on uncommitted opportunities to mitigate flood risk.”

Site Specific Submissions

The Panel considered whether it was appropriate to amend the proposed flood controls for the following submitter properties:

- 20 (16) Botanic Road, Warrnambool
- 120 Bromfield Street, Warrnambool
- 138 Bromfield Street, Warrnambool
- 2-18 Daltons Road, Warrnambool
- 32 Dooley Street, Warrnambool
- Wangoom Road, Ian Road, and Wiggs Lane
- 133-135 Whites Road, Warrnambool

The Panel accepted the position of Council and the CMA in relation to the flood mapping and extent of the proposed overlays on all properties, noting minor site-specific mapping revisions to the modelled flood extents were supported where detailed survey data was provided by submitters, and the flood modelling is not compromised.

Further details in relation to the Panel findings and recommendations, including officer response are provided below.

20 (16) Botanic Road

The submitter made a request to Council and the CMA to repeal all of the UFZ from 20 Botanic Road, based on lived experience.

The exhibited Amendment proposes to repeal around 4,000 square metres of the UFZ from the property and rezone to General Residential Zone (GRZ), and apply LSIO. Around 787 square metres or around 7% of the property would remain in the UFZ.

The request was not supported by the CMA and Council. The officer recommendation at the 7 February 2022 meeting was that no further repeal the UFZ will be supported. The Panel agreed with Council's position.

During the Panel process, the submitter provided Council and the CMA with detailed survey data, and requested a reconsideration of the LSIO for the site. Council and the CMA subsequently agreed to revised mapping showing a further (albeit very minor) reduction in the extent of the property included in the LSIO.

Council and the CMA advised the Panel that it supported this change.

The Panel accepted that revision of the LSIO extents for the property has been informed by survey data and is appropriate. The Panel did not support any additional changes to the UFZ to the extents requested by the submitter.

The Panel recommended the LSIO be amended as shown in Figure 4 of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council. This change is minor.

120 Bromfield Street

The submitter made a request to Council and the CMA that the UFZ be partially repealed (approximately 33 square metres) on 120 Bromfield Street in light of supplied survey data.

The exhibited Amendment proposed to repeal approximately 421m² of land from the Urban Floodway Zone. The submitter's request was for an extra 33m² to this area based on supplied survey data.

The request was supported by the CMA and Council. The officer recommendation at the 7 February 2022 meeting was to partially repeal the UFZ on the site to align with on ground survey provided by the submitter.

Council advised the Panel that it supported this change and requested it be included as part of the Amendment.

The Panel accepted that the revision of the flood extents for the property has been informed by further survey data and supported the change.

The Panel recommended the UFZ be amended in relation to 120 Bromfield Street as shown in Figure 5 of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council. This change is minor.

138 Bromfield Street & 2-18 Daltons Road

Submitters made a request to Council and the CMA to have the UFZ at 138 Bromfield Street and 2-18 Daltons Road partially repealed as part of Amendment C205warr based on earthworks (cut and fill scenarios) that had already been carried out on the sites via approved planning permits.

The requests were supported by the CMA and Council. The officer recommendation at the 7 February 2022 meeting was to partially repeal the UFZ and replace with the General Residential Zone (GRZ).

Council advised the Panel that it supported this change and requested it be included as part of the Amendment.

The Panel accepted that the earthworks at the properties had reduced the modelled 1 per cent AEP flood extent below the threshold for inclusion in the UFZ. The Panel agreed with Council, the CMA, and submitters that it is appropriate to reduce the extent of land in the UFZ where the flood risk no longer exists.

The Panel recommended the UFZ be amended in relation to 138 Bromfield Street and 2-18 Daltons Road as shown in figures 6 and 7 (respectively) of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to these submissions be adopted by Council. These changes are minor, and in accordance with approved planning permits for earthworks, and revised flood risk modelling.

32 Dooley Street

The submitter made a request to Council and the CMA to have the UFZ partially repealed and replaced with the General Residential Zone (GRZ). This would make the zoning regime applied to 32 Dooley Street consistent with neighbouring properties to the east (26-30 Dooley Street).

The CMA noted the land had been subject to earthworks (fill) that had been undertaken without the appropriate planning approvals. The CMA did not support the introduction of fill in this location. The CMA supported the partial repeal of the UFZ and introduction of the Floodway Overlay (FO) in its place if earthworks were undertaken to remove the illegal fill to the satisfaction of the CMA. The FO would need to be introduced to enable the construction of a dwelling encroaching onto the 1%AEP floodplain provided the portion within the floodplain is appropriately designed to allow through flow (i.e., stumps and bearers).

The officer recommendation at the 7 February 2022 meeting was that the request could be supported, subject to completion of the above works.

Prior to the Panel Hearing, the property owner undertook the required earthworks and provided a feature survey to Council and the CMA. The CMA assessed the changes and advised Council that the earthworks had been completed to the required standard.

Council advised the Panel that it supported this change and requested it be included as part of the Amendment, noting the change was minor and would enable the land to be developed in a manner that is consistent with neighbouring properties to the east. The FO will ensure any house constructed will appropriately respond to flood risk.

The Panel agreed with Council and the CMA that flood mapping for the site can be revised based on the updated assessment of flood risk.

The Panel recommended the UFZ be amended and apply the FO in relation to 32 Dooley Street as shown in Figure 8 of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council. This change is minor.

Wangoom Road, Ian Road, and Wiggs Lane

The Panel considered several submissions focused on the application of flood controls on Rural Living and Farming Zone properties at Wangoom Road, Ian Road and Wiggs Lane.

The exhibited Amendment proposes to apply the FO and LSIO to a number of properties in this area.

Council officers met with submitters in accordance with the Panel directions. A significant issue for the submitters was the size of the Wangoom Road culverts. Many considered investment in improved infrastructure would mitigate, or at least lessen, the flood risk.

Council relied upon its response to submissions as endorsed by Council at the 7 February 2022 meeting, and provided the following supplementary information to the Panel in relation to drainage and flooding mitigation in the north Warrnambool area:

"Land to the north of Wangoom Road essentially forms a large informal flood detention basin that is constrained by the Wangoom Road embankment, with the existing two culverts (900 by 900 millimetre box culverts) limiting the peak flow rate, while anecdotally flooding is exacerbated with the culverts being blocked at times. This then leads to surcharging of the creek and flooding of properties (being encumbered by the 1% AEP flood extent)."

Council has undertaken a range of investigations to improve flood mitigation for land north of Wangoom Road. In 2006, GHD examined culvert upgrades, however as described in Connell Wagner (2008), even larger upgrade options considered flood overlays would still need to be created.

Engeny (2016) is the latest study undertaken by Council to examine the culvert issue. This work noted increasing the culvert capacity was unfeasible as it may increase flooding further downstream in the Russell Creek catchment.

The Engeny (2016) study examined other options to mitigate flooding in the area, including a large retarding basin (estimated to require 6 hectares of land) and a high flow diversion channel. While the study did not look at any option in great detail, it estimated that the two options would cost \$4.5 million and \$2 million respectively, and would require significant land acquisition (excluded from the estimated cost).

The study noted that both options presented a level of risk to community. For instance, the large retarding basin could present a significant risk in relation to its size and depth, should the embankment structure fail. While a high flow diversion channel may impact on environmental management objectives downstream in the Russell Creek catchment.

The above timeline shows that Council has been active in looking for solutions for land north of Wangoom Road. At this stage, it is not feasible for Council to implement these mitigation options given there are only 6 properties with above floor flooding that are likely to benefit from these options and the high cost of any solution, excluding land acquisition. Any potential future flood mitigation needs to be undertaken via large scale development of the area.

Council undertook extensive community consultation in 2017 to 2018 to ascertain landowner expectations and aspirations for the area, noting land to the north of Wangoom Road is identified in local strategies as a possible residential growth area. The consultation found little to no support for further residential development in the area, with the community expressing that they currently value the larger rural lots, landscape character and amenity of the area.

At this stage, the lack of community support would be a major constraint to large scale development of the area, particularly in relation to mitigating flooding.

Expert evidence by Mr Tim Morrison noted improving flow of water in this location would likely transfer the problem downstream to other areas which are more urbanised.

The Panel concluded that the Amendment is appropriate as it applies to land in Wangoom Road, Wiggs Lane and Ian Road area.

More particularly:

Submissions present an accurate picture of flooding that occurs from time to time in this area. While the Panel understands the anxiety of submitters, it accepts that a decision about works is one for Council. The Panel also notes Mr Morrison's evidence that improving the flow of water in one location may transfer a problem downstream to another location.

The measure for this Amendment is whether the modelling accurately identifies the extent of affected land within the 1% AEP, such that the controls are effective in protecting life, land and property. The Panel is satisfied that is the case.

The Panel recommended no changes to the Amendment in relation to Wangoom Road, Ian Road, and Wiggs Lane submissions.

133-135 Whites Road, Warrnambool

The Panel considered whether the flood modelling is accurate for the Whites Road area and at the Wares Road Bridge.

The exhibited amendment proposes to apply the LSIO and FO to Whites Road properties adjoining Russells Creek. In most instances, the FO only affects small parts or sections of properties. The LSIO covers larger portions of properties.

The submitter questioned the accuracy of the flood extent based on studies previously adopted by Warrnambool City Council (pre 2000 and 2007) and lived experience, and sought exclusion from the flood controls pending further review of the model.

Council relied upon its response to the submission as endorsed by Council at the 7 February 2022 meeting. In this instance, the introduction of flood risk planning controls is based on current risk. The Whites Road area is considered subject to flooding due to high quality flood intelligence obtained through two dimensional flood modelling techniques. This was not available for this area of Warrnambool during the previous flood investigations for the area.

Council's expert witness, Mr Tim Morrison, noted the flood controls proposed to Whites Road properties are not onerous (primarily LSIO) and are readily developable in the future by the current and future owners. Mr Morrison further advised that delaying implementation of flood controls would be against the principles of floodplain management to protect life and property.

The Panel considered whether the modelling accurately identifies the extent of affected land within the 1 % AEP, and whether the controls are effective in protecting life, land and property, and concluded that it is satisfied that is the case.

The Panel was satisfied the Amendment is appropriate as it applies to land on Whites Road area and made no recommendation for changes.

Additional changes to non-submitter properties – Minor Incursions

Council and the CMA recommended the LSIO be modified to remove minor incursions where select properties (total of 43 properties) on the flood fringe would have less than 30 square metres or 6 percent of the site area included in the LSIO. For these properties, it was determined the LSIO would serve no useful purpose and would generate unnecessary planning permit requirements.

Council advised the Panel that it supported these changes and requested they be included as part of the Amendment.

The Panel supported the systematic process by Council and the CMA in refining the extent of flood controls and recommended that it is appropriate to exclude the minor incursions from the LSIO as shown in Appendix D of the Panel Report.

Officer response

It is recommended that Council supports the Panel's recommendations in relation to minor incursion sites, with respect to non-submitter properties – Minor incursions.

Glenelg Hopkins CMA - Local Floodplain Development Plan and Schedules to the FO & LSIO

It is important to note that the Glenelg Hopkins CMA, as the floodplain management authority for the region, provided full support to the flood modelling and its translation into planning controls at the Panel Hearing.

The CMA did submit that the Amendment would have benefited from inclusion of a Local Floodplain Development Plan and Schedules to the FO & LSIO to streamline the consideration of future planning permit applications. This is more of an administrative matter.

The officer recommendation at the 7 February 2022 meeting was to support this request in part. More particularly, it was recommended this work be prepared for the whole municipality at once, rather than prepared and introduced for this small catchment only.

The Panel supported this approach and supported identifying this work as further strategic work in the Schedule to Clause 72.04 of the planning scheme.

More particularly, the Panel recommends:

Amend the Schedule to Clause 74.02 (Further Strategic Work) to include the following:

a) Prepare Local Floodplain Development Plans to provide a performance-based approach for decision making that reflects local issues and best practice, including flood risk assessment, in floodplain management.

b) Prepare Schedules to the Floodway Overlay and Land Subject to Inundation Overlay to introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth.

Officer Response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council.

Officer Recommendation - Adoption of the Amendment

Pursuant to section 27 of the *Planning and Environment Act 1987*, Council must consider the Independent Panel report before deciding whether or not to adopt the Amendment (with or without changes).

It is recommended that Council accept the Panel findings and recommendations and adopt Amendment C205warr, subject to the changes recommended in the Panel Report.

The Panel Report is a validation of Council's strategic work and thoroughness of its strategic processes. It recognises and acknowledges the depth of work and robustness that has been applied from the flood modelling and mapping planning process through to the preparation of the Planning Scheme Amendment.

Until now Council has relied on outdated and patchy information to support planning decisions in the North Warrnambool area. The Amendment is a significant reset to planning controls in the Merri River and Russell's Creek catchment that will support protecting life, land and property.

Municipal Planning Strategy

The Amendment is supported by relevant clauses in the Municipal Planning Strategy, which are outlined below.

Clause 02.03-3 Environmental risks and amenity (Floodplain management) acknowledges that large expanses of land are prone to flooding from the Merri River and Russells Creek. The relevant strategic directions include:

- Protecting floodplains from development that would detrimentally impact their function.
- Protecting life, property and community infrastructure from flood events.

The Amendment supports and implements the strategic directions of the Municipal Planning Strategy by implementing flood controls based on current and updated flood modelling.

Planning Policy Framework

The Amendment is supported by relevant clauses in the Planning Policy Framework, which are outlined below.

Clause 11 Settlement – identifies that planning for settlements must have regard to health, wellbeing and safety. Clause 11.01-1S identifies that investment and growth is to be focused in major regional cities, including Warrnambool.

The Amendment supports these objectives by documenting the extent of flooding and the degree of risk from its impacts by using the UFZ and FO for areas of high hazard, and LSIO for areas of lower hazard. Applying the most accurate flood data also ensures that developable land is maximised, thereby enabling infill residential growth to occur in areas that are not subject to inundation.

Clause 11.03-2S Growth Areas – requires planning to respond to climate change and increase environmental sustainability.

The Amendment implements this clause by introducing updated planning controls that will ensure new development and works respond appropriately to flood risk.

Clause 13 Environmental Risks and Amenity – identifies that planning should strengthen the resilience and safety of communities, and should identify, prevent and minimise the risk of harm to the environment, human health and amenity by applying effective controls to prevent or mitigate significant impacts.

The Amendment responds to this clause by applying appropriate flood controls to recognise and mitigate risk associated with flooding and by ensuring new development and works respond appropriately to environmental risks (e.g. river health) associated with flooding.

Clause 13.01-1S Natural Hazards and Climate Change – identifies the need for adaptation response strategies for existing settlements in risk areas to accommodate change over time.

The Amendment responds to this clause by providing more accurate information to guide development and works to respond appropriately to flood risk.

Clause 13.03-1S Floodplain Management – identifies that planning is to assist the protection of:

- Life, property and community infrastructure from flood hazard
- The natural flood carrying capacity of rivers, streams and floodways
- The flood storage function of floodplains and waterways
- Floodplain areas of environmental significance or of importance to river health.

The Amendment supports these objectives by improving the mapping of flood extents and hazard associated with the floodplains of Russell Creek and Merri River in North Warrnambool.

Clause 13.03-1L Merri River and Russells Creek floodplains – contains the objective that the integrity of the Merri River and Russells Creek floodplains is to be maintained. The clause further identifies that planning is to discourage the filling of land that is subject to flooding; avoid development that will have an adverse downstream impact in terms of flooding and water quality; and ensure that when drainage and flood protection works are inadequate that habitable buildings are protected from flooding.

The Amendment responds to this clause by ensuring that land use and development is directed to locations with no or minor flood risks and carried out in ways that minimises its vulnerability to the threat of flood.

Clause 14.02-1S Catchment planning and management - seeks to assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment. The relevant strategies of this clause are to:

- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments,
- Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
- Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.
- Ensure planning is coordinated with the activities of catchment management authorities.

The Amendment supports this clause by providing revised planning controls relating to the identification and ongoing protection of the floodplain from inappropriate development, including potential for impacts on catchments. The introduction of new controls will align Council's decision making with the information available from GHCMA.

Clause 14.02-2S Water quality - seeks to protect water quality. The strategies to achieve this objective include discouraging incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

The Amendment supports the objective and strategies of this clause by setting out revised planning controls for the floodplain areas, based on most recent flood data and best practice measures for flood affected areas. This will ensure incompatible land uses are not located in floodplain areas, and will reduce impacts on downstream water quality.

Other Planning Strategies

Warrnambool City-Wide Housing Strategy 2013

Council adopted the Warrnambool City-Wide Housing Strategy in December 2013.

The Housing Strategy establishes a 20-year housing growth framework for the municipality to ensure clear policy direction about where residential development will be focused and where it will be limited, in order to meet the changing needs of the municipality.

The plan notes that flooding is a significant constraint on development of Warrnambool, and makes the following relevant comments:

“Development within areas of high flood hazard must be avoided (zoned Urban Floodway Zone (UFZ) or included in Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO)).”

The objectives of the Amendment are considered to be in line with the strategy.

Victorian Floodplain Management Strategy

The Victorian Floodplain Management Strategy is listed as a policy guideline under Clause 13.02-1 and the latest version was released by the State Government in 2016. It provides state-wide policy direction for managing floodplains and minimising flood risks in cities, towns, regional areas and rural communities, including guidance on riverine flooding, flash flooding and coastal flooding.

The Strategy includes in Policy 13a that:

The 1% Annual Exceedance Probability flood will remain the design flood event for the land use planning and building system in Victoria.

One of the policy foundations of the Strategy includes avoiding or minimising future risks and endorsing land use planning controls to manage the potential growth in flood risk. In this regard, the Strategy promotes increasing the land use planning coverage for areas in the 1% Annual Exceedance Probability (AEP).

The objectives of the Amendment are considered to be in line with the strategy.

Community Impact

Existing houses or buildings will not retrospectively be required to obtain planning permit approval (only new development will require a planning permit where planning permit exemptions are not met).

The proposed flooding overlays only affect small parts or sections of properties in most instances, and therefore new development will only need a planning permit if it is located within the overlay itself (where planning permit exemptions are not met).

The identification of properties within overland flow paths can also enable community education and communications to be better directed, to enable residents to best prepare for flood events.

The Amendment will remove flood controls from properties no longer subject to flood risk and result in a net increase of approximately 6.3 hectares of General Residential Zone (GRZ), including:

- 4.5 hectares (approximately) available for infill residential development, in areas including Membery Way, Daltons Road, Donovans Road, Bromfield Street and Botanic Road (possible yield of 54 dwellings, subject to further investigation)
- 1.8 hectares (approximately) available for St Joseph's Primary School.

Sustainability Impact

The Amendment is likely to have positive social and economic effects. Benefits include better management of land liable to flooding and reduced incidence of flood damage to habitable floor areas over time.

By more accurately identifying land within the UFZ, FO and LSIO, the Amendment will assist Council to provide timely and more accurate advice when new development is proposed on land that is potentially subject to inundation.

Increasing the awareness of flood potential and thereby minimising the potential impacts of flooding will also have public safety benefits.

The economic impact of flooding on individuals and communities will be minimised through reduced flood risk. Design requirements arising from the application of the FO and LSIO may result in some increase in development costs. However, having access to information early in the planning phase will allow appropriate, cost effective strategies to be implemented by developers.

After re-development of a site, costs associated with future flood damage should be reduced. This benefit would be specific to individual properties.

FINANCIAL IMPACT

The planning scheme amendment process results in costs to Council at different stages of the process. Significant investment, both financially and through internal resourcing, has been made to the planning scheme amendment process. Amendment costs are categorised below.

Preparation of the Amendment

Council received \$30,000 funding from DELWP to engage a consultant to refine the flood controls based on the Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010), and to prepare the amendment documentation.

Exhibition

There were costs associated with the Exhibition of the Amendment, including officer time, the placement of notices in the government gazette, the Warrnambool Standard, and mail out to affected land owners, ministers and authorities. In collaboration with Council's communications department and the GHCMA, a multi-page fact sheet was developed for direct mail to owners and occupiers of all affected properties.

Council officers had either email discussion, telephone discussion or zoom meetings with many landowners during the exhibition of the Amendment.

Submissions

Following receipt of submissions, officers of Council and GHCMA undertook a rigorous review of all submissions received in relation to the Amendment. Council engaged expert assistance from Catchment Simulation Solutions at a cost of \$11,440.

Planning Panel

Council will cover the costs for the Panel Hearing, including the presentation of expert evidence by Council's expert witness, Mr Tim Morrison, which cost \$7,040. Planning Panel fees have so far cost Council approximately \$14,000 with the final invoice yet to be received. Officer time and resources in preparing for, and presenting to the Panel was also extensive.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

2 A Sustainable environment

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

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

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

4 A connected, inclusive place

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

5 An effective Council

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


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

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

TIMING

The Amendment timeline is depicted in the table 4 below.

Table 4 Amendment Timeline

Steps	Status
<i>Council seeks Ministerial authorisation to prepare the Amendment</i>	Completed 12 July 2021
<i>Public exhibition of the Amendment</i>	Completed 23 September to 12 November, 2021
<i>Submissions received and considered; Council requests an independent panel to consider submission if required</i>	Completed 7 February 2022
<i>Panel Hearing & Panel Report</i>	Completed 26 April 2022 Received 7 July 2022
<i>Council considers the recommendations of the Panel, and decides whether to adopt or abandon the Amendment</i>	5 September 2022 (Current stage) 
<i>If adopted, send to the Minister for Planning for approval and gazettal</i>	Within 10 business days of adoption

In accordance with Ministerial Direction 15, Council has 40 business days from of the date it receives the Panel report to make a decision on the Amendment. The Panel Report was received on 7 July 2022, therefore Council is required to make a decision by Thursday 1 September 2022. Council officers sought an exemption to this requirement from the Minister so as to align with Council's meeting cycle.

Once Council adopts the Amendment, Council must submit the amendment to the Minister for Planning within 10 business days of the date the amendment was adopted.

COMMUNITY IMPACT / CONSULTATION

Pursuant to Section 19 of the *Planning and Environment Act 1987*, the Amendment was publicly exhibited for a six week period from 23 September 2021 to 12 November 2021.

Letters were sent to individual landowners (over 400) affected by the amendment, including a fact sheet to assist with informing the community about what the amendment is about, what it does, and how to make a submission.

Notice of the Amendment was provided to government agencies and Prescribed Government Ministers. The amendment documentation was also available on Council's website, and available for feedback on Your Say Warrnambool.

Submitters were given the opportunity to attend the public Planning Panel hearing and present before the Panel. Of the 21 submissions received, 9 submitters presented before the Panel.

LEGAL RISK / IMPACT

The Amendment has been assessed against all relevant requirements of the Planning Scheme and the *Planning and Environment Act 1987*, including all relevant Ministerial Directions and Practice Notes.

Managing flood risk through Planning Schemes is a local government responsibility. The Warrnambool Planning Scheme should be a robust document that correctly identifies known flood risk and provides clear guidance and transparency on potential uses and development of land. Where mapping doesn't exist or is outdated, the Planning Scheme should be amended. The Victoria Floodplain Management Strategy 2016 states that "LGAs (Councils) are accountable for ensuring that their Planning Schemes correctly identify the areas at risk of a 1 per cent AEP (1 in 100 year) flood, and that they contain the appropriate objectives and strategies to guide decisions in exercising land use controls in regard to flooding."

The Amendment is required to update the overlay maps and amend the associated ordinance that controls buildings and works to ensure development within the floodplain is appropriately managed.

Managing development through accurate and effective planning schemes is considered the most cost-effective method of managing flood risk and avoiding future flood damages and can promote faster recovery from major floods (e.g. because house floor levels were set above the flood levels). The Amendment updates mapping in the north Warrnambool area using information developed from the Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010). It also removes significant expanses of flood controls in urban areas in north Warrnambool where additional new mapping produced by the Amendment shows these maps to be clearly wrong (therefore not requiring individuals to obtain permits where flooding is not a risk).

From a consultation perspective, the amendment process is heavily prescribed in legislation and provides transparency and meaningful opportunities for community input, and an independent process for submitters to be heard. This explicitly defines the scope of community engagement activities and therefore manages any risks associated with community concerns of bias or unfairness.

Council has an obligation to identify flood risk by including flood prone land in the Planning Scheme. In the absence of flood control controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development without the appropriate flood controls in place, there is a risk that Council may grant approval without due consideration of flood risk.

The risk of litigation is high if Council is aware of flood affected areas and does not implement this information into the planning scheme and apply the appropriate planning controls.

OFFICERS' DECLARATION OF INTEREST

None declared.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

Floodplain management is an iterative process requiring regular updates not only to our understanding of flood behaviour, but how land use and development should be controlled to reflect flood risk. The Amendment implements the objectives of planning in Victoria to provide for a pleasant, efficient and safe working, living, and recreational environment by:

- Providing for the fair, orderly, economic and sustainable use, and development of land
- Recognising those areas which are at risk of flooding in the city
- Applying appropriate planning controls to those areas in order to protect life and property
- Applying planning controls to high risk areas

The Amendment will implement the objectives of planning in Victoria by providing for planning zone and overlay controls that ensure that floodplain management issues are considered during the planning process.

Specifically, the Amendment directly supports the objectives of Clause 13.03-1S Floodplain Management, and Clause 13.03-1L Merri River and Russells Creek floodplains.

The Amendment will assist landowners in understanding potential hazards and guide development on their land. It will also assist Council and the CMA in making more informed and effective decisions on development of land affected by flooding.

The Amendment has undergone a transparent and fair process and provided all submitters the opportunity to be heard and submissions considered by an independent planning panel process, in accordance with the requirements of the *Planning and Environment Act 1987*.

It is recommended that Council endorse the Panel recommendations and adopt Amendment C205warr, subject to the changes recommended in the Panel report.

ATTACHMENTS

1. Warrnambool C 205 warr Panel Report [7.3.1 - 44 pages]

**Planning
Panels
Victoria**

**Warrnambool Planning Scheme Amendment C205warr
Merri River and Russells Creek Catchments**

Panel Report

Planning and Environment Act 1987

7 July 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue, you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Warrnambool Planning Scheme Amendment C205warrwarr

Merri River and Russells Creek Catchments

7 July 2022



Geoff Underwood, Chair



Alison McFarlane, Member

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Glossary and abbreviations

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
the Amendment	Warrnambool Planning Scheme Amendment C205warr
Amendment C78	Warrnambool Planning Scheme Amendment C78
Council	Warrnambool City Council
DELWP	Department of Environment, Land, Water and Planning
Floodplain Strategy	<i>Victorian Floodplain Management Strategy, 2016</i>
FO	Clause 44.03 Floodway Overlay
GHCMA	Glenelg Hopkins Catchment Management Authority
GRZ	Clause 32.08 General Residential Zone
GRZ1	Clause 32.08 General Residential Zone Schedule 1
LSIO	Clause 44.04 Land Subject to Inundation Overlay
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Warrnambool Planning Scheme
PPRZ	Clause 36.02 Public Park and Recreation Zone
RGP	Great South Coast Regional Growth Plan, 2014
UFZ	Clause 37.03 Urban Floodway Zone

Overview

Amendment summary

The Amendment	Warrnambool Planning Scheme Amendment C205warrwarr
Common name	Merri River and Russells Creek Catchments
Brief description	The Amendment proposes to implement the recommendations of the <i>Russells Creek Flood Mitigation As Constructed Flood Modelling, 2017</i> and <i>Design of North Warrnambool Floodplain Management Plan Implementation Works, 2010</i> by rezoning land from Urban Floodway Zone to General Residential Zone Schedule 1 or Public Park and Recreation Zone, applying the Floodway Overlay and Land Subject to Inundation Overlay and amending the Schedule to Clause 72.08.
Subject land	Land within the Merri River and Russells Creek catchments in North Warrnambool (Refer Figure 1)
The Proponent	Warrnambool City Council and Glenelg Hopkins Catchment Management Authority
Planning Authority	Warrnambool City Council
Authorisation	3 August 2021
Exhibition	23 September to 12 November 2021
Submissions	Number of Submissions: 21 Opposed or requested changes: 20 Refer Appendix A

Panel process

The Panel	Geoff Underwood, Chair and Alison McFarlane, Member
Directions Hearing	Video conference, 8 March 2022
Panel Hearing	Video conference, 26 April 2022
Site inspections	Unaccompanied, 4 April 2022 (Member McFarlane only)
Parties to the Hearing	Refer Appendix B
Citation	Warrnambool PSA C205warr [2022] PPV
Date of this report	7 July 2022

Executive summary

Warrnambool Planning Scheme Amendment C205warr (the Amendment) seeks to introduce and revise flooding controls within part of the Merri River and Russells Creek catchments in North Warrnambool.

This land has been identified by the Glenelg Hopkins Catchment Management Authority (GHCMA) and Warrnambool City Council (Council) as being liable to flooding from an open watercourse during a 1 in 100 year storm event, now called the 1 per cent Annual Exceedance Probability (AEP) flood event.

The Amendment proposes to:

- rezone land to Urban Floodway Zone or apply the Floodway Overlay to areas identified as high hazard flood risk
- apply the Land Subject to Inundation Overlay to areas identified as low hazard flood risk
- rezone land to Public Park and Recreation Zone or General Residential Zone Schedule 1, as appropriate in areas where the flood zone is reduced
- amend the Schedule to Clause 72.08 to include *Russell Creek Flood Mitigation – As Constructed Flood Modelling, 2017* and *Design of North Warrnambool Floodplain Management Plan Implementation Works, 2010* as Background Documents.

The Amendment represents a significant change to the flood controls that currently apply in North Warrnambool which are based on the *Warrnambool Land Liable to Flooding Report 1997*. Flood extents have reduced following the completion of flood mitigation projects along Russells Creek in the Mortlake Road/Garden Street precinct. Conversely, some areas are proposed to be covered by a flood control for the first time, including land north of Wangoom Road.

The common issues raised in the 21 submissions received on the Amendment were:

- Individual properties have not experienced flooding in the past and should not be subject to flood controls.
- The modelling is inaccurate is not responsive to the characteristics of the area, including existing topography.
- Mitigation works and improvements should be undertaken to mitigate overland flow and flooding.
- New development and increased density across North Warrnambool have increased the level of overland flow and flooding.

The Panel concludes that the Amendment is strategically justified and will implement the Planning Policy Framework and the Municipal Planning Strategy which both support the introduction of flood provisions to assist in the protection of life, property, community infrastructure and the environment from the hazards associated with floods. Progress of the Amendment should not be delayed based on future uncommitted opportunities to mitigate flood risk.

The Amendment is based on sound modelling of flood extents which have been appropriately translated into zones and overlays consistent with the relevant Ministerial Directions and Planning Practice Notes. Recent lived experiences of flooding are not comparable to the modelled 1 per cent AEP flood that has informed the Amendment, and do not justify changes to the Amendment. Minor site-specific mapping updates to the modelled flood extents are warranted where detailed survey data has been provided and verified by Council and GHCMA.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Warrnambool Planning Scheme Amendment C205warr be adopted as exhibited subject to the following:

1. Delete the Land Subject to Inundation Overlay from the 43 'minor incursion' sites listed in Appendix D of this Report.
2. Reduce the extent of land at 20 Botanic Road, Warrnambool included in the Land Subject to Inundation Overlay in accordance with 'updated mapping' shown in Figure 4 of this Report.
3. Rezone part of the land at 120 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 5 of this Report.
4. Rezone part of the land at 138 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 6 of this Report.
5. Rezone part of the land at 2-18 Daltons Road, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 7 of this Report.
6. Rezone part of the land at 32 Dooley Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Floodway Overlay to land as shown on updated zone mapping and the updated overlay mapping in Figure 8 of this Report.
7. Amend the Schedule to Clause 74.02 (Further Strategic Work) to include the following:
 - a) Prepare Local Floodplain Development Plans to provide a performance-based approach for decision making that reflects local issues and best practice, including flood risk assessment, in floodplain management.
 - b) Prepare Schedules to the Floodway Overlay and Land Subject to Inundation Overlay to introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth.

1 Introduction

1.1 The Amendment

(i) Amendment description

Warrnambool Planning Scheme Amendment C205warr (the Amendment) seeks to introduce and revise flooding controls within part of the Merri River and Russells Creek catchments in North Warrnambool. It proposes to implement the recommendations of the *Russells Creek Flood Mitigation As Constructed Flood Modelling, 2017* (As Constructed Modelling Report) and *Design of North Warrnambool Floodplain Management Plan Implementation Works, 2010* (North Warrnambool Flood Study). The controls are based on a 1 per cent Annual Exceedance Probability (AEP) flood event, sometimes referred to as the 1 in 100 year flood event.

Specifically, the Amendment proposes to make the following changes to the Warrnambool Planning Scheme (Planning Scheme):

- rezone land to the Urban Floodway Zone (UFZ) or apply the Floodway Overlay (FO) to areas identified as high hazard flood risk which have the greatest risk and frequency of being flooded
- apply the Land Subject to Inundation Overlay (LSIO) to areas identified as low hazard flood risk rezone land to Public Park and Recreation Zone (PPRZ) or General Residential Zone (GRZ), in areas where the UFZ is reduced
- amend the Schedule to Clause 72.08 to include *Russell Creek Flood Mitigation – As Constructed Flood Modelling, 2017* and *Design of North Warrnambool Floodplain Management Plan Implementation Works, 2010* as Background Documents.

(ii) The subject land

The Amendment applies to land shown in Figure 1.

Figure 1: Proposed rezoning and overlays



Source: Warrnambool City Council

1.2 Background

The background to the Amendment was outlined in Council's submission and evidence presented on behalf of Council by Tim Morrison of Catchment Simulation Solutions Pty Ltd as follows¹:

- Flood modelling was originally undertaken for the Russells Creek catchment as part of the North Warrnambool Flood Study.
- The models were then used to assess a range of potential flood mitigation options, and recommendations were made on which options to construct and those that were not feasible as described in *Design of North Warrnambool Flood Management Plan Phase 2: Mitigation Options, 2012*.
- In July 2014, Council exhibited Warrnambool Planning Scheme Amendment C78 (Amendment C78) to implement revised flood controls within the Merri River and Russells Creek floodplains. Amendment C78 also included areas affected by the South Warrnambool Merri River floodplain.
- In May 2015, following exhibition and receipt of submissions, Council resolved to split Amendment C78 into two parts. Part 1 related to land that did not attract submissions or where submissions were resolved. The Amendment was adopted by Council, approved by the Minister for Planning and gazetted in January 2016.
- Amendment C78 Part 2 included land within the Russells Creek floodplain (downstream of Bromfield Street) and select areas in the Merri River floodplain including Membery Way, Queens Road and Daltons Road.
- Council further investigated mitigation options for Russells Creek through a study undertaken by consultants Water Technology Pty Ltd in 2015. Recommended flood mitigation works were constructed in 2016. This included a series of floodwalls along Russells Creek and culvert upgrades at Mortlake Road.
- Council deferred further consideration of Amendment C78 Part 2 until the flood mitigation works had been completed.
- Following construction of the mitigation works, further modelling was undertaken in 2017 by Water Technology Pty Ltd resulting in the As Constructed Modelling Report.
- The As Constructed Modelling Report used the most up to date procedures for estimating the 1 per cent AEP event conditions. A comparison between the North Warrnambool Flood Study and the as Constructed Modelling Report shows a significant decrease in flood extents (refer Figure 2).
- Council took the updated flood information from the As Constructed Modelling Report and converted it into a range of flood development controls which are the subject of the current Amendment. The Amendment also includes unresolved flood provisions that were included in Amendment C78 Part 2.²
- Implementation of flood controls in South Warrnambool Merri River floodplain, which was to be based on the *South Warrnambool Flood Study, 2007* is no longer supported by the Glenelg Hopkins Catchment Management Authority (GHCMA) as the study does not adequately address climate change impacts, which are expected to increase the severity and frequency of flood events. Council anticipates that a new flood investigation for the South Warrnambool Merri River floodplain will commence later in 2022.

¹ Documents 5 and 6

² Amendment C78 Part 2 lapsed.

Figure 2 Comparison of flood extents before and after flood mitigation works



Source: Warrnambool City Council

1.3 Authorisation

Authorisation to prepare the Amendment was provided by the Minister for Planning on 3 August 2021 subject to conditions. Council submitted that it complied with all conditions prior to exhibition of the Amendment.

1.4 Procedural issues

(i) Correction of maps

Council advised that approximately two weeks following the commencement of the exhibition of the Amendment, it was brought to its attention that incorrect maps had been exhibited. The incorrect maps showed the zoning of land on the west side of Bromfield Street in as GRZ Schedule 1 (GRZ1), whereas the correct zoning was UFZ. This land was not part of the study area for the Amendment and landowners were not notified of the Amendment.

Following consultation with the Department of Environment, Land, Water and Planning (DELWP), Council took the following steps to address the error:

- amended the maps to reflect the correct mapping data, and published the amended maps on the 'Browse Amendments' website administered by DELWP
- published a notice in the Warrnambool Standard advising that due to incorrect mapping, the exhibition period had been extended by two weeks
- wrote to affected landowners to inform them of the error and providing them with a copy of corrected maps.

Council submitted it had received no enquiries or submissions in relation to the mapping error.

(ii) Post exhibition changes

In response to submissions and further work Council proposed post exhibition changes to the Amendment mapping. Changes proposed were all reductions in the extend of flooding controls, including changes to 43 properties where application of controls were termed as ‘minor incursions’, as well as removal of controls from 120 Bromfield Street, Warrnambool.

These changes are discussed in Chapters 3.4 and 4.2 of this Report.

(iii) Mediation

Concerns about the accuracy of the modelling was a common theme in submissions. The Panel directed that prior to the commencement of the Hearing, Council with the assistance of the GHCMA, was to convene discussions with the Parties to explain the background to the Amendment, the methodology of the technical studies and to discuss matters in dispute.

These discussions resolved issues in dispute with Submitters 3 (138 Bromfield Street), 12 (2-18 Daltons Road) and 14 (32 Dooley Street). This is further discussed in Chapter 4 of this Report.

(iv) Hearing adjournment

At the conclusion of the first day of the Hearing, the Panel adjourned proceedings. This was to allow time for exchange of addition information between Council and the parties relating to the preparation and circulation of maps to give effect to the Council’s proposed changes.³ Following circulation of this material and receipt of additional submissions from the parties, the Panel advised that it had decided that reconvening the Hearing was unnecessary.⁴

1.5 Summary of issues raised in submissions and the Panel’s approach

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from the unaccompanied site visit, further submissions, evidence and other material presented to it during the Hearing.

The Council summarised the common issues raised in the submissions as follows:

- Individual properties have not experienced flooding the in the past and should not be subject to flood controls.
- The modelling is inaccurate and does not reflect real life flood events and/or existing sites/areas characteristics such as existing topography.
- Council and GHCMA should review and introduce mitigation works/improvements to cope with overland flow and flooding.
- New development and increased density across North Warrnambool have increased the level of overland flow and flooding.
- Property values and property resale will be impacted, and compensation should be payable.
- Insurance costs/premiums will be impacted.

³ Document 13

⁴ Document 25

In addition, a number of submitters raised site specific issues about the effect of the Amendment on particular properties.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Technical basis and mapping
- Site specific issues.

1.6 Limitations

The Panel has not considered matters that are outside of the scope of the Amendment including compliance with existing planning permit conditions or the completion of works under permits.

Changes to property values and rating resulting from the application of planning controls to land is not a relevant planning matter considered by the Panel.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

2.1.1 Victorian planning objectives

The Amendment assists in implementing the following policy objectives for planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987* (PE Act):

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land
- 4(1)(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- 4(1)(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- ...
- 4(1)(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b) (c) ...
- 4(1)(g) to balance the present and future interests of all Victorians.

The Amendment implements these objectives by identifying land affected by flooding and applying appropriate planning controls to that land in order to:

- provide for the orderly and sustainable development of land affected by flooding
- protect natural and man-made resources from flooding
- secure a pleasant, efficient and safe working, living and recreational environment in flood affected areas
- facilitate development that is in accordance with the above objectives by triggering a planning permit requirement for subdivision and buildings and works (subject to exemptions) in flood affected areas
- require that development proposals have regard to flood risk in order to balance the present and future interests of all Victorians.

2.1.2 Warrnambool Planning Scheme

(i) Municipal Planning Strategy

The Amendment implements the following Clauses in the Municipal Planning Strategy:

- Clause 02.03-1 (Environmental and landscape values) which recognises that the Merri River, Hopkins River and associated wetlands and floodplains form a highly significant coastal wetland system that provides important habitat for listed species of flora and fauna.
- Clause 02.03-3 (Environmental risks and amenity) which sets out the following strategic directions for floodplain management:
 - protect floodplains from development that would detrimentally impact their function; and
 - protect life, property and community infrastructure from flood events.
- Clause 02.03-4 (Catchment planning), which sets out the following strategic directions for catchment planning:

- retain the Hopkins and Merri River environs as natural drainage corridors with vegetated buffer areas
- facilitate enhancement of the riparian vegetation, in-stream rehabilitation and improvements in the quality of stormwater entering Russells Creek
- minimise the impact of use and development on water resources and waterways.

Council submitted that the Amendment supports and implements the Municipal Planning Strategy by implementing flood controls based on current and updated flood modelling.

(ii) Planning Policy Framework

Council submitted that the Amendment gives effect to the Planning Policy Framework, as summarised by the Panel below.⁵

Clause 11 (Settlement)

The Amendment supports Clause 11 by ensuring planning for settlement in Warrnambool as a major regional city, has regard to health, wellbeing and safety and is responsive to climate change. This is achieved by applying controls to land at risk at flooding, to ensure development occurs in appropriate locations.

Clause 13 (Environmental risks and amenity)

The Amendment supports Clause 13 by recognising areas subject to flooding and ensuring development is responsive to flood risk, including by ensuring development is carried out in ways that minimises its vulnerability to the threat of flood, consistent with Clause 13.01-1S (Natural hazards and climate change), Clause 13.03-1S (Floodplain management) and Clause 13.03-1L (Merri River and Russells Creek floodplains).

Clause 14 (Natural resource management)

The Amendment supports Clause 14 by identifying and protecting floodplains from inappropriate development and reducing negative impacts on catchments and water quality, consistent with Clause 14.02-1S (Catchment planning and management) and Clause 14.02-2S (Water quality).

2.2 Other relevant planning strategies and policies

(i) Great South Coast Regional Growth Plan

The *Great South Coast Regional Growth Plan, 2014* (RGP) is a policy document listed at Clause 11.01-1S (Settlement) of the Planning Scheme.

The RGP outlines opportunities to encourage and accommodate growth and manage change over the next 30 years by, amongst other things, “*outlining the potential impacts of climate change and exposure to natural hazards (especially bushfire and flood) that may impact growth*”.

In relation to floods, the RGP states:

The risks presented to land use from flood hazards must be considered in strategic and localised planning decisions. Land use planning decisions should be based on the best quality information on flood hazards to minimise risk to life, property, community infrastructure and environmental assets. Accurate flood mapping is critical in this regard.

⁵ Document 6

Flood provisions in planning schemes should be used consistently across the region to avoid inappropriate development (or redevelopment) or require appropriate development responses, as well as to apply design responses through the building code.

The Future Regional Settlement Framework Plan (Figure 3) in the RGP was informed by existing flood studies that considered risk to growth on a regional level, particularly in relation to settlement growth. Urban flood considerations are relevant to Warrnambool.

Figure 3 Great South Coast Future Regional Settlement Framework Plan



Source: Great South Coast Regional Growth Plan

(ii) Victorian Floodplain Management Strategy

The *Victorian Floodplain Management Strategy, 2016* (Floodplain Strategy) is listed as a policy guideline under Clause 13.02-1 of the Planning Scheme. It provides Statewide policy direction for managing floodplains and minimising flood risks in cities, towns, regional areas and rural communities, including guidance on riverine flooding, flash flooding and coastal flooding.

The Floodplain Strategy notes:

Because it is possible to predict which land is likely to be flooded, it is prudent to regulate development and building in those areas to ensure any impacts are known and managed. In so doing, the aim is to avoid or minimise the increase in future flood risks.

In order to identify the areas that need to be subject to planning and building controls, it is necessary to decide an appropriate threshold frequency of flooding. This frequency is known as the 'design flood event' (DFE).

The Victorian Floods Review questioned if the 1% AEP flood should still be used as the DFE in Victoria. The Victorian Government has determined that the 1% AEP flood is the appropriate standard to regulate and protect most forms of development through the planning and building systems.

Council submitted that the objectives of the Amendment are consistent with the Floodplain Strategy.

(iii) Warrnambool Floodplain Management Plan

The *Warrnambool Floodplain Management Plan 2018-2023* was developed in the context of the Floodplain Strategy and *Glenelg Hopkins Regional Flood Management Strategy, 2017* as well as a range of other strategic and technical documents. It recognises the long history of flooding from rivers, stormwater systems and storm tides across the Warrnambool region. The vision of the plan is for Warrnambool to be “a flood resilient city community”.

Council submitted:

The plan notes that the UFZ is applied extensively within Warrnambool City, extending along urban areas adjoining Merri Russell Creek.

As an alternative, the plan identifies that a flood overlay can be used in conjunction with an appropriate zone (such as FO and the PPRZ) to enable the primary use of the land to be recognised at the same time acknowledging its flooding characteristics.

The plan notes that this approach may be suited to Council, as it aligns with Council's aspirations that all floodplain locations form part of open space networks as directed by strategies with the Planning Scheme.⁶

Council was of the view that the objectives of the Amendment are consistent with the Warrnambool Floodplain Plan.

2.3 Planning Scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The purposes of the Zone are:

To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

(ii) Overlays

The purposes of the FO are:

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under *Division 4 of Part 10 of the Water Act, 1989* if a declaration has been made.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

⁶ Document 6

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The purposes of the LSIO are:

To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development. To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

2.4 Ministerial Directions and Planning Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 Strategic Assessment of Amendments and the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the Act. That discussion is not repeated here.

Planning Practice Notes

Mr Morrison observed that while *Planning Practice Note 11 Applying for a planning permit under the flood provisions, August 2015* is mostly related to planning permit requirements after a flood control has been applied, it is still relevant as it contains insight into what is required for each overlay and zone.

Mr Morrison stated that *Planning Practice Note 12 Applying the Flood Provisions in Planning Schemes June 2015* (PPN12) is directly relevant to the Amendment as it provides guidance about which overlay and zone should be applied in various circumstances. He concluded that the proposed planning scheme amendment changes are in line with the guidance of both Planning Practice Note 11 and PPN12.⁷

Council submitted that that the Amendment has properly applied PPN12 for the following reasons:

- The methodology used to prepare the flood modelling and translate that modelling into the appropriate flood controls is robust and accurate, and based on the extent of flooding that would result from a 1 in 100 year flood event.
- While it was the preference of the GHCMA for Council to schedule permit exemptions under the FO and LSIO over and above those provided within the parent planning provisions, Council has not proposed to do so at this time as the Amendment is essentially a reset of existing controls in North Warrnambool. Council has, however, agreed to modify Clause 72.04 of the Planning Scheme to include a further strategic work item relating to preparation of FO and LSIO schedules.

⁷ Document 5

- A Local Floodplain Development Plan is not required for the Amendment given the nature, type and intensity of development anticipated in the affected areas as well as the flooding characteristics of the region does not trigger the need for these guidelines.⁸

2.5 Discussion and conclusion

There is consistent and cascading policy support for flood management across State, regional and local strategies and in the Planning Scheme, particularly at Clause 13.03-1S. The Amendment is responsive to this policy content and has been prepared in accordance with relevant Ministerial Directions and Practice Notes. The Panel is satisfied that the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel concludes:

- Flooding controls are required to assist in the protection of life, property, community infrastructure and the environment from the hazards associated with floods.
- The Amendment implements the Planning Policy Framework and Municipal Planning Strategy and is consistent with the relevant Ministerial Directions and Planning Practice Notes.
- The Amendment is well founded and strategically justified.

⁸ Document 6

3 Technical basis and mapping

3.1 Technical basis of the flood studies

(i) The issue

The issue is whether the flood studies have been carried out appropriately and properly inform the flooding controls.

(ii) Evidence and submissions

Mr Morrison's evidence outlined the modelling approach that underpins the As Constructed Modelling Report for Russells Creek, stating:

- The models were developed using industry standard software packages.
- Detailed peer review of the models and approaches was undertaken by the DELWP anonymous review panel at several stages of development.
- Ideally a flood model is calibrated to recent historic floods and design flows are based on gauged data with a suitable period of record. This did not occur due to the lack of both historical flood data and gauging data within the catchment. An alternative qualitative assessment approach confirmed both models matched well.
- While the lack of calibration data is a limitation in the study, it is not uncommon in small urban catchments like Russells Creek with a lack of gauge data.
- The calculations undertaken for rainfalls and rainfall loss conditions are appropriate and standard practice for flood modelling.
- The peak design flows are 17 per cent less than those derived from the North Warrnambool Flood Study, however are based on an additional 30 years of historic rainfall and flood information, as well as more modern approaches for defining flood behaviours, so are considered more robust.
- A review of the model generated with the TUFLOW software⁹ revealed various potential issues with the model inputs that might impact on the extent of planning overlays. Sensitivity testing was undertaken to determine the impacts of these issues on flood extents, albeit using a model with incomplete terrain and mitigation data. The sensitivity testing showed relatively minor changes in flood extents, largely within undeveloped areas and in road corridors, but no significant change around residential blocks.
- Given the outcomes of the sensitivity analysis, and the fact the other issues raised are likely to have an insignificant impact on the results, the Russell Creek model results are fit for use in developing flood planning controls, including flood overlays.

Mr Morrison's evidence further summarised the approach for modelling flood estimates in the Merri River catchment as follows:

- The North Warrnambool Flood Study was informed by flood frequency analysis from 1966-2008 to determine peak flows for the 1 per cent AEP and other design events in the Merri River catchment.

⁹ TUFLOW is a hydraulic and hydrodynamic modelling software suite.

- The modelled flood estimates could change if flood frequency inputs were updated with post 2008 data, although it is difficult to say with certainty whether this update would increase or decrease the design flood estimates.
- The calibration of the hydraulic model appears to be very good. Comparisons of the model with other models developed for private developments with up to date modelling software packages have largely match.
- Overall, the data from the North Warrnambool Flood Study is fit for purpose for developing flood planning controls, including overlays. However, it could benefit in the future to update the model to reflect a modern software package. A review of the design flows based on the latest gauge data would also be of benefit at this time.

Mr Morrison set out the standard approach for derivation of FOs and LSIOs with reference to the *Flood delineation for planning scheme maps standard approach, 2013* issued by the GHCMA. He noted:

- Both overlays are based on modelled outputs for the 1 per cent AEP flood.
- Areas within the 1 per cent AEP extent are defined as floodways if the peak depth exceeds 0.5 metres and the peak velocity by depth exceeds 0.4 square metres per second. The remaining area (that is areas located outside of the floodway but within the 1 per cent AEP flood extent) is defined as LSIO.
- The GHCMA approach combines floodway and flood storage into the FO and this is achieved by using the peak depth filter to capture areas that are deep but slow moving. This conforms with the DELWP definition of floodways, which includes areas of temporary storage of floodwaters.

Finally, Mr Morrison noted that the standard mapping approach also outlines a number of processing steps that may be completed to determine the overlays, including:

- smoothing gridded results to provide a more realistic representation of flood extents
- removal of disconnected 'puddles'
- 'filling' of low hazard areas surrounded by high hazard areas
- 'filling' of flood islands that may not have direct flood risk, but are not appropriate for development due to evacuation difficulties.

Mr Morrison concluded:

Our review of the proposed overlays suggest that these processes have been completed accurately and appropriately. In some areas the smoothing will locally increase or decrease the flood extent compared to the raw model results, however these are generally small and will unlikely change development outcomes. In summary, the 1% AEP flood outputs from the flood modelling completed for Russells Creek and the Merri River have been appropriately translated to create the flood overlay layers.¹⁰

GHCMA submitted:

Amendment C205warr seeks to introduce the flood controls in North Warrnambool to align with the [As Constructed Modelling Report] modelled extents. This is supported by the GHCMA as it is based on the best available information and has aligned with recent flood events.

Ms Cooper (Submission 6) questioned whether the Amendment should progress in the absence of calibration of the models against historic floods events and gauge data.

¹⁰ Document 5

(iii) Discussion

The Panel has given significant weight to the evidence of Mr Morrison that the modelling has been undertaken accurately and that outputs have been appropriately translated into flood controls. Where limitations of the modelling have been identified by Mr Morrison, the Panel notes that alternative calibration methods have been applied to provide confidence that the modelling is sufficiently accurate to inform the planning controls proposed.

(iv) Conclusions

The Panel concludes:

- The Amendment is based on sound modelling of flood extents.
- Flood extents have been appropriately translated into zones and overlays, subject to the site specific changes discussed elsewhere in this Report.

3.2 Lived experience

(i) The issues

The issues are whether:

- the flood extent reflects real life flood events
- properties that have not experienced flooding in the past should be subject to flood controls.

(ii) Evidence and submissions

Several submitters cited lived experience as their evidence that the flood model over-estimates extents.

Council submitted that the lived experiences outlined in submissions only includes smaller floods that are not comparable to the modelling 1 per cent AEP. Mr Morrison agreed, noting the 1 per cent AEP was unlikely to have been experienced by the local community within the Merri River or Russells Creek catchment.

The GHCMA explained:

Several submissions raised that the modelling is inaccurate based on recent flood events that have occurred within Warrnambool. The October 2020 and January 2021 flood events were referenced. These events were significantly lower than the 1% AEP flood event for the Russell's Creek catchment.

...

The behaviour of flooding on the Merri River catchment and Russells Creek catchment are vastly different. The Merri River catchment is larger than Russells Creek with many tributaries upstream contributing flow. Russell's Creek is an ephemeral waterway that is a flash flood catchment, meaning that flooding will typically occur within six hours of rainfall. A flood event within one catchment does not translate to a flood event in the other.

The CMA has high confidence that the October 2020 event was approximately a 20% AEP event in the Russells Creek catchment and approximately a 2% AEP event in the Merri River catchment. This event was less than the design flood event of 1% AEP in each catchment and is only relevant if locations that were not identified as flood prone were flooded. This is not the case with any of the submissions received.

...

This [January 2021] event was not an event of significance in either the Merri River or Russell's Creek system and therefore not relevant to the Amendment.¹¹

(iii) Discussion

The Panel accepts that advice of the GHCMA that flood events in the Merri River and Russells Creek catchments in 2020 and 2021 are not comparable to the scale of event (1 per cent AEP) the Amendment is planning for. The Panel agrees with Mr Morrison's evidence that flood controls should not be based on the observations and experience of residents, notwithstanding they can be valuable inputs into the modelling.

(iv) Conclusion

The Panel concludes:

- Recent lived experiences of flooding are not comparable to the modelled 1 per cent AEP flood that has informed the Amendment.

3.3 Timing of Amendment

(i) The issues

The issues are whether:

- the Amendment should be placed on hold until mitigation works are implemented
- introduction of overlays between Wares Road and Aberline Road should be considered as part of the East Aberline Structure Plan process.

(ii) Evidence and submissions

Investigation of flood mitigation options was a common theme in many submissions.

Council submitted that the most practical and economic solutions to manage flood prone land in North Warrnambool are siting and designing buildings to reduce the impact of possible flooding (for example, by raising the floor levels of new buildings) and investing in capital works. Council advised that it works collaboratively with the GHCMA on opportunities to reduce the impact on flooding throughout the municipality, with the highest priority given to areas that pose high risk to public safety.

Council acknowledged that if, and when, future on-ground structural flood mitigation works are completed, the planning scheme should be amended to update the application of the flood provisions at that time.

Mr Morrison's evidence was:

Note that stalling the implementation of flood controls until some future development and mitigation structure is constructed would be against the principles of floodplain management to protect life and property. This is highlighted in the Floodplain Strategy which states "*Flood overlays need to be introduced or updated as soon as possible after new flood maps are produced to maximise the returns on investment in flood information and help manage risk*".¹²

¹¹ Document 12

¹² Document 5

The GHCMA submitted:

Mitigation options for upstream of Wangoom Road have previously been investigated but have been found to be cost prohibitive or would likely result in flooding of downstream properties. This would not be supported by the GHCMA. Mitigation options must serve a greater community benefit and not result in an increased flood risk to other properties.

It has been suggested that flood mitigation could be investigated for properties upstream of Wares Road as it is currently vacant farmland. This may be an option to be investigated in the future, however the planning scheme should represent the existing flood risk until it can be demonstrated that mitigation works would be effective and have been committed to being, or have been, constructed.¹³

Ms Cooper submitted that the overlays between Wares Road and Aberline Road should not be introduced by the Amendment and that flood controls for the area should be considered as part of a future amendment for the East Aberline residential development. Council disagreed with Ms Cooper's approach.

In response to the Panel's questions, Council confirmed that the Victorian Planning Authority was leading preparation of the East of Aberline Precinct Structure Plan. Planning is in early stages with no timeframe set for finalisation of the plan. The baseline design standard for new development is to manage water to pre-development flows and levels.

(iii) Discussion

The Panel notes Council's commitment to prepare a precinct plan for the area east of Aberline Road which is reflected in the Planning Scheme in the Schedule to Clause 74.02 (Further Strategic Work). However, while the preparation of a precinct structure plan has been agreed, the work is uncommitted. With an uncertain timeframe ahead and no expectation that drainage for East Aberline development would be managed beyond pre-development flows or offer downstream benefits, this opportunity to mitigate flood risk should not be missed.

The Panel agrees with Council and the GHCMA that the Amendment should progress based on the available flood modelling. If further strategic work or on-ground mitigations are carried out in the future, the approved flood provisions can be reviewed and revised as necessary.

(iv) Conclusion

The Panel concludes:

- Progress of the Amendment should not be delayed based on uncommitted opportunities to mitigate flood risk.

3.4 Minor incursions

(i) The issue

The issue whether minor incursions should be excluded from flood zones and overlays.

(ii) Evidence and submissions

GHCMA identified properties in the exhibited mapping where select properties on the flood fringe would have less than 30 square metres or 6 per cent of the site area included in the LSIO, which it

¹³ Document 12

termed as ‘minor incursions’. GHCMA considered the overlay would generate unnecessary planning permit requirements on these properties.

Mr Morrison’s evidence was:

The GHCMA has identified 47 properties where flooding only causes a “Minor Incursion” ... We have reviewed the 47 properties and agree with the recommendation to remove the LSIO from 43 of the 47 properties, leaving 4 properties where we recommend that the LSIO is retained.

In all four of the lots where we recommend the LSIO to remain, the raw flooding extent shows greater inundation than the smoothed LSIO polygon and the raw extents suggest there may be impacts on the existing dwelling and therefore any likely future building footprint.

Appendix D lists the 43 minor incursion sites where removal of the LSIO is supported by Mr Morrison. GHCMA submitted it supports Mr Morrison’s recommendation.¹⁴

In response to the Panel’s questions, Council advised that owners and occupiers of the 43 ‘minor incursion lots’ were not directly notified of Council’s resolved position to seek a recommendation from the Panel to remove the lots from the LSIO.

(iii) Discussion

The Panel accepts the evidence of Mr Morrison that it is appropriate for the 43 minor incursion sites located on the flood fringe to be excluded from the LSIO mapping. The Panel is surprised that Council did not inform property owners of its resolved position to change the Amendment to exclude the minor incursion site as a matter of courtesy, albeit that those owners would likely consider the change to be of benefit.

(iv) Conclusion and Recommendation

The Panel concludes it is appropriate to exclude the minor incursions from flood zones and overlays.

The Panel recommends:

- 1. Delete the Land Subject to Inundation Overlay from the 43 ‘minor incursion’ sites listed in Appendix D of this Report.**

¹⁴ Document 12

4 Site specific issues

4.1 20 Botanic Road, Warrnambool

(i) The issue

The issue is whether the boundary of the UFZ and LSIO should be amended at 20 Botanic Road, Warrnambool.

This property is currently zoned part UFZ and GRZ1 and included in the LSIO. The Amendment proposes to decrease the extent of property in UFZ and increase the LSIO.

(ii) Evidence and submissions

Mr Timms (Submitter 20) submitted that the LSIO should only apply to land lower than 7.0 metres Australian Height Datum (AHD).

Council submitted that a further technical review identified that 1 per cent AEP flood levels range from 7.60m AHD on the upstream boundary (east) of the site to 7.23m AHD on the downstream boundary (west) of the site. On this basis, no change to the Amendment was supported.¹⁵

The evidence of Mr Morrison noted that that Mr Timms' submission is based on the lived experience of the January 2021 event which had a smaller extent than a 1 per cent AEP.

Mr Morrison further commented:

The submission does discuss various topographic survey that has been undertaken. While there does not appear to be any discrepancies between what is reported in the submission and the LiDAR¹⁶ dataset upon which the modelling is based, if this is an issue for the submitter then perhaps their survey could be obtained by Council and the CMA and compared to the LiDAR and if there are significant variations, the LSIO could be revised. Although this may yield a larger LSIO if the LiDAR does indeed sit lower than the ground survey.¹⁷

During the period that the Hearing was adjourned, Mr Timms provided Council and GHCMa with survey data, prompting a reconsideration of the relevant flood contour for the site. Council subsequently prepared updated mapping showing a further reduction in the extent of the property included in the LSIO (

¹⁵ Document 6

¹⁶ Light Detection and Ranging is a remote sensing method used to generate precise, three-dimensional information about the shape of the Earth and its surface characteristics.

¹⁷ Document 5

Figure 4).¹⁸

In further submissions Mr Timms requested additional changes to the mapping of the LSIO.¹⁹ Mr Timms relied on surveyed levels to support his request for further change to the LSIO but did not present additional evidence in support of the further reduction.

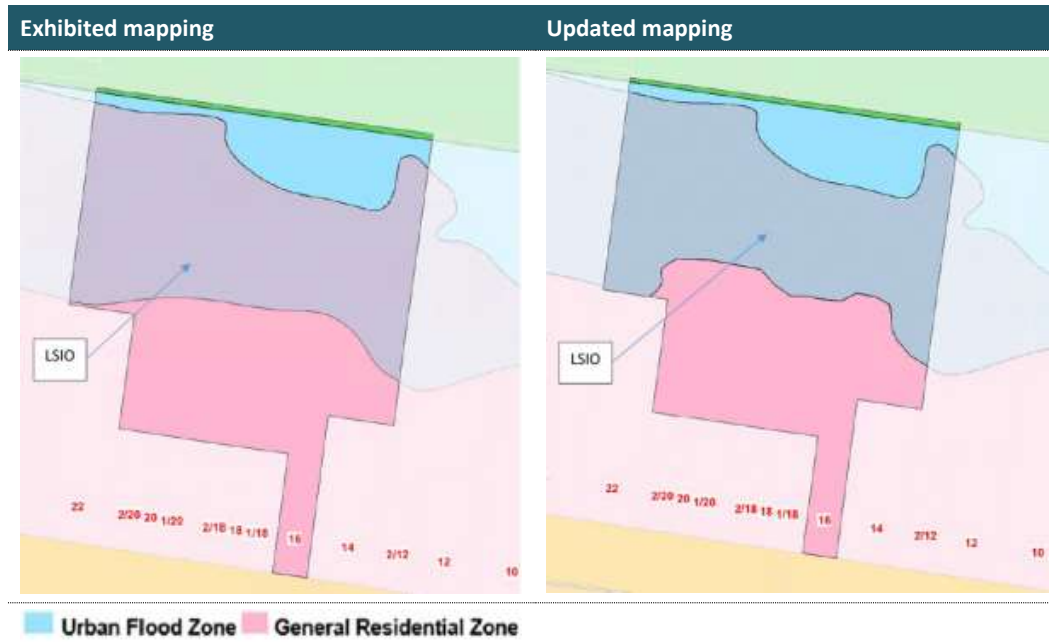
Council and GHCMa did not support the additional change requested by Mr Timms on the basis that it would be 0.2 metres below the modelled 1 per cent AEP flood level.²⁰

¹⁸ Document 14

¹⁹ Document 22

²⁰ Document 24

Figure 4 Recommended mapping 20 Botanic Road, Warrnambool



Source: PPV adapted from Document 14

(iii) Discussion

The Panel accepts that revision of the flood extents for 20 Botanic Road has been informed by survey data and is appropriate. The Panel does not support additional changes to the flood extents requested by Mr Timms as no further evidence has been provided to substantiate such a change.

(iv) Conclusion and recommendation

The Panel concludes:

- The 1 per cent AEP levels should be applied as the boundary of the overlay on the land at 20 Botanic Road, Warrnambool.

The Panel recommends:

Reduce the extent of land at 20 Botanic Road, Warrnambool included in the Land Subject to Inundation Overlay in accordance with 'updated mapping' shown in

2. Figure 4 of this Report.

4.2 106 Bromfield Street, Warrnambool

(i) The issue

The issue is whether the boundary of the UFZ should be amended at 106 Bromfield Street, Warrnambool.

The majority of this property is currently zoned UFZ, with a smaller area zoned GRZ1. The LSIO applied to that part of the land in the GRZ1. The Amendment proposes to rezone part of the land from UFZ to GRZ1 with consequential revision of the LSIO.

(ii) Evidence and submissions

Mr Lafferty (Submitter 19) submitted that the area rezoned to GRZ1 be increased because he had not previously observed this land to be affected by flood events.

Council's response and Mr Morrison's evidence on whether the lived experience of residents should inform mapping of the flood extent is summarised at Chapter 3.1. No other evidence was presented to the Panel to substantiate that zones and overlays proposed for 106 Bromfield Street, Warrnambool should be revised.

(iii) Discussion

As discussed in Chapter 3, the Panel is satisfied that the Amendment is based on sound modelling of flood extents. The Panel has not been presented with any evidence that the modelling for land at 106 Bromfield Street is flawed, or that has been incorrectly translated into zones and overlays.

(iv) Conclusion

The Panel concludes:

- The UFZ is appropriate as it applies to land at 106 Bromfield Street, Warrnambool.

4.3 120 Bromfield Street, Warrnambool

(i) The issue

The issue is whether the boundary of the UFZ should be amended at 120 Bromfield Street, Warrnambool.

Land at 120 Bromfield Street, Warrnambool is currently zoned part UFZ and part GRZ1. No overlays apply to the land. The exhibited Amendment did not propose any change to the current provisions.

(ii) Evidence and submissions

Mr Bail (Submitter 16) requested that flood extents be reviewed in light of supplied survey data.

Council submitted:

The Panel will observe a recommendation by officers to Council in the report of 7 February 2022, for an additional change to partially repeal the UFZ from a property at 120 Bromfield

Street (submission 16). The GHCMA supports the change in UFZ to align with on ground survey information provided by the submitter, and Council endorses this change.²¹

Mr Morrison's evidence was:

A review of the UFZ against model results suggests the alignment is correct.

...

If the values from ground survey alter significantly from the Digital Elevation Model it is suggested these may be used instead to shape the UFZ.²²

Council prepared plans to compare the exhibited flood mapping with revised mapping requested to be supported by the Panel (Figure 5).²³ No further submissions were received following circulation of the updated mapping.

Figure 5 Recommended mapping 120 Bromfield Street, Warrnambool



Source: PPV adapted from Document 15

(iii) Discussion

The Panel accepts that revision of the flood extents for 120 Bromfield Street has been informed by further survey data, consistent with the expert evidence of Mr Morrison.

(iv) Conclusion and recommendation

The Panel concludes:

- The extent of land in the UFZ should be reduced at 120 Bloomfield Street, Warrnambool.

The Panel recommends:

3. Rezone part of the land at 120 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 5 of this Report.

²¹ Documents 6 and 9

²² Document 5

²³ Document 15

4.4 138 Bromfield Street, Warrnambool

(i) The issue

The issue is whether the boundary of the UFZ should be amended based on the approved earthworks at 138 Bromfield Street, Warrnambool.

This property is currently zoned part UFZ and part GRZ1. No overlays apply to the land. No change to the existing zone configuration was proposed by the Amendment.

(ii) Evidence and submissions

Glen and Maryanne Owen (Submitter 3) submitted that part of the land should be rezoned from UFZ to GRZ1 based on earthworks that were lawfully carried out under Planning Permit PP2020-0101.

Council submitted:

The submitter has notified Council that the earthworks have been completed in accordance with the planning permit, including the provision of a feature survey for assessment. The GHCMA has undertaken a site inspection and assessed the feature survey and advised Council that the earthworks have been completed to the required standard. The GHCMA can support the repeal of the UFZ in this location and in accordance with the earthworks undertaken.²⁴

No evidence was provided by Mr Morrison.

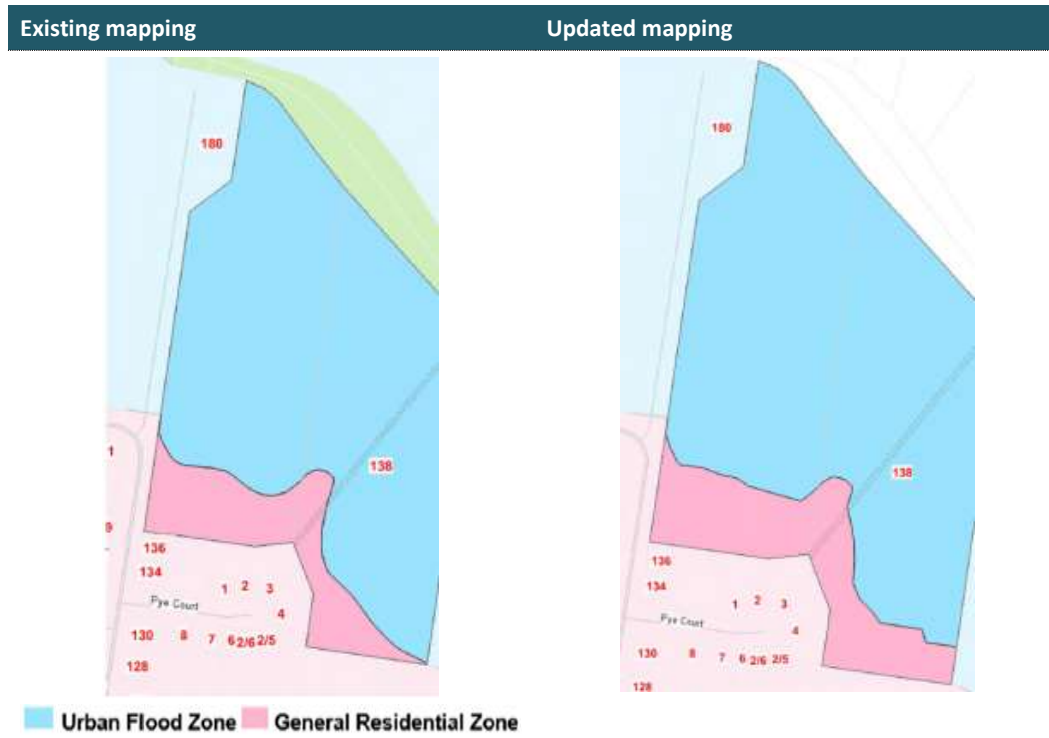
Council prepared plans to compare the existing flood mapping with revised mapping requested in response to the submission (Figure 6).²⁵ Mr Davies on behalf of Glen and Maryanne Owen confirmed the amended mapping was agreed.²⁶

²⁴ Document 6

²⁵ Document 16

²⁶ Document 20

Figure 6 Recommended mapping 138 Bromfield Street, Warrnambool



Source: PPV adapted from Document 16

(iii) Discussion

The Panel accepts that earthwork at 138 Bloomfield Street, Warrnambool has reduced the modelled 1 per cent flood extent below the threshold for inclusion in the UFZ. The Panel agrees with the Council, GHCMA and the submitter that it is appropriate to reduce the extent of land in the UFZ where the flood risk no longer exists.

(iv) Conclusion and recommendation

The Panel concludes:

- The extent of land in the UFZ should be reduced for land at 138 Bloomfield Street, Warrnambool.

The Panel recommends:

4. Rezone part of the land at 138 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 6 of this Report.

4.5 2-18 Daltons Road, Warrnambool

(i) The issue

The issue is whether the boundary of the UFZ should be amended based on the approved earthworks at 2-18 Daltons Road, Warrnambool.

This property is currently zoned UFZ. No overlays apply to the land. The Amendment proposes to rezone part of the land from UFZ to GRZ1.

(ii) Evidence and submissions

Mr Howard for G Mollenuxy (Submitter 12) submitted that additional land should be rezoned to GRZ1 in recognition of earthwork carried out in accordance with Planning Permit PP2017-0127.

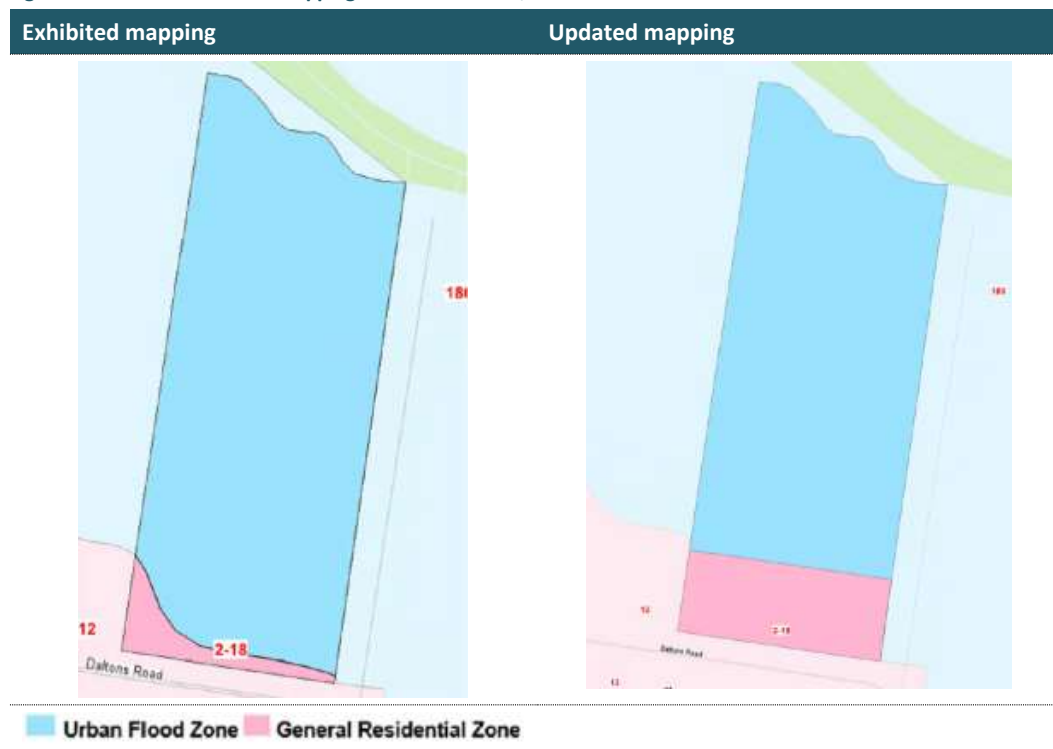
Council submitted:

The submitter has notified Council that the earthworks have been completed in accordance with the planning permit, including the provision of a feature survey for assessment.

The GHCMA has undertaken a site inspection and assessed the feature survey. The GHCMA has advised Council that it is satisfied that the earthworks have been completed as close as practicable to the planning permit. While the finished works do not quite match the modelling, given the size, shape and nature of the 1% AEP floodplain in this location the GHCMA has confirmed the works have been completed to a satisfactory standard and can support the partial repeal of the UFZ on this land.

Council prepared plans comparing the exhibited flood mapping with revised mapping in response to the submission (Figure 7).²⁷

Figure 7 Recommended mapping 2-18 Daltons Road, Warrnambool



Source: PPV adapted from Document 17

²⁷ Document 17

(iii) Discussion

The Panel accepts that earthwork at 2-18 Daltons Road, Warrnambool has reduced the modelled 1 per cent flood extent below the threshold for inclusion in the UFZ. The Panel agrees with the Council, GHCMA and the submitter that it is appropriate to reduce the extent of land in the UFZ where the flood risk no longer exists.

(iv) Conclusion and recommendation

The Panel concludes:

- The extent of land in the UFZ should be reduced for land at 2-18 Daltons Road, Warrnambool.

The Panel recommends:

- 5. Rezone part of the land at 2-18 Daltons Road, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 7 of this Report.**

4.6 32 Dooley Street, Warrnambool

(i) The issue

The issue is whether the boundary of the UFZ should be amended at 32 Dooley Street, Warrnambool.

This property is currently zoned part GRZ1 and part UFZ. No overlays apply to the land. No change to the existing zone configuration was proposed by the Amendment.

(ii) Evidence and submissions

Mr Gardner (Submitter 14) proposed that part of the land at 32 Dooley Street, Warrnambool be rezoned from UFZ to GRZ1 in recognition of recent earthworks.

Council submitted:

The GHCMA conducted a site inspection and provided technical advice to enable the submitter to rectify the land to enable the repeal of the UFZ.

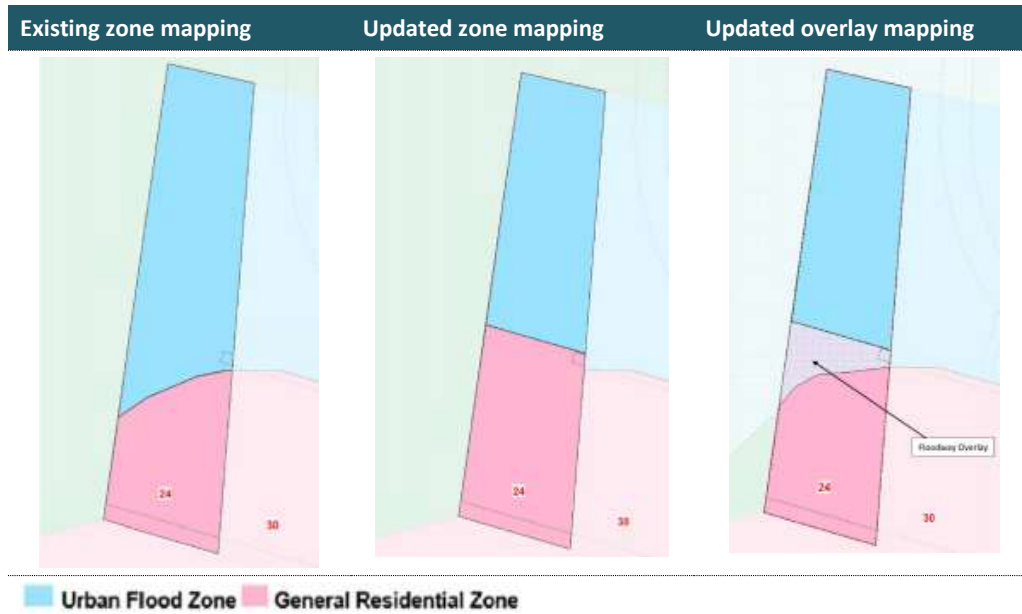
The submitter has notified Council that the earthworks have been completed, including the provision of a feature survey for assessment.

The GHCMA has assessed the feature survey and advised Council that the earthworks have been completed to the required standard. The GHCMA can support the partial repeal of the UFZ in line with the boundary of the adjacent row of properties (26-30 Dooley Street), subject to the introduction of the FO in its place. The UFZ is to be retained on the northern portion of the land.

Council prepared plans comparing the exhibited flood mapping with revised mapping requested to be supported by the Panel (Figure 8). No further submissions were received following circulation of the revised plans.²⁸

²⁸ Document 18

Figure 8 Recommended mapping 32 Dooley Street, Warrnambool



Source: PPV adapted from Document 18

(iii) Discussion

That Panel agrees with Council and the GHCMA that flood mapping for 32 Dooley Street can be revised based on the updated assessment of flood risk.

(iv) Conclusion and recommendation

The Panel concludes:

- The extent of land in the UFZ should be reduced and land in the FO increased for land at 32 Dooley Street, Warrnambool.

The Panel recommends:

- 6. Rezone part of the land at 32 Dooley Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Floodway Overlay to land as shown on updated zone mapping and the updated overlay mapping in Figure 8 of this Report.**

4.7 Membro Way, Warrnambool

(i) The issues

The issues are whether:

- flood risk makes further development along the Merri River corridor unsustainable
- mapping of the flood extent is accurate.

(ii) Evidence and submissions

Mrs and Mr Sullivan (Submission 1) submitted that further development is not sustainable along the Merri River given recent occurrences of flooding. Mr Cannon (Submission 7) questioned the accuracy of modelling and suggested that the area to be rezoned from UFZ to GRZ1 is broader than it should be, as the floodplain should match the rise in site topography.

Council noted that while the natural topography of the area is shaped as a floodplain, the design flood magnitude for planning purposes is the 1 per cent AEP which is based on historical flood and gauge records on the Merri River. Council submitted that no change to mapping of the GRZ1 was warranted.²⁹

(iii) Discussion

As discussed in Chapter 3, the Panel is satisfied that the Amendment is based on sound modelling of flood extents. The Panel has not been presented with any evidence that the modelling for land in Membroy Way is flawed, or that has been incorrectly translated into zones and overlays.

(iv) Conclusion

The Panel concludes:

- The Amendment is appropriate as it applies to land in Membroy Way.

²⁹ Document 5

4.8 Wangoom Road, Ian Road and Wiggs Lane, Warrnambool

(i) The issues

The issues are whether:

- undersized culverts under Wangoom Road are exacerbating flooding issues in North Warrnambool
- modelling has accounted for the main drainage through the area
- an intentional blockage of the Russells Creek tributary is exacerbating flows north of Wangoom Road.
- the creek near Wiggs Lane should be included in the flood extent.

(ii) Evidence and submissions

Several submissions focussed on the Wangoom Road, Wiggs Lane and Ian Road area. A significant issue for these submitters was the size of Wangoom Road culverts. Submissions included photographs of locations along the waterway where flood flows have been blocked and water has banked back to cause damage to land and buildings. Many considered investment in improved infrastructure would mitigate, or at least lessen, the flood risk. Submissions also raised the accuracy of flood modelling in this area, because it appeared to have not picked up on local features of established drainage systems.

Mr Morrison's evidence was:

- The area to the north of Wangoom Road essentially forms a large informal flood detention basin that is constrained by the Wangoom Road embankment, with the existing culverts being largely inadequate to convey the upstream flow, while anecdotally flooding is exacerbated with the culverts being blocked at times. This then leads to surcharging of the creek and flooding of a number of residential properties.
- The area would likely naturally be subject to flooding to some extent given that it is fairly flat and un-channelised.
- Culvert upgrades have been explored by Council previously. Even with larger culverts, the LSIO would still be required, and downstream impacts may offset any benefit gained.
- An option of diverting water west was examined in the *Wangoom Road Growth Area Flood Assessment, 2016* and was found to reduce the risk of flood to existing residents within this area.
- A further study in 2016 (*North of Wangoom Road Development Area: Stormwater and Flooding Opportunities and Constraints, 2016*) recommended that flooding in the area would be best mitigated by either a large retarding basin or a high flow diversion channel (preferred), however noted that both options are expensive and will require significant land acquisition.
- There are only six properties with above floor flooding that would benefit from either of these high cost solutions (estimated at \$4.5 million in 2016).
- Flood mitigation works may occur via a large scale development of residential or farming areas north of Wangoom Road in the future, but stalling the implementation of flood controls now would be against the principles of floodplain management to protect life and property.

- In relation to the use of FO under the GHCMA guidelines, areas of peak depth greater than 0.5 metres in the 1 per cent AEP are included in the FO.³⁰

Mr Morrison's evidence also confirmed that the wetland topography may be exacerbating local flooding along the north side of Wangoom Road, however the primary flood mechanism appears to be flood water backing up against the Wangoom Road embankment. Mr Morrison concluded "*removal of the wetland would likely have little impact to the FO/LSIO extent*".³¹

Finally, Mr Morrison's evidence noted that the LSIO extends roughly to the crossing at Wiggs Lane and that while a FO could be included at this location, it was likely removed as it was discontinuous (with adjoining land in the Moyne Shire).³²

(iii) Discussion

Submissions present an accurate picture of flooding that occurs from time to time in this area. While the Panel understands the anxiety of submitters, it accepts that a decision about works is one for Council. The Panel also notes Mr Morrison's evidence that improving the flow of water in one location may transfer a problem downstream to another location.

The measure for this Amendment is whether the modelling accurately identifies the extent of affected land within the 1% AEP, such that the controls are effective in protecting life, land and property. The Panel is satisfied that is the case.

(iv) Conclusion

The Panel concludes:

- The Amendment is appropriate as it applies to land in Wangoom Road, Wiggs Lane and Ian Road area.

4.9 133-135 Whites Road, Warrnambool

(i) The issue

The issue is whether the modelling is accurate for the Whites Road area and at the Wares Road bridge.

(ii) Evidence and submissions

Submitter 6 questioned the accuracy of the flood extent and sought exclusion of land in Whites Road from the controls pending further review of the model.

Council submitted the introduction of the controls is based on current risk shown though information from modelling not previously available, and, as with previous submissions, advised that the introduction of future, currently unplanned and un-investigated flood mitigation/improvements is not sufficient reason to delay the introduction of flood controls.

The GHCMA supported Council.

The submission was referred to Mr Morrison for assessment. He advised:

³⁰ Document 5

³¹ Document 5

³² Document 5

- Stalling the implementation of flood controls until possible future mitigation works, that have not been adequately investigated, are constructed would be against the principles of floodplain management to protect life and property.
- As with the Wangoom Road properties, it is difficult to determine, however a large scale flood detention basin upstream of Whites Road would be very unlikely to provide enough flood benefit to justify the cost, given that only 8 houses will likely benefit from such a structure.
- The flood risk to the existing dwelling is relatively low, the GHCMA's analysis suggests that the dwelling would not be inundated by the 1% AEP.
- The flood controls proposed on the submitter's property are not onerous (primarily LSIO) is readily developable in the future by the current or future owners.

Mr Morrison also examined past flooding at the Wares Road bridge and the impact on the submitter's property. Using data from the model and from a local gauge, Mr Morrison reported the bridge was not inundated in the 2020 flood event and that the subject land was outside the influence of circumstances at the Wares Road bridge.³³

(iii) Discussion

The measure for this Amendment is whether the modelling accurately identifies the extent of affected land within the 1 per cent AEP, such that the controls are effective in protecting life, land and property. The Panel is satisfied that is the case.

(iv) Conclusion

The Panel concludes:

- The Amendment is appropriate as it applies to land on Whites Road.

³³ Document 5 and Plate 2

5 Form and content of the Amendment

5.1 General drafting issues

The Ministerial Direction on the Form and Content of Planning Schemes, issued under section 7(5) of the PE Act, requires that a planning scheme or planning scheme amendments must be prepared and presented in accordance with the style guide set out in Annexure 1 of the Ministerial Direction. Rules for writing a planning scheme provision are provided in A Practitioner's Guide to Victoria's Planning Schemes.

5.2 Submissions

Council submitted:

... the Panel will observe a recommendation by officers to Council to modify Clause 72.04 of the Planning Scheme to undertake further strategic work to support schedules to the LSIO and FO to reduce the burden of planning permits for inconsequential flood risk.

Council seeks a direction from the Panel that these changes be included as part of the Amendment.³⁴

The GHCMA submitted:

Previously the CMA had identified that there were no Schedules exhibited as part of this Amendment and that we strongly urge adoption of schedules to the LSIO and FO. While this still remains the opinion of the GHCMA, we are satisfied that they have not been included as part of this Amendment as introducing schedules has a municipality wide impact, and this Amendment only impacts North Warrnambool. The GHCMA is satisfied that discussions with Council around Schedules to the flood controls will take place during the next municipality wide Amendment.

The CMA strongly supports the adoption of Local Floodplain Development Plans (LFDP) in Planning Scheme Amendments which incorporate the FO. While the CMA would like to see the adoption of a LFDP for the Warrnambool Local Government Authority, we are satisfied that this is more appropriately introduced during a municipality wide Amendment and look forward to discussing this option with Council in the future.

In response to further direction issued by the Panel, Council prepared a draft schedule to Clause 72.04 to detail the further work actions discussed and agreed with the GHCMA.³⁵

5.3 Discussion and conclusion

The Panel agrees with the GHCMA that the Amendment would have benefited from inclusion of schedules to the LSIO and FO. This approach is consistent with PPN12 which notes that effective use of schedules should reduce the number of planning permit applications the Council and the floodplain management authority need to process.

Similarly, the Panel agrees with the GHCMA that preparation of a Local Floodplain Development Plan would have been of benefit through streamlining the consideration of future planning permit applications.

The Panel supports the proposed addition of further strategic work items in the Schedule to Clause 74.02 to prompt future action on this matter. The Panel notes that contrary to the submission of

³⁴ Document 5

³⁵ Documents 13 and 19

the GHCMA, LSIO and FO schedules are not required to be prepared for a whole municipality at once, but can be prepared and introduced for select areas. This might be a more practical implementation approach for Council.

The Panel concludes:

- Preparation of schedules to the LSIO and FO and a Local Floodplain Development plan would complement the Amendment and reduce the number of planning permit applications generated by the new flood provisions.

5.4 Recommendation

The Panel recommends:

- 7. Amend the Schedule to Clause 74.02 (Further Strategic Work) to include the following:**
 - a) Prepare Local Floodplain Development Plans to provide a performance-based approach for decision making that reflects local issues and best practice, including flood risk assessment, in floodplain management.**
 - b) Prepare Schedules to the Floodway Overlay and Land Subject to Inundation Overlay to introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Barry and Eileen Sullivan
2	Owen and Agnes Maslen
3	Glen and Maryanne Owen
4	Chae Douglas
5	Dean and Ellen Fleming
6	Pauline Cooper
7	Rob Cannon
8	Bradley Bull and Nikkyta Arundell
9	Neil Smith
10	T Cleverley and S Atherton
11	John Welch
12	G Mollenuxy
13	Drumoak Pty Ltd
14	Paul Gardner
15	Harold and Kathleen Giblin
16	Ian Bail
17	James and Maureen Barrant
18	Trevor Martin, Phillip Butler and Peter Bishop
19	Peter Lafferty
20	Stephen Timms
21	Glenelg Hopkins Catchment Management Authority

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Warrnambool City Council	Julie McLean, Coordinator City Strategy, who called expert evidence on: - Flood modelling from Tim Morrison of Catchment Simulation Solutions Pty Ltd.
Glenelg Hopkins Catchment Management Authority	Sheree Kearns, Senior Environmental Engineer
Glen and Maryanne Owen	Alastair Davies of Davies Simpson
Paul Gardner	Alastair Davies of Davies Simpson
Pauline Cooper	
G Mollenuxy	Brendan Howard of Urbanomics Town Planning
Peter Bishop, Phillip Butler, Trevor Martin	
John Welch	
Drumoak Pty Ltd	Brian Hancock
Stephen Timms	

Appendix C Document list

No.	Date	Description	Provided by
1	undated	Warrnambool C205warr Map Book	Warrnambool City Council (Council)
2	23/3/22	Warrnambool C205warr Panel Directions and Timetable Version 1	Planning Panels Victoria (PPV)
3	24/4/22	Drone footage	Drumoak Pty Ltd
4	11/4/22	Warrnambool C205warr Timetable Version 2	PPV
5	14/4/22	Warrnambool C205warr Flood Modelling Peer Review Expert Opinion Report April 2022	Council
6	19/4/22	Council submission, with Attachments (Documents 7-9)	“
7	“	Attachment A: Chronology of Events	“
8	“	Attachment B: Fact Sheet	“
9	“	Attachment C: Council Report 7 February 2022	“
10	20/4/22	Warrnambool C205warr Distribution List update (Version 2)	PPV
11	“	Pauline Cooper submission	P Cooper
12	22/4/22	Glenelg Hopkins Catchment Management Authority submission (Submitter 21)	GHCMA
13	29/4/22	Further Panel Directions	PPV
14	18/5/2022	Revised mapping 20 Botanic Road, Warrnambool	Council
15	“	Revised mapping 120 Bromfield Street, Warrnambool	“
16	“	Revised mapping 138 Bromfield Street, Warrnambool	“
17	“	Revised mapping 2-18 Daltons Road, Warrnambool	“
18	“	Revised mapping 32 Dooley Street, Warrnambool	“
19	“	Amended schedule to Clause 74	“
20	1/6/2022	Further submission 32 Dooley Street, Warrnambool	A Davies
21	“	Further submission 138 Bromfield Street, Warrnambool	“
22	“	Further submission 20 Botanic Road, Warrnambool	S Timms
23	6/6/2022	Further Panel Directions	PPV
24	7/6/2022	Response to further Directions	Council and GHCMA
25	8/6/2022	Panel correspondence re close of Hearing	PPV

Appendix D Minor incursion sites for removal from LSIO

Address	
1 Adam Court, Warrnambool	31 Evelyn Crescent, Warrnambool
4 Breton Street, Warrnambool	18 Garden Street, Warrnambool
1/9 Breton Street, Warrnambool	14 Garden Street, Warrnambool
2/9 Breton Street, Warrnambool	31 Garden Street, Warrnambool
11 Breton Street, Warrnambool	4-9 La Bella Court, Warrnambool
2/15 Breton Street, Warrnambool	9 La Bella Court, Warrnambool
15 Breton Street, Warrnambool	11 Medinah Close, Warrnambool
16 Breton Street, Warrnambool	43 Moonah Street, Warrnambool
26 Breton Street, Warrnambool	45 Moonah Street, Warrnambool
44 Breton Street, Warrnambool	142 Moore Street, Warrnambool
46 Breton Street, Warrnambool	154 Moore Street, Warrnambool
47 Breton Street, Warrnambool	1/17 Mortlake Road, Warrnambool
54 Breton Street, Warrnambool	1 Newry Court, Warrnambool
59 Breton Street, Warrnambool	28 Queens Road, Warrnambool
61 Breton Street, Warrnambool	52 Queens Road, Warrnambool
2 Brolga Street, Warrnambool	10 Rogers Avenue, Warrnambool
15 Brolga Street, Warrnambool	9 Roslyn Close, Warrnambool
48 Cherlin Road, Warrnambool	1 Sapphire Court, Warrnambool
6 Dunlea Court Warrnambool	2 Truro Court, Warrnambool
1/4 Evelyn Crescent, Warrnambool	15 Tulsa Close, Warrnambool
5 Evelyn Crescent, Warrnambool	88 Wangoom Road, Warrnambool
29 Evelyn Crescent, Warrnambool	

7.4. AMENDED DEVELOPMENT PLAN DP2022-0004 - 15 DALES ROAD

DIRECTORATE : City Growth

PURPOSE:

This report considers an amendment to the North East Warrnambool Growth Area Development Plan in relation to Development Area D, submitted specifically for 15 Dales Road, and recommends that Council endorse the amended Development Plan as submitted.

EXECUTIVE SUMMARY

Council has received an application to amend a Development Plan (DP) prepared by Myers Planning Group for land at 15 Dales Road (LOT 1 PS334785) on the North East side of the intersection of Dales Road and Aberline Road. The site has an area of approximately 9400m² (0.9 hectares) and is within the North East Warrnambool Structure Plan area and General Residential Zone (GR1Z), which would typically anticipate residential use and development.

The Development Plan as submitted comprises:

- A nominated residential parcel comprising ~4,694 square metres to be set aside as a medium density development site,
- A nominated education development parcel comprising ~4,729 square metres to be set aside as a childcare and early learning centre,
- Streetscape improvements to Aberline Road, including widening of the Aberline Road road reserve and incorporation of on-street car parking,
- Streetscape improvements to the Dales Road road reserve, including improved footpath connections,
- Pedestrian infrastructure improvements including a link between the Aberline Road and Road pedestrian networks.

A request for additional information was made 6 December 2021 and a response received 1 April 2022, including the submission of a marginally revised report (V2.1, 1 April 2022). Based on requests for additional information, V2.2 (July 2022) has now been submitted and is currently the plan being considered. This plan includes granular detail of the intended residential development on the eastern portion of the lot.

The amended Development Plan continues to fall short of meeting some of the Development Plan Overlay requirements, but given the requirements can be satisfied at subdivision stage, it is appropriate to endorse, and pass full assessment to the planning permit stage.

MOVED: CR DEBBIE ARNOTT

SECONDED: CR BEN BLAIN

That Council approve V2.2 of the Dales Road Development Plan as submitted on 20 July 2022.

CARRIED - 7:0

BACKGROUND

The subject land is located on the northeast corner of Dales and Aberline Roads. The subject site contains approximately 9400m² (0.9ha) and is currently vacant. It is adjoined north, east and south by residential development of varying densities. The Brierly Reserve is located immediately to the west. Anchor point village and the future urban growth area – East Aberline Precinct Structure Plan are further north. Gateway Plaza is approximately 640 metres to the southwest. A bus stop is

located immediately outside the site on Dales Road. The subject land is approximately 3km to the northeast of central Warrnambool, is zoned General Residential 1 (GRZ1), and is covered by the Development Plan Overlay Schedule 7. The land is located within the northeast growth area and is included in the North East Warrnambool Structure Plan.

A previous proposal for seventy-four (74) units on the site was considered by Council on 2 December 2019 and refused. An additional proposal involving thirty-six (36) lots ranging in size from 138m² to 381m² and supporting a mix of one bed, two bed, single and double storey dwellings was considered by Council in August of 2021 and supported.

ISSUES

Schedule 7 to the Development Plan Overlay contains the requirements for a Development Plan (DP). The DP and accompanying reports were submitted on 4 November 2021, and since amended twice. The DP in its current form continues to propose splitting the area in half, where the western portion would be used for an education/community facility, and where the intent has been declared that a child care centre will be developed. This side would include frontages of approximately 65 metres and 59 metres to Dales Road and Aberline Road respectively, a building footprint of approximately 1,465 square metres with a direct interface with adjoining development to the north and the Dales Road road reserve to the south, and space provided for twenty-nine off-street car parking spaces.

The plan shows streetscape improvements on Aberline Road which include a pedestrian footpath, eight (8) public on-street car parks, and associated landscaping areas interfacing with the Dales Road road reserve. The residential development area proposes approximately 4,694 square metres and a frontage to Dales Road of approximately 73 metres. Where previous versions failed to show a specific layout for lots, the plan now shows a variety of two-storey townhouse forms following a typology of 'medium density residential'. Specifically, 15 townhouses are proposed, along with one single detached two-storey townhouse designated as affordable housing. Townhouses are aligned along a central accessway which includes a central landscaping strip, provided as common property. Lot sizes are proposed to vary between 190 and 250 square metres.

The community / education sub-precinct and residential sub-precincts are proposed to be delivered in separate stages. The childcare and early learning centre is expected to be delivered as part of the first stage, with further detailed planning required prior to the proposed residential development. Infrastructure works planned for Aberline Road would be undertaken at the time the community / education sub-precinct is developed whereas infrastructure works planned for Dales Road would be undertaken at the time the residential sub-precinct is developed.

The main issue continues to be whether the proposed child care centre is a use that should be supported, given that it was not identified in the Structure Plan, and is a departure from what was likely intended to be residential development.

FINANCIAL IMPACT

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

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

4 A connected, inclusive place

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

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

TIMING

Approval of a development plan is not required within a specific statutory timeframe. The amended proposal was submitted in July 2022.

COMMUNITY IMPACT / CONSULTATION

All documentation forming part of V2.1 of the Development Plan (DP) has been subject to referral and a period of non-statutory public exhibition for a duration of two weeks, in accordance with Council's policy to provide non-statutory notice of development plans. No submissions were received in response to that process. V2.2 of the Plan was not re-advertised.

Responses from external referral authorities have not been received as at the time of writing, however given that responses/consent were provided for previous versions of the plan, it is assumed any comments received can be communicated to the applicant throughout the process.

The amended plan was referred to Council's Infrastructure department, who confirmed that the layout was suitable and offered no objection.

The original response from City Strategy suggests that the proposed DP does not align with the structure plan, in that the structure plan did/does not promote the concept of a 'mixed-used precinct', nor promote the concept of education and community uses in this location. The response therefore indicates general consent for the medium density residential component, but seeks for the applicant to provide further justification for why the intended uses are appropriate. The amended plan was re-referred to Strategy, and a further response confirmed that the position of not supporting the child care centre use was sustained.

Undoubtedly, the intention of the original Structure Plan was clear in its determination that land was intended for residential use, where no community facilities were identified within the study area, and none proposed. The applicant has identified the justification however, in that the context from 2008 until today has changed, and the demonstrated need for child care facilities has reached a level not foreseen at the time of drafting the original plan. Similarly, the original structure plan identifies that the provision of "conventional residential density" lots be achieved, where the passage of time has also modified what conventional residential density represents. Consequently, the adaptation of "conventional" lots to medium density, in correlation with the designation of part of the land for other uses, is simply a method of adapting what was intended in the original study to modern needs. Interestingly, the East Warrnambool Neighbourhood Plan 2005-2010 conducted in the same timeframe as the structure plan, identified the lack of neighbourhood facilities and the need for well planned development with community facilities as key issues.

In summary, despite the queries provided by referrals as to whether the use is appropriate, the DP as submitted is an acceptable response to the Development Plan Overlay and as a concept for this area.

LEGAL RISK / IMPACT

Assessed in line with the Warrnambool Planning Scheme and the Planning and Environment Act 1987.

OFFICERS' DECLARATION OF INTEREST

None.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

An assessment of the Plan in relation to the requirements of Development Plan Overlay – Schedule 7 is provided as an attachment. The assessment concludes that the submitted Development Plan in its current level of detail fails to provide sufficient information to confirm that all requirements are met; however, it is posited that the shortcomings are reasonable in their context, and that further details can be provided at time of subdivision.

The North East Warrnambool Structure Plan has an overall density target of 15 dwellings per hectare (DPH). The proposed Plan indicates medium density housing on the land where the calculation could be derived one of two ways. With 16 dwellings on land totaling 4694m², commensurate density is 34 DPH. When taking into consideration that the entire subject site is 9400m² and developed on one half with a single building, a DPH of 17 could be argued. Either way, the land bordered by Dales, Aberline, Boiling Down and Gateway Roads has an area of approximately 20.2ha and currently consists of 226 dwellings/lots. The current average is 11.4 dph and with the inclusion of the presumed number of additional lots the average would remain below 15 dph across this section of the structure plan. The underlying zone (General Residential 1) seeks to 'encourage a diversity of housing types' that 'respects the neighbourhood character'. Additionally, if the DP is approved a future planning application would require Council to have greater consideration to matters raised in the submission as part of a ResCode assessment.

The role of the Development Plan is to provide direction on the form and layout of future development of the land. The proposed Plan in its most recent form provides direction about the future form of development on the land, and if Council supports the education use as an acknowledged but suitable departure from the Structure Plan, then the DP in its current format is acceptable. A planning application will be required if the DP is approved and this will allow Council to assess the proposal against the relevant provisions of the Warrnambool Planning Scheme.

ATTACHMENTS

1. D P 2022-0004 - Assessment against DPO - 15 Dales Road V 2.2 [7.4.1 - 6 pages]
2. 15 Dales Rd - Development Plan - Version 2 [7.4.2 - 26 pages]
3. 15 Dales Rd - Town Planning Drawings (Appendix D) [7.4.3 - 6 pages]

ASSESSMENT OF DEVELOPMENT PLAN AGAINST DPO7 REQUIREMENTS

Cell D is relevant

The following table details:

- Objectives and requirements in schedule 7 to the Development Plan Overlay (DPO7) under the Warrnambool Planning Scheme.
- Council officer discussion and comments.
- An assessment on whether the DPO7 objective / requirement has been satisfied.

Objective / Requirement	Officer discussion and comments	DPO objective / requirement satisfied YES/NO
A Site Analysis Report and Plan that:		
In relation to existing site conditions and features includes details on the topography of the land, the location of existing vegetation, drainage lines, existing buildings, sites of conservation, heritage or archaeological significance and any other features.	<ul style="list-style-type: none"> • A planning report (Myers, November 2021), Site Analysis Plan, and Development Plan describe the site conditions including existing vegetation and built form, but do not provide topographical information. Areas of conservation, heritage or archaeological significance have not been identified, but are further described in CMHP. 	Yes
Provides a proposed development layout including roads, public open space and other features of subdivision in a manner which is responsive to the identified site features and demonstrates the integration of the development with existing infrastructure within the North East area including access, open space, retailing and schooling.	<ul style="list-style-type: none"> • The Development Plan shows a proposed division of uses, and internal roads. • Access to the education use is provided off Aberline Road with designated parking (29 spaces) • An internal accessway is shown in the residential area with a central landscape strip supporting ample turning radius space for egress. • No POS is proposed within the site however the applicant could provide 5% value of the land. • No connections have been shown in the north east of the site, nor is it currently practical to create connections to 25 Dales which remains as a single private residence. Future connections could be established via pathways proposed along Dales Road. 	Yes

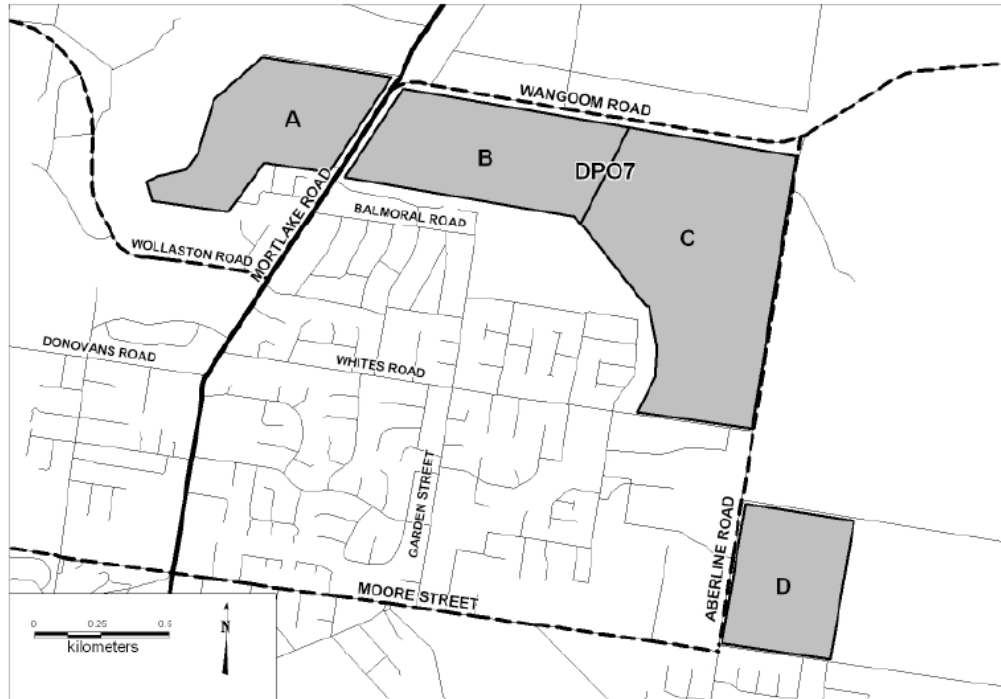
Objective / Requirement	Officer discussion and comments	DPO objective / requirement satisfied YES/NO
Provides adequate and usable public open space and demonstrate the suitability and accessibility of the provided open space to form part of the open space network.	<ul style="list-style-type: none"> Access to the Brierley reserve is considered to off-set the need for further public open space in this location. 	Yes
Identifies the means by which any sites of conservation, heritage or archaeological significance will be managed during construction and following the development.	<ul style="list-style-type: none"> A cultural heritage management plan has been submitted. No specific recommendations have been made although contingency plans are included in the CHMP. 	Yes
Identifies designated areas within the plan area proposed as potentially suitable for medium and higher density housing types based upon accessibility to transport, open space, services and other factors, as well as potential opportunities (if applicable) for areas suitable for non-car based development.	<ul style="list-style-type: none"> Medium density residential proposed (16 total two storey townhouses). Footpath links have been proposed. Gateway Plaza is approximately a 10 min walk (Walk Score). 	Yes
Identifies designated areas to be set aside for single dwelling development only.	<ul style="list-style-type: none"> Medium density residential proposed, where all development is proposed as 'townhouses', however the report suggests that all dwelling curtilage will comprise its own allotment (where common property is simply the accessway). Therefore, the development could also be considered as including single dwellings. 	Yes
Provides for community interaction, safety and surveillance by the provision of housing to front streets and/or public open space in the development area.	<ul style="list-style-type: none"> Medium density residential proposed, where layout provides for interaction via common areas. No POS is included in the DP concept. 	Yes

Objective / Requirement	Officer discussion and comments	DPO objective / requirement satisfied YES/NO
Designates a main north-south transport route along Aberline Road, Boiling Downs Road and Gateway Road. This route must align and provide for linkage to the connection to Raglan Parade (Princes Highway) at the Gateway Road intersection.	<ul style="list-style-type: none"> Aberline is identified as a collector road (note the DP includes road widening to accommodate on-street parking). Dales Rd is a collector Road too. 	Yes
Identifies a preferred character or theme in relation to the proposed development area including general design treatments for streetscapes, roads and boulevards, and open space.	<ul style="list-style-type: none"> No open space provided, however a theme emerges with the landscaped common accessway providing a central 'spine' for townhouse development. 	Yes
Designates by consideration of slope and accessibility, land suitable for open space provision within development areas, including prevention of direct private ownership and boundaries to watercourses.	<ul style="list-style-type: none"> No open space provision has been included No watercourses apply. 	Variation Required
Provides for detailed planting scheme including specification of species.	<ul style="list-style-type: none"> A specific landscape plan has not been provided, however the associated plans show indicative landscaping including possible species for street trees. 	Yes
Identifies the approach to water sensitive urban design in relation to drainage, road and allotment layout design. A theme should be applied to the entire development and should be based upon best practice provisions of water quality and turbidity, coupled with achieving relatively efficient maintenance provisions.	<ul style="list-style-type: none"> No Environmental Report has been provided, and the report makes only a topical response to this requirement. 	Variation Required

Objective / Requirement	Officer discussion and comments	DPO objective / requirement satisfied YES/NO
Provides information on the biodiversity of the riparian corridor of any watercourses or existing and proposed open space corridors in the development area.	<ul style="list-style-type: none"> No watercourses or open space corridors are relevant. 	N/A
Identifies the opportunities for incorporation of 'Third Pipe' stormwater collection including demonstration of consultation with Wannon Region Water Authority or its subsequent equivalent authority.	<ul style="list-style-type: none"> The site exhibits high permeability and on-site filtration is expected. Wannon Water has recently expressed their intention not to provide a third pipe in this area 	Yes
Integrates drainage as a part of high quality open space nodes and linear linkages. Where possible integrate stormwater management systems such as Bio filter wetlands as a part of high quality open space network.	<ul style="list-style-type: none"> A stormwater plan has not been provided Open Space is not designated. 	Variation Required
Provides an open space area in each plan that responds to the balance between open space usability and functionality, and the objectives of floodplain management.	<ul style="list-style-type: none"> Open space has not been designated. 	Variation Required
Provides a staging plan for development of the land in relation to efficient infrastructure provision through stages.	<ul style="list-style-type: none"> A staging plan is not proposed, however the split uses are proposed to be developed on separate timelines. 	Variation Required

Objective / Requirement	Officer discussion and comments	DPO objective / requirement satisfied YES/NO
Provides for the provision and funding of physical infrastructure	<ul style="list-style-type: none"> n/a as all works undertaken by the applicant 	N/A
Provides a timing schedule of public and infrastructure works, and staging of development for the development area.	<ul style="list-style-type: none"> n/a as all works undertaken by the applicant 	N/A
A Review period that identifies measures for the removal of the Development Plan Overlay from the land once the implementation of the development has been completed	<ul style="list-style-type: none"> The report recommends the removal of the Development Plan Overlay from the land be undertaken by the Responsible Authority, following implementation of the development and at a time when other sites affected by redundant Development Plan Overlay Schedules can be included within a 'corrections' planning scheme amendment. No further details provided in relation to a review period. 	Variation Required

Map 1 to the Schedule to Clause 3.0



DALES ROAD MIXED-USE PRECINCT DEVELOPMENT PLAN

15 DALES ROAD
Warrnambool | Victoria

November 2021

MYERS
PLANNING GROUP

Quality Information

Title	Version	Date	Authors
Development Plan	V2	1 November 2021	DP & SM
Development Plan	V2.1	1 April 2022	DP
Development Plan	V2.2	20 July 2022	DP

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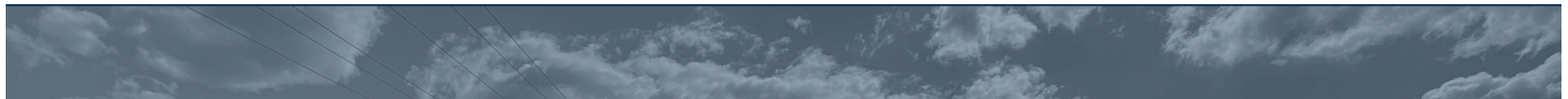
Appendices

Appendix A - Copy of Title

Appendix B - OneMap Site Report

Appendix C - Approved Cultural Heritage Management Plan

Appendix D - Townhouse Town Planning Drawings



1. Introduction

The Dales Road Mixed-Use Precinct Development Plan has been prepared by Myers Planning Group on behalf of BNAA Investments Pty Ltd. The Development Plan encompasses approximately 9,384 square metres of land located approximately 500 metres north-west (as the crow flies) of Gateway Plaza.

Warrnambool is an important town within the Great South Coast Region which is currently experiencing above-trend population growth.

The Warrnambool North East Structure Plan (2008) provides the land use and development framework to guide residential growth in the City in the short and medium term. The Structure Plan nominates the site for conventional density residential development, but recognises that the use of the site for community or educational purposes servicing the local area is consistent with the desired form of development within the North East Warrnambool precinct.

Having regard to the strategic role of Warrnambool to the broader region, the purpose of the Dales Road Mixed-Use Precinct Development Plan is to guide future land use and development, comprising an appropriate mix of community and residential uses consistent with the desired future land use and built form vision for the North East Warrnambool precinct. The proposal for a childcare centre will meet much needed existing and future demand for childcare services within North East Warrnambool.

The development plan incorporates a response to the relevant requirements of Schedule 7 of the Development Plan Overlay, commensurate with the scale and intensity of the intended use and development of the site.

The Dales Road Mixed-Use Precinct Development Plan includes the following features:

- Nominated residential parcel comprising ~4,694 square metres to be set aside as a 'medium density' development site, including the provision of one (1) townhouse for 'affordable housing'. Town Planning Drawings demonstrating a typology for the proposed 'medium density' development site have been supplied at **Appendix D**.
- Nominated education development parcel comprising ~4,729 square metres to be set aside as a childcare and early learning centre.
- Streetscape improvements to Aberline Road, including widening of the Aberline Road road reserve and incorporation of on-street car parking.
- Streetscape improvements to the Dales Road road reserve, including improved footpath connections.
- Pedestrian infrastructure Improvements and a key link between the Aberline Road and Dales Road pedestrian networks.

1.2 Structure of the Development Plan

The Development Plan is structured in a format which responds to the features of the area. The development plan is structured as follows:

- **Planning context** which provides an overview of the Planning Policy Framework, the Municipal Planning Strategy, zones and overlays affecting the development plan area.
- **Site analysis** which explores property ownership, surrounding land uses, topography, views and vistas, natural features, existing infrastructure and access.
- **Design response** which details the proposed movement network, open space, density of development, infrastructure and staging.

2. Site description

2.1 Site location and context

The subject site is located on the northeast corner of the Dales Road and Aberline Road intersection, near major arterial routes (Princes Highway), bus routes and local employment centres (Gateway Plaza) (see **Figure 1**).

Warrnambool’s population growth is forecast to grow steadily at 0.8% (Victoria in Future, 2019), with above trend population growth (1%) experienced between 2019-2020 (Australian Bureau of Statistics, 2019-20 Regional Population)

Demand for social and education services is likely to increase commensurate with population growth. At the time of writing this report, four (4) out of five (5) child care centres and two (2) of three (3) early learning centres within North East Warrnambool have no vacancies (data accessed via www.careforkids.com.au and www.childcarefinder.gov.au, November 2021).

To accommodate population growth, Warrnambool City Council has identified a number of areas within the North East Warrnambool precinct as locations for conventional residential development.

This Development Plan relates to the area on the north-eastern corner of the Dales Road and Aberline Road intersection. The Development Plan encompasses the entire site and is bound by Dales Road (south), Aberline Road (west) and adjoining residential development (north and east).

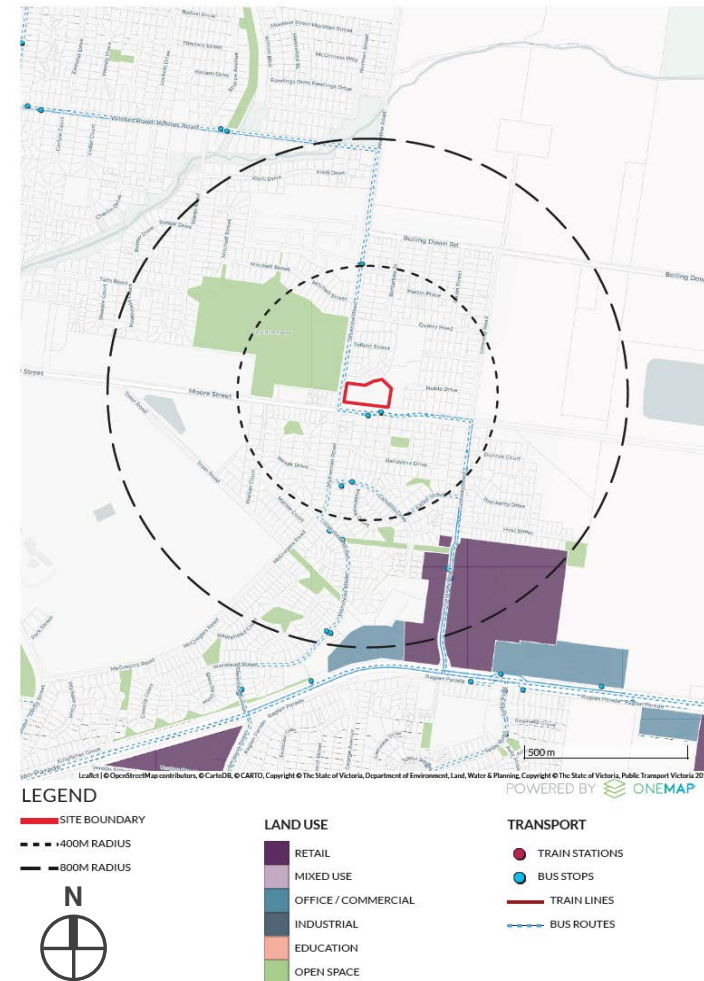
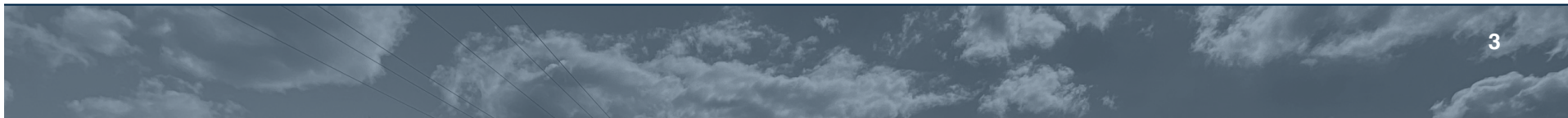


Figure 1: Locality Plan



2.2 Subject site and surrounds

The site is approximately 9,384 square metres and comprises an irregular polygon shape. The site has a cross fall of approximately 2 metres descending gradually from the northwest and northeast towards the southwest corner of the site.

The site has been maintained as an englobo residential lot, with a shed to store machinery to maintain the property. There is a dwelling on the south-eastern corner of the lot with associated fencing and landscaping within the dwelling curtilage.

The site has access to typical urban development services including reticulated water, sewer, stormwater, power, NBN™ and telecommunications within the Aberline Road and Dales Road road reserves.

The subject site is located within a residential precinct predominantly consisting of conventional residential lots. The existing dwelling typology consists of typically single-storey brick and rendered dwellings with front setbacks comprising between 6 metres - 10 metres. Most dwellings are single detached, but the precinct also includes several dual occupancies. Site frontages are generally developed with a mix of low fencing and no fencing. Plantings within front setbacks are modest for the most part, except for a landscape screen on land adjoining the subject site's eastern boundary.

Land to the east of the subject site comprises a large residential lot of one hectare. Land to the north comprises several lots between 300-450 square metres accessed via Timms Crescent. Land to the south comprises the Dales Road road reserve. Beyond this land to the south are residential lots between 1,200 square metres and 600 square meters. Land to the west comprises the Aberline Road road Reserve. Beyond this land to the west is the Brierly Recreation Reserve and residential development accessed via Dales Road.



LEGEND

- SITE BOUNDARY
- EASEMENTS (ACTUAL)
- PARCELS
- PROPERTIES

POWERED BY ONEMAP



Figure 2: Subject site

2.3 The proposal

The Development Plan proposes to develop the site with an education / community use on the western half of the site and medium density residential uses on the eastern half of the site.

Education and community

The education / community use will be suitable for a child care and early learning centre comprising:

- A site area of approximately 4,729 square metres.
- Frontages of approximately 65 metres and 59 metres to Dales Road and Aberline Road, respectively.
- A building footprint of approximately 1,465 square metres with a direct interface with adjoining development to the north and the Dales Road road reserve to the south.
- Twenty-nine off-street car parking spaces.
- Streetscape improvements on Aberline Road, including pedestrian footpath, eight (8) public on-street car parks associated landscaping.
- Landscaping areas interfacing with the Dales Road road reserve and planned streetscape improvements.

Further details on the proposed layout of the proposed child care and early learning centre layout are outlined in **Section 6** of this report.

Medium-density residential

The residential development area will comprise approximately 4,694 square metres and a frontage to Dales Road of approximately 73 metres.

The proposed area to be set aside for residential development will allow for sufficient flexibility in the design and layout of lots and built form for medium-density residential development. The proposed frontage to Dales Road allows for orderly access and connection to typical urban development services, located within the Dales Road road reserve.

The site is suited to a modest extent of medium density housing. It is expected that the site will comprise a variety of two-storey townhouse forms with a mix of single detached and attached dwellings on small-medium sized lots.

Town Planning Drawings demonstrating a typology for the proposed 'medium density' development site have been supplied at **Appendix D**. The plans supplied demonstrate an adequate site layout typology for 'medium density' residential development can be achieved.

Detailed design work relating to functional layout, built form and subdivision design is able to be further considered as part of the future planning of the site at the planning permit application stage.

Key design features relevant to the proposal are outlined in the section below and referred to as part of the assessment detailed in **Section 6** of this report.

Site Layout The proposed 'medium density' site layout shown in **Appendix D** incorporates 15 two-storey townhouses and one (1) single detached two two-storey townhouse allocated for 'affordable housing'.

Townhouses are oriented towards a central access 'spine' and setback adequately to provide a suitable interface to Dales Road and the internal road.

A 2 metre landscape strip is proposed on the edge of the southern boundary to provide for ground cover and canopy tree vegetation as part of the built form interface with Dales Road.

The two rows of townhouses are separated by two carriageways and a landscaped median suitable for water sensitive urban design and beautification measures.

Buildings will comprise two-storey forms with a curtilage of between 190-250 square metres, based on the typology outlined in the plan supplied at **Appendix D**.

Ample areas are set aside for a mix of ground cover vegetation and canopy trees within the curtilage of each townhouse and within internal common areas.

The plans visualise the design intent for a modest number of medium-density townhouses, nestled within a well landscaped setting and providing for an appropriate interface to private and public realms.

It is expected that each dwelling curtilage will comprise its

Site Layout own allotment, with the accessway comprising a 'common property' lot. The final building, lot and site layout will be determined at the planning permit application stages.

(continued)

The plans supplied at **Appendix D** demonstrate an adequate site layout typology for 'medium density' residential development can be achieved.

Connectivity The access to the 'medium density' site from Dales Road provides suitable connectivity to and from the site for standard and medium rigid vehicles (i.e. rubbish collection vehicles) via an internal road system, ensuring low traffic volumes.

A footpath linking the site to land east and west of the 'medium density' area is shown on the plans at **Appendix D**.

The plans supplied at **Appendix D** demonstrate that adequate vehicle and pedestrian access can be provided as part of a typology for 'medium density' residential development.

The plans communicate and visualise the design intent for a safe and convenient access regime, commensurate with the scale of expected development. The functional layout for road access will be determined at the planning permit application stage, and will be to the satisfaction of the responsible authority (Council).

Built Form

The development shown in **Appendix D** is for two 'terrace rows' of two-storey town houses, comprising three different floor plan styles and visualisations of elevation styles.

Each townhouse plan is shown to include ample areas for parking, vehicle storage and for domestic services normal to a dwelling.

The style of architecture shown includes a mix of modern and traditional forms, employing the use of front gable and skillion roof forms and modern high-quality materials on the exterior. The materials of construction are expected to comprise a mix of concrete brick, Colorbond® and weatherboard and are appropriate for the locality.

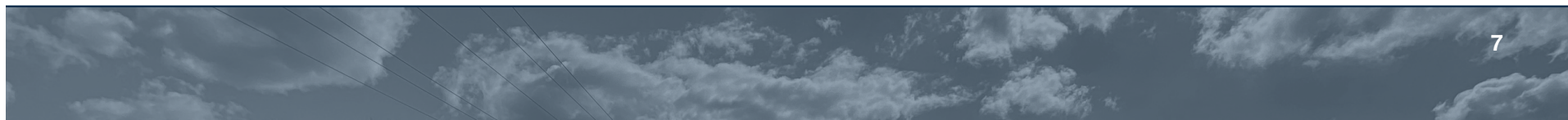
Where fencing faces the internal accessway, it is expected to be semi-transparent and provide for adequate passive surveillance.

The two-storey built forms will be well below ResCode maximum height requirements and are able to be appropriately setback from the street and neighbouring sites.

The plans at **Appendix D** show that the built form and site layout typology can be designed to meet all relevant ResCode standards.

Overall, the typology for built form within Appendix D provides for a high standard of liveability, with a diversity of floor plan types to provide for small and medium sized households

<p>Built Form (continued)</p>	<p>The layout of dwellings across the site will allow for adequate secluded private open space and achieve a sufficient level of solar access.</p> <p>The ultimate dwelling layout and built form to be approved at the planning permit stage will also ensure that a 6-star energy rating can be easily achieved.</p>
<p>Landscaping</p>	<p>The plans at Appendix D demonstrate the built form proposed will be adequately softened by areas to be set aside for landscaping.</p> <p>Specifically, landscaping is shown:</p> <ul style="list-style-type: none"> - within the median of the proposed internal accessway; - within a 2-metre landscape strip along the southern boundary to Dales Road; and - ample areas are provided within the curtilage of each dwelling for ground cover and canopy vegetation. <p>These areas are suitable for both exotic and native vegetation types.</p> <p>The ultimate landscaping layout and species selection will be approved at the planning permit stage, to the satisfaction of the responsible authority (Council).</p>



Affordable Housing For the purposes of this development plan, the definition of 'affordable housing' is the same as the definition contained within the *Planning and Environment Act 1987*. An agreement regarding the delivery of 'affordable housing' can be provided for at the planning permit application stage.

See **Appendix D** for a copy of the plan illustrating an appropriate location for the provision of 'affordable housing'.

3. Planning context

3.1 Municipal Planning Strategy

The Municipal Planning Strategy (MPS) sets out the City's context, municipal vision, and strategic planning directions, with a focus on specific areas and issues within Warrnambool.

The proposed amendment is appropriate in the context of relevant planning policies as set out below and supports the implements the MPS as per the following:

- Clause 02.01 **Vision**
- Clause 02.03-1 **Settlement**
- Clause 02.03-5 **Built environment and heritage**
- Clause 02.03-6 **Housing**
- Clause 02.03-8 **Transport and infrastructure**

The proposed development plan is consistent with the implementation strategies contained within the MPS and will forward planning for a development which is consistent with Council's land use and built form vision for the municipality.

3.1 Planning Policy Framework

The Planning Policy Framework comprises general principles for land use and development in Victoria. The following clauses of the Planning Policy Framework are relevant to this development plan:

- Clause 11 **Settlement**, including:
 - o Clause 11.01-1S **Settlement**
 - o Clause 11.01-1R **Settlement - Great South Coast**
 - o Clause 11.02-1 **Supply of urban land**
 - o Clause 11.03-2S **Growth areas**
- Clause 13 **Environmental risks and amenity** including:
 - o Clause 13.05-1S **Noise abatement**
 - o Clause 13.07-1S **Land use compatibility**
- Clause 15 **Built Environment and Heritage**, including:
 - o Clause 15.01-L **Urban design**
 - o Clause 15.01-3S **Subdivision design**
 - o Clause 15.014S **Healthy neighbourhoods**
 - o Clause 15.01-5 **Neighbourhood character**
- Clause 16 **Housing** including:
 - o Clause 16.01-1L **Housing supply**
 - o Clause 16.01-2S **Location of residential development**
 - o Clause 16.01-3S **Housing diversity**
 - o Clause 16.01-2S **Affordable housing**
- Clause 18 **Transport**, including:
 - o Clause 18.01-1S **Land use and transport planning**
 - o Clause 18.02-1S **Sustainable personal transport**
- Clause 19 **Infrastructure**, including:
 - o Clause 19.02-2S **Education facilities**
 - o Clause 19.02-2L **Education**
 - o Clause 19.02-2R **Education precincts – Great South Coast**
 - o Clause 19.03-2S **Infrastructure design and provision**
 - o Clause 19.03-2L **Infrastructure design and planning**
 - o Clause 19.02-6S **Open space**
 - o Clause 19.02-6L **Open space**

The proposed development plan is consistent with the objectives and strategies contained within the PPF.

3.3 Zones

General Residential Zone (GRZ1)

The development plan area is zoned for residential purposes (General Residential Zone) which seeks to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Use

Under the General Residential Zone, a planning permit is not required to use land for a 'Dwelling'.

A planning permit is required for 'education centre' and the nested land uses 'child care centre' and 'kindergarten'.

Subdivision

A planning permit is required to subdivide land. An application to subdivide land must meet the requirements of Clause 56 of the Warrnambool Planning Scheme.

Construction and extension of one dwelling of a lot

A permit is required to construct a dwelling on a lot less than 300 square metres in area. A permit is required to construct or extend a front fence if the fence exceeds the maximum height specified in Clause 54.06-2 of the Warrnambool Planning Scheme.

Construction and extension of two or more dwellings on a lot

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

Buildings and works associated with a section 2 use

A permit is required to construct a building or construct or carry out works for a Section 2 use.

3.4 Overlays

Development Plan Overlay

The Development Plan area is included within Schedule 7 to the Development Plan Overlay.

Schedule 7 to the Development Plan Overlay does not contain any objectives to be achieved, but rather sets out the requirements before a permit is granted, conditions, requirements for permits and requirements for development plans to be endorsed for Development Areas A, B, C and D. These requirements are set out in following section (**Section 4**).

4. Schedule 7 to the Development Plan Overlay

4.1 Requirements for the development plan

The development plan must include the following to the satisfaction of the responsible authority:

- A **Site Analysis Report and Plan** that depicts all relevant site analysis information for Development Area D:
 - o In relation to existing site conditions and features includes details on the topography of the land, the location of existing vegetation, drainage lines, existing buildings, sites of conservation, heritage or archaeological significance and any other features.
 - o Provides a proposed development layout including roads, public open space and other features of subdivision in a manner which is responsive to the identified site features and demonstrates the integration of the development with existing infrastructure within the North East area including access, open space, retailing and schooling.
 - o Provides adequate and usable public open space and demonstrates the suitability and accessibility of the provided open space to form part of the open space network.
 - o Identifies the means by which any sites of conservation, heritage or archaeological significance will be managed during construction and following the development.
 - o Identifies designated areas within the plan area proposed as potentially suitable for medium and higher density housing types based upon accessibility to transport, open space, services and

other factors, as well as potential opportunities (if applicable) for areas suitable for non-car based development.

- o Identifies designated areas to be set aside for single dwelling development only.
- o Provides for community interaction, safety and surveillance by the provision of housing to front streets and/or public open space in the development area.
- o Designates a main north-south transport route along Aberline Road, Boiling Downs Road and Gateway Road. This route must align and provide for linkage to the connection to Raglan Parade (Princes Highway) at the Gateway Road intersection.

Response

A **Site Analysis Plan** identifying features relevant to the proposal is set out in **Section 5** of this report. The **Site Analysis Plan** is to be read in conjunction with the OneMap Site Report (**Appendix B**) and the Approved Cultural Heritage Management Plan (**Appendix C**) accompanying this Development Plan, which provide additional site analysis material on the site's existing conditions, land use context and areas of cultural heritage significance.

These materials are enhanced by **Section 1** and **Section 2** of this report, which provide further strategic and physical context to the proposed development plan.

- An **Open Space / Landscape Master Plan** and accompanying documentation that:
 - o Identifies a preferred character or theme in relation to the proposed development area including general design treatments for streetscapes, roads and boulevards, and open space.
 - o Designates by consideration of slope and accessibility, land suitable for open space provision within development areas, including prevention of direct private ownership and boundaries to watercourses.
 - o Provides for detailed planting scheme including specification of species.
 - o Provides a visual and environmental buffer to continued agricultural land use to the east of Aberline Road.

Response

Appropriate guidance on areas to be set aside for landscaping and species selection is provided in **Section 6** of this report, and should be read in conjunction with the Town Planning Drawings at **Appendix D**.

- An **Environment Report** that:
 - o Identifies the approach to water sensitive urban design in relation to drainage, road and allotment layout design. A theme should be applied to the entire development and should be based upon best practice provisions of water quality and turbidity, coupled with achieving relatively efficient maintenance provisions
 - o Provides information on the biodiversity of the riparian corridor of any watercourses or existing and proposed open space corridors in the development area. Identifies the opportunities for incorporation of 'Third Pipe' stormwater collection including demonstration of consultation with Wannon Region Water Authority or its subsequent equivalent authority.

Response

There are no watercourses traversing the site, or easements across the site in favour of adjoining land. It follows, that the passage and collection of stormwater is a site specific issue.

Appropriate guidance on when details of stormwater should be considered as part of future subdivision and development is provided in **Section 5** of this report.

- An **Infrastructure Report** that:
 - o Integrates drainage as a part of high quality open space nodes and linear linkages. Where possible integrate stormwater management systems such as Bio filter wetlands as a part of high quality open space network.
 - o Provides an open space area in each plan that responds to the balance between open space usability and functionality, and the objectives of floodplain management.
 - o Provides a staging plan for development of the land in relation to efficient infrastructure provision through stages.
 - o Provides for the provision and funding of physical infrastructure (unless included in any approved Development Contribution Plan or scheme for the area, outline arrangements for the provision and funding of physical infrastructure).
 - o Provides a timing schedule of public and infrastructure works, and staging of development for the development area.

Response

There are no watercourses traversing the site, or linear open space areas which connect with the subject site.

Appropriate guidance on when public open space contributions, development contributions and stormwater design should be considered as part of future subdivision and development is provided in **Section 5** of this report.

- A Review period that identifies measures for the removal of the Development Plan Overlay from the land once the implementation of the development has been completed (requirement applicable to Development Areas A, B, C & D).

Response

It is recommended the removal of the Development Plan Overlay from the land be undertaken by the Responsible Authority, following implementation of the development and at a time when other sites affected by redundant Development Plan Overlay Schedules can be included within a 'corrections' planning scheme amendment.

The following reports and assessments have also informed the preparation of the development plan:

Approved Cultural Heritage Management Plan

Compass Heritage Services, October 2021

Town Planning Drawings

Form and Function Building Design, July 2022

5. Site analysis

5.1 Site Analysis

Site Area	The site is approximately 9,384 square metres and comprises an irregular polygon shape.
Frontages	The site has a frontage to Dales Road (south) of approximately 138 metres and a frontage to Aberline Road of approximately 60 metres.
Topography	The site is at grade with the neighbouring property to the east, and below the level of the new subdivision to the north. The site has a cross fall of approximately 2 metres descending gradually from the northwest and northeast towards the southwest corner of the site.
Vegetation and waterways	There is no planted or remnant native vegetation located on the subject site. Several large mature exotic trees in the cypress family (<i>Cupressaceae</i>) are located on the southern and eastern boundary. No waterways or drainage lines are located on the subject site.
Existing buildings	The site has been maintained as an englobo residential lot, with a shed to store machinery to maintain the property. There is a dwelling on the south-eastern corner of the lot with associated fencing and landscaping within the dwelling curtilage.

Easements and covenants There are no easements located on the subject site. The Copy of Title (**Appendix A**) identifies that a:

- public open space contribution has not been made under Section 18 of the Subdivision Act.
- Section 173 Agreement is registered on title as Instrument AH879259U.

Of note, the Section 173 Agreement obliges the owner to:

- pay to Council a development infrastructure contribution in the amount of \$75,360 ex. GST (adjusted at a rate of 6% per annum from the date of the Agreement) either:
 - o before the expiry of any planning permit which authorises the subdivision of the subject land (other than a two-lot subdivision to create a lot for the existing dwelling); or
 - o prior to a Statement of Compliance for any other subdivision of the land that creates more than two lots.
- Either:
 - o vest in Council not less than 5% of the area of the subject land in any plan of subdivision as a public open space contribution; or

Easements and covenants (continued)

- o make a monetary contribution to Council in the amount of 5% of the site value of the subject site included in any plan of subdivision for either residential or commercial purposes.

Construct, carry out and complete the widening and upgrade of Aberline Road for the length of the frontage of the subject site to Aberline Road.

Design considerations:

- The development plan should provide for the road widening of Aberline Road, to ensure future development does not prejudice future opportunities to provide for the road widening of Aberline Road.
- The development plan should identify suitable areas to be aside for associated streetscape upgrades (i.e. landscaping, on-street car parking, and footpath infrastructure).
- Future development according to this Plan should include the need for an open space contribution, with that funding used to improve existing parkland in the area.

Application requirements:

Applications for subdivision and/or development must be accompanied with the following information as relevant:

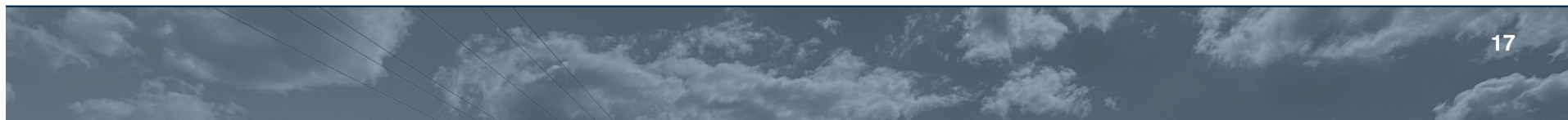
- A Functional Layout Plan and Landscaping Plan, or similar, which demonstrates development will not prejudice the outcomes sought by this development plan and which is generally in accordance with the Town Planning Drawings at **Appendix D**.
- Any Landscaping Plan to accompany an application must ensure street tree themes incorporate native species plantings derived from Warrnambool City Council Street Tree Planting and Management Guidelines.
- A Transport/Traffic Impact Assessment which demonstrates use and development will not prejudice the outcomes sought by this development plan.

Cultural Heritage	<p>The development plan is within an area of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2018. A Cultural Heritage Management is required to be prepared and approved by the relevant Registered Aboriginal Party (Eastern Maar Aboriginal Corporation) prior to land being subdivided or developed.</p> <p>An approved Cultural Heritage Management Plan for the development plan area has been received from Eastern Maar Aboriginal Corporation. The approved Cultural Heritage Management Plan has not identified any archaeological sites within the development plan area.</p> <p>Once approved, the Cultural Heritage Management Plan will set out actions in the event any Aboriginal cultural heritage sites are located during construction, which will be followed during construction of the development.</p>
Infrastructure services	<p>The site has access to typical urban development services including reticulated water, sewer, stormwater, power, NBN™ and telecommunications accessible from within the Aberline Road and Dales Road road reserves.</p> <p>Footpaths are not provided along the Dales Road and Aberline Road frontages of the subject site. Pedestrian footpaths are located on the northern boundary within the Aberline Road road reserve and east of the eastern boundary within the Dales Road road reserve.</p>

Infrastructure services (continued)	<p>The site is located on the north-eastern corner of a roundabout linking Dales Road and Aberline Road. Dales Road is a sealed and kerbed collector road with a 50 km/h speed limit.</p> <p>Aberline Road is a sealed and kerbed collector road, except for the section with frontage to the subject site, with a 60 km/h speed limit. An existing swale drain is located on the eastern side of the Aberline Road road reserve, where it adjoins the subject site.</p> <p>A bus-stop is located adjacent to the southern boundary of the subject site within the Dales Road road reserve, which is serviced by the Warrnambool to Gateway Plaza bus (Route 2) and Warrnambool to Deakin bus (Route 3).</p>
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Design considerations:

- The development plan should provide for suitable road access to both Dales Road and Aberline Road from their respective frontages.
- The development plan should provide for a variable landscape strip along the frontage to the Dales Road road reserve generally in accordance with the Town Planning Drawings at **Appendix D**.
- The development plan should identify suitable areas to be set aside for associated streetscape upgrades (i.e. landscaping, footpath infrastructure).



Application requirements:

Applications for development and/or subdivision must be accompanied with the following information as relevant:

- A Functional Layout Plan and Landscaping Plan, or similar, which demonstrates development will not prejudice the outcomes sought by this development plan and which is generally in accordance with the Town Planning Drawings at **Appendix D**.
- A Transport/Traffic Impact Assessment which demonstrates use and development will not prejudice the outcomes sought by this development plan.
- A Stormwater Management Plan, which demonstrates the approach to Water Sensitive Urban Design measures.

Neighbourhood character	The subject site is located within a residential precinct predominantly consisting of conventional residential lots. The existing dwelling typology consists of typically single-storey brick and rendered dwellings with front setbacks comprising between 6 metres - 10 metres. Most dwellings are single detached, but the precinct also includes a number of dual occupancies. Site frontages are generally developed with a mix of low fencing and no fencing. Plantings within front setbacks are modest for the most part, with the exception of a landscape screen on land adjoining the subject site's eastern boundary.
Interfaces	Land to the east of the subject site comprises a large residential lot of one hectare. Land to the north comprises a number of lots between 300-450 square metres accessed via Timms Crescent. Land to the south comprises the Dales Road road reserve. Beyond this land to the south are residential lots between 1,200 square metres and 600 square meters. Land to the west comprises the Aberline Road road Reserve. Beyond this land to the west is the Brierly Road reserve and residential development accessed via Dales Road.

Design considerations:

- The development plan should set aside areas required for interface treatments between any proposed non-residential and residential uses to reduce noise and provide an attractive appearance to adjoining residential development, generally as shown in the Town Planning Drawings contained at **Appendix D**.

Application requirements:

Applications for development of non-residential uses must be accompanied with the following information:

- Site Plan and Elevation Plans which demonstrates development will not prejudice the outcomes sought by this development plan and which are generally in accordance with the Town Planning Drawings at **Appendix D**.



Site analysis plan

6. Design response

The Dales Road Mixed Use Precinct Development Plan provides a design which responds to the Design Considerations contained in the site analysis section of this report.

The development plan seeks to:

- Provide for a mixed-use precinct comprising community / education and medium-density residential uses in a compatible and coordinated manner.
- Provide for the road widening of Aberline Road, to ensure future development does not prejudice future opportunities to provide for the road widening of Aberline Road.
- Identify suitable areas to be set aside for associated streetscape upgrades (i.e. landscaping, on-street car parking and footpath infrastructure).
- Nominate potential areas to be set aside for internal road access to both Dales Road and Aberline Road from their respective frontages.
- Provide for an attractive, variable landscape strip along the frontage to the Dales Road road reserve.
- Identify suitable areas to be set aside for interface treatments between any proposed non-residential and residential uses to provide an attractive appearance to adjoining residential development.
- Identify areas suitable for the provision of 'affordable housing', as defined by the Planning and Environment Act 1987.

6.1 Staging

The community / education sub-precinct and residential sub-precincts will be delivered in separate stages.

The childcare and early learning centre is expected to be delivered as part of the first stage, with stage 2 comprising the proposed medium density residential development, including opportunities to deliver affordable / community housing.

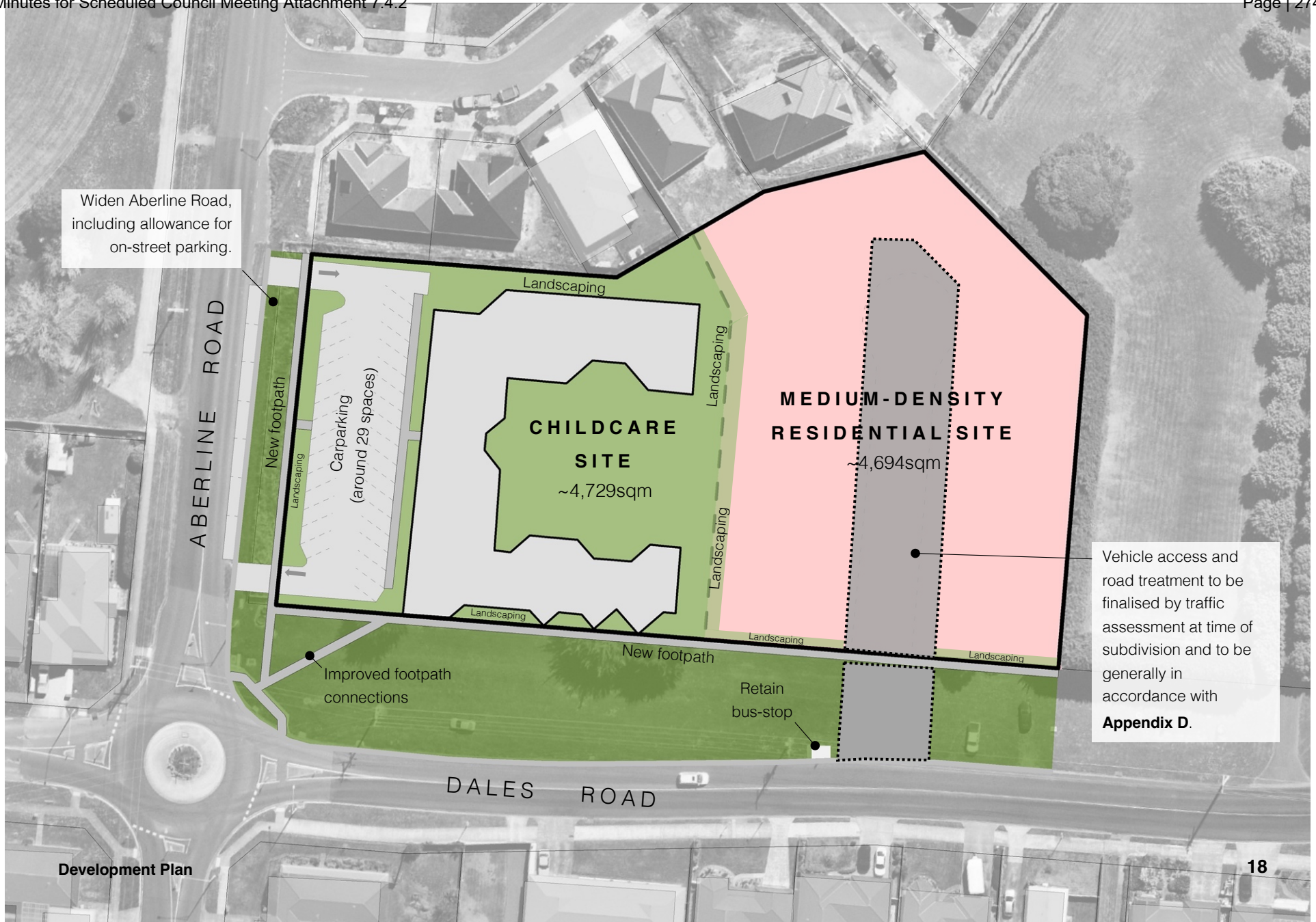
Infrastructure works planned for Aberline Road will be undertaken at the time the community / education sub-precinct is developed and infrastructure works planned for Dales Road will be undertaken at the time the residential sub-precinct is developed.

6.2 Affordable Housing

See **Appendix D** for a copy of the plan illustrating an appropriate location for the provision of 'affordable housing'.

For the purposes of this development plan, the definition of 'affordable housing' is the same as the definition contained within the *Planning and Environment Act 1987*.

An agreement regarding the delivery of 'affordable housing' can be provided for at the planning permit application stage.



Widen Aberline Road, including allowance for on-street parking.

Vehicle access and road treatment to be finalised by traffic assessment at time of subdivision and to be generally in accordance with **Appendix D.**

MYERS PLANNING GROUP

182B Lava Street
Warrnambool VIC 3280

T 03 5562 9443

www.myersplanninggroup.com.au



south perspective



south east perspective



north viewing south



approach to townhouse



footpath view



northern townhouses



north east perspective



footpath view



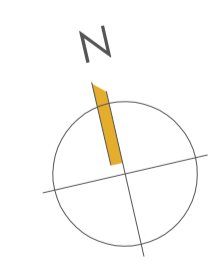
south west perspective



road viewing south

rev	description	Revision ID	checked

**NOT FOR
CONSTRUCTION**



SITE ADDRESS :
15 DALES ROAD
WARRNAMBOOL 3280

PROJECT :
16 LOT TOWNHOUSE
DEVELOPMENT

CLIENT :
BNAA INVESTMENTS P/L

DESIGNED BY :
DONNA MONAGHAN
DRAWN BY :
DONNA MONAGHAN
ISSUE :
CONCEPT TOWN PLANNING DRAWING
ISSUE DATE :
22/07/2022

SHEET SIZE :
A1
PROJECT NO :
21069
DRAWING NO :
1 / 6

853 RAGLAN PARADE WARRNAMBOOL 3280
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E | info@formandfunction.net.au
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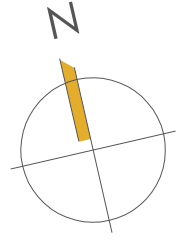
all townhouses are:
 - two storey
 - one carspace + single garage on site
 - two bedrooms
 - two bathrooms + open office space

proposed site plan with aerial photo

rev	description	Revision ID	checked

NOT FOR
CONSTRUCTION

N



SITE ADDRESS :
**15 DALES ROAD
WARRNAMBOOL 3280**

PROJECT :
**16 LOT TOWNHOUSE
DEVELOPMENT**

CLIENT :
BNAA INVESTMENTS P/L

DESIGNED BY :
DONNA MONAGHAN

DRAWN BY :
DONNA MONAGHAN

ISSUE :
CONCEPT TOWN PLANNING DRAWING

ISSUE DATE :
22/07/2022

SHEET SIZE :
A1

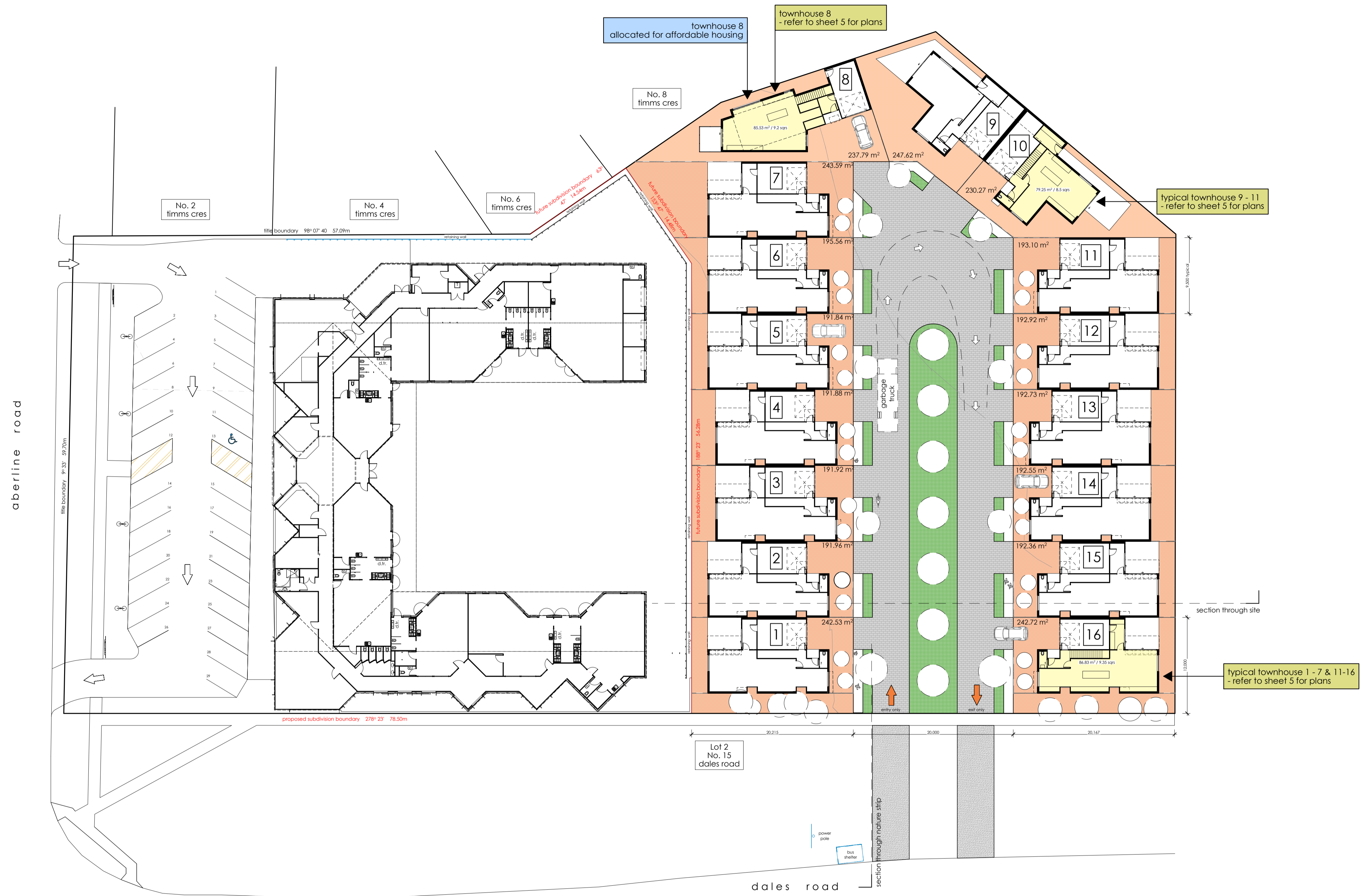
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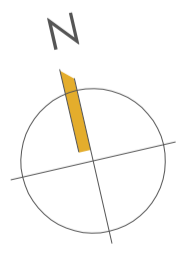
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site plan
scale 1:250

rev	description	Revision ID	checked

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CONSTRUCTION



SITE ADDRESS:
15 DALES ROAD
WARRNAMBOOL 3280

PROJECT:
16 LOT TOWNHOUSE
DEVELOPMENT
CLIENT:
BNAI INVESTMENTS P/L

DESIGNED BY:
DONNA MONAGHAN
DRAWN BY:
DONNA MONAGHAN
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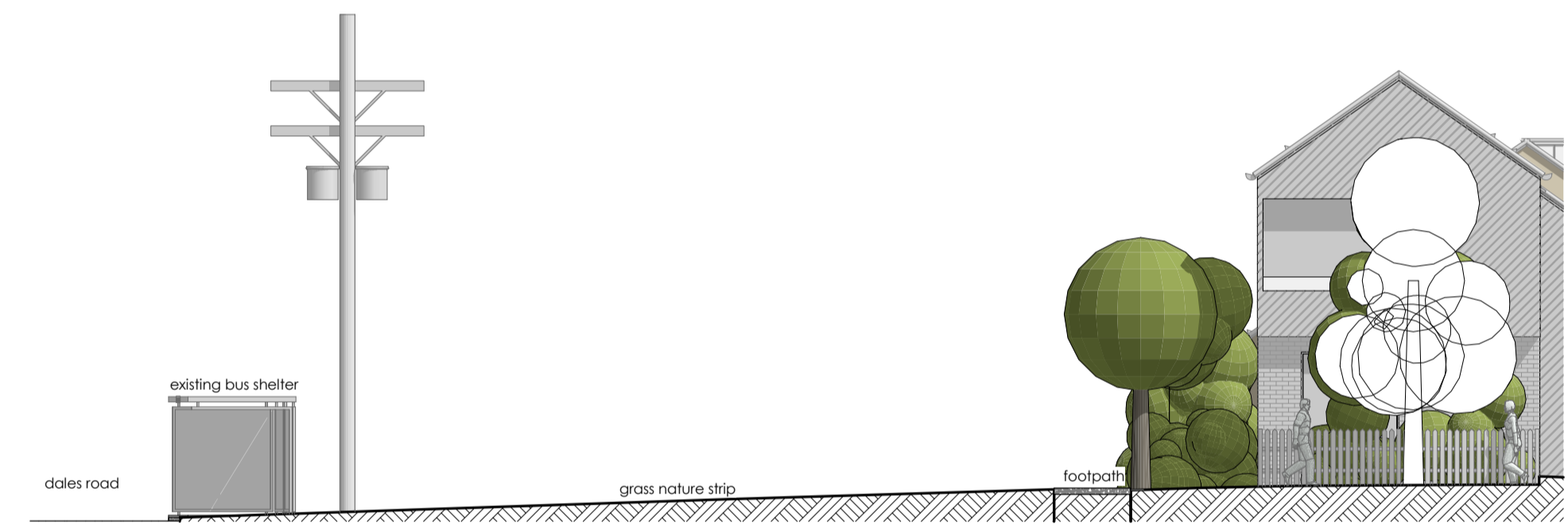
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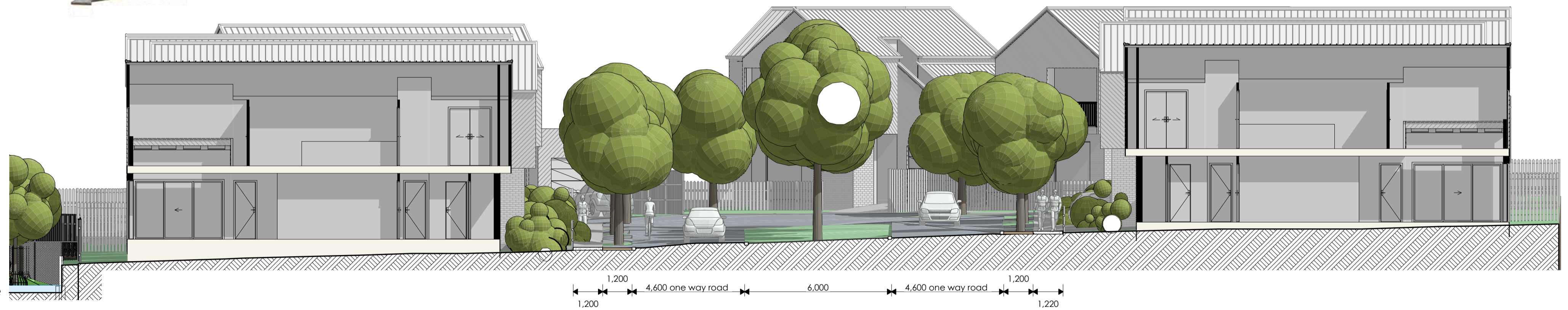
general axonometric view



general axonometric view



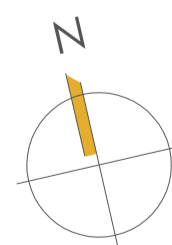
section through nature strip
scale 1:100



section through site
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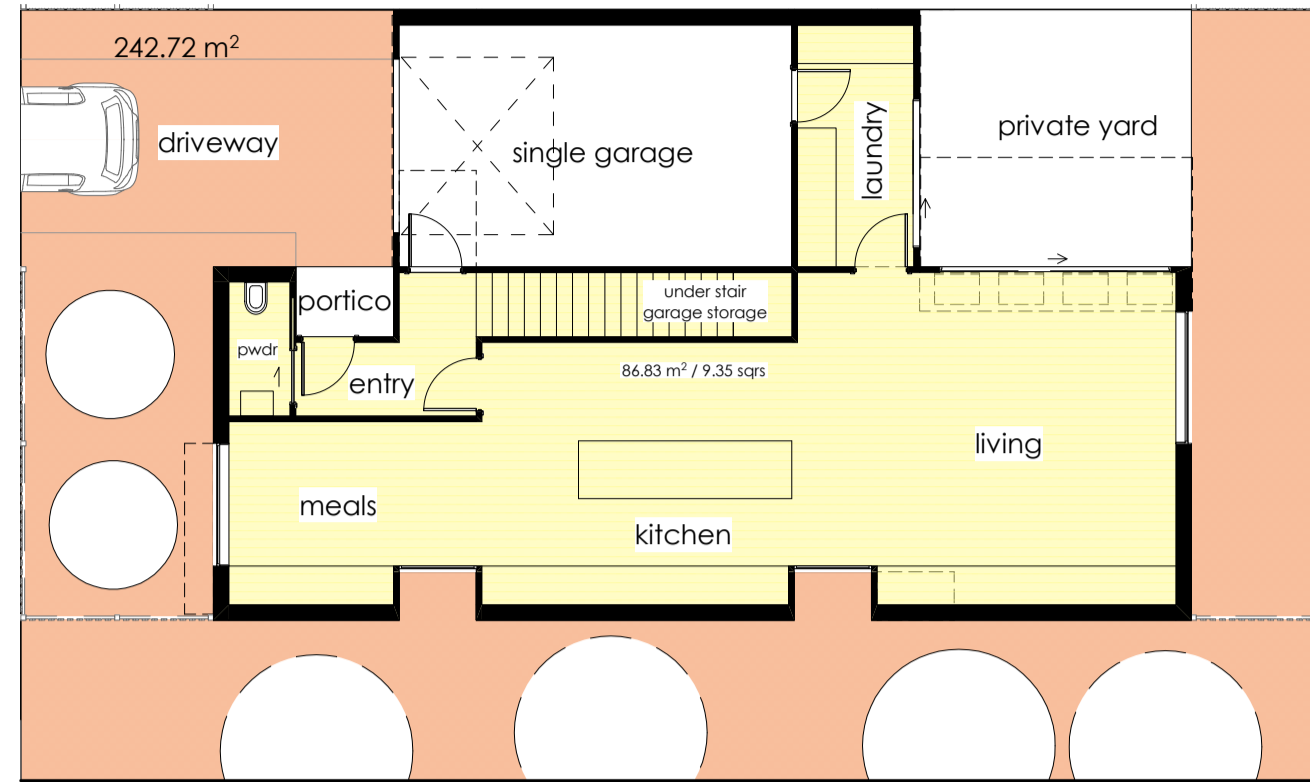
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DEVELOPMENT

CLIENT:
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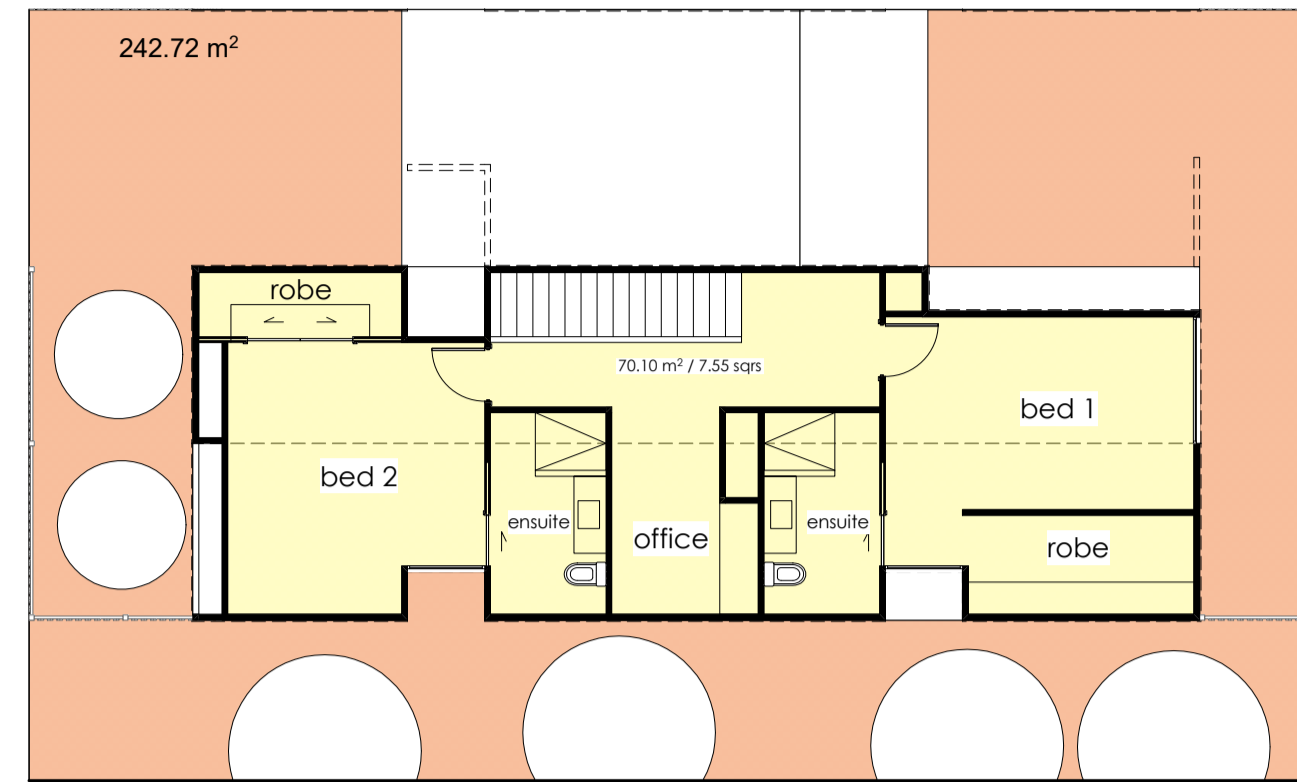
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DONNA MONAGHAN
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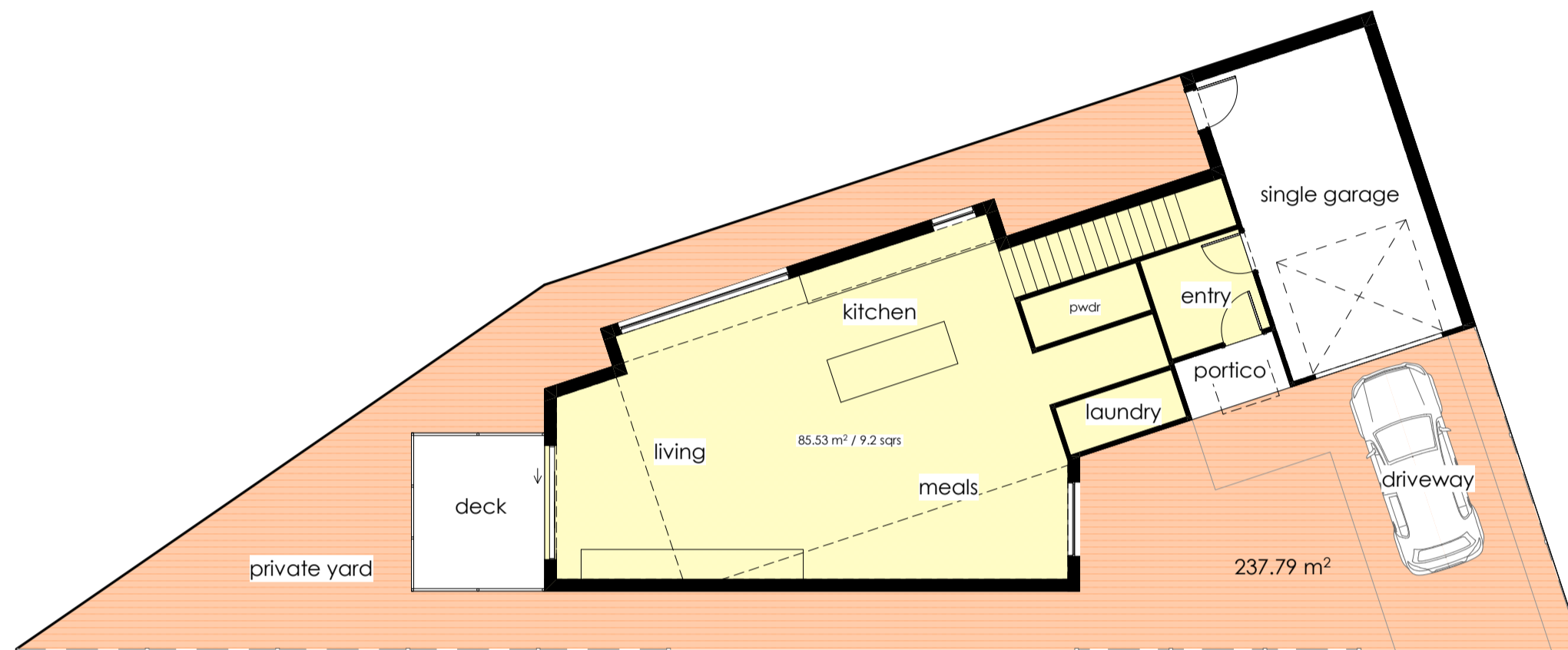
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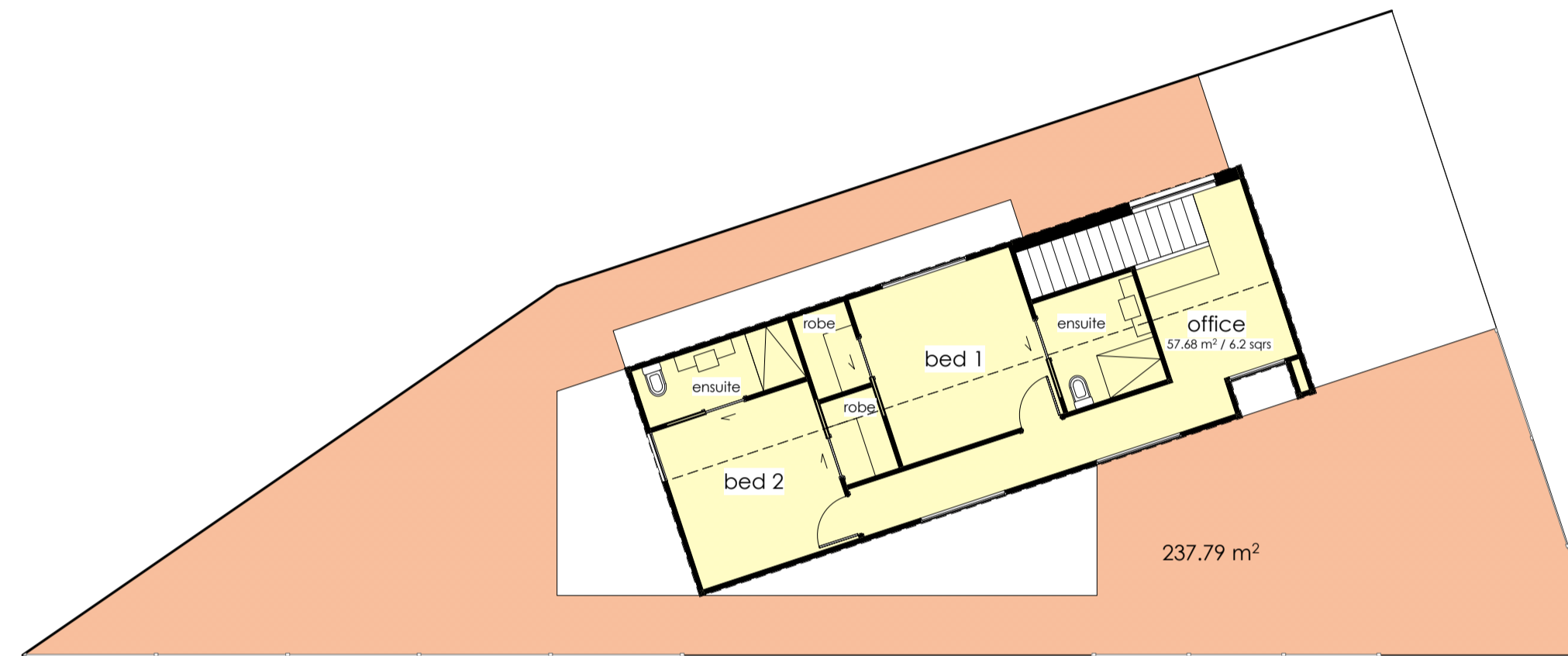
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scale 1:100



townhouse 1-7 & 11-16 first floor plan
scale 1:100



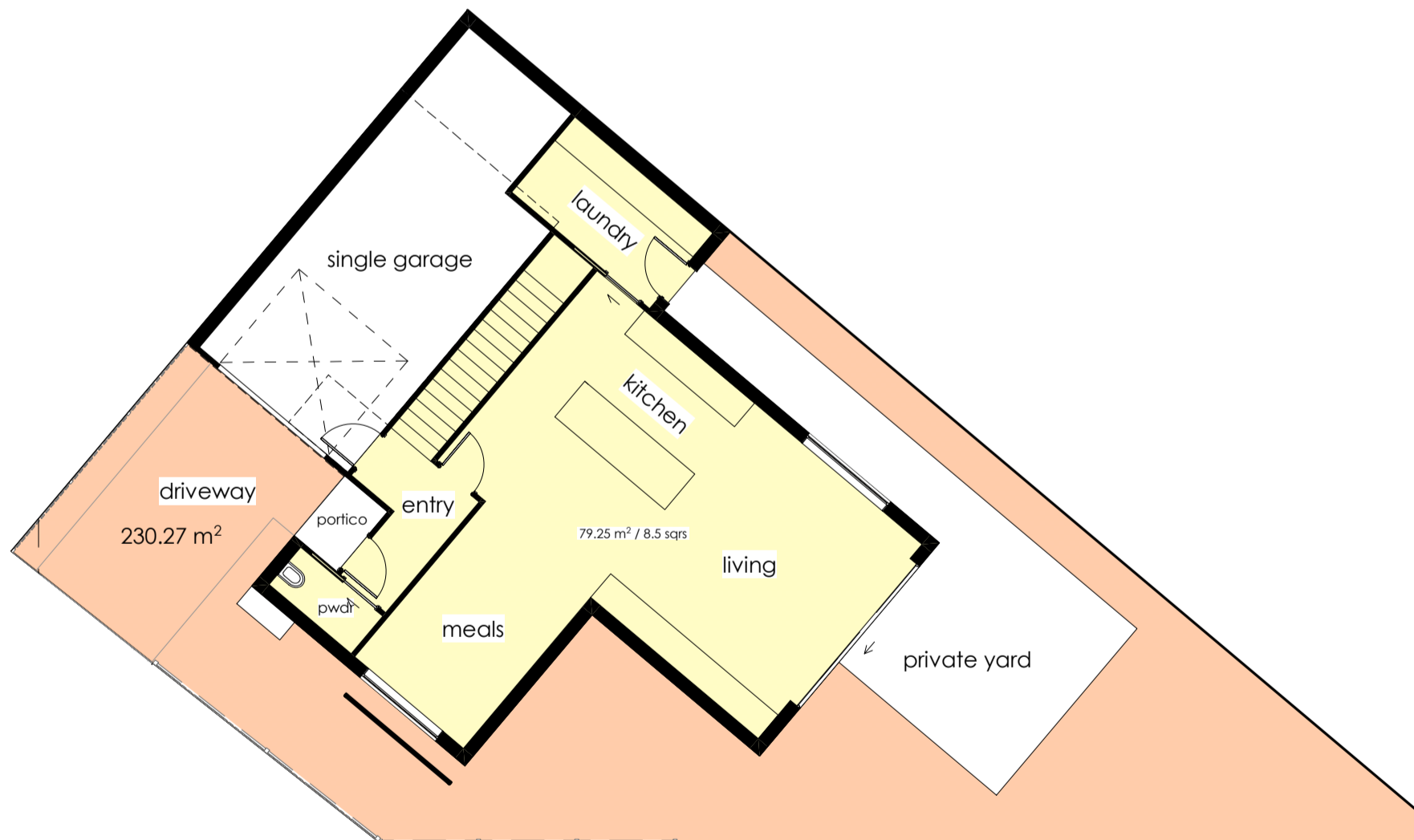
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scale 1:100



townhouse 8 first floor plan
scale 1:100



crepe myrtle street trees



townhouse 9 & 10 ground floor plan
scale 1:100

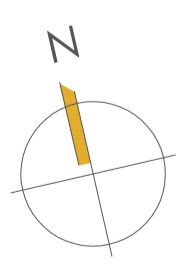


townhouse 9 & 10 first floor plan
scale 1:100

external finishes schedule	
	james hardie axon wall cladding 133 grain finish - paint finish white
	selkirk ivory concrete brick
	lysaght surfist wall and roof cladding

rev	description	Revision ID	checked

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WARRNAMBOOL 3280

PROJECT:
16 LOT TOWNHOUSE
DEVELOPMENT

CLIENT:
BNAI INVESTMENTS P/L

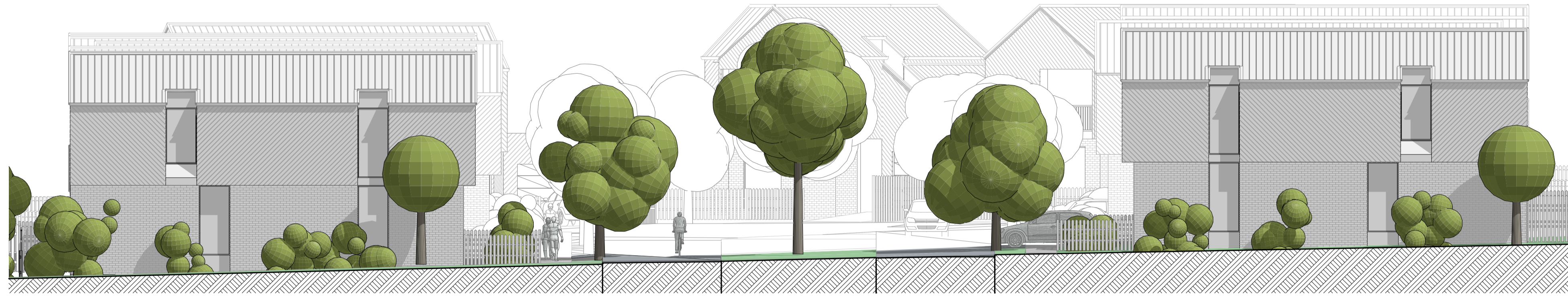
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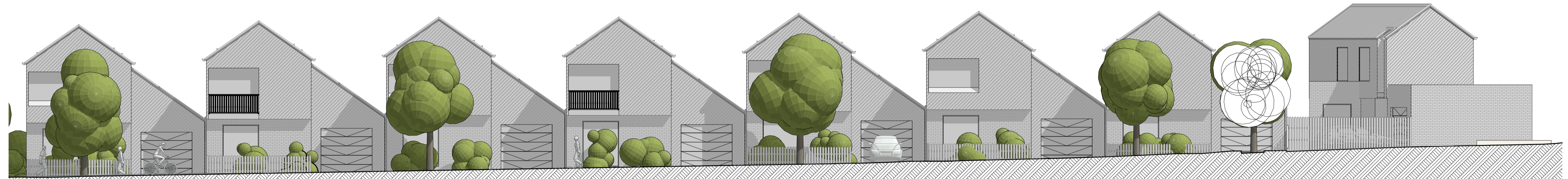
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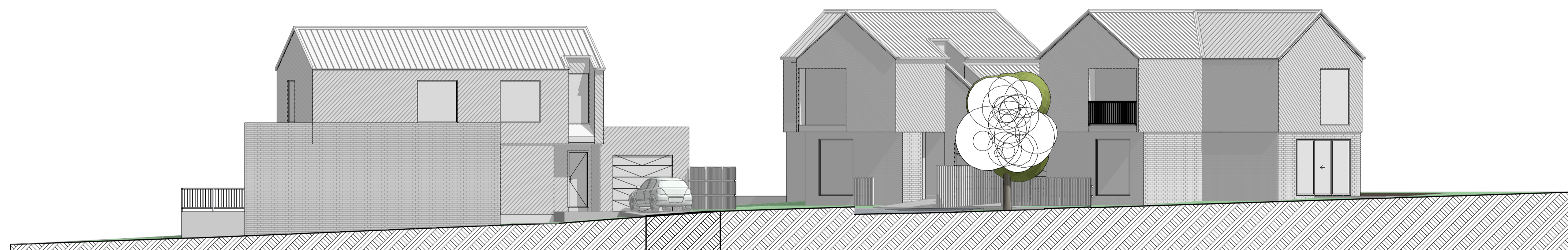
dales road elevation
scale 1:100



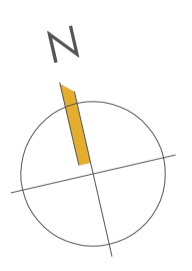
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scale 1:100



townhouses 1 - 8 east elevation
scale 1:100



townhouses 8 - 10 south elevation
scale 1:100

<p>General Notes</p> <ol style="list-style-type: none"> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the Building Designer. Drawings shall not be used for construction purposes until issued for construction. All works must be executed in a workman like manner and all materials must conform to current Australian Standard codes. These plans are to be read in conjunction with project specifications, relevant reports, engineering and soil testing where indicated. Written dimensions take precedence over scaled dimensions. 	<table border="1"> <thead> <tr> <th>rev</th> <th>description</th> <th>Revision ID</th> <th>checked</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	rev	description	Revision ID	checked																	<p style="text-align: center; font-weight: bold;">NOT FOR CONSTRUCTION</p> 	<p>SITE ADDRESS: 15 DALES ROAD WARRNAMBOOL 3280</p>	<p>PROJECT: 16 LOT TOWNHOUSE DEVELOPMENT</p> <p>CLIENT: BNAA INVESTMENTS P/L</p>	<p>DESIGNED BY: DONNA MONAGHAN</p> <p>DRAWN BY: DONNA MONAGHAN</p> <p>ISSUE: CONCEPT TOWN PLANNING DRAWING</p> <p>ISSUE DATE: 22/07/2022</p>	<p>SHEET SIZE: A1</p> <p>PROJECT NO. 21069</p> <p>DRAWING NO. 6 / 6</p>	<p>853 RAGLAN PARADE WARRNAMBOOL 3280 T (03) 5541 1099 M 0437 611 199 E info@formandfunction.net.au W www.formandfunction.net.au</p> <p>ABN 88 330 502 484 BPB - DP-AD 24956</p> <p>© Copyright Reserved - Form & Function Building Design</p>
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7.5. DRAFT ALBERT PARK REVEGETATION PLAN

DIRECTORATE : City Growth

PURPOSE:

This report outlines the draft Albert Park Revegetation Plan and recommends that it is released for community consultation.

EXECUTIVE SUMMARY

- The draft Albert Park Revegetation Plan provides guidance on areas suitable for revegetation, taking into consideration all users of the park, and makes recommendations for planting within these areas.
- The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreational outcomes for park users.
- The draft Albert Park Revegetation Plan draws on existing strategies, frameworks and policies relating to revegetation and 'greening' of Warrnambool, a site analysis and discussion with stakeholders.
- The draft plan has been developed in collaboration with Council staff and key stakeholders and is ready to be released for public comment.
- The community, interested parties and key stakeholders will have the opportunity to provide comment on the draft plan, this feedback will inform the final Albert Park Revegetation Plan.

MOVED: CR MAX TAYLOR

SECONDED: CR DEBBIE ARNOTT

That Council approve the release of the draft Albert Park Revegetation Plan for community consultation.

CARRIED - 7:0

BACKGROUND

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

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



Figure 1. Albert Park Site Location.

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

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

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

- East of Mack Oval
- At the corner of Grafton Road and Cramer Street, as Warrnambool College has expressed interest in increasing vegetation in this area.

- The middle of Albert Park, creating a link from the existing established vegetation and the native kangaroo grass closer to Russells Creek.

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

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

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

ISSUES

The purpose of the Albert Park Revegetation Plan is to define areas suitable for revegetation, taking into consideration all users of the park, and make recommendations for planting within these areas. The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreation outcomes for park users.

Through discussion with stakeholders, it was suggested that this site would present an excellent opportunity to provide habitat that focusses on bird and insect pollinators, including larvae. Pollinators have not been a key focus of many revegetation projects in this area.

The objectives of revegetating areas of Albert Park are to:

- Increase biodiversity through the planting of native plant species.
- Create an ecosystem that supports the establishment of pollinator species, particularly focusing on pollinator species for insects.
- Incorporate a range of local indigenous species, including from the local ecological vegetation class.
- Assist in achieving goals for Warrnambool 2040, Green Warrnambool and other adopted plans.
- Ensure safety of park users, by maintaining passive surveillance and providing adequate clearance alongside the path network.

The Albert Park Revegetation Plan is provided at **Attachment 2.4.1**. This plan identifies areas for future planting and the recommended vegetation categories.

FINANCIAL IMPACT

The Revegetation Plan is intended to be implemented over a number of years. The timing for delivery of revegetation works may be dependent on:

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

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

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

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

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

2 A Sustainable environment

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

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

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

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

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

4 A connected, inclusive place

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

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

5 An effective Council

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

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

TIMING

It is anticipated that the draft Albert Park Revegetation Plan will be released for public comment in September 2022.

Following the period for public comment, submissions in response to the draft Albert Park Revegetation Plan will be assessed and any necessary amendments will be made to the plan. The revised plan will be presented to a future council meeting in October/November 2022.

COMMUNITY IMPACT / CONSULTATION

The draft plan has been developed in collaboration with Council staff and key stakeholders and is ready to be released for public comment.

The community, interested parties and key stakeholders will have the opportunity to provide comment on the draft plan, this feedback will inform the final Albert Park Revegetation Plan.

The release of the draft Albert Park Revegetation Plan for community consultation is the next stage in the consultation process. The plan will be released on Councils Your Say website and notification will be included in the newspaper and social media. Key stakeholders will be notified of the release of the draft plan.

LEGAL RISK / IMPACT

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

OFFICERS' DECLARATION OF INTEREST

None.

CONCLUSION

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

It is proposed that the draft Albert Park Revegetation Plan will be released for public comment to provide the opportunity for the community and interested parties to make submissions and provide feedback on the plan.

ATTACHMENTS

1. Draft Albert Park Revegetation Plan [7.5.1 - 39 pages]



Albert Park Revegetation Plan



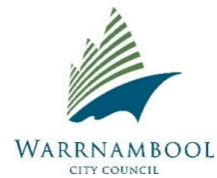
DRAFT - JULY 2022

ACKNOWLEDGEMENTS

A number of groups and individuals have contributed to the information contained in this document, including staff of Warrnambool City Council, Department of Environment, Land, Water and Planning and representatives of Warrnambool Field Naturalists and Albert Park user groups.

Council acknowledges the Eastern Maar Nation as the original custodians of the lands of this general area. Council also acknowledges the descendants of the ancestors of Aboriginal nations within the lands forming the Great South Coast and particularly the elders of the indigenous communities within both Warrnambool and this region.

PREPARED BY:



ACRONYMS

DELWP	Department Environment, Land, Water and Planning
EVC	Ecological Vegetation Class
EVCs	Ecological Vegetation Classes
PPRZ	Public Park and Recreation Zone
WCC	Warrnambool City Council
WSUD	Water Sensitive Urban Design

1. INTRODUCTION

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

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

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

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

(WCC, 2019, p. 15)

The extension of native revegetation works east of Grafton Road does not form part of the scope of this revegetation project. At a later date, a biolink extending between Albert Park and Russells Creek may be considered by Council. This link would be subject to further consultation and design.

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

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

(WCC, 2019, p. 15)

Revegetation within Albert Park will form 'an essential action in supporting the IWM and improving the environmental and biodiversity values of the park (WCC, 2019, p. 15).'

The Existing Conditions Plan (Appendix 1) and Site Analysis Plan (Appendix 2) show the location and existing conditions in Albert Park and identify opportunities for revegetation works and general improvements to enhance its biodiversity and use by the public.

1.1 WHAT INFORMED THE REVEGETATION PLAN?

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

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

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

FIGURE 1: ALBERT PARK SITE LOCATION



1.2 WHAT IS THE PURPOSE OF THE REVEGETATION PLAN?

The purpose of the Albert Park Revegetation Plan is to define areas suitable for revegetation, taking into consideration all users of the park, and make recommendations for planting within these areas. The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreation outcomes for park users.

Through discussion with stakeholders, it was suggested that this site would present an excellent opportunity to provide habitat that focusses on bird and insect pollinators, including larvae. Pollinators have not been a key focus of many revegetation projects in this area.

The objectives of revegetating areas of Albert Park are to:

- Increase biodiversity through the planting of native plant species.
- Create an ecosystem that supports the establishment of pollinator species, particularly focusing on pollinator species for insects.
- Incorporate a range of local indigenous species, including from the local ecological vegetation class.
- Assist in achieving goals for Warrnambool 2040, Green Warrnambool and other adopted plans.
- Ensure safety of park users, by maintaining passive surveillance and providing adequate clearance alongside the path network.

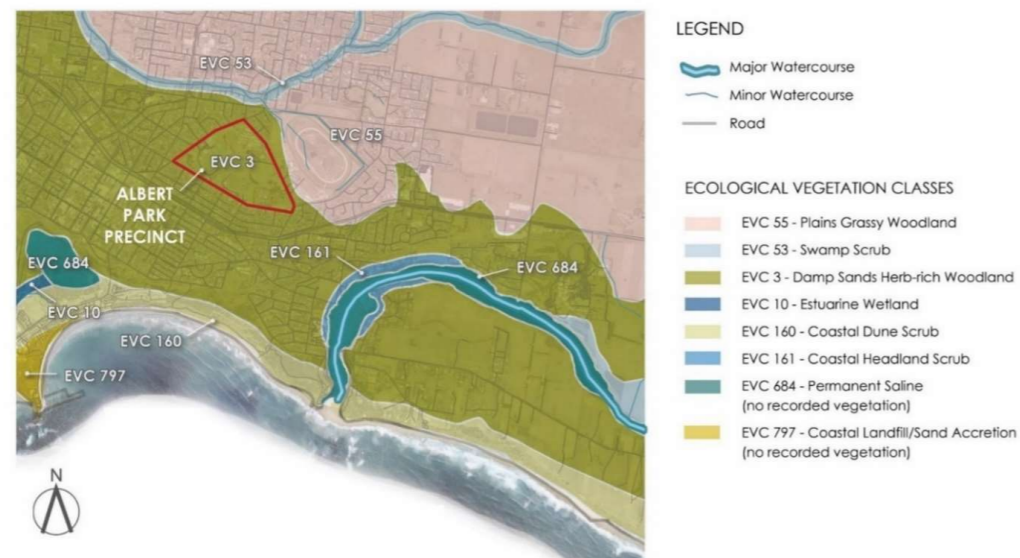
The Albert Park Revegetation Plan is provided at Appendix 3. This plan identifies areas for future planting and the recommended vegetation categories.

2. PLANT ECOLOGY

The Warrnambool Plain Bioregion covers most of Warrnambool City. According to the State Government's modelled data (DELWP, 2020), the ecological vegetation class (EVCs) that was likely to have been present prior to the 1750s in Albert Park was Damp Sands Herb-rich Woodland (EVC 3).

Figure 2 shows the modelled location of Ecological Vegetation Classes EVCs prior to the 1750s. (DELWP, 2020) (DELWP¹, 2020).

FIGURE 2: ECOLOGICAL VEGETATION MAP



2.1 DAMP SANDS HERB-RICH WOODLAND (EVC 3)

Damp Sands Herb-rich Woodland (EVC 3) is dominated by Eucalypt forest or open woodland up to 15 m tall with a large shrub and ground layer. This EVC grows on moderately fertile, relatively well-drained sand or loamy topsoils over heavier subsoils. EVC 3 is located close to the coastline, separating the Coastal Dune Scrub and Swamp Scrub/Aquatic Herbland from the inland Plains Grassy Woodland.

In EVC 3, tree cover is approximately 15% and consists of Manna Gum (*Eucalyptus viminalis*), Swamp Gum (*Eucalyptus ovata*) and Blackwood (*Acacia melanoxylon*).

In EVC3 Understorey is a diverse range of shrubs, herbs and graminoids including Prickly Tea-tree (*Leptospermum continentale*), Silver Banksia (*Banksia marginata*), Common Heath (*Epacris impressa*), Running Postman (*Kennedia prostrata*), Tall Rush (*Juncus procerus*), Velvet Tussock-grass (*Poa rodwayi*), Tasman Flax-lily (*Dianella tasmanica*), Kangaroo Grass (*Themeda triandra*) and others. (DELWP1, 2020)

There are 29 typical species found in EVC 3. But not all of these 29 species are suitable for revegetation projects, due to difficulty in propagation and establishment. For this reason, it is appropriate to broaden the species selection to those from nearby EVCs, including EVC 53 Swamp Scrub, EVC 55 Plains Grassy Woodland, EVC 160 Coastal Dune Scrub.

2.2 EXISTING VEGETATION

A mixed assortment of species have been planted in Albert Park. Most are native species, including Coast Banksia (*Banksia integrifolia*), Willow Myrtle (*Agonis flexuosa*), Stringybark (*Eucalyptus baxteri*), Seaberry Saltbush (*Rhagodia candolleana*), Wattles (*Acacia spp.*) and Casuarinas (*Allocasuarina spp.*). There are a few exotic species, including Aleppo Pine (*Pinus halepensis*) and Radiata Pine (*Pinus radiata*). The Aleppo Pines were planted as a windrow next to Mack Oval and as feature trees through the Park. Radiata Pine has self-seeded through vegetation patches. The intent is to gradually transition to native species.

A significant portion of the site are perennial grass areas that are mown on a regular basis. There is a small area of Kangaroo Grass (*Themeda triandra*) between Reid Oval and Walter Oval, which has been fenced off for management purposes.

2.3 WEEDS

A declared noxious weed, Chilean Needle Grass (*Nassella neesiana*), has been identified in Albert Park. It is important that control of this weed is undertaken as a priority to prevent further spread within the park or to other sites. A carefully implemented weed control program needs to be in place prior to any new revegetation plantings occurring.

2.4 REVEGETATION SPECIES SELECTION

Due to topography and location, Albert Park is relatively exposed. The sparsely planted open areas are subject to strong winds. This makes establishing plants, and particularly trees, challenging. Choosing the right plants for the right place is essential if they are to grow and perform well. Plants must not only be selected for their ability to tolerate the site conditions, including strong winds, they must also have other desirable characteristics that encourage insect pollinators and be suited to the surrounding recreation uses.

It is considered appropriate in this location to broaden the species to some other native species from adjacent EVCs as well as some native species that are not indigenous to the Warrnambool Plain bioregion. A selection of native species known for their ability to attract pollinators are appropriate as long as the species selected do not have the potential to naturalise and present a weed issue in the future.

It is also important to broaden the variety of tree cover species. Manna Gum, Swamp Gum and Blackwood which are commonly found in EVC 3 Damp Sands Herb-rich Woodland are large trees, which are well-suited to moist conditions in valleys and lower lying areas. One of the features of Albert Park is that it is located on a rise in an exposed position, so many of the tree and shrub species found in EVC 3 will not establish easily in the park.

2.5 PLANTS FOR POLLINATORS

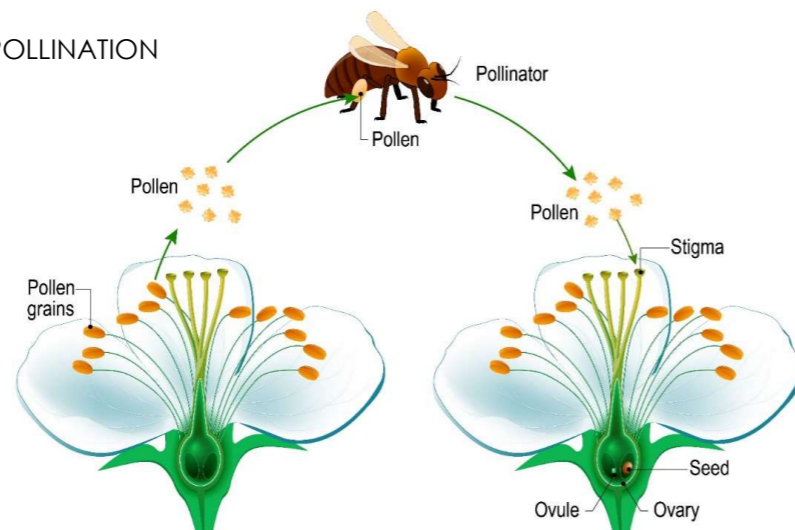
Many animals, including insects, birds and mammals, play a role as pollinators, transferring pollen between flowering plants.

Insect pollinators help pollinator-dependent flowering plants and crops to survive and thrive. A range of insects, including native and honey bees, hoverflies, beetles, wasps, thrips, moths and butterflies, provide pollination services. (When Bee Foundation, 2020)

Insects visit flowers to eat nectar or pollen. Whilst feeding, the pollen becomes stuck to their bodies. When these insects visit other flowers looking for more nectar or pollen to eat, the pollen falls or rubs off onto the flower. If the pollen is from the same species as the flower being visited, pollination is likely to occur. If conditions and timing are right, fertilisation of the flower may occur following pollination. Refer to Figure 3.

'Plants attract pollinators in various ways, by offering pollen or nectar meals and by guideline them to the flower using scent and visual cues. (Australian Museum, 2022)' Ensuring diversity in plant species and flowering time is important so that pollinator reward, either pollen or nectar is available all year round to meet the needs of the various insects.

FIGURE 5: INSECT POLLINATION



2.6 REVEGETATION CATEGORIES

For the purposes of the revegetation plan, the following categories have used to define the vegetation on the revegetation plan:

CATEGORY A – WOODLAND

The term woodland is generally used in Australia to describe ecosystems which contain widely spaced trees, the crowns of which do not touch (Yates & Hobbs 1997). In temperate Australia, woodlands are mainly dominated by Eucalyptus species. Temperate woodlands occur predominantly in regions with a mean annual rainfall of between 250-800mm, forming a transitional zone between the higher rainfall forested margins of the continent and the shrub and grasslands of the arid interior (Beadle 1981).

The understorey species selected for the woodland should be of an appropriate height/form so that good passive surveillance can be achieved throughout the park, particularly adjacent paths.

CATEGORY B – SCRUB

'Scrub' typically consists of woody plants up to 8m tall, frequently with many stems arising at or near the base. In the Albert Park setting, 'scrub' is useful in providing wind breaks for exposed sites to enhance the comfort of park users, but it can also provide the necessary wind protection to help adjacent species to establish. The planting of scrub through the park is limited, as scrub limits sightlines.

CATEGORY C – MIXED GRAMINOIDS/HERBS/LOW SHRUBS

This category is based on a typical 'grassland' dominated by grasses and herbs with few shrubs or trees. This category includes a range of low growing species, < 1.2m in height to maintain good viewlines. In some locations adjacent roads or near intersections lower growing species < 0.5m in height should be selected to maintain viewlines for vehicle drivers.

CATEGORY D – SUPPLEMENTARY PLANTING

Plant selection in existing vegetated areas is informed by the site-specific vegetation present in the existing patch. Supplementary planting may include a mix of Categories A, B and C.

FIGURE 6: A HONEY BEE VISITING A NATIVE TEA-TREE FLOWER



2.7 ALBERT PARK REVEGETATION SPECIES LIST

There are a variety of native species considered to be suitable for planting in Albert Park. Table 1 includes a full list of recommended species. The plant images at Figure 5, show some examples of the species included in Table 1.

FIGURE 5: EXAMPLES OF SPECIES SUITABLE FOR PLANTING IN ALBERT PARK



Allocasuarina verticillata
Drooping Sheoak



Banksia marginata
Silver Banksia



Leptospermum continentale
Prickly Tea-tree



Ficinia nodosa
Knobby Club-rush



Dianella tasmanica
Tasman Flax Lily



Ozothamnus ferrugineus
Tree Everlasting



Melaleuca lanceolata
Moonah



Acacia melanoxylon
Blackwood



Acaena novae-zelandiae
Bidgee-Widgee



Bursaria spinosa
Sweet Bursaria

TABLE 1: ALBERT PARK REVEGETATION SPECIES LIST

		ECOLOGICAL VEGETATION CLASS				REVEGETATION ZONE				
SCIENTIFIC NAME	COMMON NAME	Damp Sands Herb-rich Woodland	Swamp Scrub	Plains Grassy Woodland	Coastal Dune Scrub	Woodland	Scrub	Mixed Graminoids/Herbs/Small Shrubs	Supplementary Planting	Known Pollinator Reward (Nectar and/or Pollen)
MEDIUM TO LARGE TREES (TYPICALLY >8M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
<i>Acacia mearnsii</i>	Black Wattle			✓		✓				✓
<i>Acacia melanoxylon</i>	Blackwood	✓	✓	✓		✓				✓
* <i>Allocasuarina verticillata</i>	Drooping Sheoak					✓				✓
* <i>Eucalyptus baxteri</i>	Brown Stringybark					✓				✓
<i>Eucalyptus ovata</i>	Swamp Gum	✓	✓			✓				✓
<i>Eucalyptus viminalis</i>	Manna Gum	✓				✓				✓
LARGE SHRUBS AND SMALL TREES (2-8M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
<i>Acacia pycnantha</i>	Golden Wattle			✓		✓	✓		✓	✓
<i>Acacia verticillata</i>	Prickly Moses	✓		✓		✓	✓		✓	✓
** <i>Apophyllum anomalum</i>	Currant Bush									✓
<i>Banksia marginata</i>	Silver Banksia	✓				✓	✓		✓	✓
* <i>Bursaria spinosa</i>	Sweet Bursaria					✓	✓		✓	✓
** <i>Melaleuca lanceolata</i>	Moonah					✓	✓		✓	✓
<i>Melaleuca squarrosa</i>	Scented Paperbark		✓			✓	✓		✓	✓
<i>Myoporum insulare</i>	Common Boobialla	✓	✓		✓	✓			✓	
<i>Ozothamnus ferrugineus</i>	Tree Everlasting			✓		✓	✓		✓	✓
MEDIUM SHRUBS (TYPICALLY 1-2M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR

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<i>Acacia myrtifolia</i>	Myrtle Wattle		✓	✓		✓	✓		✓	✓
** <i>Correa alba</i>	Coast Correa					✓				✓
** <i>Daviesia latifolia</i>	Hop Bitter-Pea					✓	✓		✓	✓
<i>Epacris impressa</i>	Common Heath	✓				✓	✓		✓	✓
* <i>Goodenia ovata</i>	Hop Goodenia					✓				✓
<i>Leptospermum continentale</i>	Prickly Tea-tree	✓				✓	✓		✓	✓
<i>Leptospermum scoparium</i>	Manuka		✓			✓	✓		✓	✓
** <i>Senna artemisioides</i>	Silver Cassia									✓
SMALL SHRUBS AND PROSTRATE SHRUBS (TYPICALLY <1M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
<i>Astroloma humifusum</i>	Cranberry Heath	✓		✓		✓		✓	✓	✓
<i>Acrotriche serrulata</i>	Honey-pots	✓				✓		✓	✓	
<i>Bossiaea prostrata</i>	Creeping Bossiaea			✓		✓		✓	✓	
<i>Hibbertia stricta s.l.</i>	Upright Guinea-flower	✓				✓		✓	✓	
* <i>Leucophyta brownii</i>	Cushion Bush							✓	✓	✓
<i>Pimelea humilis</i>	Common Rice-flower		✓	✓		✓		✓	✓	
MEDIUM HERBS (TYPICALLY 0.4-1M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
<i>Acaena echinata</i>	Sheep's Burr			✓		✓		✓	✓	
<i>Acaena novae-zelandiae</i>	Bidgee Widgee			✓		✓		✓	✓	✓
<i>Gonocarpus tetragynus</i>	Common Raspwort	✓		✓		✓		✓	✓	
<i>Hypericum gramineum</i>	Small St John's Wort	✓				✓		✓	✓	
<i>Lagenophora stipitata</i>	Common Bottle-daisy	✓				✓		✓	✓	
<i>Oxalis perennans</i>	Grassland Wood-sorrel			✓		✓		✓	✓	
<i>Wahlenbergia gymnoclada</i>	Naked Bluebell	✓				✓		✓	✓	
** <i>Xerochrysum viscosum</i>	Shiny Everlasting					✓		✓	✓	
SMALL HERBS (TYPICALLY <0.4M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
** <i>Cullen tenax</i>	Emu Foot					✓		✓	✓	✓
<i>Dichondra repens</i>	Kidney-weed		✓	✓		✓		✓	✓	
<i>Hydrocotyle laxiflora</i>	Stinking Pennywort	✓		✓		✓		✓	✓	
<i>Kennedia prostrata</i>	Running Postman	✓				✓		✓	✓	
<i>Oxalis exilis</i>	Shady Wood-sorrel	✓				✓		✓	✓	
<i>Solenogyne dominii</i>	Smooth Solenogyne	✓				✓		✓	✓	

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LARGE GRAMINOIDS (TYPICALLY 0.7-2.0M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
<i>Austrostipa bigeniculata</i>	Kneed Spear-grass			✓		✓		✓	✓	
<i>Austrostipa mollis</i>	Supple Spear-grass			✓		✓		✓	✓	
<i>Baumea rubiginosa s.l.</i>	Soft Twig-rush	✓				✓		✓	✓	
<i>Carex appressa</i>	Tall Sedge		✓			✓		✓	✓	✓
<i>Deyeuxia quadriseta</i>	Reed Bent-grass	✓				✓		✓	✓	
<i>Gahnia sieberiana</i>	Red-fruit Saw-sedge		✓			✓		✓	✓	✓
<i>Juncus procerus</i>	Tall Rush	✓				✓		✓	✓	
<i>Lepidosperma longitudinale</i>	Pithy Sword-sedge	✓				✓		✓	✓	
* <i>Lomandra longifolia</i>	Spiny Headed Mat Rush					✓		✓	✓	✓
** <i>Lomandra spicata</i>										
MEDIUM GRAMINOIDS (TYPICALLY 0.4-0.7M)		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
* <i>Dianella revoluta</i>	Spreading Flax-lily or Black Anther Flax-lily					✓		✓	✓	✓
* <i>Dianella tasmanica</i>	Tasman Flax-lily									✓
<i>Elymus scaber</i> var. <i>scaber</i>	Common Wheat-grass			✓		✓		✓	✓	
<i>Ficinia nodosa</i>	Knobby Club-rush				✓			✓	✓	✓
<i>Lomandra filiformis</i>	Wattle Mat-rush	✓				✓		✓	✓	✓
<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass	✓		✓		✓		✓	✓	✓
** <i>Patersonia occidentalis</i>	Long Purple Flag					✓		✓	✓	
* <i>Poa labillardierei</i>	Common Tussock-grass			✓		✓		✓	✓	✓
<i>Poa rodwayi</i>	Velvet Tussock-grass	✓		✓		✓		✓	✓	✓
* <i>Poa tenera</i>	Slender Tussock-grass									✓
<i>Rytidosperma caespitosum</i>	Bristly Wallaby-grass			✓		✓		✓	✓	✓
<i>Rytidosperma racemosum</i> var. <i>racemosum</i>	Striped Wallaby-grass			✓		✓		✓	✓	✓
<i>Themeda triandra</i>	Kangaroo Grass	✓		✓		✓		✓	✓	✓
CLIMBERS		EVC3	EVC53	EVC55	EVC160	W	S	MG	SP	POLLINATOR
<i>Clematis microphylla</i> var. <i>microphylla</i>	Small-leaved Clematis				✓	✓		✓	✓	
<i>Comesperma volubile</i>	Love Creeper	✓				✓		✓	✓	

NOTES:

*Native species indigenous to Warrnambool Plain Bioregion, but not commonly found in EVC3, 53, 55 or 160.

**Native species but nonindigenous to Warrnambool Plain Bioregion. Known pollinator species suitable for site conditions with low risk of naturalisation and weediness.

Pollination information obtained from:

Flora of South Australia - <http://www.flora.sa.gov.au/>

When Bee Foundation - www.whenbeefoundation.org.au

Warrnambool Field Naturalists – list of species provided to Council

3. IMPLEMENTATION

3.1 STAGED IMPLEMENTATION

This Revegetation Plan is intended to be implemented over a number of years. The timing for delivery of revegetation works may be dependent on:

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

The following Implementation Plan at Table 2 provides a suggested approach to planting of patches 1 to 23.

3.2 CULTURAL HERITAGE

Warrnambool has been home to Traditional Owners for thousands of years. This site at Albert Park is in an area of Cultural Heritage Sensitivity.

Eastern Maar Aboriginal Corporation (EMAC) will need to be actively engaged and involved early in the planning phase for any new infrastructure requiring Cultural Heritage Management Plans (CHMP) under the Aboriginal Heritage Act 2006. Any permit approvals for new infrastructure must align with the recommendations of the relevant Cultural Heritage Management Plan, following its approval.

3.3 PARK FEATURES

Other features could be incorporated into the park to encourage pollinators, including 'insect hotels', seating, signage and information about pollination and insect pollinators and art/sculptures for added interest.

3.4 THREATS

Weed species pose significant threats to native fauna and flora and biodiversity. In order for the revegetation works to be successful, weed control will need to be a key focus and priority within the park.

FIGURE 6: AN 'INSECT HOTEL' PROVIDES ADDITIONAL HABITAT FOR INSECTS



TABLE 2: IMPLEMENTATION PLAN

STAGE 1 - YEARS 1 TO 3				
SITE PREPARATION	DESCRIPTION OF WORKS		COMMENTS/ADDITIONAL INFORMATION	
N/A	Weed Control for entire site.		<ul style="list-style-type: none"> Undertake removal of Radiata Pine (<i>Pinus radiata</i>) and other woody weeds. Commence containment and reduction of Chilean Needle Grass (<i>Nassella neesiana</i>) which has been found in various locations throughout park. Chemical application required. 	
VEGETATION PATCH NUMBER	DESCRIPTION OF WORKS	PATCH AREA (APRX. SQUARE METRES)	COMMENTS/ADDITIONAL INFORMATION	REVEGETATION AREA (APRX. SQUARE METRES)
7	Revegetation Category A – Woodland located in centre of park	4,020m ² .		4,020m ²
8	Revegetation Category D – Supplementary Planting located on north side of Mack Oval	3,455m ²	<ul style="list-style-type: none"> There is existing established vegetation scattered in this area. 	1,728m ² (aprx. 50% of area)
11	Revegetation Category B – Scrub located near Mack Oval on west side of existing row of Aleppo Pines	1,760m ²	<ul style="list-style-type: none"> Planting of Patch 11 with scrub will provide a windbreak to help protect new tree plantings when Aleppo Pines are eventually replaced with native species in the future. 	1,760m ²
20	Revegetation Category C - Mixed Graminoids/Herbs and Low Shrubs around raingarden and swale located near Coulstock Street	705m ²	<ul style="list-style-type: none"> Planting to occur at same time as raingarden and swale construction. 	705m ²
22	Revegetation Category C - Mixed Graminoids/Herbs and Low Shrubs located around proposed wetland near Coulstock Street	3,030m ²	<ul style="list-style-type: none"> Planting to occur at same time as wetland construction. 	3,030m ²
	and Revegetation Category D – Supplementary Planting along park edge adjoining Coulstock Street and next to wetland (between Kelp Street and vehicle east of Japan Street)	4,385m ²	<ul style="list-style-type: none"> Planting to occur at same time as wetland construction. 	3,070m ² (aprx. 70% of area)
TOTAL REVEGETATION AREA				14,313m² (1.431 hectares)

STAGE 2 - YEARS 3 TO 5				
VEGETATION PATCH NUMBER	DESCRIPTION OF WORKS	PATCH AREA (APRX. SQUARE METRES)	COMMENTS/ADDITIONAL INFORMATION	REVEGETATION AREA (SQUARE METRES)
1	Revegetation Category D – Supplementary Planting north of entry closest to Japan Street	3,100m ²		1,550m ² (aprx. 50% of area)
2	Revegetation Category C - Mixed Graminoids/Herbs and Low Shrubs near existing grassland	820m ²	<ul style="list-style-type: none"> Undertake inspection of existing drainage swale with engineering input, to ensure future revegetation works provide additional water quality improvements without restricting water flows through swale. 	820m ²
	and Revegetation Category D – Supplementary Planting near existing grassland	630m ²	<ul style="list-style-type: none"> Undertake inspection of existing drainage swale (same as above) 	315m ² (aprx. 50% of area)
3	Revegetation Category D – Supplementary Planting	1,240m ²		620m ² (aprx. 50% of area)
4	Revegetation Category A – Woodland	1,780m ²		1,780m ²
	and Revegetation Category D – Supplementary Planting	880m ²		440m ² (aprx. 50% of area)
5	Revegetation Category C - Mixed Graminoids/Herbs and Low Shrubs	390m ²		390m ²
	and Revegetation Category D – Supplementary Planting	1,030m ²		515m ² (aprx. 50% of area)
6	Revegetation Category A – Woodland located in centre of park	3,030m ²		3,030m ²
TOTAL REVEGETATION AREA				9,460m² (0.946 hectares)

STAGE 3 - 6 TO 8 YEARS				
VEGETATION PATCH NUMBER	DESCRIPTION OF WORKS	PATCH AREA (APRX. SQUARE METRES)	COMMENTS/ADDITIONAL INFORMATION	REVEGETATION AREA (SQUARE METRES)
10	Revegetation Category B – Scrub located along park edge to Grafton Road	750m ²	<ul style="list-style-type: none"> Planting of scrub along the edge of Patch 10 will provide a windbreak to help protect revegetation in Patch 10. 	750m ²
	and			
	Revegetation Category A – Woodland	2,550m ²		2,550m ²
13	Revegetation Category C - Mixed Graminoids/Herbs and Low Shrubs along norther edge of patch	535m ²		535m ²
	and			
	Revegetation Category D – Supplementary Planting	2,200m ²		1,100m ² (aprx. 50% of area)
14	Revegetation Category D – Supplementary Planting	970m ²		485m ² (aprx. 50% of area)
15	Revegetation Category D – Supplementary Planting	5,700m ²		2,850m ² (aprx. 50% of area)
16	Revegetation Category C - Mixed Graminoids/Herbs and Low Shrubs along norther edge of patch	1,480m ²		1,480m ²
	and			
	Revegetation Category D – Supplementary Planting along Wannan Water boundary	4,600m ²		2,300m ² (aprx. 50% of area)
TOTAL REVEGETATION AREA				12,050m² (1.205 hectares)

STAGE 4 - 8+ YEARS				
SITE PREPARATION	DESCRIPTION OF WORKS		COMMENTS/ADDITIONAL INFORMATION	
N/A	Removal of Aleppo Pines on western side of Mack Oval.		<ul style="list-style-type: none"> Stump removal/grinding may be required. 	
VEGETATION PATCH NUMBER	DESCRIPTION OF WORKS	PATCH AREA (APRX. SQUARE METRES)	COMMENTS/ADDITIONAL INFORMATION	REVEGETATION AREA (SQUARE METRES)
9	Revegetation Category A – Woodland near Warrnambool College	672m ²		672m ²
12	Revegetation Category A – Woodland located on western side of Mack Oval	3,200m ²	<ul style="list-style-type: none"> Stump removal of Aleppo Pines may be required prior to commencement of revegetation planting. 	3,200m ²
17	Revegetation Category D – Supplementary Planting along park edge adjoining Coulstock Street east of Craig Street	1,740m ²		1,218m ² (aprx. 70% of area)
18	Revegetation Category D – Supplementary Planting along park edge adjoining Coulstock Street west of Craig Street to pedestrian entry	1,180m ²		826m ² (aprx. 70% of area)
19	Revegetation Category D – Supplementary Planting along park edge adjoining Coulstock Street east of Foster Street to pedestrian entry	1,540m ²		1078m ² (aprx. 70% of area)
21	Revegetation Category D – Supplementary Planting along park edge adjoining Coulstock Street west of Foster Street between vehicle entry points	1,870m ²		1,309m ² (aprx. 70% of area)
23	Revegetation Category D – Supplementary Planting along park edge adjoining Coulstock Street between Cramer Street and Kelp Street	1,340m ²		938m ² (aprx. 70% of area)
TOTAL REVEGETATION AREA				9,241m² (0.924 hectares)
NOTES:				
<ul style="list-style-type: none"> Ensure edge of revegetation maintains a suitable distance from pony club trail and shared paths to maintain safe clearance zones and sightlines. Ensure species growing to <0.5m in height are selected adjacent vehicle access road to maintain viewlines for vehicle drivers Site preparation works will be required prior to planting of each vegetation patch. Preparation will require: <ul style="list-style-type: none"> marking out of revegetation site calculation of revegetation area removal of weeds and grass addition of mulch 				

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Warrnambool City Council (2014) *Warrnambool Open Space Strategy*, accessed online 2 February 2022, <https://www.warrnambool.vic.gov.au/sites/warrnambool.vic.gov.au/files/documents/property/planning/strategies/Warrnambool%20Open%20Space%20Strategy%202014.pdf>

Warrnambool City Council (2021) *Warrnambool City Council Revegetation Guidelines*

When Bee Foundation (2020) *Powerful pollinators - Encouraging insect pollinators in farm landscapes*, accessed online 15 December 2021: <https://www.wheenbeefoundation.org.au/>

FIGURE 7: A BUTTERFLY VISITING A PAPER DAISY FLOWER



APPENDIX 1 – ALBERT PARK EXISTING CONDITIONS PLAN




LEGEND

- Albert Park Precinct Boundary
- Fence
- Vehicle access
- Maintenance access (informal track)
- Pedestrian path/shared trail
- ↘ Access Point
- Playground
- Contours (0.5m)
- ★ High Point
- Approximate location of Pony Club Jump Circuit feature (currently in use)
- Kangaroo Grass (*Themeda triandra*) protection area
- Trees/shrubs
- Existing drainage line (swale)
- Overflow parking area on grass
- Photograph reference point (Refer to photographs below)
- Public mulch collection area

Note: Chilean Needle Grass (*Nassella neesiana*) has been found within the Park. The locations and extent of this noxious weed is to be confirmed through onsite inspection and plant identification.

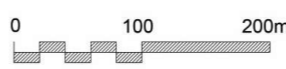


REVISION	DATE	REVISION DESCRIPTION	DESIGNED
A	24/11/2021	FOR DISCUSSION PURPOSES	E.MARSLÉN
B	02/12/2021	PLAN AMENDED TO INCLUDE MULCH COLLECTION AREA	E.MARSLÉN
C	03/02/2022	FOR REVIEW. ADDITIONAL ITEMS ADDED TO PLAN.	E.MARSLÉN
D	04/05/2022	REVISIONS IN RESPONSE TO STAKEHOLDER FEEDBACK	E.MARSLÉN



W blomdesign.com.au
E erin@blomdesign.com.au
M 0428 991 401
Willow Grove, Victoria

Scale



Scale
1:2500@A1
1:5000@A3

Notes

Project Title
**REVEGETATION PROJECT
ALBERT PARK WARRNAMBOOL**

Drawing Title
EXISTING CONDITIONS PLAN

Project Number 2021072	File/Drawing Number 072-EC1	Drawing Status FOR DISCUSSION	Sheet 1/1	Revision D
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APPENDIX 2 – ALBERT PARK SITE ANALYSIS PLAN



LEGEND

- Albert Park Precinct Boundary
- Fence
- Vehicle access
- Maintenance access (informal track)
- Pedestrian path/shared trail
- Access Point
- Playground
- Contours (0.5m)
- High Point
- Approximate location of Pony Club Jump Circuit feature (currently in use)
- Kangaroo Grass (*Themeda triandra*) protection area
- Trees/shrubs
- Existing drainage line (swale)
- Site identified for future Water Sensitive Urban Design feature
- Overflow parking area on grass
- Public mulch collection area

OPPORTUNITIES

- A** Improve the environmental and biodiversity values of the park with additional planting. Opportunity to focus on providing varied habitat for a range of local pollinator species, including bees, butterflies, moths, beetles and birds.
- B** Enhance social and recreational values of the park by improving the appearance of planted areas, providing additional shade for visitors and attracting new visitors by incorporating interactive play/learning features to complement the new plantings for pollinators.
- C** Support integrated water management improvements by planting areas surrounding water sensitive urban design features and drainage lines. This will help improve water quality through additional stormwater filtration.
- D** Replace ageing Pine trees with native vegetation.
- E** Potential to improve path network throughout park particularly in well-trafficked grass areas and south-west corner, possibly connecting to the Japanese Garden.
- F** Enhance existing patches of vegetation and minimise the need for mowing under existing trees and shrubs by providing additional understorey planting.
- G** Reduce risk of Chilean Needle Grass spreading further through park or to other sites by carrying out a carefully implemented weed control program prior to any new plantings.

REVISION	DATE	REVISION DESCRIPTION	DESIGNED
A	24/11/2021	FOR DISCUSSION PURPOSES	E.MARSLÉN
B	02/12/2021	PLAN AMENDED TO INCLUDE MULCH COLLECTION AREA	E.MARSLÉN
C	03/02/2022	FOR REVIEW. ADDITIONAL ITEMS ADDED TO PLAN.	E.MARSLÉN
D	04/05/2022	REVISIONS IN RESPONSE TO STAKEHOLDER FEEDBACK	E.MARSLÉN

W
E
M
blomdesign.com.au
erin@blomdesign.com.au
0428 991 401
Willow Grove, Victoria

Scale

Scale
1:2500@A1
1:5000@A3

Notes

Project Title
**REVEGETATION PROJECT
ALBERT PARK WARRNAMBOOL**

Drawing Title
SITE ANALYSIS PLAN

Project Number	File/Drawing Number	Drawing Status	Sheet	Revision
2021072	072-SA1	FOR DISCUSSION	1/1	D


APPENDIX 3 – ALBERT PARK REVEGETATION PLAN



LEGEND

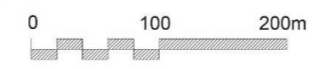
- Albert Park Precinct Boundary
- Fence
- Vehicle access
- Maintenance access (informal track)
- Pedestrian path/shared trail
- Possible future path extension
- ↘ Access Point
- Playground
- Kangaroo Grass protection area to be retained
- 1 Proposed Revegetation Area with patch identification number
- Revegetation Category A Woodland
- Revegetation Category B Scrub
- Revegetation Category C Mixed Graminoids/Herbs/Low Shrubs
- Revegetation Category D Supplementary Planting Proposed revegetation under existing shrubs and trees (combination of Categories A, B and C)
- Existing Pony Club Jump Circuit Feature to be retained
- Existing Pony Club Jump Circuit Feature to be relocated
- Existing Pony Club Jump Circuit Feature to be removed
- Site identified for future Water Sensitive Urban Design feature
- Overflow parking area on grass to be maintained
- Public mulch collection area
- ✱ Future Yarning Circle (approximate location, as identified in the Albert Park Integrated Water Management Plan)

REVISION	DATE	REVISION DESCRIPTION	DESIGNED
A	24/11/2021	FOR DISCUSSION PURPOSES	E.MARSLÉN
B	02/12/2021	PLAN AMENDED TO INCLUDE MULCH COLLECTION AREA	E.MARSLÉN
C	03/02/2022	FOR REVIEW. ADDITIONAL ITEMS ADDED TO PLAN.	E.MARSLÉN
D	04/05/2022	REVISIONS IN RESPONSE TO STAKEHOLDER FEEDBACK	E.MARSLÉN



W
E
M
blomdesign.com.au
erin@blomdesign.com.au
0428 991 401
Willow Grove, Victoria

Scale




Notes

Revision B - Modifications to proposed revegetation areas following site visits and discussion with stakeholders

Revision C - Modifications to proposed revegetation areas following review by client and stakeholders

Scale

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1:5000@A3



Project Title				
REVEGETATION PROJECT ALBERT PARK WARRNAMBOOL				
Drawing Title				
REVEGETATION PLAN - CONCEPT				
Project Number	File/Drawing Number	Drawing Status	Sheet	Revision
2021072	072-RP1	FOR DISCUSSION	1/1	D

APPENDIX 4 –PATCH REVEGETATION PLANTING GUIDE

PATCH 1 – 0.3100Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 3,100 square metres Total Revegetation Area = 1,550 square metres or 0.155 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,550sqm	8/Ha	2
Small Trees, Large Shrubs	15%	232.5sqm	1 plant per 3 square metres	78
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	232.5sqm	1 plant per square metre	233
Medium Herbs	20%	310.0sqm	4 plants per square metre	1240
Small Herbs and Prostrate Herbs	10%	155.0sqm	6 plants per square metre	930
Large graminoids	20%	310.0sqm	2 plants per square metre	620
Medium graminoids	20%	310.0sqm	4 plants per square metre	1240
Total	100%	1,550sqm	Total Number of Plants	4,343

PATCH 2 – 0.1450Ha				
MIXED HERBS, GRAMINOIDS AND LOW SHRUBS - REVEGETATION CATEGORY C				
Total Area = 820 square metres Total Revegetation Area = 820 square metres or 0.082 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	0sqm	0/Ha	0
Small Trees, Large Shrubs	0%	0sqm	0/Ha	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	147.6sqm	1 plant per square metre	148
Medium Herbs	23%	188.6sqm	4 plants per square metre	755
Small Herbs and Prostrate Herbs	13%	106.6sqm	6 plants per square metre	640
Large graminoids	23%	188.6sqm	2 plants per square metre	378
Medium graminoids	23%	188.6sqm	4 plants per square metre	756
Total	100%	820sqm	Total Number of Plants	2,677
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 630 square metres Total Revegetation Area = 315 square metres or 0.0315 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	315sqm	8/Ha	2
Small Trees, Large Shrubs	15%	47.3sqm	1 plant per 3 square metres	16
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	47.3sqm	1 plant per square metre	48
Medium Herbs	20%	63.0sqm	4 plants per square metre	252
Small Herbs and Prostrate Herbs	10%	31.5sqm	6 plants per square metre	189
Large graminoids	20%	63.0sqm	2 plants per square metre	126
Medium graminoids	20%	63.0sqm	4 plants per square metre	252
Total	100%	315sqm	Total Number of Plants	885

PATCH 3 – 0.124Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 1,240 square metres Total Revegetation Area = 620 square metres or 0.062 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	620sqm	8/Ha	2
Small Trees, Large Shrubs	15%	93.0sqm	1 plant per 3 square metres	31
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	93.0sqm	1 plant per square metre	93
Medium Herbs	20%	124.0sqm	4 plants per square metre	496
Small Herbs and Prostrate Herbs	10%	62sqm	6 plants per square metre	372
Large graminoids	20%	124sqm	2 plants per square metre	248
Medium graminoids	20%	124sqm	4 plants per square metre	248
Total	100%	620sqm	Total Number of Plants	1,490

PATCH 4 – 0.266Ha				
WOODLAND – REVEGETATION CATEGORY A				
Total Area = 1,780 square metres Total Revegetation Area = 1,780 square metres 0.178 hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,780sqm	15/Ha	4
Small Trees, Large Shrubs	0%	N/A	1 plant per 3 square metres	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	320.0sqm	1 plant per square metre	320
Medium Herbs	23%	409.4sqm	4 plants per square metre	1638
Small Herbs and Prostrate Herbs	13%	231.4sqm	6 plants per square metre	1389
Large graminoids	23%	409.4sqm	2 plants per square metre	819
Medium graminoids	23%	409.4sqm	4 plants per square metre	1638
Total	100%	1,780sqm	Total Number of Plants	5,804
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 880 square metres Total Revegetation Area = 440 square metres or 0.044 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	440sqm	8/Ha	2
Small Trees, Large Shrubs	15%	66sqm	1 plant per 3 square metres	22
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	66sqm	1 plant per square metre	66
Medium Herbs	20%	88sqm	4 plants per square metre	352
Small Herbs and Prostrate Herbs	10%	44sqm	6 plants per square metre	264
Large graminoids	20%	88sqm	2 plants per square metre	176
Medium graminoids	20%	88sqm	4 plants per square metre	352
Total	100%	440sqm	Total Number of Plants	1,234

PATCH 5 – 0.1420Ha

MIXED HERBS, GRAMINOIDS AND LOW SHRUBS - REVEGETATION CATEGORY C

Total Area = 390 square metres Total Revegetation Area = 390 square metres or 0.039 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	0sqm	0/Ha	0
Small Trees, Large Shrubs	0%	0sqm	0/Ha	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	70.2sqm	1 plant per square metre	71
Medium Herbs	23%	89.7sqm	4 plants per square metre	359
Small Herbs and Prostrate Herbs	13%	50.7sqm	6 plants per square metre	305
Large graminoids	23%	89.7sqm	2 plants per square metre	180
Medium graminoids	23%	89.7sqm	4 plants per square metre	359
Total	100%	390sqm	Total Number of Plants	1,274

SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)

Total Area = 1,030 square metres Total Revegetation Area = 515 square metres or 0.0515 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	515sqm	8/Ha	2
Small Trees, Large Shrubs	15%	77.3sqm	1 plant per 3 square metres	26
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	77.3sqm	1 plant per square metre	78
Medium Herbs	20%	103.0sqm	4 plants per square metre	412
Small Herbs and Prostrate Herbs	10%	51.5sqm	6 plants per square metre	309
Large graminoids	20%	103.0sqm	2 plants per square metre	206
Medium graminoids	20%	103.0sqm	4 plants per square metre	412
Total	100%	515sqm	Total Number of Plants	1,445

PATCH 6 – 0.303Ha				
WOODLAND – REVEGETATION CATEGORY A				
Total Area = 3,030 square metres Total Revegetation Area = 3,030 square metres or 0.303 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	3,030sqm	15/Ha	6
Small Trees, Large Shrubs	0%	N/A	1 plant per 3 square metres	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	545.4sqm	1 plant per square metre	546
Medium Herbs	23%	696.9sqm	4 plants per square metre	2,788
Small Herbs and Prostrate Herbs	13%	393.9sqm	6 plants per square metre	2,364
Large graminoids	23%	696.9sqm	2 plants per square metre	1,394
Medium graminoids	23%	696.9sqm	4 plants per square metre	2,788
Total	100%	3,030.0sqm	Total Number of Plants	9,880

PATCH 7 – 0.402Ha				
WOODLAND – REVEGETATION CATEGORY A				
Total Area = 4,020 square metres Total Revegetation Area = 4,020 square metres or 0.402 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	4,020 sqm	15/Ha	8
Small Trees, Large Shrubs	0%	N/A	1 plant per 3 square metres	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	723.6sqm	1 plant per square metre	724
Medium Herbs	23%	924.6sqm	4 plants per square metre	3,699
Small Herbs and Prostrate Herbs	13%	522.6sqm	6 plants per square metre	3,136
Large graminoids	23%	924.6sqm	2 plants per square metre	1,849
Medium graminoids	23%	924.6sqm	4 plants per square metre	3,699
Total	100%	4,020sqm	Total Number of Plants	13,115

PATCH 8 – 0.3455Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 3,455 sqm Total Revegetation Area = 1,728 sqm or 0.1728 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,728sqm	8/Ha	3
Small Trees, Large Shrubs	15%	259.2sqm	1 plant per 3 square metres	87
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	259.2sqm	1 plant per square metre	260
Medium Herbs	20%	345.6sqm	4 plants per square metre	1,383
Small Herbs and Prostrate Herbs	10%	172.8sqm	6 plants per square metre	1,037
Large graminoids	20%	345.6sqm	2 plants per square metre	692
Medium graminoids	20%	345.6sqm	4 plants per square metre	1,383
Total	100%	1,728sqm	Total Number of Plants	4,845

PATCH 9 – 0.0672Ha				
WOODLAND – REVEGETATION CATEGORY A				
Total Area = 672 sqm Total Revegetation Area = 672 sqm or 0.0672 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	672sqm	15/Ha	2
Small Trees, Large Shrubs	0%	N/A	1 plant per 3 square metres	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	121.0sqm	1 plant per square metre	121
Medium Herbs	23%	154.6sqm	4 plants per square metre	619
Small Herbs and Prostrate Herbs	13%	87.4sqm	6 plants per square metre	525
Large graminoids	23%	154.6sqm	2 plants per square metre	310
Medium graminoids	23%	154.6sqm	4 plants per square metre	619
Total	100%	672sqm	Total Number of Plants	2,196

PATCH 10 – 0.330Ha				
SCRUB – REVEGETATION CATEGORY B				
Total Area = 750sqm Total Area = 750 square metres or 0.075 hectares	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	0%	0sqm	0/Ha	0
Small Trees, Large Shrubs	50%	375sqm	1 plant per 3 square metres	125
Medium Shrubs	50%	375sqm	1 plant per 2 square metres	188
Small Shrubs and Prostrate Shrubs	0%	0sqm	1 plant per square metre	0
Medium Herbs	0%	0sqm	4 plants per square metre	0
Small Herbs and Prostrate Herbs	0%	0sqm	6 plants per square metre	0
Large graminoids	0%	0sqm	2 plants per square metre	0
Medium graminoids	0%	0sqm	4 plants per square metre	0
Total	100%	750sqm	Total Number of Plants	313
WOODLAND – REVEGETATION CATEGORY A				
Total Area = 2,550sqm Total Revegetation Area = 2,550sqm or 0.2550 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	2,550sqm	15/Ha	5
Small Trees, Large Shrubs	0%	N/A	1 plant per 3 square metres	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	459.0sqm	1 plant per square metre	459
Medium Herbs	23%	586.5sqm	4 plants per square metre	2,346
Small Herbs and Prostrate Herbs	13%	331.5sqm	6 plants per square metre	1,989
Large graminoids	23%	586.5sqm	2 plants per square metre	1,173
Medium graminoids	23%	586.5sqm	4 plants per square metre	2,346
Total	100%	2,550sqm	Total Number of Plants	8,318

PATCH 11 - 0.176Ha				
SCRUB – REVEGETATION CATEGORY B				
Total Area = 1,760 sqm Total Area = 1,760 sqm or 0.1760 hectares	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	0%	0sqm	0/Ha	0
Small Trees, Large Shrubs	50%	880sqm	1 plant per 3 square metres	293
Medium Shrubs	50%	880sqm	1 plant per 2 square metres	440
Small Shrubs and Prostrate Shrubs	0%	sqm	1 plant per square metre	0
Medium Herbs	0%	sqm	4 plants per square metre	0
Small Herbs and Prostrate Herbs	0%	sqm	6 plants per square metre	0
Large graminoids	0%	sqm	2 plants per square metre	0
Medium graminoids	0%	sqm	4 plants per square metre	0
Total	100%	1,760sqm	Total Number of Plants	733

PATCH 12 – 0.320Ha				
WOODLAND – REVEGETATION CATEGORY A				
Total Area = 3,200sqm Total Revegetation Area = 3,200sqm or 0.320 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	3,200sqm	15/Ha	7
Small Trees, Large Shrubs	0%	N/A	1 plant per 3 square metres	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	576.0sqm	1 plant per square metre	576
Medium Herbs	23%	736.0sqm	4 plants per square metre	2,944
Small Herbs and Prostrate Herbs	13%	416.0sqm	6 plants per square metre	2,496
Large graminoids	23%	736.0sqm	2 plants per square metre	1,472
Medium graminoids	23%	736.0sqm	4 plants per square metre	2,944
Total	100%	3,200sqm	Total Number of Plants	10,439

PATCH 13 – 0.2735Ha				
MIXED HERBS, GRAMINOIDS AND LOW SHRUBS - REVEGETATION CATEGORY C				
Total Area = 535 sqms Total Revegetation Area = 535sqm or 0.0535 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	0sqm	0/Ha	0
Small Trees, Large Shrubs	0%	0sqm	0/Ha	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	96.3sqm	1 plant per square metre	97
Medium Herbs	23%	123.1sqm	4 plants per square metre	493
Small Herbs and Prostrate Herbs	13%	69.6sqm	6 plants per square metre	420
Large graminoids	23%	123.1sqm	2 plants per square metre	246
Medium graminoids	23%	123.1sqm	4 plants per square metre	493
Total	100%	535sqm	Total Number of Plants	1,749
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 2,200sqm Total Revegetation Area = 1,100sqm or 0.110 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,100sqm	8/Ha	2
Small Trees, Large Shrubs	15%	165.0sqm	1 plant per 3 square metres	55
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	165.0sqm	1 plant per square metre	165
Medium Herbs	20%	220.0sqm	4 plants per square metre	880
Small Herbs and Prostrate Herbs	10%	110.0sqm	6 plants per square metre	660
Large graminoids	20%	220.0sqm	2 plants per square metre	440
Medium graminoids	20%	220.0sqm	4 plants per square metre	880
Total	100%	1,100sqm	Total Number of Plants	3,082

PATCH 14– 0.097Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 970 sqm Total Revegetation Area = 485sqm or 0.0485 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	485sqm	8/Ha	2
Small Trees, Large Shrubs	15%	72.8sqm	1 plant per 3 square metres	25
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	72.8sqm	1 plant per square metre	73
Medium Herbs	20%	97.0sqm	4 plants per square metre	388
Small Herbs and Prostrate Herbs	10%	48.5sqm	6 plants per square metre	291
Large graminoids	20%	97.0sqm	2 plants per square metre	194
Medium graminoids	20%	97.0sqm	4 plants per square metre	388
Total	100%	485sqm	Total Number of Plants	1,361

PATCH 15– 0.570Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 5,700sqm Total Revegetation Area = 2,850sqm or 0.285 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	2,850sqm	8/Ha	3
Small Trees, Large Shrubs	15%	427.5sqm	1 plant per 3 square metres	143
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	427.5sqm	1 plant per square metre	428
Medium Herbs	20%	516.0sqm	4 plants per square metre	2,064
Small Herbs and Prostrate Herbs	10%	285.0sqm	6 plants per square metre	1,710
Large graminoids	20%	516.0sqm	2 plants per square metre	1,032
Medium graminoids	20%	516.0sqm	4 plants per square metre	2,064
Total	100%	2,850sqm	Total Number of Plants	7,444

PATCH 16 – 0.608Ha				
MIXED HERBS, GRAMINOIDS AND LOW SHRUBS - REVEGETATION CATEGORY C				
Total Area = 1,480sqm Total Revegetation Area = 1,480sqm or 0.148 hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	0sqm	0/Ha	0
Small Trees, Large Shrubs	0%	0sqm	0/Ha	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	266.4sqm	1 plant per square metre	267
Medium Herbs	23%	340.4sqm	4 plants per square metre	1,361
Small Herbs and Prostrate Herbs	13%	192.4sqm	6 plants per square metre	1,155
Large graminoids	23%	340.4sqm	2 plants per square metre	681
Medium graminoids	23%	340.4sqm	4 plants per square metre	1,362
Total	100%	1,480sqm	Total Number of Plants	4,826
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 4,600sqm Total Revegetation Area = 2,300sqm or 0.230 hectares (aprx. 50% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	2,300sqm	8/Ha	3
Small Trees, Large Shrubs	15%	345.0sqm	1 plant per 3 square metres	115
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	345.0sqm	1 plant per square metre	345
Medium Herbs	20%	460.0sqm	4 plants per square metre	1,840
Small Herbs and Prostrate Herbs	10%	230.0sqm	6 plants per square metre	1,380
Large graminoids	20%	460.0sqm	2 plants per square metre	920
Medium graminoids	20%	460.0sqm	4 plants per square metre	1,840
Total	100%	2,300sqm	Total Number of Plants	6,443

PATCH 17 – 0.174Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 1,740 square metres Total Revegetation Area = 1,218 sqm or 0.1218 hectares (aprx. 70% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,218sqm	8/Ha	2
Small Trees, Large Shrubs	15%	182.7sqm	1 plant per 3 square metres	61
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	182.7sqm	1 plant per square metre	183
Medium Herbs	20%	243.6sqm	4 plants per square metre	975
Small Herbs and Prostrate Herbs	10%	121.8sqm	6 plants per square metre	731
Large graminoids	20%	243.6sqm	2 plants per square metre	488
Medium graminoids	20%	243.6sqm	4 plants per square metre	975
Total	100%	1,218sqm	Total Number of Plants	3,415

PATCH 18 – 0.118Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 1,180 square metres Total Revegetation Area = 826sqm or 0.0826 hectares (aprx. 70% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	826sqm	8/Ha	2
Small Trees, Large Shrubs	15%	123.9sqm	1 plant per 3 square metres	42
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	123.9sqm	1 plant per square metre	124
Medium Herbs	20%	165.2sqm	4 plants per square metre	661
Small Herbs and Prostrate Herbs	10%	82.6sqm	6 plants per square metre	496
Large graminoids	20%	165.2sqm	2 plants per square metre	331
Medium graminoids	20%	165.2sqm	4 plants per square metre	661
Total	100%	826sqm	Total Number of Plants	2,317

PATCH 19 – 0.154Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 1,540 square metres Total Revegetation Area = 1,078sqm or 0.1078 hectares (aprx. 70% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,078sqm	8/Ha	2
Small Trees, Large Shrubs	15%	161.7sqm	1 plant per 3 square metres	54
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	161.7sqm	1 plant per square metre	162
Medium Herbs	20%	215.6sqm	4 plants per square metre	863
Small Herbs and Prostrate Herbs	10%	107.8sqm	6 plants per square metre	647
Large graminoids	20%	215.6sqm	2 plants per square metre	432
Medium graminoids	20%	215.6sqm	4 plants per square metre	863
Total	100%	1,078sqm	Total Number of Plants	3,023

PATCH 20 – 0.0705Ha				
MIXED HERBS, GRAMINOIDS AND LOW SHRUBS - REVEGETATION CATEGORY C				
Total Area = 750sqm Total Revegetation Area = 750 sqm or 0.075 Hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	0sqm	0/Ha	0
Small Trees, Large Shrubs	0%	0sqm	0/Ha	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	135sqm	1 plant per square metre	135
Medium Herbs	23%	172.5sqm	4 plants per square metre	690
Small Herbs and Prostrate Herbs	13%	97.5sqm	6 plants per square metre	585
Large graminoids	23%	172.5sqm	2 plants per square metre	345
Medium graminoids	23%	172.5sqm	4 plants per square metre	690
Total	100%	750sqm	Total Number of Plants	2,445

PATCH 21 – 0.187Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 1,870 sqm Total Revegetation Area = 1,309sqm or 0.1309 hectares (aprx. 70% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	1,309sqm	8/Ha	2
Small Trees, Large Shrubs	15%	196.4sqm	1 plant per 3 square metres	66
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	196.4sqm	1 plant per square metre	197
Medium Herbs	20%	261.8sqm	4 plants per square metre	1,047
Small Herbs and Prostrate Herbs	10%	130.9sqm	6 plants per square metre	786
Large graminoids	20%	261.8sqm	2 plants per square metre	524
Medium graminoids	20%	261.8sqm	4 plants per square metre	1,048
Total	100%	1,309sqm	Total Number of Plants	3,670

PATCH 22 – 0.7415Ha				
MIXED HERBS, GRAMINOIDS AND LOW SHRUBS - REVEGETATION CATEGORY C				
Total Area = 3,030sqm Total Revegetation Area = 3,030sqm or 0.303 hectares (100% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	0sqm	0/Ha	0
Small Trees, Large Shrubs	0%	0sqm	0/Ha	0
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	18%	545.4sqm	1 plant per square metre	546
Medium Herbs	23%	696.9sqm	4 plants per square metre	2,788
Small Herbs and Prostrate Herbs	13%	393.9sqm	6 plants per square metre	2,364
Large graminoids	23%	696.9sqm	2 plants per square metre	1,394
Medium graminoids	23%	696.9sqm	4 plants per square metre	2,788
Total	100%	3,030sqm	Total Number of Plants	9,880
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 4,385sqm Total Revegetation Area = 3,070sqm or 0.307 hectares (aprx. 70% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	3,070sqm	8/Ha	4
Small Trees, Large Shrubs	15%	460.5sqm	1 plant per 3 square metres	154
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	460.5sqm	1 plant per square metre	461
Medium Herbs	20%	614.0sqm	4 plants per square metre	2,456
Small Herbs and Prostrate Herbs	10%	307.0sqm	6 plants per square metre	1,842
Large graminoids	20%	614.0sqm	2 plants per square metre	1,228
Medium graminoids	20%	614.0sqm	4 plants per square metre	2,456
Total	100%	3,070sqm	Total Number of Plants	8,601

PATCH 23 – 0.134Ha				
SUPPLEMENTARY PLANTING – REVEGETATION CATEGORY D (SITE-SPECIFIC DEPENDING ON EXISTING VEGETATION)				
Total Area = 1,340 sqm Total Revegetation Area = 938sqm or 0.0938 hectares (aprx. 70% of area)	% Cover	Total area x % cover applied	Planting Density	Number of Plants for Area
*Medium and Large Trees	N/A	938sqm	8/Ha	2
Small Trees, Large Shrubs	15%	140.7sqm	1 plant per 3 square metres	47
Medium Shrubs	0%	0sqm	1 plant per 2 square metres	0
Small Shrubs and Prostrate Shrubs	15%	140.7sqm	1 plant per square metre	141
Medium Herbs	20%	187.6sqm	4 plants per square metre	751
Small Herbs and Prostrate Herbs	10%	93.8sqm	6 plants per square metre	563
Large graminoids	20%	187.6sqm	2 plants per square metre	376
Medium graminoids	20%	187.6sqm	4 plants per square metre	751
Total	100%	938sqm	Total Number of Plants	2,631

REVEGETATION NOTES

Note 1 - Ground ferns, bryophytes and lichens typical of local EVCs are not included. These species would be difficult to establish in revegetation areas. Ground ferns can be added once shrub and overstorey layers establish. The % coverage of other species has been increased to account for the absence of ground ferns, bryophytes and lichens.

Note 2 - All planting density figures per square metre for trees, shrubs, herbs and graminoids have been calculated to account for 30% stock loss, anticipated for new revegetation sites in Warrnambool

Note 3 - *30% increase in number of canopy trees has been added to the total number of plants to account for stock losses.

7.6. MIDDLE ISLAND SEASON REPORT 2021-2022

DIRECTORATE : City Growth

PURPOSE:

The purpose of this report is to provide an annual update to Council on the implementation of the Middle Island Project.

EXECUTIVE SUMMARY

- The Middle Island Project is a wildlife conservation project to help protect the colony of Little Penguins on Middle Island.
- This report provides an annual update on the implementation of the project and outlines the outcomes of the Middle Island Project Season Report 2021-2022.
- The highlights of the season include continued effectiveness of the Maremma dogs protecting the penguins and ongoing interest and participation in education talks and programs.
- Challenges during the season include the covid pandemic impacting the education program and the volunteer penguin monitoring program. While tide conditions and weather impacted safe crossing to the island.

MOVED: CR MAX TAYLOR
SECONDED: CR ANGIE PASPALIARIS

That Council receive the Middle Island Project Season Report 2021-2022.

CARRIED - 7:0

BACKGROUND

The Middle Island Little Penguin Project (the Project) is a wildlife conservation project to help protect a colony of Little Penguins (*Eudyptula minor*) living on Middle Island.

The Project commenced in 2006 after reports that the penguin numbers in the colony had dropped considerably, to less than 10 from an estimate of around 800 in 2000. The cause of the decline was attributed principally to fox predation and human impact of trampling burrows.

The project is based on the use of Maremma dogs to guard and protect the penguins known as the 'Warrnambool method'. The Maremma dogs were trained and placed on the Island to deter predators, such as foxes, from coming to the Island and killing the penguins.

A review of The Middle Island Project was undertaken and in September 2020 Council endorsed continuation of the project under the conservation management model – being the use of conventional conservation techniques (vegetation controls and predator controls) to protect biodiversity values supplemented with the use of Maremma dogs to specifically protect the penguin colony.

ISSUES

Middle Island Project 2021-2022 Season Report

The Middle Island Project Season Report outlines the key achievements and challenges during the 2021-2022 Little Penguin breeding season - **refer to Attachment 1.**

The Project highlights for the 2021-2022 season include

- No evidence of foxes on the island while the dogs have been there
- Running educational talks with the Penguin Protectors Warrnambool talks proving popular engaging over 1800 individuals throughout the season
- Development of fundraising merchandise to raise funds for the Project
- Volunteers undertaking penguin handling training at Phillip Island
- Continued media interest in the Project
- Sponsorship by major sponsors PETstock and the Vet Group

The Project challenges of the 2021-2022 season include

- Covid-19 continued to be a challenge for the Project, impacting Penguin Protectors Warrnambool talks during the Summer holidays and ability to undertake penguin monitoring
- Difficulty in safely crossing to Middle Island due to poor weather and tide conditions which impacted penguin monitoring and ability to have dogs on the island
- A small short-tailed shearwater kill (twenty individuals) following a period of time the island was inaccessible to the dogs at the beginning of the season.
- Dogs were able to be put back on shortly after and no further kills were observed.
- Sadly, Tula was euthanised in October 2021

In terms of the Little Penguin population, the Warrnambool Coastcare Landcare Network volunteers conduct penguin arrival counts to estimate the size of the breeding population and surveys to monitor reproductive success.

The ongoing implications of the Covid-19 pandemic combined with difficulty in safely crossing to Middle Island significantly reduced the ability of WCLN volunteers to monitor the Little Penguin population during the 2021- 2022 breeding season. Two penguin arrival counts and four breeding surveys were conducted. Four and three penguins were observed during arrival counts. Due to the poor conditions limiting monitoring ability, it is possible some penguin activity went undetected this season. Hence, population estimates from observations this season are unlikely to be accurate.

FINANCIAL IMPACT

The Middle Island Project requires resourcing to implement and includes staffing to care for and train the Maremma Dogs. The Education Program and donations are the main contributors to funding the Project.

Project coordination and administration support is accommodated within the City Sustainability budget.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

2 A Sustainable environment

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

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

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

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

5 An effective Council

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

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

5.4 High-performance culture: Council will foster an organisational culture to support engaged, committed and high-performing staff for the effective delivery of Council's services and programs.

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

TIMING

Routine.

COMMUNITY IMPACT / CONSULTATION

Interest in the Maremma dogs and their role on Middle Island continues to attract significant media interest locally and internationally.

The death of long-serving Tula in late 2021 prompted an outpouring of emotion from many people with an interest in the project. The online event on November 5, 2021, to celebrate Tula and acknowledge her contribution to the Middle Island Project and wildlife conservation was well received and drew a substantial audience

LEGAL RISK / IMPACT

The Middle Island Project continues to implement the 'Warrnambool Method' which has proven successful in protecting the colony of little penguins. Predation by foxes continues to be a significant threat to the Little Penguin colony on Middle Island. The fox control program had mixed results for the 2021-2022 season. Baiting was undertaken between Pickering Point and the western edge of Shelley Beach in October and November 2021. Seven bait stations were used during October and November 2021 with baits being taken from two of these. One station was vandalised during the program with the marker post being removed. Active dens in the Thunder Point area were fumigated during this time.

While the Maremma dogs have been on the island there has been no evidence of foxes. There was one fox kill observed in mid-October prior to the dog's arrival for the season. There were no penguins killed but approximately 20 shearwaters were killed the previous night and up to 2 nights prior. Once the dogs were able to access the island, there were no further fox kills observed, highlighting the importance of having the dogs on the island to protect the Little Penguins and other seabird diversity on Middle Island.

OFFICERS' DECLARATION OF INTEREST

None.

CONCLUSION

The Middle Island Project has been a long running and successful program for the protection of the Little Penguin by the Maremma Guardian Dogs. The ongoing long-term monitoring of the Little Penguin colony and biodiversity of Middle Island is important to continue to guide conservation efforts into the future.

ATTACHMENTS

1. The Middle Island Project Season Report 2021-2022 [7.6.1 - 10 pages]



The Middle Island Project

SEASON REPORT 21/22



The Middle Island Project **SEASON REPORT 21/22**

SEASON REPORT 21/22

The Middle Island Project (the Project) has been working to protect the Little Penguin colony of Middle Island in Warrnambool for seventeen years now. Known as the 'Warrnambool Method,' the Project's world-first use of Maremma guardian dogs in wildlife conservation has seen the recovery of the Little Penguin colony by controlling fox predation on Middle Island.

The Project is overseen by Warrnambool City Council (WCC), with Warrnambool Coastcare Landcare Network (WCLN), Deakin University, the Warrnambool Field Naturalists Club, the Department of Environment, Land, Water and Planning and Parks Victoria coming together with major sponsors PETstock and The Vet Group to ensure the ongoing success of the Project.

The aim of the Middle Island Project Season Report is to provide feedback regarding the key achievements of the Project from July 2021 through to June 2022.

The Project highlights for 2021-2022 include:

- No evidence of foxes on the island while the dogs have been there
- Running educational talks with the Penguin Protectors Warrnambool talks proving popular engaging over 1800 individuals throughout the season
- Development of fundraising merchandise to raise funds for the Project
- Volunteers undertaking penguin handling training at Phillip Island
- Continued media interest in the Project
- Sponsorship by major sponsors PETstock and the Vet Group

The Project challenges for 2021-2022 include:

- Covid-19 continued to be a challenge for the Project, impacting Penguin Protectors Warrnambool talks during the Summer holidays and ability to undertake penguin monitoring
- Difficulty in safely crossing to Middle Island due to poor weather and tide conditions which impacted penguin monitoring and ability to have dogs on the island
- A small short-tailed shearwater

kill (twenty individuals) following a period of time the island was inaccessible to the dogs at the beginning of the season. Dogs were able to be put back on shortly after and no further kills were observed.

- Sadly, Tula was euthanised in October 2021

Key Penguin Statistics:

- Forty-four volunteer hours dedicated to two arrival counts, four breeding surveys and penguin handling training
- Two arrival counts (seven penguins counted)
- Two volunteers trained in penguin handling and two more volunteers trained in microchipping by Phillip Island Nature Parks staff
- No accurate estimate of the population size due to highly impaired monitoring activities

Key Maremma Statistics:

- The guardian dog team consists of Mezzo (lead guardian), Isola and Oberon
- The Project's two education dogs Avis and Amor continued their work, participating in the Project's educational talks

- Tula was euthanized on October 30th at thirteen years old following a decline in health associated with her age

Key Education Statistics:

- Over 1,800 individuals engaged in Penguin Protectors Warrnambool talks throughout the season, with the return of Project-run talks and continuation of the Flagstaff Hill education program.
- A Deakin Marine Biology student contributed to the Project through Deakin's Students as Partners Program
- Three Marine Biology students from Deakin undertook work placement with the Project
- Two Honours Students from Deakin started their research investigating contamination in penguin carcasses



The Middle Island Project **SEASON REPORT 21/22**



LITTLE PENGUIN POPULATION

Since the Project's beginning in 2006, the WCLN Network has been monitoring the recovery of Middle Island's Little Penguin colony. Penguin arrival counts and breeding surveys are undertaken by WCLN volunteers throughout the penguin breeding season to estimate the size of the breeding population and monitor reproductive success.

Ongoing implications of the Covid-19 pandemic combined with difficulty in safely crossing to Middle Island significantly reduced the ability of WCLN volunteers to monitor the Little Penguin population during the 2021-2022 breeding season. Monitoring efforts were limited to a small team of experienced volunteers who dedicated forty-four volunteer hours. Two of these volunteers were able to undertake penguin handling training in December 2021 with experienced Phillip Island Nature Parks staff, while a further two volunteers were trained in microchipping.

When conditions allowed volunteers to safely navigate the crossing to the island, two penguin arrival counts and four breeding surveys were conducted. Four and three penguins

were observed during arrival counts on the 10th and 24th November 2021, respectively, at the site known as 'the reef.' These counts were conducted relatively early in the penguin breeding season, and therefore likely outside the peak time. During the first breeding survey (27/10/21) two young penguins were observed together in a nest box and were microchipped by trained volunteers. The male of this pair was observed sitting on an egg during the following breeding survey in a different nest box. Not unusual for young breeders, this egg was later abandoned. Due to the poor conditions limiting monitoring ability, it is possible some penguin activity went undetected this season. Hence, population estimates from observations this season are unlikely to be accurate.

WCLN has purchased motion sensor cameras which will be used in conjunction with volunteer efforts to continue the biodiversity monitoring program on Middle Island next season and beyond. This will allow for ongoing observations of arriving penguins year round and throughout unfavourable weather/crossing conditions. The cameras will allow wider seabird diversity to be monitored including short-tailed shearwaters, pied cormorants and sooty oystercatchers which nest on the island and are also protected by the Project's conservation efforts. The ongoing long-term monitoring of the Little Penguin colony and biodiversity of Middle Island is important to continue to guide conservation efforts into the future.



The Middle Island Project **SEASON REPORT 21/22**

MAREMMA DOGS

Maremma dogs are trained as guardians to protect the penguins and other birdlife on Middle Island by deterring foxes from crossing to the island. The 2021-22 season saw three guardian dogs and two education dogs work on the Project.



Guardian Dogs:

Mezzo leads the team of guardians, spending the most time on the island this season out of the three guardians. His main support guardian was Isola, although Oberon also spent some time working on the island with Mezzo. The guardians spent less time on the island this season due to the difficulty in crossing to the island.



Education Dogs:

Avis and Amor are the Project's education dogs, used during educational talks and for Project engagement. The dogs enjoyed participating in talks again this season, after the Covid-19 pandemic limited talks last season.



Tula:

The Project's first lead guardian, Tula, was euthanized in October 2021 following a decline in her health associated with her age. Tula spent her last days surrounded by her handlers and is missed by everyone involved in the Project. Tula's legacy lives on in the Project, having handed over the reins to Mezzo and playing an important role in training the three current guardians.



The Middle Island Project **SEASON REPORT 21/22**



CONSERVATION AND ADAPTIVE MANAGEMENT

The vision of the Middle Island Project is ‘to ensure the long-term survival of the Little Penguin colony on Middle Island through the use of conservation techniques that reduce the threats posed to these birds.’

The Project has adopted an adaptive management approach to conserve the penguins and other birdlife of Middle Island using Maremma guardian dogs in the Warrnambool Method of Wildlife Conservation, and other fox control methods implemented by WCC.

Research-

Two Deakin students have started their Honours projects investigating plastic and trace metal contamination in Little Penguin carcasses from the 2017 fox kill on Middle Island.

EDUCATION

Educational talks-

This season the Project was able to resume its Summer and Easter Holiday education program and continue the education program at Flagstaff Hill. There has been a strong interest and demand for talks with over 1,800 individuals engaging with the Project at these talks, highlighting the importance of continuing to educate people about the Project and the importance of conservation.

Penguin Protectors Warrnambool was run for the first time as a Covid safe alternative to the Meet the Maremma talk. The Project ran 14 sessions in Summer and 2 over the Easter Holidays engaging a total of 283 individuals. Both Easter talks were fully booked, with summer sessions fluctuating likely due to uncertainties associated with the prevalence of Covid-19 at the time. Sessions booked by Jan Barkla at Flagstaff Hill also proved popular with 34 different groups booking in for 57 sessions amounting to 1,559 participants.

The Project was also involved in other specialised programs including a presentation at the Visitor Information Services Summit held at Flagstaff Hill, broadcasting 2 sessions to over 200 primary school aged students around Victoria for EcoLinc and participating in the Warrnambool Library’s Expand Your Mind Series. These opportunities highlight the continued interest in the Project from the local and broader community and the importance of our educational programs.

Work experience-

Three Marine Biology students from Deakin University undertook placement at WCC focussing on the Middle Island Project, gaining experience in a variety of tasks. Another Marine Biology student joined the Project to undertake work through Deakin’s Students as Partners Program.



The Middle Island Project **SEASON REPORT 21/22**

FOX PREDATION

Predation by foxes continues to be a significant threat to the Little Penguin colony on Middle Island.

WCC's fox control program had mixed results for the 2021/22 season. Baiting was undertaken between Pickering Point and the western edge of Shelley Beach in October and November 2021. Due to staff shortages no fox baiting was undertaken during April and May 2022 as planned. Seven bait stations were used during October and November 2021 with baits being taken from two of these. One station was vandalised during the program with the marker post being removed. There was no scat surveying undertaken during this baiting period. Remote sensing cameras did show the presence of foxes in the area. Active dens in the Thunder Point area were fumigated during this time. Canidae Development have been employed to undertake scat surveying before, during and after the planned fox baiting for September and October 2022.

While the dogs have been on the island there has been no evidence of foxes. There was one fox kill observed in mid-October prior to the dog's arrival for the season. There were no penguins killed but approximately 20 shearwaters were killed the previous night and up to 2 nights prior. The dogs had been unable to cross prior due to unsafe conditions. WCLN volunteers had accessed the island 10 days earlier with no evidence of foxes. Once the dogs were able to access the island, there were no further fox kills observed, highlighting the importance of having the dogs on the island to protect the Little Penguins and other seabird diversity on Middle Island.

Scenting of the beach and on the island is undertaken with the dogs when it is unsafe to leave the dogs on the island, or to access the island. It is generally unsafe to cross during Winter thus scenting occurs at the beach at Stringray Bay regularly and during breeding season it is completed daily if the dogs cannot remain on the island. This is to ensure the scent of the dogs remains in the area to keep the foxes away to protect the penguins and other birdlife on Middle Island.



The Middle Island Project SEASON REPORT 21/22

MEDIA AND COMMUNICATIONS SUMMARY

Interest in the Maremma dogs and their role on Middle Island continues to attract media interest locally and internationally.



The death of long-serving Tula in late 2021 prompted an outpouring of emotion from many people with an interest in the project. The online event on November 5, 2021, to celebrate Tula and Eudy and acknowledge their contribution to the Middle Island Project and wildlife conservation was well received and drew a substantial audience.

The event was livestreamed by FitzMedia Productions via the Middle Island – Maremma Penguin Project Facebook Page (www.facebook.com/middleislandpenguins/) and via the Fitz Media Productions Facebook page (www.facebook.com/FitZMediaProductions/).

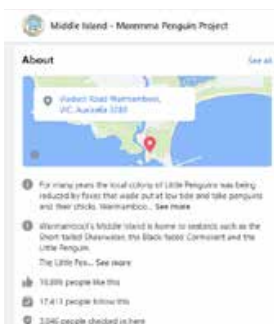


In March 2022 the project featured on the Never Just a Dog podcast www.johnlittlefair.com.au/podcast/penguin-protecting-pups-the-heroes-of-middle-island/



In April 2022 the project was asked by Twitter “dog” account Bunsen and Beaker to feature on their live Twitter shows with a potential audience of more than 120,000 people.

The project had featured on the podcast before and these efforts boost interest in the project's social media pages and website.



The project Facebook page continues to be an important means of sharing news and information with in excess of 17,000 followers.

Posts on project milestones such as Maremma birthdays attract a high level of engagement with hundreds of “likes” a regular outcome from a post.



The Middle Island Project SEASON REPORT 21/22

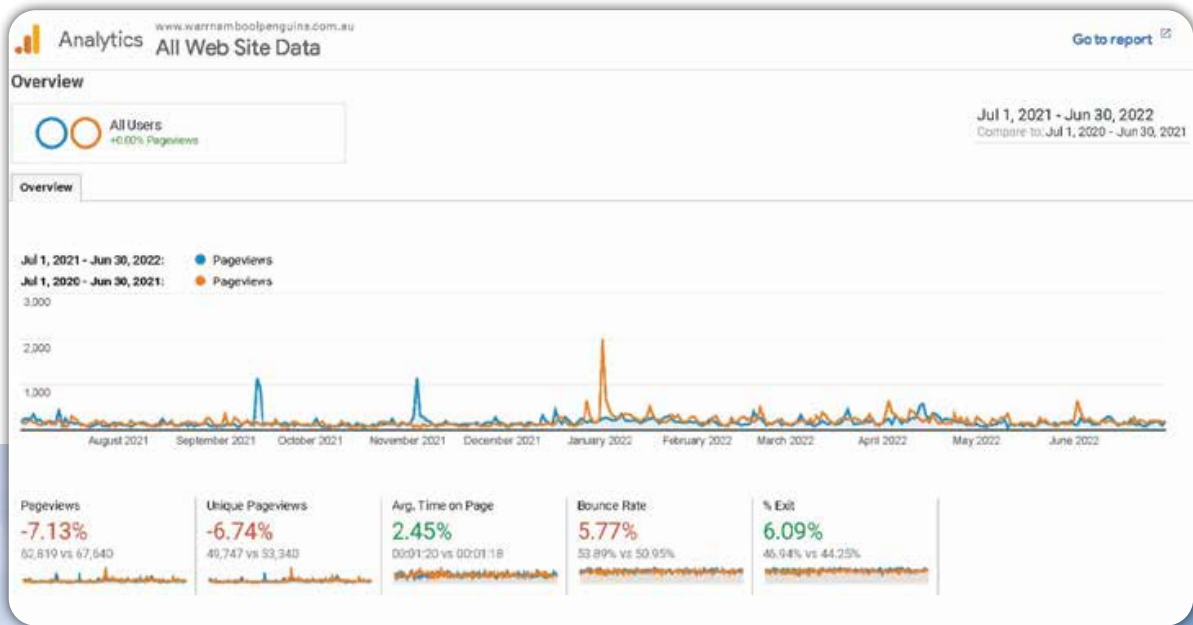
Local newspaper The Standard featured a number of stories on the project across the year.



And while a story on a boutique brewery would not normally make a report on the Middle Island Project, clearly the profile of Middle Island, the Maremmas and the penguins were a valuable marketing combination - a direct result of the conservation project.

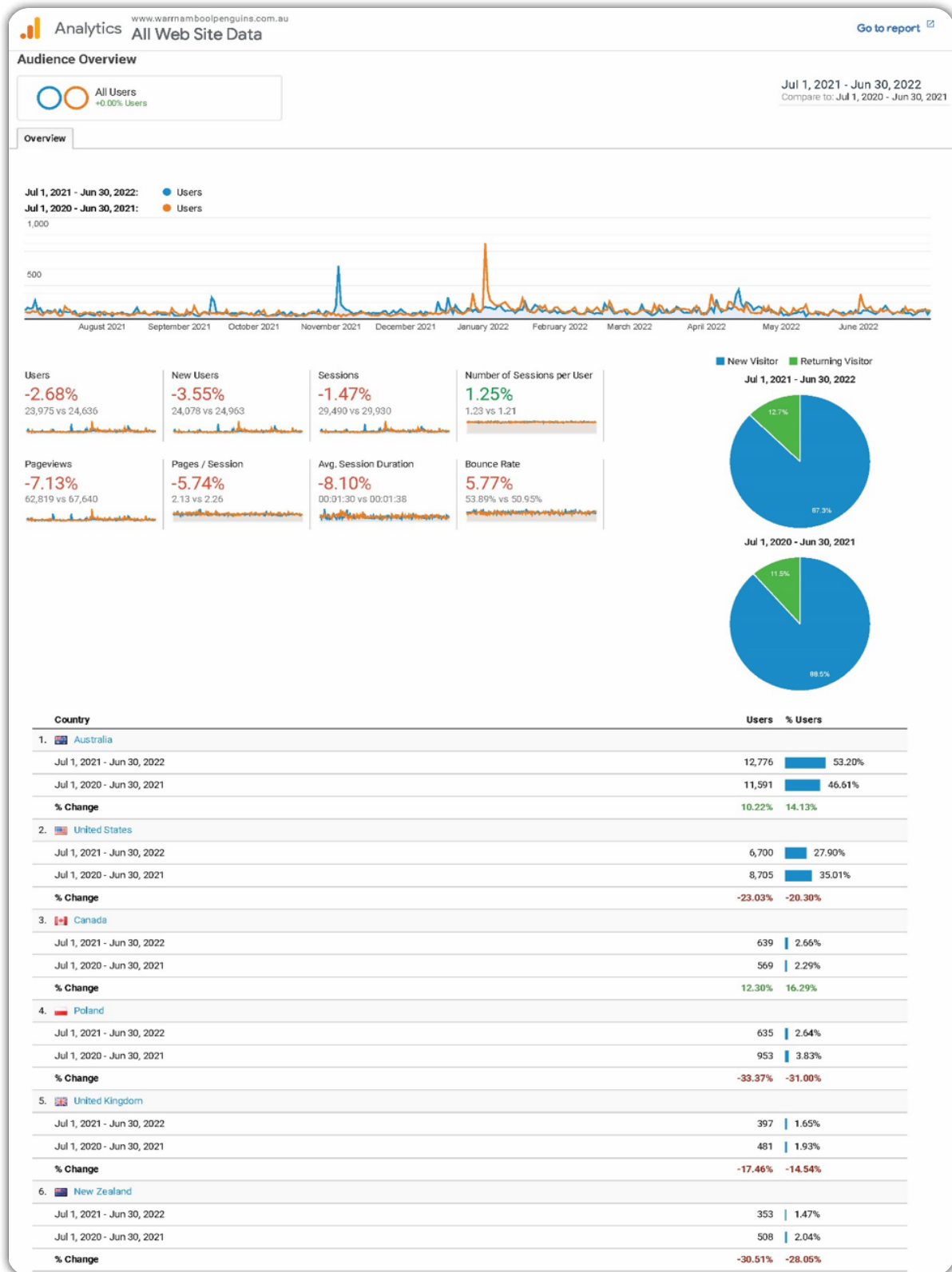
The Middle Island Project **SEASON REPORT 21/22**

The project website warrnamboolpenguins.com.au continues to attract a large number of visitors. Although there was a slight decline in page views over 2021-2022, more than 62,000 page views were recorded. The website is an important store of information and can be viewed as a more reliable source of information than social media.



The Middle Island Project SEASON REPORT 21/22

The project has a strong local and international audience with significant numbers of visitors to the website coming from the USA and Canada.



7.7. AWARD OF CONTRACT 2022026 - REGISTER OF CONTRACTORS SUPPORTING CIVIL INFRASTRUCTURE -

DIRECTORATE : City Infrastructure

PURPOSE:

This report provides information on the award of Contract 2020026 Register of Contractors Supporting Civil Infrastructure.

EXECUTIVE SUMMARY

- A public tender was advertised on Saturday 18 June 2022 inviting tender submissions from suitably qualified and experienced contractors to join the 'Panel Contract'.
- Close of tenders was 2:00pm Friday 8 July 2022.
- The proposed period of this Panel Contact is in two periods:
 - a) Period 1 - from acceptance of Tender in September until 30 June 2024 (2 years)
 - b) Period 2 – from 1 July 2024 until 30 June 2025 (1 year optional extension).
- This Panel Contract comprises largely of local Suppliers and Contractors, demonstrating the expertise of Warrnambool's local civil infrastructure market.

MOVED: CR ANGIE PASPALIARIS

SECONDED: CR RICHARD ZIEGELER

That Council:

- 1) **Award Contract No. 2020026 Register of Contractors Supporting Civil Infrastructure to the Tenderers as in the list provided to the Councillor Briefing, under an individual Deed of Standing Offer for their nominated separable portion of work.**
- 2) **Authorise the Chief Executive Officer to sign, seal and vary the Deed of Standing Offer as required.**

CARRIED - 7:0

BACKGROUND

This contract is a Schedule of Rates Contract under a Deed of Standing Offer for works, commonly referred to as a Panel Contract.

The Panel Contract is comprised of 17 Separable Portions of works that support civil infrastructure across Council's capital and maintenance projects and programs.

FINANCIAL IMPACT

The previous Panel Contract for civil infrastructure commenced in November 2019. Under this Contract, across all separable portions, Council expends between \$5million and \$7million per annum.

The award of these Deeds under the Panel Contract has no initial financial impact. The ongoing award of individual works is performed under Council's Purchase Orders or Proforma Orders, and is in accordance with Council's Procurement Policy.

The cumulative expenditure for works awarded is under Council's approved capital and maintenance budgets for each financial year.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report responds to the following Council Plan initiatives:

1 A healthy community

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

2 A Sustainable environment

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

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

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

3 A strong economy

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

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

4 A connected, inclusive place

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

5 An effective Council

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

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

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

TIMING

The contract is initially for a two (2) year term, and may be extended by Council:

1. Commencing from contract award in July 2022;
2. Ending 30 June 2024;
3. Optional extension if approved by Council, for a further 12 months ending 30 June 2025.

COMMUNITY IMPACT / CONSULTATION

Prior to site works being undertaken public information will occur as part of the project delivery plan.

ISSUES

Separable Portion 9 – Supply of Precast Pipes & Pits, and Separable Portion 17 – Supply Concrete, did not receive any tender submissions.

LEGAL RISK / IMPACT

Procurement processes are occurring in line with the approved contract specific procurement plan and Council's Procurement Framework.

OFFICERS' DECLARATION OF INTEREST

No officer involved in the preparation of this report has declared a conflict of interest.

ATTACHMENTS

Nil

7.8. SMALL INFRASTRUCTURE FUND PROJECTS

DIRECTORATE : City Infrastructure

PURPOSE:

This report is provided to inform Councillors and seek approval for the provision of funds to several community groups under the Small Infrastructure program.

EXECUTIVE SUMMARY

The management of the Small Infrastructure Fund is currently under review by the City Infrastructure staff, with a view to having a report presented on a revised operating model presented to a Council Informal Meeting in September 2022.

Prior to the review process of the fund commencing, several applications for funding have been received and copies of the applications are attached. The two new applications are from the Dennington Bowls Club and the Warrnambool Dog Training School. Both applications have suitably addressed the criteria in their applications.

MOVED: CR BEN BLAIN

SECONDED: CR ANGIE PASPALIARIS

- 1. That Council allocate \$45,000 from the Small Infrastructure Fund to the Dennington Bowls Club to enable the construction of a shelter over a new barbecue area and to light the car park area at the club.**
- 2. That Council allocates \$39,000 to the Warrnambool Dog Training Club as a contribution towards the construction of a storage facility at the Harris Street Reserve site.**

CARRIED - 7:0

BACKGROUND

The management of the Small Infrastructure Fund program was transferred to the City Infrastructure directorate in May 2022. Following this, a commitment was made to review the procedures associated with the program and report to Council on the outcome of the review.

In order to undertake the review, it was decided to suspend the application process for a brief period, until the new processes were agreed to. Prior to suspending the application process, two applications were received.

Background information on the two applications is as follows;

Dennington Bowls Club

The club has completed a masterplan for their site which is comprised of a list of items that they wish to improve over a 3 to 4-year period. They also have an ambition for the club to act as a community gathering point for Dennington, rather than have a single use as a Bowls Club. To date this approach has been quite successful with several other local groups utilizing the facilities regularly.

Following the installation of a large built-in barbecue adjacent to one of the greens, the club wishes to install a shelter over the barbecue to protect it from the elements and enable year-round use by the club and the Dennington community. The application is seeking assistance with the installation of the shelter and a concrete slab to surround the barbecue. Quotes have been received for the shelter and City Infrastructure staff have met with committee members to discuss the best way to undertake the project.

The second part of the project is to provide suitable lighting to an unsealed car park adjacent to the clubrooms to improve patron safety when exiting the site at night. Currently the only lighting that is provided to the car park is via two, domestic style spotlights that only provide light to the area directly beneath them. To improve this, the club is looking to have up to 4 street light style lights to ensure that vehicle and pedestrian movements are undertaken in a safer environment.

It is estimated that the contribution required by Council is \$45,000 and City Infrastructure staff are prepared to assist with the project management, particularly for the lighting project, to ensure that it meets the standards expected for infrastructure on Council land.

Warrnambool Dog Training Club

The Warrnambool Dog Training Club operates at the Harris Street Reserve and is limited for storage space. The current storage facility is ageing and considered to have a low amenity value for the site. It also has issues with accessibility, which creates a manual handling issue for the members.

With a total project cost of \$59,000, the club is prepared to provide \$12,000 as a cash contribution and provide at least \$12,000 of in-kind support to the project.

The application has addressed all of the essential criteria and the officers are satisfied that the project should receive the requested funding via the Small Infrastructure Fund.

ISSUES

The timing of the works can be problematic due to delays currently being experienced in the building sector, due to material supply shortages.

FINANCIAL IMPACT

To fund the two most recent applications, Council would be agreeing to release \$84,000 from the Small Infrastructure Fund.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

4 A connected, inclusive place

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

TIMING

The projects listed in this report are all looking to commence by the end of this calendar year.

COMMUNITY IMPACT / CONSULTATION

Staff have met with the Dennington Bowls Club group and will endeavor to meet with the other applicant prior to any works commencing.

LEGAL RISK / IMPACT

Appropriate building approvals will be required for the two building projects at the Dennington Bowls Club and Harris Street Reserve, respectively.

OFFICERS' DECLARATION OF INTEREST

No officer has declared a conflict in the preparation of this report.

COLLABORATIVE PROCUREMENT

Not applicable

CONCLUSION

The Small Infrastructure Fund enables various groups operating on Council managed land or in Council owned facilities, to upgrade the sites to improve amenity values, make the sites safer and increase utilization.

The most recent applications to the fund, both fulfill the above intention of the fund. They have also addressed the selection criteria and are prepared to work with the Council project team to implement the works at their sites.

ATTACHMENTS

1. WDTC shed quote [7.8.1 - 8 pages]
2. Shed application supporting document [7.8.2 - 4 pages]
3. SIF Application Form [7.8.3 - 2 pages]
4. Dennington quotes [7.8.4 - 5 pages]
5. Dennington application [7.8.5 - 6 pages]



QUOTE NUMBER
36861
Quote Valid 21 Days
22/06/2022

Dear Lindy Watson,

Thank you for your enquiry. We are pleased to present our quote for your new steel building.

As your local Fairdinkum Sheds distributor we understand you need a practical shed that will do the job and won't break the bank, and that's what we're all about - providing Real Sheds and Real Value®. We are experienced in understanding the local conditions and council requirements, as well as dealing with local trades.

Fairdinkum Sheds have been supplying sheds for over 20 years with over 180,000 sheds sold nationwide by their distributors, their experience speaks for itself.

All Fairdinkum Sheds are made from quality Australian BlueScope® Steel and we are ShedSafe accredited – giving you the confidence that your shed meets the requirements of the Building Code of Australia (BCA).

We are equipped with advanced design and engineering software to ensure your building is designed to suit your site and purpose. Whether you have your shed built by us or supplied as a kit, we are focused on ensuring your satisfaction throughout the process and with final product.

CUSTOMER DETAILS	
Customer Name: Lindy Watson	Phone: 5564 3888
Site Address: Harris st Reserve Warrnambool 3280	Mobile: Email: lindyw@aceradio.com.au
BUILDING SUMMARY	
Dimensions:	
Span:	6m
Length:	15.3m
Bay Width:	5.1m x 3 bay(s) at 3m each
Height to the lowest eave:	2.4m
Roof Pitch:	11Deg Gable
Left Lean-to:	
Right Lean-to:	
DESIGN FACTORS	
Importance Level:	2
Wind Region:	Reg A
Terrain Category:	TCat 2.66
Topography	1
Shielding Factor	1
Internal Pressure Co-efficient	-0.5, 0.5
Site wind speed in m/s:	38.6

WE ARE HERE TO HELP YOU EVERY STEP OF THE WAY

From planning to council approval to building your shed, we've got you covered!

	Ex GST	Inc GST
Kit Only Price*	\$18,926.00	\$20,818.00
FULLY CONSTRUCTED PRICE*		\$41,204.00

*Subject to any further supplier price increases

Regards,

Jo Wilkinson

Office Manager

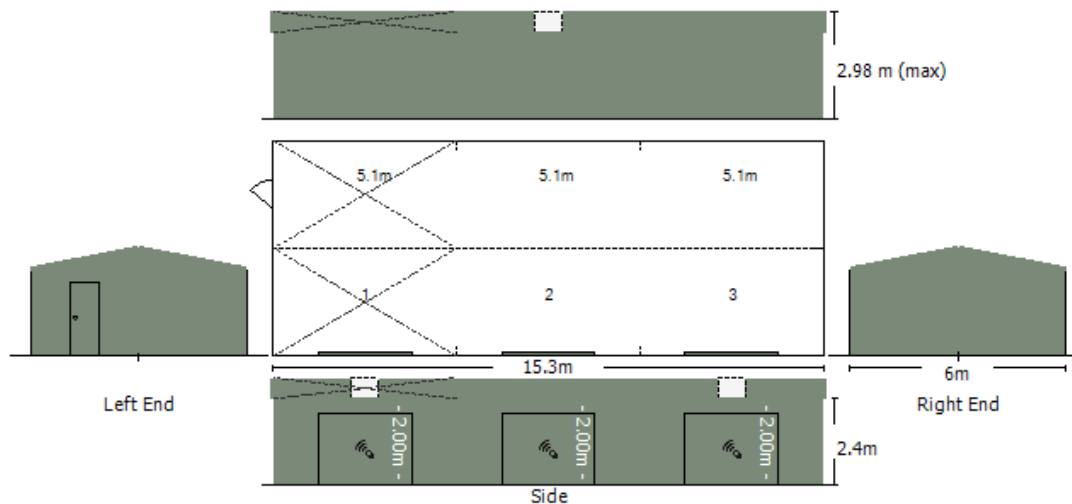
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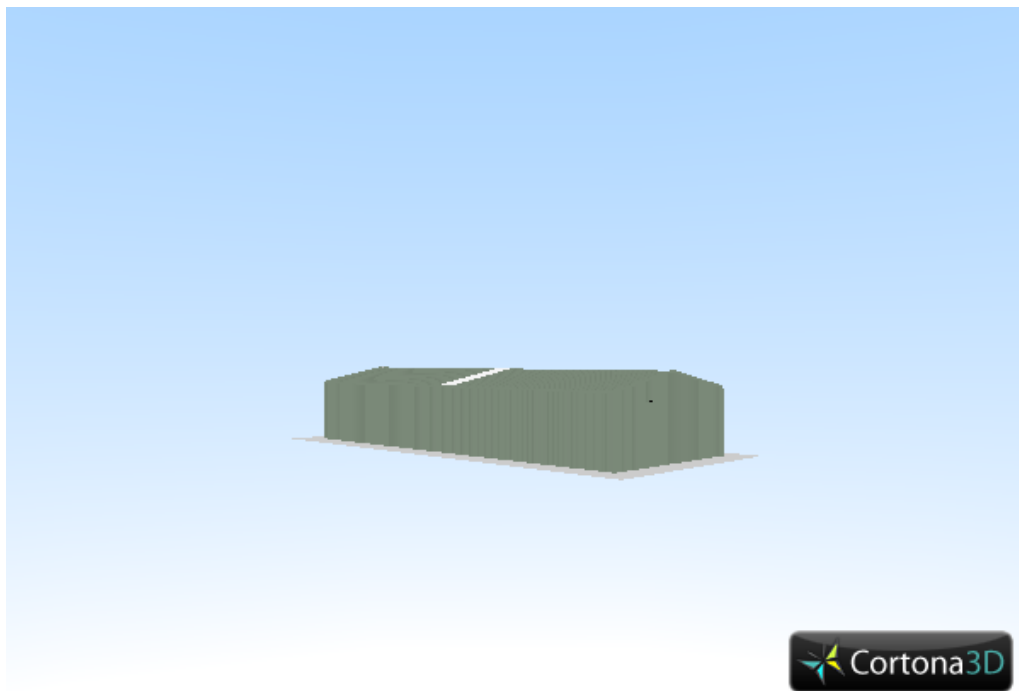
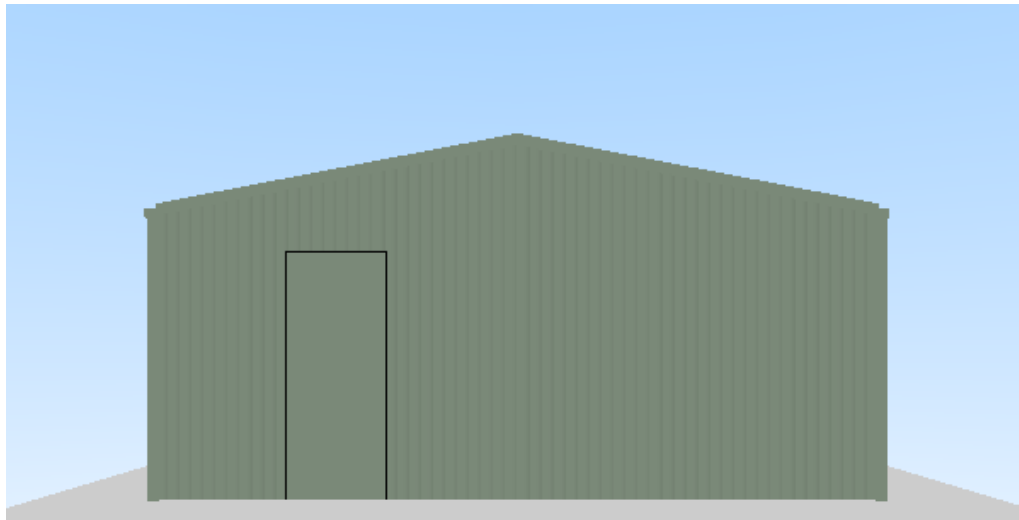
***A fully Constructed shed includes:**

- ✓ Supply of kit shed
- ✓ Concrete slab based on level site
- ✓ Erection of kit shed
- ✓ Building permit
- ✓ Warranty Insurance on projects valued over \$16,000
- ✓ Plumbing certificate
- ✓ Building Licence CDBL 49599 CBL 41603
- ✓ Plumbing Licence 31088



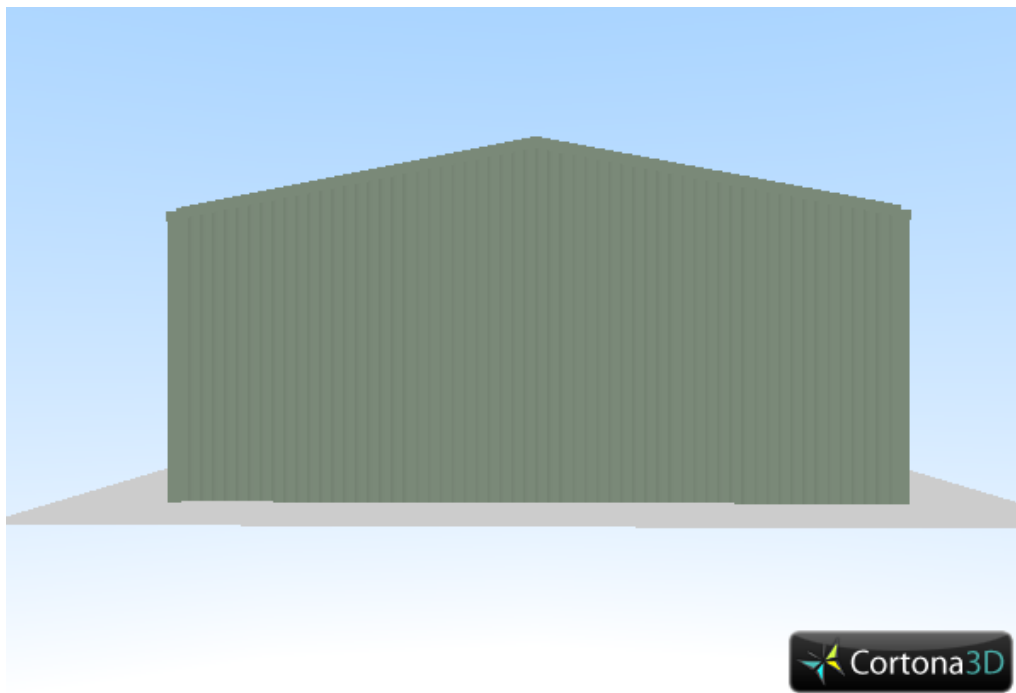
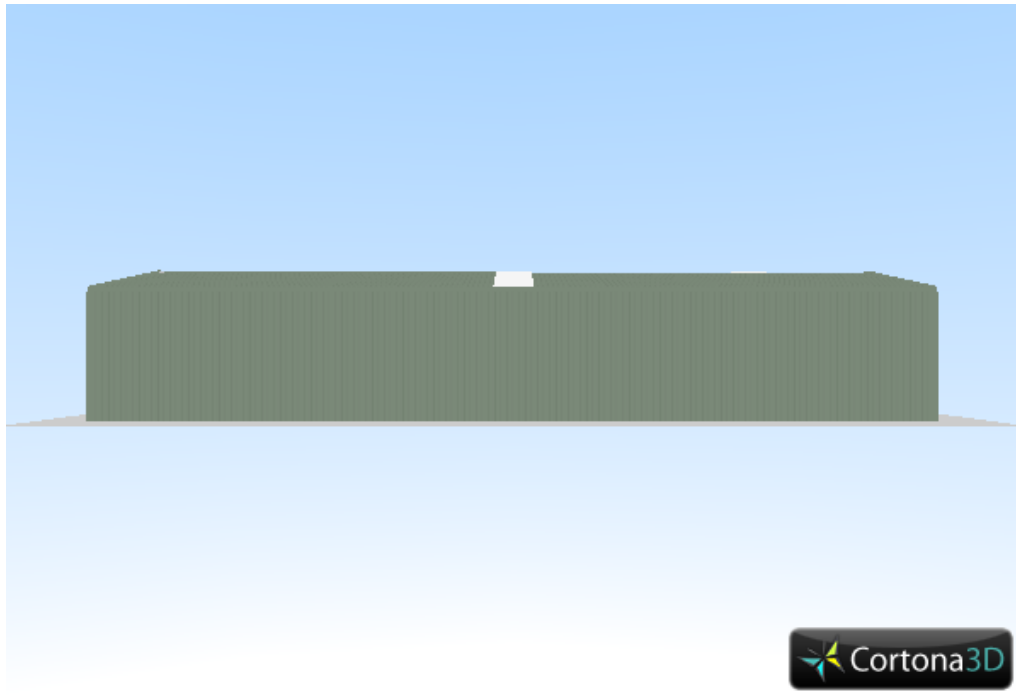
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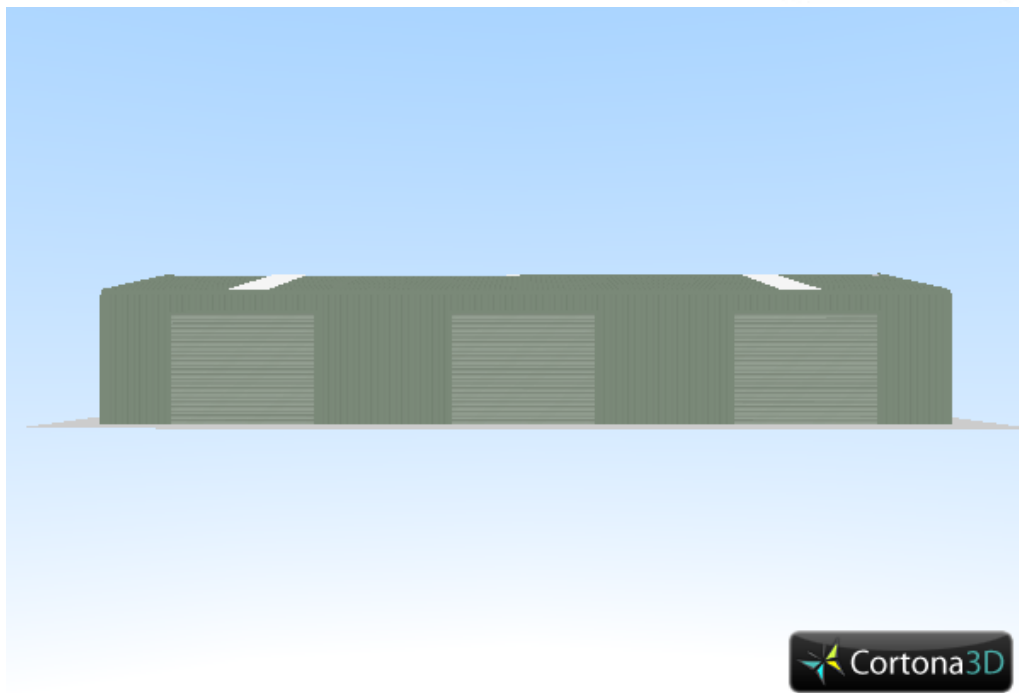
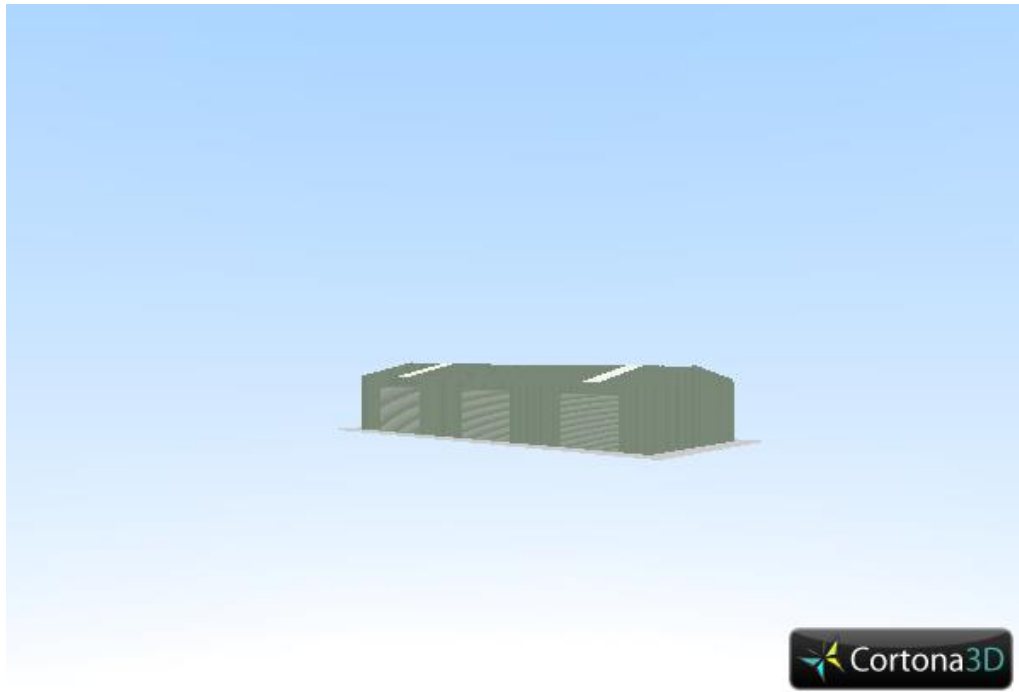
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BUILDING DETAILS	
Walls	COLORBOND® PALE_EUCALYPT Monoclad TCT 0.47, CB
Roof	COLORBOND® PALE_EUCALYPT Corrugated TCT 0.47, CB 11Deg
Gutter	COLORBOND® PALE_EUCALYPT Quad 115 Plain Gutter CB
Downpipe	COLORBOND® PALE_EUCALYPT
Barge	COLORBOND® PALE_EUCALYPT
Corner Flashings	COLORBOND® PALE_EUCALYPT
Door Flashings	COLORBOND® PALE_EUCALYPT
Roller Door	COLORBOND® PALE_EUCALYPT
PA Door	COLORBOND® PALE_EUCALYPT
Commercial Sliding Door	
Glass Sliding Door	
Windows	

OPTIONAL EXTRAS	
Skylights	3 x Skylights of Polycarb Corrugated Opal 3.3m
Roller Doors	3 x 2.20h X 2.65 CB *Series A # Please refer to layout on page 2 for clearance height
Roller Door motors	1 x RoDoor Motor in Bay 1 of FRONT wall : SilntDrv Elite 855MYQ 18m2 Max 1 x RoDoor Motor in Bay 2 of FRONT wall : SilntDrv Elite 855MYQ 18m2 Max 1 x RoDoor Motor in Bay 3 of FRONT wall : SilntDrv Elite 855MYQ 18m2 Max
PA Doors	1 x Personal Access Door in CENTRE of Bay 1 of LEFT wall.
Commercial Sliding Door	
Glass sliding door	
Windows	
Insulation	
Open Bays	
Whirlybirds	
Mezzanine	
Mezzanine Stairs	
Divider Walls	

MATERIAL SPECIFICATION			
Columns:	C15024	Purlins:	Z10010
Rafters:	C15019	Side Girts:	Z10010
Knee/Apex Brace:	C10015	End Girts:	Z10010
Left Lean-to Column:		Right Lean-to Column:	
Left Lean-to Rafter:		Right Lean-to Rafter	
Mezzanine Bearer:		Mezzanine Joists:	
Knee/Apex Brace:	C15024	Purlins:	Z10010

FOOTING
SLAB

88 Home Road, Warrnambool VIC. 3280

P: 03 5561 1438 E: sales@southwestsheds.com.au

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NOTES

Optional Extras
Vermin Flashing
Insulation
Remotes
Concrete Apron
Windows
Glass Slider
Whirly Birds

CONSTRUCTION ESTIMATE

The construction costs for Quote Number: 36861 are based on the following:

A Level site with Vegetation removed
3m Clearance around the building for wall heights over 3m

Extra charges may apply for the following:

Delivery outside area / Concrete Cartage

TERMS & CONDITIONS

This quote is for a class 10a building for soil classes A, S or M. Prices may vary for any other soil classification.
Class 10 - A non-habitable building or structure. Class 10a - A private garage, carport, shed or the like.

Prices will vary for a class of building other than a 10a building (as determined by a Building Inspector).
"Kit Price" includes all framing, cladding material, gutters and fasteners for the works described above and delivery to store.

Works may require a Planning Permit which will be your responsibility to obtain and will incur additional charges. You may also need additional material to support new bushfire attack levels which will incur additional charges subject to the relevant building surveyor assessments.

Councils may require asset protection for their nature strips and cross-overs – this will be additional to the cost of your quote.

FAIR DINKUM SHEDS ENCOURAGE SAFE WORK PRACTICES.
STOP BEFORE PERFORMING A TASK. **THINK** ABOUT POTENTIAL HAZARDS. **ACT** WITH SAFETY IN MIND.

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WDTS Storage Shed SIF Application

Part A - Alignment with Council Plan Objectives

Environmentally Sustainable Development

The existing shed has limited rainwater catchment capabilities and damaged down pipes. The new shed will have improved guttering and water tank to be used for enclosure watering and dog visitation.

Skylight on the shed will allow for natural light and remove the need for an electrical connection.

Healthy Lifestyle

The WDTS encourages an active and outdoor lifestyle. Instructing and promoting responsible dog ownership so that handlers can more confidently enjoy the Warrnambool community with better behaved dogs and reduction in likelihood of altercations. To achieve this, the club provides an abundance of socialization equipment, as well as agility equipment for that discipline.

We train for the sports of Agility, Jumps, Rally & Obedience as well as hosting these competitions. These are diverse disciplines, and provide physical and mental exercise while enjoying the outdoors in all seasons.

Equity and Disadvantage

WDTS aims to be accessible to all. Our class participants come from all socio-economic areas within Warrnambool, and the southwest region more widely. We engage with those who may be socially isolated, without a decent yard for exercise, or lacking the confidence or ability to walk their dogs in public.

We have trained dog owners with mental illness and physical disabilities. We have had Anglicare refer a client to provide an opportunity for that individual to connect and engage with our community, and have had dogs go on to become support animals in schools, hospitals and aged care.

Connectivity

We provide social connections, as well as walking groups which go between Harris St and the Breakwater.

Strategic Alignment

We promote Council local laws and responsibilities of dog owners in public places. Replacement of the aging shed aligns with Council's Buildings Asset Management Plan, reducing the renewal demand and ensuring the building remains safe and fit-for-purpose for the next generation. The project will not increase the existing structures footprint and therefore not increase Council's asset base.

Part B - Community & Neighbourhood Connection

Community Benefit

The works will encourage active and healthy lifestyles within the municipality and wider southwest region as outlined in Part A, even extending to Terang and sometimes Mount Gambier.

We currently have 107 dogs enrolled in this block, and we undertake 7 blocks of training each year. This consists of puppies class, grade 1, grade 2 & grade 3, as well as 3 levels of agility. These numbers have escalated due to 'covid dogs', with pre-covid enrollments closer to 30 dogs per block.

With our revised curriculum, we've introduced socialisation sessions which uses a lot of newly sourced equipment. Our programmes are highly regarded by local vets who promote our club to their clients. This project will improve the key storage infrastructure used in all club classes, as well as the 3 competitions we host each year.

We also attend other community events such as demonstration days at Bunnings, Koroit Sheepdog Trials. These were more numerous before covid restrictions.

WDTS have offered free classes as raffle awards to other Warrnambool community groups such as Rotary. And donate to a charity each year based on need, particularly around providing short-term shelter assistance to those needing to home animals due to bushfires or domestic violence.

These works will improve the connectivity and social interaction within a community by allowing more class opportunities. The club regularly improves equipment used to keep classes interesting, and to stay current with Dogs Victoria competition requirements, this has seen the inventory of equipment steadily grow over the years. Storage for correct manual handling and heavy loads is becoming difficult.

The works will be undertaken within a neighbourhood that has a relatively low SEIFA result compared to the Warrnambool average. The club, and this site, has previously been used as a business case for Council's Local Laws to apply for community safety grants to install CCTV

cameras, with the aim of reducing the occurrences of vandalism and improving the amenity of the area.

Budget estimates

Income		Expenditure	
WCC SIF	\$35,000	Shed installation	\$42,000
Club funds	\$12,000	Contingencies	\$5,000
Club in-kind	\$12,000	Site reinstatement and disposal	\$9,000
		Project management	\$3,000
Total	\$59,000		\$59,000

Small Infrastructure Fund Project Application Form



Project Nominator	Cr Vicki Jellie
Project Name	WDTS Storage Shed
Project Description	A replacement and enhancement of the storage shed used by the Warrnambool Dog Training School at Harris St Reserve.
Project Outcomes	<ol style="list-style-type: none"> 1) Increase storage capacity of the existing shed. 2) Improve accessibility of equipment when it comes to manual handling. 3) Renewal of aging infrastructure. 4) Improved site amenity and function
<p>Does the project meet the SIF criteria?</p> <ul style="list-style-type: none"> • Does not exceed council contribution of \$200,000. • Meets the criteria set out in the SIF guidance. • Is not roadworks, roundabout or a carpark. <p>Please refer to the SIF Evaluation Criteria to ensure the project aligns with the criteria.</p>	Yes

Project Costs and Funding	
Estimated Total Project Cost	\$ 59,000
Council contribution	\$ 35,000
Other contribution	\$ 12,000 (club cash)
Other source of funding	\$ 12,000 (in-kind) The club will provide in-kind and be responsible for removal of existing materials and any required site reinstatement as well as project and contractor management.
Date Submitted	19/07/2022

BBQ shelter quote

mailbox:///C:/Emails/zlziqoe1.default/Mail/Local%20Folders/...

Subject: BBQ shelter quote
From: Admin SWSH <admin@southwestsheds.com.au>
Date: 7/06/2022, 9:34 am
To: "pljaross@bigpond.com" <pljaross@bigpond.com>

Hi Phillip,

Thank you for coming in to request a quote for your BBQ shelter. I have attached the quote as per your specifications. As mentioned we are booked up until May 2023 if you were wanting us to do the complete job for you. Delivery on kit only is approximately 4-6 weeks from the date ordered and we highly advise having a building permit in place before placing the kit order.

Please let me know if there is anything else we can assist you with.

Kind Regards,

Jo Wilkinson

Office Manager
88 Home Rd
Warrnambool Vic 3280
P 5561 1438
E sales@southwestsheds.com.au



Attachments:

Dennington Bowls 36822.pdf	84.6 kB
Info letter.pdf	143 kB

FOOTINGS	6	350	\$2,100
HOIST PAD			\$0
CONCRETE 100mm			\$0
CONCRETE 125mm			\$0
SLIDING DOOR FOOTING			\$0
ERECTION	4933	0.35	\$1,727
BUILDING PERMIT			\$1,200
WARRANTY INSURANCE			
PLUMBING CERTIFICATE			\$80
TITLE/POS			\$100
MISC			
SUB TOTAL			\$5,207
KIT			\$4,933
TOTAL			\$10,140





88 Horne Rd, Warrnambool 3280 Ph: 0355 611438
email: sales@southwestsheds.com.au

Hello,

Thank you for contacting our office to obtain a quote for a custom shed for your property.

South West Sheds provides you with:

- Tailored layout designs to suit the needs of you and your family,
- Australian made products that will endure the Australian climates and conditions, including wind rated structures.
- A range of [Colorbond colours](#) that will be sure to match the aesthetics of your home.

Your Quotation

The attached quotation has been prepared on the requirements you have advised us of. Unless requested for a Kit Only Price, the prices on the first page is for both the Kit as a stand alone purchase (availability within 8-10 weeks), and the pricing if we were to complete the full job for you, including any concreting, plumbing, erection, permit (building only, any planning permits are the clients responsibility), titles, insurances and warranty where applicable.

How to proceed

To proceed with this quotation, please contact our office and we will organise a Pre-Construction Contract with you which will allow us to apply for your Building Permit. Any relevant fees will be listed in this form as part of the process.

Once we have received your permit approval, and pending direction from the surveyor to any changes, we will contact you to enter into your formal building contract. At this point we will be able to give you an approximate start date for your shed.

Request a change to the quotation

We are more than happy to revisit the layout of the shed if you would like to make further changes, as we believe in making sure our products are the best fit for our customers in terms of price, layout and functionality, please feel free to contact our office to discuss any changes you would like to make.

Getting Help

If you have any queries about your quotation, or our products, please call our office on (03) 5561 1438 or by email at sales@southwestsheds.com.au.

Thank you again for allowing us to prepare the attached quote for you.

South West Sheds.

M J Knox Concrete

46 High Street
Koroit VIC 3282
Phone: 0418138212
mjknox72@hotmail.com
ABN: 27 909 485 496

Quote

Quote number	Issue date	Expiry date
00000052	02/12/2021	01/01/2022

Bill to

Tony Scott
Dennington Bowls Club

Description	Tax	Amount (\$) <i>including tax</i>
Supply and pour BBQ slab 32m2 x 100 mm	GST	2,880.00
	Tax	\$261.82
	Total amount <i>including tax</i>	\$2,880.00



Garages & Sheds

QUOTE ONLY

878 Raglan Parade Warrnambool Vic 3280
 Telephone: (03) 5561 6500 Facsimile: (03) 5562 2115 Email address: Warrnambool@eurekagarages.com.au
 A.B.N. 93 060 638 888
 www.eurekagarages.com.au

NAME Dennington Bowls Club
 Phillip Ross
 ADDRESS 36 Princes Highway
 ADDRESS Dennington VIC 3280
 TELEPHONE
 FACSIMILE

Mob: 0428 827 533

	SIZE		
23-May-22	LEFT	GABLE	RIGHT
WIDTH	4000		
LENGTH	8000		
EAVE HEIGHT	2200	2520	

SALE PERSON David Steadman
 EMAIL ADDRESS pjaross@bigpond.com

QUOTE NO. QWA13532
CLASS 10A Buildings Only
 TERRAIN CATEGORY 3 REGION A 41ms

FRAME TYPE	150 X 50 X 3mm BOX	FRAME CODE	B 2 c	SKILLION CARPORT	5 deg
BOLTED GABLE SKL	GUTTERS & DOWN PIPE			300mm CARPORT SKIRT	
ROOF PROFILE	CORRUGATED 0.47mm	WALL PROFILE	SHEDECLAD 0.47mm	870 COVER	
			GIRTS 75 X 0.75mm TOP HAT		

MAIN SHED 450mm L LEGS

NO. OF BAYS 3 MAIN SHED BAY SPACING 2667

MAIN SHED 450mm L LEGS

FOOTING DETAILS	STANDARD	FULL ZINC	ZINC ROOF WITH COLOUR WALLS/TRIMS	FULL COLOUR
APPROX KIT WEIGHT	792 KG			
BASIC PRICE				
***** 100% AUSTRALIAN OWNED *****				
Dennington				
TOTAL KIT PRICE GST INCLUSIVE				\$6968

NA NA NA NA NA NA NA NA NA NA

PLEASE NOTE THIS QUOTE IS VALID FOR 7 DAYS

THE FOLLOWING ARE A GUIDE ONLY AND GST INCLUSIVE AND ARE NOT SUPPLIED OR INSURED BY EUREKA GARAGES & SHEDS

- ERECT ON AN EXISTING SLAB (100mm WITH INCORPORATED PADS) + \$1,975
- BY INDEPENDENT ERECTOR OR BUILDER (ESTIMATE ONLY)
- ESTIMATED COST OF FOOTINGS INCLUDING DIGGING HOLES + \$2,400
- DEEP AND CONCRETE (ONLY REQUIRED IF NO SLAB)
- ESTIMATED COST OF 100mm SLAB WITH INCORPORATED FOOTINGS + \$1850 Build permit / plans

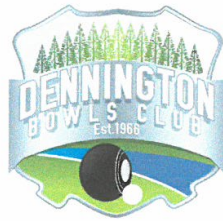
* THE ABOVE BASED ON POWERED , LEVEL SITE AND STANDARD ACCESS STABLE SOIL
 LARGE ROCK REMOVAL CUTTING CONCRETE OR BLASTING NOT INCLUDED
 HIRE OF SAFETY & OR LIFTING EQUIPMENT NOT INCLUDED may be req'd on large sheds

\$13193



Small Infrastructure Fund Project Application Form

Project Nominator	Cr Richard Ziegler.....
Project Name	Dennington Bowling Club Facilities Upgrade
Project Description	Roofing of barbeque External lighting increase
Project Outcomes	Increase of external lighting for safety of patrons. Roofing of barbeque to make a more pleasant and sun safe area for patrons
Does the project meet the SIF criteria? <ul style="list-style-type: none"> Does not exceed council contribution of \$200,000. Meets the criteria set out in the SIF guidance. Is not roadworks, roundabout or a carpark. Please refer to the SIF Evaluation Criteria to ensure the project aligns with the criteria.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Project Costs and Funding <ul style="list-style-type: none"> Estimated Total Project Cost Council contribution Other contribution Other source of funding 	\$ 45,000..... \$ 45,000..... \$..Contingencies
Date Submitted	... 22 / 07 / 2022



A LEVEL THREE GOOD SPORTS CLUB

36 Princes Highway, Dennington, Vic 3280 ph/fax 03 55613443

PRESIDENT: Tony Scott

phone 0438 437 980

SECRETARY: Phillip Ross

phone 0428 827 533

11 July 2022

APPLICATION FOR PROJECT FUNDING

The Dennington Bowling Club (hereafter called DBC) wishes to make application for funds from the Warrnambool City Council's (hereafter called WCC or Council)'s Small Infrastructure Fund (hereafter called SIF) to complete the following projects:

- 1) Construct a shelter over an existing barbeque, together with a concrete surround and lighting.
- 2) Lighting of an existing car park.

THIS APPLICATION IS CONFINED TO THE BBQ SHELTER AND ITS ANCILLIARIES

PREAMBLE

Warrnambool is Victoria's progressive, growing, regional city.

An additional 3,200 persons, since the last census, have chosen to call Warrnambool home, representing an average annual growth rate of 1.1%.

Confined to the Dennington area, some 90+ homes alone were constructed last calendar year, representing considerable local growth and increased need for community facilities. As there are few community facilities in the area other than public spaces, DBC, as a bowling club on the outskirts of Warrnambool, is more a community club and is home to a number of community activities:

- Callisthenics club
- Probus Meetings
- District 8 Ball Pool
- Gen8 community wellness program

- Bare foot bowls
- Social and pennant bowls
- Therapeutic bowls sessions for disabled people
- Bowling with Babies program – a Bowls Victoria initiative
- A ‘This Girl Can’ supporter
- Function room for hire with attached commercially licensed kitchen.

We are continually getting more and more enquiries from community groups to use our facilities.

PROJECT DESCRIPTION

DBC has installed a state of the art two hot plate stainless steel barbeque and now wishes to complete the project by constructing a shelter over it, concrete the surrounds, and supply electric lighting to the area. Quotes have been received from respective suppliers of services and are attached.

SIF APPLICATION CRITERIA

Part A: COUNCIL PLAN OBJECTIVES

HEALTHY LIFESTYLE: Anything that contributes to our City’s vibrancy, liveability and economic growth is worth considering. This project provides the opportunity for our members and visitors to partake in sport and socialisation - the enhancement of a healthy lifestyle.

CONNECTIVITY: Being connected to others is important for our physical and mental wellbeing. DBC recognises the significance of community connections and aims to ensure that members and visitors are socially connected by optimising opportunities for active participation through sport and other activities that build a sense of community belonging.

STRATEGIC ALIGNMENT: DBC is certain that this project is in line with Council's desire to make Warrnambool more liveable and desirable. In the Dennington area, with the recent sale and intended demolition of the Dennington Hall, public internal and external gathering spaces with attached amenities, will be at a premium. DBC has long promoted the club as a communal hub. This also aligns with Council's wish to develop local hubs throughout the city.

STRONGER NEIGHBOURHOODS: in line with the role of DBC as a community club, this project will assist in building a stronger neighbourhood, acting as a meeting place for the community, with social activities allowing people from diverse backgrounds to mix and mingle in a fun, social environment with the club being a community hub.

ENVIRONMENTAL IMPACT AND A CHANGING CLIMATE:

The Australian community recognises the impact of climate change on our environment and with that and the impact of rising temperatures, especially in the summer months when bowls is predominantly played, the impact of skin cancer and heat stroke on our citizens. The roof cover allows social interaction under cover as well as allowing volunteers or the general community to cook at the facility without exposure to the sun while allowing extra shade for guests.

Part B: COMMUNITY AND NEIGHBOURHOOD CONNECTION

DBC's aim with this project is to improve the connectivity and social interaction within our members and community, be a central meeting point catalyst for community activity, and encourage active and healthy lifestyles within our neighbourhood.

DBC is unsure whether the Socio-Economic Index For Areas (SEIFA) is relevant compared to the Warrnambool average, but, generally, housing in the Dennington area is at a lower price, so one would assume that it may have some small impact.

Part C: RISK MANAGEMENT

As far as the bbq shelter project is concerned, there will be high risk of not completing the project. The risk is the exposure of people to the harsh Australian reality of summer heat and the health effects through skin cancer, heatstroke and general health through exposure to the elements.

If the project cannot be funded by the SIF, the project will need to be completed by voluntary labour and more temporary, lower standard measures.

Part D: COMMUNITY BENEFIT

Council's Small Infrastructure Fund is aimed at improving linkages and liveability of neighbourhoods. This project is one small cog in providing moderate to substantial improvements in the local community.

DBC's present involvement with local sporting and other groups, plus the club's own membership, already demonstrates the desirability of the club as a venue. Future plans are for the involvement of youth starting with the local primary schools. Like Council, DBC values the importance of young people and the significant contribution that they make to our community and our club's future. DBC recognizes it's responsibility to the community to support young people and provide them with every opportunity to succeed by offering a safe, secure environment in which to develop skills and create health and social benefits

Similarly, DBC and the facilities it offers, provides a safe, secure environment in which our older residents can contribute. In general it can assist in maintaining their skills, fitness, independence, and desire to continue to play an active role in society. It is DBC's intention to achieve all it can to assist our elderly to remain independent and to participate fully in their communities to maximize their quality of life in Dennington and Warrnambool. The club has recently and continues to pursue a Bowls Victoria Program called 'Roll Back the Clock', a

program previously funded by the Better Ageing Grant Program from Sport Australia which aims to increase levels of physical activity of Australians aged 65+, particularly those least active, to improve their health and wellbeing. The program aims to prevent and reduce the impact of chronic disease and improve overall physical and mental health of older Australians.

There are many in the community who have some form of disability. Together with the Warrnambool City Council, DBC is committed to ensuring that facilities, services and opportunities within the local community are accessible and inclusive of all people, including those with disability. This is demonstrated by the club's involvement with Gen8.

In short, DBC wishes to play its part in contributing to the local economy and building the profile of Warrnambool as a vibrant regional City.

Part E: FUNDING RATIO

DBC has applied for 100% of funding for the project as per the sum total of project quotes attached. However, the final cost of the project segments may vary due to the escalating rises in material costs and the time limitations on some of the quotes. The final project figure may, therefore, be subject to negotiation, but DBC has some capacity to fund any shortfall.

Part F: COMMUNITY ENGAGEMENT

Informal discussions have been held with the Dennington Progress Association, a member of which is on our club Board. The matter has been raised in the club's newsletter which is circulated initially with our members, but which circulates in the local community. All responses received have been very positive with the recognition that it is positive for the local community.

READINESS

As per the quotes received from the shed suppliers, detailed shed construction plans are complete. If one of them is given the contract to build, they obtain the building permit. If DBC has to construct the shelter from a shed kit, the club has to obtain the permit. The concreter and electrician, with two to three weeks notice, are both in a position to make near immediate starts.



Dennington Bowling Club Master Plan 2021-2025

Projects started 2021

Project	Started	Cost	Current Status	Exp. Completion
External Toilets	Feb 2021	\$20,000 with \$8k in grants	Planning permit issued Septic System permit in train May 22	Late 2022
Commercial BBQ	Apr 2021	\$12,000 +with grant of 50%	Installed April 2022	May 2022
New Scoreboards	June 2021	\$5000	One set delivered August 2021	Complete
Shade Sails	June 2021	n/a	Ceased – Cost and Engineering issues	Renewed quote sought – June 22

Projects Planned 2022

Project	Started	Exp. Cost	Current Status	Exp. Completion
Commercial BBQ	June 2022	\$14000	Application	October 2022
Shed Cover		Council Grant		
Line Marking machine	Jan 2022	Govt Grant \$900	Grant confirmed	July 2022
New Dining Tables or Misc	Jan 2022	Govt Grant \$3100	Grant confirmed	July 2022
Toilet Upgrades - Internal	Jan 2022	\$7200	Toilet bowls quoted– need plasterer for walls - females	October 2022
Shower Facility	TBA	Est \$8000	builder/ plans	TBA
New mats /jacks	July 2022	Est \$3000	To order	September 2022
More dining chairs	July 2022	Est \$1500	To order	September 2022
New Sheds B Green	June 22	Est \$50,000 Govt Grant	Get quote, Grant Application	October 2022
Uniforms	July 2022	Est \$5000	To order	September 2022

Projects Planned 2023

Project	Started	Exp. Cost	Current Status	Exp. Complete
Lighting A green		\$80,000	Idea	
Sheds B Green		\$30,000	Idea	
Wind Breaks		\$6,000	Idea	2023
new scoreboards		\$5,000		
Carpark Lighting		\$30,000	Discussions Council	2023

Projects Planned 2024 -25

Project	Started	Exp. Cost	Current Status	Exp. Complete
New Green B		\$200,000		
Roof		\$1,000,000		

7.9. ADVISORY COMMITTEE & REFERENCE GROUP REPORTS

DIRECTORATE : CITY GROWTH & CITY INFRASTRUCTURE

PURPOSE

This report contains the record of three Advisory Committee meetings & one Reference Group meeting.

REPORT

1. Community & International Relations Advisory Committee – 2 August 2022 – refer **Attachment 1**.
2. Planning Advisory Committee – 9 August 2022– refer **Attachment 12**
3. Economic Development & Tourism Advisory Committee – 12 August 2022 – refer **Attachment 3**.
4. Warrnambool Regional Airport Reference Group – 15 August 2022 – refer **Attachment 4**.

ATTACHMENTS

1. 220802 CIRAC Meeting Minutes [7.9.1 - 2 pages]
2. Planning Advisory Committee Minutes - 9 August 2022 [7.9.2 - 2 pages]
3. Minutes EDTAC 12 August 2022 [7.9.3 - 3 pages]
4. Minutes WARG 15 August 2022 2 (1) [7.9.4 - 10 pages]

MOVED: CR DEBBIE ARNOTT
SECONDED: CR ANGIE PASPALIARIS

That the records of the Community & International Relations Advisory Committee held on 2 August 2022, the Planning Advisory Committee held on 9 August 2022, the Economic Development & Tourism Advisory Committee held on 12 August 2022 and the Warrnambool Regional Airport Reference Group meeting held on 15 August 2022, be received.

CARRIED - 7:0

MINUTES

COMMUNITY & INTERNATIONAL RELATIONS ADVISORY COMMITTEE

Date:	2 August 2022	Time:	5PM	Location:	Committee Room 1, Warrnambool Civic Centre
Committee Members In Attendance	Cr. Otha Akoch, Chair David McKenzie Les Gardiner Greta Perry Geoff Spencer				
Council Officer Attendance	Andrew Paton, Director City Growth Jin Kim, Coordinator Economic Development				
Guests	Ben Witham – Japanese Gardens				
No.	What				Action
1.	Welcome & Apologies Apologies noted from Cr Otha Akoch and Greta Perry.				Chair
2.	Conflict of Interest Declarations Nil				Chair
3.	Minutes from Previous Meeting – 31 May 2022 Carried				Chair
4.	Miura Friendship Garden Update <ul style="list-style-type: none"> • Guest Ben Witham presented a range of idea for consideration to improve education and awareness of the Miura Friendship Garden in Warrnambool. • Members reviewed the current Japanese Garden and its cultural importance for Warrnambool-Miura relationship. Small infrastructure project funding remains and project status discussed and next steps. 				BW
5.	Update on Miura City Council 30th Anniversary Celebration				All

	<ul style="list-style-type: none"> Members noted a meeting was held between Warrnambool City Council and Miura City Council to discuss the format of the Warrnambool-Miura Sister City 30th Anniversary as an online event to recognise the 30 year relationship is in planning. Members advised the ceremony will have a focus on students' participation for the upcoming online event. Members also recommended that a Certificate of Appreciation be presented in the event to recognise Miura residents who have contributed significantly for the Warrnambool-Miura relationship. 	
6.	<p>Update on Changchun Council 10th Anniversary Celebration</p> <ul style="list-style-type: none"> Members noted that the Warrnambool-Changchun Sister City 10th Anniversary online event is also in planning. 	All
7.	<p>General Business Request for an update on Welcoming Cities Standard to be included in next meeting.</p>	All
8.	<p>Meeting closed 6.45pm.</p> <p>Next Meeting – 6 December 2022</p>	

MINUTES

PLANNING ADVISORY COMMITTEE		
Date:	Tuesday 9 August 2022	Time: 4.30 PM
Location:	Committee Room 1, Warrnambool Civic Centre	
Committee Members In Attendance	Cr. Angie Paspaliaris, Chair Fiona Golding Jeff Moreland-Hunt John McNeill William (Bill) Welsh Leanne Williams	
Council Officers Attendance	Andrew Paton – Director of City Growth Luke Coughlan - Acting Manager City Strategy & Development Julie McLean – Coordinator City Strategy Sarah McKeown – City Growth Support Officer	
No.	What	Action
1.	Welcome & Apologies	Jeff Moreland-Hunt, John McNeill and Andrew Paton
2.	Conflict of Interest Declaration	William Welsh – East of Aberline Precinct Structure Plan.
3.	Minutes – 16 March 2022	Noted to be true and accurate MOVED: BW SECOND: LC
4.	Strategic Planning Update <ul style="list-style-type: none"> • Residential Land Supply and Demand Assessment • South Warrnambool Flood Investigation • Bushfield-Woodford Strategic Framework Plan • East of Aberline Precinct Structure Plan 	JM provided an update on the below strategic planning projects: <ul style="list-style-type: none"> • RLSDA: Assessment of the supply demand and assessment adequacy of residential land within WCC. Development industry consultation will be included. Consultants to provide a report by the end of the year. • SWFI: Updating Warrnambool’s flood data from pre 2007. Currently assessing tenders.

		<ul style="list-style-type: none"> • BWSFP: Plan will provide land use framework. Key objective will be investigating of wastewater management solutions for the settlement area. Currently assessing tenders. • EAPSP: Victorian Planning Authority are the authority for this PSP. VPA are resourcing the PSP at their end. VPA will issue EOI to landowners for third party funding in next few months. PSP proposes to embed sustainability initiatives. <p>LW: Enquired why the VPA was the authority. JM explained due to resourcing and VPA's streamlined processes.</p>
5.	Planning Scheme Amendment Updates	<ul style="list-style-type: none"> • Flood Amendment C205warr – North Warrnambool Russell's Creek area. Planning Panel Report. • Kings College & Royal Court rezoning – Amendment C210warr. Has been submitted to the Minister for Planning for final approval. <p>BW: Questioned if this rezoning would change the rates for this area.</p>
6.	Other Business	<p>BW: Asked about the Urban Settlement Boundary and rezoning in Warrnambool. LC updated on the Land Supply Demand report to be done in the next 6-8 weeks.</p> <p>AP: EAPSP what sustainable options. JM directed members to Council's website. Zero Carbon Options and Feasibility report.</p> <p>BW: Who funds the likes of RLSA & SWFS. JM updated on Council and external funding help fund these projects.</p>
7.	Next Meeting – 7 September 2022	Meeting Closed at 5.16pm

MEETING MINUTES

ECONOMIC DEVELOPMENT & TOURISM ADVISORY COMMITTEE

Date:	Friday 12 August 2022	Time:	12 PM	Location:	Committee Room 1, Warrnambool Civic Centre
Committee Members	Cr. Debbie Arnott, Chair Cr Max Taylor Paul Dillon Martin Ellul Penny Irons Kate Lindsey Leanne Williams				
Council Officer Invitees	Andrew Paton – Director of City Growth Stephen Hoy – Manager Economic Development and Events Jin Kim – Coordinator of Economic Development & Investment Kate Jolley – Economic Development Administration Officer				
No.	What	Actions			
1.	Welcome	Andrew Paton, Jin Kim, , Penny Irons, Leanne Williams			
2.	Conflict of Interest Declaration	Paul Dillion – Applied for same Launch Vic Regional Start Up Grant as did Economic Development branch.			
3.	Minutes from Previous Meeting – 20 May 2022	Agreed			
4.	Seafood Market Update	Applied for funding for a feasibility study to be carried out by Deakin University All ideas, suggestions and options currently on the table and being fleshed out. Mobile/ Seasonal/ Permanent/ The Need For It? Agreed that as a coastal tourist holiday city, we currently don't celebrate our seafood industry Possible collaboration opportunity with other municipalities and further consultation to occur.			
5.	Business & Christmas Festival Survey	Business Survey:			

		<p>Over 140 responses received so far with still a number of weeks remaining till closing. Members noted professional survey and not too long to complete. Deakin University to analyse the findings.</p> <p>Christmas Survey: Approximately 35 responses Aiming to receive more in the next fortnight Plan for Christmas -Black Friday to kick things off/ Jericho Cup/ Events over the month of December Christmas Event important to be children focussed/ Involve other shopping precincts/ Window Shop Competition Lots to discuss and firm up over coming months.</p>
6.	Club Connect Business Networking Event	<p>First Event approximately 70 attendees Looking to gain more from the meeting than purely socialising Guest Speaker/ A particular draw card/ Information/ Reason to attend / Statistics help businesses morale / Up-coming grants available/ Resources/ Business News Next Club Connect 7th of September Proposed Venue Surfclub</p>
7.	LaunchVic Regional Start up Grant submission	<p>Has reached second stage Working with Deakin, Corangamite and Moyne Shire to start a Business Hub for New Businesses Two year rolling program Entrepreneurial Hub Discussions around how much can be done online Insta/Facebook/ Tik Tok big platforms that continue to change.</p>
8.	Sister city updates: Miura and Changchun	<p>Miura 30 year Changchun 10 years Working on day to confirm anniversary Local community to local community</p>
9.	Win in Winter campaign update	<p>10 week campaign 2 weeks to go Initiative and program has been received well by businesses Have connected with over 100 businesses Branding and Concept is strong to run next year</p>

		<p>Tweaks for next year will be length of time run and anything else we take from analysis once completed.</p> <p>Survey – to winners to see if vouchers ignited further spending or just voucher amount Kate to do.</p>
10.	Economic Development Updates	<ul style="list-style-type: none"> • Website enhancement work – Spendmapp data is now available on our Website. This is important to attract those looking to come to Warrnambool to open businesses. • BIG Grant prep work – working on launch date and exact parameters of Grant • Strategy Development have had 4 quotes for this to be carried out.
11.	GSC DAMA – Request for further occupations to be lodged	<p>DAMA – Expand the occupation list with an extra 75 occupations</p> <p>Hoping for 100% agreement from the department</p> <p>Then do a marketing campaign to launch the new list</p>
12.	General Business	<p>Discussion about peak bodies including Young professionals and other advocacy groups</p>
13.	Next Meeting – 9 December 2022	

WARRNAMBOOL REGIONAL AIRPORT REFERENCE GROUP (WRARG)			
MINUTES			
Date:	Monday 15 August 2022.	Time: 11.00 am.	Location: Airport Terminal.
Meeting Objective:	Discussion & Advise on Airport Operations and Development, Security, and Emergency Management.		
Attendees:	Stephen Lucas (Chairman) Cr Max Taylor (Warrnambool City) Jim Doukas (Moyne Shire) John Stuart, Troy Bentley, Patrick Dravitt (Babcock Pilot HEMS4)		
WCC Attendees:	David Leahy (Director City Infrastructure) Julie Anderson (Acting Manager Facilities & Projects) Terry O'Sullivan (Coordinator Airport Operations & Compliance)		
MSC Attendees;	Michelle Grainger (Manager Energy Projects Officer)		
For Information:	Shane Robe (ARO)		
Apologies:	Duncan Richardson (Off Shore Services) Errol Stewart, Vicki Askew Thornton (Senior Energy Projects Liaison Officer)		
No	Discussion	Who	Action
1.	Welcome & Apologies.		
2.	Declaration of conflict of interest.		Stephen Lucas – Hangar Owner/Aero Club. John Stuart – Hangar Owner. Troy Bentley – Air Apply.
3.	Confirmation of minutes of Meeting Monday 23rd May 2022. Minutes tabled as follows: Executive Management Team Meeting 7 th April. Council briefing 28 th June. Council Meeting 4 th July.		Moved: Cr Max Taylor. Seconded. John Stuart. Carried.
4.	Business arising from the Minutes.	All.	Nil.
5.	2021 Airport Development Plan, ADP. Future development of the Airport is centred on enhancing safety and catering for larger Aircraft as the region grows. Any future development on site, applicants will require Councils in principal approval for use and consent to build in the first	All.	Warrnambool City to meet with Moyne Shire to discuss Airport Management, Operations, and its value to the Region. With extensive urban growth in the Airport environs, Moyne should ensure that planning

	instance and specifically if the need arises to make application for a Planning Permit to the Moyne Shire for uses other than primary Aviation based uses.		applicants are advised of aviation activity (noise) 24 hours. Going forward there is a need for a Strategic Plan to complement the ADP covering but not limited to closer liaison with Moyne Shire (on nearby development, protection of Airspace, etc) leases, commercial activities, permitted usage, etc.
6.	<p>Regular Passenger Transport, RPT, Service.</p> <p>Previously discussed that to attract a larger operator, primarily Tourism based, Runway 13/31 needs to be strengthened and lengthened to cater for larger and heavier Aircraft.</p> <p>Council regularly fields calls about a service and enquiries are not only about Warrnambool/Melbourne service, but to other Capitol/Major Cities.</p> <p>Local press article on RPT Wednesday 13th July to which Chairman made comment.</p> <p>Tony Laws, Airmid, Air Taxi in area by 2025. Article in local press again Thursday 14th July.</p> <p>Herald Sun Saturday 23rd July, Qantas scrapping Mt Gambier to Melbourne route after 16 months, border closures and lack of demand made service unviable.</p>		Noted by Group.
7.	<p>ARO/WSO Refresher Training.</p> <p>Attended by Council Staff Wednesday 29th June. Keeps Staff up to date with industry standards and practices.</p>		Noted by Group.

<p>8.</p>	<p>Pavement Concession, PC.</p> <p>O'Sullivan working through annual PC requests for locally based Aircraft above 5,700KG MTOW and tyre pressures > 109 PSI.</p> <p>Other requests considered depending on MTOW and/or tyre pressures, history of previous PC.</p>	<p>Terry O'Sullivan.</p>	<p>Noted by Group.</p>
<p>8.</p>	<p>Airport Works & Maintenance.</p> <p>The Apron pavement is subject to ongoing failure due to larger and heavier Aircraft mainly from AW 139 Rotary Aircraft.</p> <p>Pavement repairs undertaken Wednesday 22nd June.</p> <p>Crack sealing undertaken Wednesday 25th May & Thursday 23rd June.</p> <p>Tuesday 14th June full day of applying Herbicide on runway strips, drains, and grazing land to control noxious weed.</p> <p>Thursday 14th to Tuesday 19th July more drain cleaning was undertaken along Runway 13.</p>	<p>Terry O'Sullivan.</p>	<p>Noted by Group.</p>
<p>9.</p>	<p>Runway 04/22.</p> <p>Usage of Runway continues to increase.</p> <p>Runway swept Wednesday 1st June and again Thursday 14th July.</p>	<p>Terry O'Sullivan.</p>	<p>The final seal has been delayed due to inclement weather. Works rescheduled to September/October when the pavement temperature is raised to an appropriate level.</p> <p>Turning nodes each end are planned along with line markings.</p> <p>Shoulder of the Runway to be graded to improve drainage.</p>

10.	<p>Aircraft Incidents.</p> <p>Tuesday 14th July Aircraft careered of Runway 13 north side and came to rest in open drain.</p> <p>Previous incidents were Aircraft into drain north side Runway 13 6th July 2019 and another south side 16th March 2020.</p>	Terry O'Sullivan.	<p>Noted by Group.</p> <p>Piping of these open drains in noted in ADP listing of other priorities.</p>
11.	<p>Obstacle Limitation Surfaces, OLS.</p> <p>O'Sullivan maintains ongoing consultation with neighbouring property owners with regard to any vegetation identified infringing the approach, transition, and take off surfaces.</p> <p>Annual OLS Survey of the Take-Off, Approach, Transitional, & Visual Segments Surface in accordance with Part 139 MOS, Chapter 12, plus measurements to enable determination of longitudinal and transverse gradients for Runways, Taxiways, & Aprons undertaken 28th & 29th June. Results of Survey received 12th July.</p> <p>Necessary NOTAMS issued, copy to CASA, ARO to update Operations Manual.</p>	Terry O'Sullivan.	<p>As the vegetation is on private land then consent to trim/remove vegetation is required. It is a great benefit to maintain liaison with neighbouring property owners.</p> <p>Tree trimming of vegetation to be carried out later in year in consultation with neighbouring properties and when ground conditions suitable for tree trimming equipment to access</p> <p>CASA are requiring Airport Operators to survey and capture more data in this Annual Survey required for Certified Airports.</p>
12.	<p>Departure And Approach Procedures.</p> <p>CASA will carry out the revalidation of the Departure and Approach Procedures at your aerodrome in December 2022. In preparation for this, the Airservices Australia Instrument Flight Procedures Design team would like to carry out a review of those procedures. In order to do so, they require the latest version of your obstacle survey reports.</p>	For information.	Noted by Group.

<p>13.</p>	<p>Australian Airports Association, AAA.</p> <p>Victorian Division Meeting held in Bendigo Thursday 11th August. O'Sullivan attended and had inspection of Bendigo Airport.</p> <p>National Conference in Adelaide 14th to 18th November.</p>	<p>Terry O'Sullivan.</p>	<p>O'Sullivan provided verbal report on Meeting with key points being overview of Bendigo Airport, QantasLink operate 8 flights weekly to Sydney of which are pretty well at capacity for all flights, and their plans for the future.</p> <p>CASA are directing their resources to review Airport Operations Manuals, reiterated importance of stakeholders engagement Airport Operators, conducting Emergency Response Exercises, ongoing review of Wildlife Hazard Management, and staff training in particular where Airside activities are sub contracted.</p> <p>Warrnambool's main Runway is classified a Code 3 runway and is now grouped in with Code 4 runways and greater that cater for large domestic and international operations.</p> <p>Critical that Council through the AAA and other like Airports continue to lobby CASA to review its standards and allow Airports like Warrnambool and similar that have plans to extend existing runways to be able to do so as a Code 3 (30m wide with 150m Runway Strip not updated standard requiring 280m Runway Strip)</p>
<p>14.</p>	<p>Wind Farm Developments.</p> <p>As previously All agreed Council's position that no change to the MSA occur in order to protect the Airspace.</p> <p>14.1. Moyne Shire Council.</p>	<p>WCC & MSC Staff.</p>	

<p>Recently called for public submissions on its draft wind farm position statement. Submissions closed Thursday 30th June. WCC made a submission.</p> <p>Council's current resolution is to oppose all new wind farms in Moyne.</p> <p>14.2. Willatook.</p> <p>E-Mail received from Wind Prospect Friday 24th June seeking consent for MSA to be raised by 100 feet (or 30.5 metres) from 2100 feet to 2200 feet to satisfy the aerodrome procedures.</p> <p>14.3. Woolsthorpe.</p> <p>E-Mail received 6th May from proponent. Enerfin Energy Services are seeking consent from WCC to raise the minimum safe altitude (MSA) within 10 nautical miles of the Airport (Woolsthorpe WF at its closest point is 8 nautical miles from Warrnambool airport runway) to be raised from 2100 ft to 2300 ft.</p>		<p>Moyne Shire has concluded community consultation on its draft wind farm position statement.</p> <p>WCC's submission based on protecting the current Airspace and Obstacle Limitation Surfaces well received along with future development for the Airport as outlined in the ADP plus an overview of usage of the Airport.</p> <p>Other submissions included concerns for Aerial Firefighting and Agricultural Operations.</p> <p>Moyne Shire at its Meeting of Tuesday 2nd August resolved: That Council, in accordance with its current position on windfarms, write to the Minister for Planning objecting to the Planning Permit Application (PA2201620) and Environment Effects Statement for the Willatook Wind Farm, and request to be heard at any Panel convened by the Minister.</p> <p>No obstacle lighting is proposed for Willatook.</p> <p>Have submitted an amendment to Planning approval to the Minister advising of a reduction in the numbers of towers from 20 to 13 and requesting approval to increase height from 165 m AGL to 230 m AGL.</p>
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	<p>Woolsthorpe are awaiting approval to connect into grid at the Yangery power station. Council to be mindful of transmission line route from Wind Farm site to the power station.</p> <p>14.3. Hawkesdale.</p> <p>14.4. Hexham.</p> <p>14.5. Ryan Corner.</p>		<p>Awaiting outcome of Supreme Court hearing.</p> <p>Proponent to undertake an Environmental Effects Statement, EES, and Aviation impact assessment.</p> <p>Construction commenced, no impact on Airport Operations. Obstacle lighting is proposed for this development.</p>
15.	<p>Communications & Water Towers.</p> <p>15.1. Telstra are planning and in discussion with Council and the Community regarding installation of a 35 metre (AGL) Communications Tower in the township of Bushfield at 63 McKenzie's Road. A report was provided for the Council Meeting on Monday 1st August:</p> <p>15.2. Wannon Water plan to construct a Water Tower at 174 Aberline Road. The RL 69.3 AHD for this tower and is well below RL of 217.2 AHD.</p>	Terry O'Sullivan.	<p>Councillors however voted not to support the telecommunications tower in the proposed location so a notice of refusal applies to application.</p> <p>A Planning Permit is to be issued for this Tower with a condition that the tower is to be obstacle lit.</p>
16.	<p>Fees and Landing Charges.</p> <p>Income for 2021/2022 was: Avdata charges \$45,179.00 Local Commercial Operators \$6,100.00 " Recreational " \$3,833.00</p> <p>Fees for 2022/2023 as follows: \$12.00/Tonne MTOW INC GST. Local Commercial Operator/Aircraft \$1,120.00 INC GST Local Recreational Operator/Aircraft \$280.00 INC GST</p>	For information.	<p>Reference Group requests to be consulted during the budgetary process in future.</p> <p>Council Staff to provide a presentation on the data captured by Avdata for the purposes of collecting landing fees on Council's behalf.</p>

	Reference Group requests to be consulted during the budgetary process in future.			
17.	<p>Leases/Site Fees.</p> <p>Further discussion and consultation is required in relation to Lease agreements which will be a large task because of the variety of leases in existence.</p>		<p>Chairman to have discussion with Manager Governance, Property, Projects, & Legal, on leases.</p> <p>Consultation with the Reference group to be part of review as soon as practical.</p> <p>Council is process of securing a dedicated Property Officer.</p>	
18.	<p>Hangar 21.</p> <p>Constructed early July for storage of small recreational Aircraft.</p>	For information.	Noted by Group.	
19.	<p>Hangar 22.</p> <p>Apron concreted Monday 27th June</p>	For information.	Noted by Group.	
20.	<p>Hangar/Building Construction Lot 14.</p> <p>Live Fire Hub. Application for Planning Permit, PL22/143, lodged with Moyne Shire Council. Notice of Application advertised with submissions regarding permit closing Monday 18th July. A permit has been issued.</p>	Julie Anderson/Terry O'Sullivan.	Applicant will require landowners consent to build and enter into a lease agreement with WCC.	
21.	<p>Hangar Construction Lot 19.</p> <p>Applicant advised that construction of any new Hangars/Buildings in the Aviation Business Park be in accordance with current guidance so that hangars project a common appearance"</p>	Julie Anderson/Terry O'Sullivan.	Noted by Group.	

22.	<p>Airside Access.</p> <p>Reminder that vehicular airside access be only for specific aviation related movements and be kept to absolute minimum especially on Main Apron.</p>	Friendly reminder for all.	<p>Operating Aircraft have right of way at all times.</p> <p>For situational awareness the V1 Fuel Truck is equipped with Aviation Band Radio for operator to make calls when manoeuvring on apron/taxiways.</p>	
23.	<p>On/Off Shore operations.</p> <p>Off Shore Operations for the Thylacine Gas Rig continue randomly.</p> <p>Ocean Onyx operations ceased Tuesday 13th July.</p>	For information.	Noted by Group.	
24.	<p>Flight Training.</p> <p>Ideally a provider should be based locally and have aircraft on site.</p> <p>Murray Medway, Great Southern Flying School (Barwon Heads) Currently providing training.</p> <p>Brendan Reidy, based at Colac Airport, has advised of his intention to provide RAA training commencing 1st July.</p>	Terry O'Sullivan.	Noted by Group.	
25.	<p>Aero Club Redevelopment.</p> <p>Council has provided approval for this to occur with Aero Club entering into a lease agreement.</p> <p>The Club advise that they are willing to coexist with Council (Office & use of facilities for Council/Airport Staff)</p> <p>The Club is well aware of future plans and priorities for the Airport as outlined in the Airport Development Plan 2021.</p>		Noted by Group.	

26.	<p>Drag Race Club.</p> <p>Club advise that it is their intention to run 1-2 events later this year.</p>	For information.	<p>Council to write to Club requesting confirmation on what the Club's short, medium, and longer term plans are.</p> <p>Club will be required to formally make application to hold events and will be considered by WCC Event Control Group.</p>
27.	<p>General Business.</p> <p>Weekly Times recent article on Mallacoota Airport (East Gippsland Shire) not transitioning to Certified Airport and this impact on Angel and Aeromedical Flights.</p>	For information.	<p>On Monday 1st August East Gippsland Shire Council and Civil Aviation Safety Authority (CASA) senior executives held a constructive and positive meeting with representatives of the Mallacoota community and local Members of Parliament on Tuesday, August 9.</p> <p>The meeting agreed that CASA and Council staff would meet as a matter of urgency and take the appropriate steps to transition Mallacoota Airport to certification and restore the airfield to pre-existing service levels.</p> <p>The Mallacoota Airport remains open and functional and will continue to be operational while the discussions continue around the restoration of Instrument Flight Procedures and certain Notice to Airmen functions.</p>
28.	<p>Next Meeting.</p> <p>Close of Meeting.</p>		<p>Monday 21st November 2022.</p> <p>12.05 pm.</p>

7.10. INFORMAL MEETINGS OF COUNCIL REPORTS

DIRECTORATE : Executive Services

PURPOSE

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

BACKGROUND INFORMATION

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

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

REPORT

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

1. Monday 8 August 2022 – refer **Attachment 1**.
2. Monday 15 August 2022 – refer **Attachment 2**.
3. Monday 15 August 2022 – refer **Attachment 3**.
4. Monday 22 August 2022 – refer **Attachment 4**.
5. Monday 29 August 2022 – refer **Attachment 5**.

ATTACHMENTS

1. Assembly of Councillors Record 8 August 2022 [7.10.1 - 1 page]
2. Assembly of Councillors Record 15 August 2022 [7.10.2 - 2 pages]
3. Assembly of Councillors Record 15 August 2022 No 2 [7.10.3 - 1 page]
4. Assembly of Councillors Record 22 August 2022 [7.10.4 - 2 pages]
5. Assembly of Councillors Record 29 August 2022 [7.10.5 - 2 pages]

MOVED: CR BEN BLAIN

SECONDED: CR RICHARD ZIEGELER

That the record of the Informal Meetings of Council held on 8, 15, 22 and 29 August 2022, be received.

CARRIED - 7:0

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	8 August 2022
Time Meeting Commenced:	3.24pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr O. Akoch Cr. D. Arnott Cr B. Blain Cr A. Paspaliaris Cr M. Taylor Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance, Property, Projects & Legal Ashish Sitoula, Manager Strategic Community Planning and Policy – (3:25pm – 4.35pm) Nick Higgins, Manager Communications – (3:25pm – 4.35pm) Peter McArdle, Manager City Amenity (3:42pm – 4:42pm)
Other persons present:	Alistair McCosh, Deakin University
Apologies	Nil.
Matters Considered:	<ol style="list-style-type: none"> 1. Warrnambool City Council International Student Scholarship Proposal (Deakin University) - (3.16pm - 3.40pm) 2. SWVLX Community Consultation - (3.40pm - 4.35pm) 3. CBD Parking Map - (4.35pm - 4.41pm) 4. Update on Kindergarten Reforms - (4.42pm - 4.54pm) 5. 2026 Commonwealth Games Expression of Interest Submission - (4:54pm – 5:10pm) 6. Confidential – Material Transfer Site Pilot Program - (5.36pm – 5.44pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: - Section 3 (k) – information prescribed by the regulations to be confidential information for the purposes of this definition.</i>
Council and Officer Items Raised: (5:10pm – 5:36pm)	Standing Tall's involvement with the new Library. Place naming – Soccer. Parking zone amendments. Disability accessible play equipment Diverse Communities, Diverse Representation – Run for Council booklet Developer CRM
Councillor Conflicts of interest Disclosures: Cr Arnott, Cr Taylor, Cr Paspaliaris declared conflict of interest during the CBD parking zone amendment discussion and left the room during that discussion. All three Councillors returned to the meeting at the conclusion of that discussion.	
Councillor /officer Name: Nil	
Meeting close time:	5:44pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	15 August 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor (Zoom) Cr O. Akoch Cr. D. Arnott (Chair) Cr B. Blain Cr A. Paspaliaris (arrived at 3:03pm) Cr M. Taylor Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance, Property, Projects & Legal Luke Coughlan, Acting Manager City Development Rob Wandell, Coordinator City Development Ashish Sitoula, Manager Strategy Community Planning and Policy Julie McLean, Coordinator City Strategic Peter McArdle, Acting Manager City Amenity
Other persons present:	Dr Les Sandles, 4sight Enterprises – ZOOM (3:00pm – 3:32pm) Alfred Mallia, Life Member, 39th Australian Infantry Battalion (3:32pm – 4:00pm)
Apologies	
Matters Considered:	<ol style="list-style-type: none"> 1. Confidential – SEASoil Project - (3.00pm– 3.36pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: - Section 3 (g) – Private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.</i> 2. Kokoda Walk Of Honour - (3.36pm – 4.00pm) 3. Development Plan Application DP2022-0005 - 147 Wollaston Road - (4.00pm - 4.30pm) 4. Warrnambool Community Homelessness Group Proposal on Emergency Crisis Accommodation - (4.30pm - 5.12pm) 5. Planning Scheme Amendment VC204 - Transport Integration Act 2010 and Transport Planning Reforms - (5.14pm – 5.16pm) 6. Planning Scheme Amendment VC217 - Sex Work - (5.16pm - 5.26pm) 7. Future of School Crossing Supervisor Program - (5.26pm – 5.34pm) 8. Parking Strategy 2022 - (5.36pm - 5.46pm) 9. Brierly Recreation Reserve Community Hub - Investment Fast Track Fund - (5.46pm - 5.49pm) 10. Reconciliation Action Plan First Draft - (5.50pm - 6.08pm)
Council and Officer Items Raised:	Bus shelter destruction East Warrnambool Football/Netball Club

(6:09pm – 6:28pm)	Value of the sheep yards Flagstaff Hill – on track Developer question follow up Proposal for presentation – potential local investment opportunity
Councillor Conflicts of interest Disclosures: Cr Max Taylor – declared a conflict of interest with item 4. Warrnambool Community Homelessness Group Proposal on Emergency Crisis Accommodation (Cr Taylor left the room at 4:30pm and returned at 5:13pm)	
Councillor /officer Name:	
Meeting close time:	6.28pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	15 August 2022
Time Meeting Commenced:	6:32pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor (Zoom) Cr O. Akoch Cr. D. Arnott (Chair) Cr B. Blain Cr A. Paspaliaris Cr M. Taylor Cr R. Ziegeler
Council Officers in Attendance:	Julie Anderson, Manager Governance, Property, Projects & Legal
Other persons present:	Leon Fitzgibbon
Apologies	
Matters Considered:	South West Livestock Exchange Documentation
Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name:	
Meeting close time:	7.11pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	22 August 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr O. Akoch Cr. D. Arnott Cr B. Blain Cr A. Paspaliaris Cr M. Taylor Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Jodie McNamara, Acting Manager City Development David Leahy, Director City Infrastructure Ashish Sitoula, Acting Director Community Development Julie Anderson, Manager Governance, Property, Projects & Legal Rob Wandell, Coordinator City Development Julie McLean, Coordinator City Strategic Peter McArdle, Acting Manager City Amenity Thomas Hall, Senior Project Manager
Other persons present:	
Apologies	
Matters Considered:	<ol style="list-style-type: none"> 1. Amendment To Governance Rules - Conduct of Virtual Council Meetings - (3.00pm - 3.15pm) 2. Warrnambool Planning Scheme Amendment C205warr North Warrnambool Flood Controls - (3.15pm - 3.30pm) 3. Amended Planning Permit Application PP2000.0135.04 - 355 Koroit Street - (3.30pm - 3.45pm) 4. Amended Development Plan DP2022-0004 - 15 Dales Road - (3.45pm - 4.00pm) 5. Wave Attenuation Proposal - Breakwater & Moorings Area - (4.00pm - 4.15pm) 6. Reid Oval AFLW Match - (4.07pm - 4.30pm)
Council and Officer Items Raised:	Clark Street repairs Fresh Market Basketball Court in the Foreshore Precinct Allocation of Levy Charged to Stock Agents Customer Service Feedback
Councillor Conflicts of interest Disclosures: Cr Angie Paspaliaris declared a conflict of interest with item 2.3 of the Agenda - Amended Planning Permit Application PP2000.0135.04 - 355 Koroit Street - due business relationships with the applicant. Cr Paspaliaris left the meeting during discussion on this item.	
Councillor /officer Name:	

Meeting close time:	4:17pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	29 August 2022
Time Meeting Commenced:	3.03pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr. D. Arnott Cr B. Blain Cr A. Paspaliaris (arrived at 3:09pm) Cr M. Taylor (arrived at 3:05pm) Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth Ashish Sitoula, Acting Manager City Development David Leahy, Director City Infrastructure Julie Anderson, Manager Governance, Property, Projects & Legal Nick Higgins, Manager Communications Luke Coughlan, Acting Manager City Development Juan Donis, Sustainability Officer Lauren Schneider, Coordinator Natural Environment Justin Harzmeyer, Natural Environment Officer Abel Farrell, Coordinator Project Management Office
Other persons present:	
Apologies	Cr O. Akoch
Matters Considered:	<ol style="list-style-type: none"> 1. Financial Statements Performance Statement 2021-2022 - (3.03pm - 3.14pm) 2. Customer Service Charter - Review - (3.16pm - 3.19pm) 3. Customer Service Report - (3.19pm - 3.23pm) 4. Draft Albert Park Revegetation Plan - (3.23pm - 3.33pm) 5. Middle Island Season Report 2021-2022 - (3.33pm - 3.36pm) 6. Emissions Report 2021-2022 - (3.36pm - 3.40pm) 7. VCAT Decision - Lyndoch Living signage (3.40pm – 3:45pm) 8. Capital Projects Report Quarter 4 - 2021/2022 - (3.45pm - 4.02pm) 9. Small Infrastructure Fund Projects - (4.02pm- 4.26pm) 10. Advisory Committee Reports - (4.26pm - 4.26pm) 11. Confidential – Contract 2022026 - Register of Contractors Supporting Civil Infrastructure - (4.29pm - 4.34pm) <i>This report has been declared confidential under section 3 (g) - private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.</i> 12. Livestock Exchange Consultation - Progress Report - (4.35pm - 5.13pm) 13. Mayoral Diary Update - (5.13pm - 5.14pm)
Council and Officer Items Raised:	Passing of former Mayor.

(5:14pm – 5:20pm)	Edwards Bridge Reopening. Rabbits around Blue Hole.
Councillor Conflicts of interest Disclosures:	
Councillor /officer Name:	
Meeting close time:	5:20pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal

7.11. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT

DIRECTORATE : Executive Services

PURPOSE

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

REPORT

Date	Location	Function
3 August 2022	Warrnambool	Chief Executive Officer – Presented to the Club Connect event held at Reid Oval.
4 August 2022	Melbourne	Mayor & Chief Executive Officer - Regional Cities Victoria Annual Networking Function at Parliament House, Melbourne
5 August 2022	Melbourne	Mayor & Chief Executive Officer - Regional Cities Victoria Annual Forum
6 August 2022	Warrnambool	Mayor - Opening of Warrnambool Indoor Bowls 2022 Open Fours Tournament
	Warrnambool	Mayor - 80th Anniversary of the Kokoda Campaign ceremony
9 August 2022	Warrnambool	Mayor – Anglicare Annual General Meeting.
10 August 2022	Warrnambool	Mayor – St Pius School – <i>How a Council Works</i> information session
	Warrnambool	Mayor – Williamson Program – Leadership Event
12 August 2022	Warrnambool	Mayor - Kings College Founders Day Assembly
18 August 2022	Warrnambool	Cr Blain represented the Mayor at the Victoria Police Medal & Award Ceremony for Western Region Division 2
	Warrnambool	Cr Taylor represented the Mayor at the Vietnam Veterans Commemoration Ceremony also attended by the Chief Executive Officer
20 August 2022	Warrnambool	Mayor – Volunteer Expo and Launch of Volunteer Strategic Plan
24 August 2022	Warrnambool	Mayor – South Warrnambool Kindergarten Book Week

25 August 2022	Melbourne	Mayor & Chief Executive Officer – Victoria 2026 Commonwealth Games Partner Forum
	Warrnambool	Mayor & Chief Executive Officer – Legacy Victoria Veteran Family Services Regional Launch
26 August 2022	Hamilton	Mayor & Chief Executive Officer – SouthWest Victoria Alliance Board Meeting
	Hamilton	Mayor – MAV Rural Southwest Regional Meeting
31 August 2022	Melbourne	Mayor & Chief Executive Officer – SouthWest Victoria Alliance Victorian Parliamentary Delegation
31 August 2022	Warrnambool	Cr Debbie Arnott represented the Mayor at the Father of Year presentations.

MOVED: CR RICHARD ZIEGELER
SECONDED: CR DEBBIE ARNOTT

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

CARRIED - 7:0

8. NOTICE OF MOTION

No Notices of Motion have been received.

9. GENERAL BUSINESS

Nil.

10. URGENT BUSINESS

Nil.

11. RESOLUTION TO CLOSE MEETING

MOVED: CR. BEN BLAIN
SECONDED: CR. ANGIE PASPALIARIS

That in accordance with Section 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public 6.39pm to resolve on matters pertaining to items that deal with information that is confidential in accordance with section 3(1) of the Act, as follows:-

- 12.1. Minutes In-Camera Meeting Of Council 6 December 2021 – confidential in accordance with section 3(1)(h) relating to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
- 12.2. Audit & Risk Advisory Committee Minutes – confidential in accordance with section 3(1)(a) relating to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and Section 3(1)(l) being information that was confidential information of the purposes of section 77 of the Local Government Act 1989.
- 12.3 Late Report – Audit & Risk Committee- confidential in accordance with Section 3(1)(f) relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- 12.4 Chief Executive Employment Matters Advisory Committee Minutes - confidential in accordance with Section 3(1)(f) relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- 12.5 Chief Executive Employment Matters - confidential in accordance with Section 3(1)(f) relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

CARRIED - 7:0

The below extract is provided from the Council resolution for Item 12.3 in the confidential minutes and is now made public as resolved.

MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT

That Council:

1. Note the recommendation of the Audit and Risk Committee regarding the 2021/22 Financial Statements and Performance Statement; and
2. Note the recommendation of the Audit and Risk Committee regarding the South West Victorian Livestock Exchange financials audit; and
3. Approve an assessment be undertaken on the operations of the South West Victorian Livestock Exchange by an independent external consultant and/or auditor for the period between July 1st 2017 and present day with the following objectives:
 - a. Accuracy and Completeness of Net Surplus Reporting
Council wishes to investigate a full commercial modelling of the saleyards.
 - b. Delegation of Authority and Procurement Compliance
Ensure that any procurement for the defined period falls in line with council's procurement policy and obligations under the Local Government Act 2020;
 - c. BDO Report Scope
Assess the scope of works request made to BDO by council in relation to the creation of the BDO analysis on the SWVLX and any supporting information

provided to BDO by Council to assist them in developing the report; and provide information about the methodology used to ascertain the assumptions on the future stock turnover numbers;

- 4. Require that the assessment be completed and available to council before the 7 November 2022 Council Meeting, and the full report and any recommendations be presented to Audit and Risk Committee at the next available meeting after the assessment is completed;**
- 5. Request the assessment be managed by the Governance Officer to provide assurance that of independence of the assessment; and**
- 6. On passing of this motion, it is deemed not to be confidential.**

CARRIED – 5:2

**Crs. Blain, Arnott, Paspaliaris, Jellie & Akoch voting for the motion
Crs. Ziegeler and Taylor voting against the motion**

The below extract is provided from the Council resolution for Item 12.4 in the confidential minutes and is now made public as resolved.

**MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT**

That Council:

- 1. Note that the current CEO contract expires on 10 February 2023;**
- 2. Approve an Expression of Interest process be undertaken for a recruitment agency to undertake the recruitment process for the position of Chief Executive Officer, with the aim of the successful candidate commencing in the role from 11 February 2023; and**
- 3. Authorise the Manager Governance, Property, Projects and Legal to complete the procurement and any other processes related to the EOI; and**
- 4. Deem this resolution of Council is not confidential.**

CARRIED - 5:2

**Crs. Blain, Arnott, Jellie, Paspaliaris & Taylor voting for the motion
Crs. Ziegeler and Akoch voting against the motion**

13. RESOLUTION TO RE-OPEN MEETING

**MOVED: CR. BEN BLAIN
SECONDED: CR. DEBBIE ARNOTT**

That the meeting be re-opened to members of the public at 8.07pm.

CARRIED - 7:0

14. CLOSE OF MEETING

The meeting closed at 8.07pm.

CHAIRMAN