

# MINUTES

**ORDINARY MEETING**

**WARRNAMBOOL CITY COUNCIL**

**5:45 PM - MONDAY 3 JUNE 2019**



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## **VENUE:**

**Reception Room**

**25 Liebig Street**

**Warrnambool**

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### **COUNCILLORS**

Cr. Tony Herbert (Mayor)

Cr. Robert Anderson

Cr. Sue Cassidy

Cr. Kylie Gaston

Cr. Peter Hulin

Cr. Michael Neoh

Cr. David Owen

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**Peter B. Schneider**  
**CHIEF EXECUTIVE OFFICER**

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**MINUTES OF THE ORDINARY MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE  
RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET, WARRNAMBOOL ON  
MONDAY 3 JUNE 2019 COMMENCING AT 5:45 PM**

**PRESENT:** Cr. Tony Herbert, Mayor/Chairman  
Cr. Robert Anderson  
Cr. Kylie Gaston  
Cr. Michael Neoh  
Cr. David Owen

**IN ATTENDANCE:** Mr Peter Schneider, Chief Executive  
Mr Peter Utri, Director Corporate Strategies  
Mr Scott Cavanagh, Director City Infrastructure  
Mr Andrew Paton, Director City Growth  
Ms. Vikki King, Director Community Development

**1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT**

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

**ORIGINAL CUSTODIANS STATEMENT**

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

**2. APOLOGIES**

- Cr. Cassidy – Leave of Absence
- Cr. Hulin – Leave of Absence

**3. CONFIRMATION OF MINUTES**

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**MOVED:** Cr. David Owen

**SECONDED:** Cr. Robert Anderson

**That the Minutes of the Ordinary Meeting of Council held on 6 May 2019, be confirmed.**

**CARRIED 5:0**

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

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

(a) direct financial interest

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

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

- **Cr. David Owen - Item No. 5.10 Direct Interest - Leave of Absence**

## **5. REPORTS**

### **5.1. HEARING OF SUBMISSIONS ON DRAFT COUNCIL PLAN (2019 REVISION) AND DRAFT BUDGET 2019-2020**

#### **PURPOSE:**

*This report provides an opportunity for people to present a verbal submission in support of written submissions forwarded to council in relation to the draft Council Plan 2017-2021 (revised 2019) and/or the draft Budget 2019-2020, as set out under Section 223 of the Local Government Act 1989.*

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#### **EXECUTIVE SUMMARY**

All written submissions received will be presented to Council for review, prior to the consideration of the draft Council Plan 2017-2021 (revised 2019) and/or the draft Budget 2019-2020. These items are scheduled for consideration at a Special Council meeting on 24 June 2019 at 5:45pm at the Warrnambool Civic Centre.

Submitters as per the legislation set out in Section 223 of the Local Government Act 1989 are required to notify Council in writing of their request to speak to their submission. The submitters who have requested to speak are being presented to Council this evening.

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- **Mr John Harris spoke to the meeting regarding his submission.**
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## **5.2. LAND IDENTIFIED AS SURPLUS TO NEED AND AVAILABLE FOR POSSIBLE SALE**

### **PURPOSE:**

*This report is to provide detail for Councilors consideration in respect of:*

- *The hearing of submissions received for the possible sale of Lot Res1 LP217092 7-9 Swan Street Warrnambool and*
- *The proposed advertising of Council owned land, Lot 1 TP113832K, being a parcel of land located at 177B Fairy Street, Warrnambool as being surplus to need and available for possible sale.*
- *Subject to planning approval proceed to sell via expression of interest the property at 26 Garden Street.*

### **EXECUTIVE SUMMARY**

- Warrnambool City Council owns all parcels of land in this report.
- Council has received and heard submissions in respect of the proposed sale of Lot Res1 LP217092 7-9 Swan Street Warrnambool at the Council meeting held on 4<sup>th</sup> March 2019.
- Council did not receive any submissions in respect of the proposed sale of Lot 1 PS 731628 Garden Street Warrnambool.
- The Fairy St parcel Lot 1 TP113832K, is held by Council as freehold title
- The Fairy St parcel could be considered surplus to need and subject to a process seeking public submissions associated with the administrative process required to prepare it for sale.

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**MOVED: Cr. Kylie Gaston**

**SECONDED: Cr. David Owen**

1. That having heard and considered the submissions received in respect of the possible sale of Lot Res1 LP217092 7-9 Swan Street Warrnambool, Council at this time, not proceed with the sale process of this parcel of land.
2. That having received no submissions to the proposed sale of Lot 1 PS 731628, and subject to planning approval, proceed to sell the parcel of land located at 26 Garden Street Warrnambool via an expression of interest; and
3. That Council having received interest in the possible purchase of the land described as Lot 1 TP113823K, being a parcel of land located at 117B Fairy Street, Warrnambool, declare it surplus to need and seek public submissions under Section 223 of the Local Government Act as the initial step in a formal process for the possible disposal of the parcel, as detailed in the Local Government Act Sale of Land Best Practice Guidelines.

**CARRIED 5:0**

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### **BACKGROUND**

At a Council meeting held on 1<sup>st</sup> October 2018, began the formal disposal process for the disposal of a parcel of land located at 26 Garden Street Warrnambool. As the initial part of the sale of land process it gave public notice of the proposal and called for written submissions by public notices in the Standard on Saturday 19 & 26<sup>th</sup> January 2019. Council did not receive any submissions in respect of the proposed sale.

At a Council meeting held on 3<sup>rd</sup> December 2018, Council began the formal disposal process of disposal of a parcel of land located at 7-9 Swan Street Warrnambool. As the initial part of the sale of land process it gave public notice of the proposal and called for written submissions by public notices in the Standard on Saturday 19 & 26<sup>th</sup> January 2019.

Council received 4 individual submissions, 1 combined submission from 15 individuals and 1 partition with 24 signatures. Council heard the submissions at its meeting of 4<sup>th</sup> March 2019.

Council has also recently been approached by an adjoining land owner seeking information as to the possibility of either purchasing or leasing a parcel of land at the rear of Fairy St. The parcel of land is Lot 1 TP113823K being a 325 square metre lot known as 117B Fairy Street, Warrnambool. The Land is zoned Commercial Zone 1 and consistent with adjoining land. No rezoning would be required prior to sale.

## **ISSUES**

### **26 Garden Street Warrnambool**

Lot 1 TP598275 being an 8238 square metre parcel of land was purchased by Council in February 2016 to enable flood mitigation works and the development of public open space along the Russell Creek.

Flood mitigation works in this location have now been completed along with the finalisation of the Russell Creek walking path

The mitigation works associated with Russells Creek have resulted in the site of the existing residence on the land being behind the mitigation wall developed.

The total site area is 8,238 square metres. Council only requires 5,698 square meters to be retained as public open space to enable the management of Russell Creek that passes through the site, the recently completed walking path and the mitigation wall itself.

The balance of the site, 2,540 square meters on which a dwelling and shed are constructed are considered surplus to Council's needs.

Council at its meeting of 1 October 2018 resolved to prepare a plan of subdivision to create a Reserve "Public Open Space" to protect the future of the Russell Creek frontage and surrounds which incorporate the walking track and a Lot for the area on which the dwelling and shedding is constructed.

The Land which then forms the proposed Lot 1 PS 731628, (house and shedding) is considered "surplus to need" and could be disposed of by Council. It will have a separate title to that of the Reserve as a result of the subdivision. The proposed sale would be undertaken following the "Sale of Land Best Practice Guidelines".



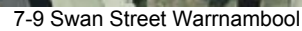


26 Garden Street Warrnambool

### 7-9 Swan Street Warrnambool

Council has previously considered a report in respect of declaring this parcel of land surplus to need. That report when adopted recommended Council advertised and called for public submissions in respect of the possible sale. The land is shown as reserve on title so a planning permit would be required to remove the reserve status. Section 20 of the subdivision of Land Act applies based on the reserve and open space status.

Following consideration of submissions under section 223 and if Council wished to proceed, Council would be required to undertake the administrative process to rezone the site and have the reserve status removed prior to any sale of the site in order to achieve the optimal use for the land.



To dispose of any parcel of land owned by Council it must undergo a formal process. The initial step is to seek submissions under section 223 of the Local Government Act. Once Council has considered any submissions received if Council wished to proceed, Council would be required to undertake the administrative process to declare the land “surplus to need” and it could be disposed of by Council. Any sale that might eventuate should be undertaken following the “Sale of Land Best Practice Guidelines”.





117B Fairy Street Warrnambool

## Sale Process

Council should ensure that any land, if offered for sale, is done so in a manner that will ensure the maximum price is achieved while protecting both Council and public interests. This is usually done by public auction. Private treaty sale is referenced as an option in the guidelines as opposed to a public process but is usually only used where justifiable grounds exist. These might include such matters as discontinued road reserves and inappropriate subdivisions to allow for consolidation.

The calling for public submissions in respect of the “proposed sale” in accordance with Section 223 of the Local Government Act 1989 is considered the initial step of the process. This would be undertaken by placing an advertisement in the local newspaper calling for submissions from the public in relation to the proposed land sale. Council would then need to consider submissions at a future meeting before formally deciding to proceed with any sale process.

Once this has been completed and if Council declares the land “surplus to need”, the sale process would be undertaken following the “Sale of Land Best Practice Guidelines”

## FINANCIAL IMPACT

Section 20 (2) of the Subdivision of Land Act 1988 places the following requirements on Council;

- (2) The Council must use any payment towards public open space it receives under this Act or has received under section 569B(8A) of the **Local Government Act 1958** but has not applied under subsection (8C) of that section or the proceeds of any sale of public open space to—
  - (a) buy land for use for public recreation or public resort, as parklands or for similar purposes; or

- (b) improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
- (c) with the approval of the Minister administering the Local Government Act 1989, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

This requirement ensures that any proceeds of the sale of Public Open Space will be specifically applied to the purchase of additional or to the betterment of existing Public Open Space reserves within the city of Warrnambool.

Any funds raised from the sale of the Swan Street parcel would be applied to the betterment of existing Public Open Space as part of future budgets. The sale of the Fairy Street parcel being freehold title would not require Council to specifically apply the proceeds of any sale as detailed in Section 20 (2) of the Subdivision of Land Act.

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

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

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

## **TIMING**

To be considered as part of the 2019/2020 Activities and Initiatives of Council

## **COMMUNITY IMPACT/CONSULTATION**

The process will be conducted in accordance with Section 223 of the Local Government Act 1989 with the public being afforded the opportunity to make submissions in relation to the proposed land sale.

## **OFFICERS' DECLARATION OF INTEREST**

Nil

## **CONCLUSION**

Council should continue to review assets held with the view to ensure financial sustainability through effective use of Councils resources and assets

## **ATTACHMENTS**

Nil

### **5.3. WARRNAMBOOL CITY COUNCIL CUSTOMER SERVICE CHARTER**

#### **PURPOSE:**

***This report details the outcome of the internal review of the existing Customer Service Charter adopted in 2012***

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#### **EXECUTIVE SUMMARY**

This report is presented to Council for proposed adoption of the Warrnambool City Council Customer Service Charter 2019 – 2022.

The Charter is an action of the Warrnambool City Council, Council Plan Activities and Initiatives for 2018/2019. It clearly sets out the organisation's commitment to customer service excellence, both internally and externally.

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**MOVED: Cr. Michael Neoh**  
**SECONDED: Cr. David Owen**

**That Council adopts the Warrnambool City Council Customer Service Charter 2019 – 2022, as presented.**

**CARRIED 5:0**

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#### **BACKGROUND**

The Customer Service Charter outlines Council's commitment to its customers and builds on the "whole of organisation" approach to customer service since the adoption of the existing charter in 2012.

A "Customer Service Charter" sets out clearly the contact standards Council strives for in the numerous ways customers engage Council.

If adopted, this charter would replace the existing Customer Service Charter. An education program will roll out across the organisation once the charter is adopted.

An associated action plan is being implemented to continue to improve our customer service and an improved reporting regime will be established to ensure we measure our performance in the provision of customer service across the organisation.

#### **DISCUSSION**

Since 2012 when the existing charter was adopted Council has made a concerted effort to ensure that its customers, both internal and external, are dealt with fairly and equitably whenever contact is made.

Warrnambool City Council continues to rate highly in customer service in the Community Satisfaction Survey, which involves an independent survey of 400 residents and is carried out by JWS Research and auspiced and coordinated by Local Government Victoria annually.

Results are benchmarked against scores achieved by other regional Victorian councils and by all Victorian councils.

2019 survey results are yet to be released however, in the 2018 Survey Warrnambool rated 73 against the Regional Centre Average of 72. All staff are extremely aware that this level of satisfaction can easily slip if a continued focus on service delivery is not maintained. The Charter has undergone significant internal consultation during 2018. A project group was established with broad representation from all parts of the organisation. The project group

undertook a review of the existing charter with the view to refine the documents to address current services and standards provided by Council.

After an initial draft document was devised on the back of this consultation, some final edits were made around service quality and improvements

The result is the attached updated Charter – refer **Attachment 2**.

## **FINANCIAL IMPACT**

Poor customer service can result in significant rework and resource expenditure in dispute resolution. The improved focus on providing the right information, at the right time and in the right way should lead to a better utilisation of Council's resources. Council intends to continue to develop new channels of communication and interaction with our community and customers which will enable independent completion of end to end transactions via digital means. This should improve the access customers have to certain services and all the completion of some administrative tasks out of normal business hours at no additional cost to the community.

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

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

5.10 Foster an encouraging and positive staff culture.

## **TIMING**

The charter establishes Council's commitment between 2019 to 2022 when it will again undergo a similar review.

## **COMMUNITY IMPACT/CONSULTATION**

The review of the Customer Service Charter has focused on renewal, realignment and reinvigoration of our commitment of customer care to the community.

## **LEGAL RISK/IMPACT**

Nil

## **OFFICERS' DECLARATION OF INTEREST**

Nil

## **CONCLUSION**

That Council adopts the Customer Service Charter and promotes the charter via local media and social media channels. Council will internally enact its action plan in relation to the improvement of customer service and Council will develop and report on further metrics in relation to customer service.

## **ATTACHMENTS**

1. Customer Charter 2012 **[5.3.1]**
2. Customer Charter 2019 - 2022 Final **[5.3.2]**

## **5.4. ADVERTISING SIGNAGE POLICY**

### **PURPOSE:**

***This report recommends that the Advertising Signage Background Report and draft Advertising Signage Policy be adopted by Council and that Council seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to implement the Advertising Signage Policy.***

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### **EXECUTIVE SUMMARY**

- An advertising signage policy and accompanying background report has been prepared and is proposed to be implemented into the Warrnambool Planning Scheme.
- The advertising signage policy provides future guidance and decision making principles for planning permits that deal with signage on private land and associated businesses. It will provide guidance to ensure new signage requiring a planning permit is appropriately designed, sited and of a scale that compliments and enhances the differing land use contexts throughout Warrnambool.
- Requirements that are currently in place for public facilities, such as sporting facilities and the public realm are not proposed to change as part of this policy.
- The policy is part of a suite of strategic work from Council's Municipal Strategic Statement (MSS) which identifies the need to plan for the management (design, size, and location) of advertising signage.
- It is proposed to implement the Advertising Signage Policy through a Planning Scheme Amendment to the Warrnambool Planning Scheme.

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**MOVED: Cr. Michael Neoh**

**SECONDED: Cr. David Owen**

### **That Council:**

- 1. Adopt the Advertising Signage Background Report and draft Policy at Attachment 1.**
- 2. In accordance with Section 8A of the Planning and Environment Act 1987 (the Act) seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to implement the Advertising Signage Policy.**
- 3. Subject to the Minister's authorisation, in accordance with Section 19 of the Act, prepare and exhibit an amendment to the Warrnambool Planning Scheme to implement the Advertising Signage Policy.**

**CARRIED 5:0**

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### **BACKGROUND**

The Advertising Signage Policy (attached) will apply to all planning permit applications for signage in the municipality.

Advertising signs are important to identify, communicate and market businesses, institutions and buildings across the municipality.

Advertising signs have a significant impact on the public realm and the quality of the streetscape and the building with which they are visually associated. Well integrated signage in appropriate locations can add colour, vibrancy and interest to an area. A proliferation of signs and poorly designed and located signs can significantly detract from the attractiveness and amenity of the City's urban and rural environments and gateways, and reduce the effectiveness of signs.

Clause 21.06 of the Council's Municipal Strategic Statement (MSS) identifies the need to plan for the management (design, size, and location) of advertising signage:

*Develop a local policy to guide consideration of advertising signage in commercial and industrial areas, and areas of high sensitivity including areas of heritage significance and along City and township entrances.*

The Advertising Signage Background Report and Advertising Signage Policy has been developed by the strategic planning team and is based on a review of the existing regulatory framework for advertising signs, a review of patterns and key issues with signage in the City, and identification of the role and desirable forms of signage and advertising in the City.

The Advertising Signage Policy will provide guidance to ensure new signage requiring a planning permit is appropriately designed, sited and of a scale that compliments and enhances the differing land use contexts across the municipality.

A peer review of the Advertising Signage Background Report and Advertising Signage Policy was undertaken to ensure the background report and policy was robust and strategically justifiable.

Implementation of the Advertising Signage Policy through an Amendment to the Warrnambool Planning Scheme will:

4. Deliver a new Local Policy – Advertising Signage at Clause 22.04 to guide decision making with regard to advertising signage across the municipality.
5. Achieve a balance between the promotion of businesses, products, goods and services and preferred image of the City.
6. Ensure that advertising signs are in context with the scale of development, the surrounding environment and with the surrounding signage patterns.
7. Support a key issue and strategic action identified in the MSS.

## **ISSUES**

The current gap in guidance on decision making associated with the assessment of advertising signage is considered to be a priority in the local planning policy framework of the Warrnambool Planning Scheme.

The Advertising Signage Policy will deliver positive environmental, social and economic outcomes by balancing the expectations of business and economic development whilst still achieving positive contributions to the public realm and streetscapes.

## **FINANCIAL IMPACT**

Costs associated with the Advertising Signage Background Report and Advertising Signage Policy have been included within the 2018/2019 City Strategy and Development Budget. Costs associated with the Planning Scheme Amendment to implement the Advertising Signage Policy have been included within the 2019/2020 City Strategy and Development budget.

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

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

- 1.4 Encourage environmentally sustainable business.

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

- 3.2 Create a more vibrant City through activating high quality public places.
- 3.4 Enhance movement in and around the City.



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

4.3 Enhance the visitor experience.

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

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

5.1 Strategic Resource Plan

5.2 Annual Budget

5.3 Council Plan

5.4 Community Plan

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

#### **TIMING**

In accordance with the provisions of the Planning and Environment Act 1987.

#### **COMMUNITY IMPACT / CONSULTATION**

Consultation with key stakeholders, including landowners/business owners and outdoor media professionals will be undertaken through the planning scheme amendment process. This includes a statutory exhibition period under the Planning and Environment Act 1987, which allows any person to make a submission. The amendment will be exhibited for a minimum of one month.

#### **LEGAL RISK / IMPACT**

Risk is managed through implementing the provisions of the Planning and Environment Act 1987.

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

None

#### **ATTACHMENTS**

1. Advertising Signage Policy - April 2019 **[5.4.1]**

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## **5.5. PETITION - DALES ROAD DEVELOPMENT PLAN**

### **PURPOSE:**

**To receive the petition in relation to the proposed development plan for 15 Dales Road, Warrnambool**

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### **EXECUTIVE SUMMARY**

- A petition has been received with 24 signatures in relation to a proposed development plan at 15 Dales Road, Warrnambool.
- In accordance with Local Law L.1 Governance the petition is received, and referred to the Chief Executive for consideration and response.

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**MOVED:** Cr. Michael Neoh  
**SECONDED:** Cr. Robert Anderson

**That in accordance with Local Law L1 Governance, the joint letter is received and referred to the Chief Executive for consideration and response.**

**CARRIED: 5:0**

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### **BACKGROUND**

Council has received a petition with 24 signatories representing properties in relation to proposed development plan at 15 Dales Road, Warrnambool.

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

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

5.5 Reporting to the Community.

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

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

### **COMMUNITY IMPACT / CONSULTATION**

The proposed development plan has been placed on non-statutory public notice via an advertisement in the local newspaper.

An acknowledgement letter has been sent to the representative signatory to inform them of the Council process to receive a petition. Further correspondence will be provided to inform them of subsequent recommendations.

### **ATTACHMENTS**

1. Dales Road Petition **[5.5.1]**

## **5.6. CONTRACT 2018045 - AQUAZONE HVAC UPGRADE**

### **PURPOSE:**

***For Council to consider Tender 2018045 Aquazone HVAC Upgrade.***

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### **EXECUTIVE SUMMARY**

- A public tender was advertised on 6 April 2019 inviting suitably qualified Mechanical Plumbing Contractors and associated trades to upgrade the existing heating and ventilation system, designed to address the negative impact of excessive condensation.
- Two local contractors tendered the project, both known to Council and having the capability and experience to undertake the work.
- Both tenderers confirmed capacity to undertake the work within the nominated shutdown.
- The recommendation is to proceed with the tender offer provided by Cri-Tech Plumbing Pty Ltd in the amount of \$312,447.26 (GST inclusive).

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**MOVED: Cr. Kylie Gaston**

**SECONDED: Cr. Robert Anderson**

**That Council award Contract 2018045 Aquazone HVAC Upgrade to Cri-Tech Plumbing Pty Ltd in the amount of \$312,447.26 (GST inclusive).**

**CARRIED 5:0**

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### **BACKGROUND**

A public tender was advertised on 6 April 2019 inviting suitably qualified Mechanical Plumbing Contractors and associated trades to upgrade the existing heating and ventilation system, designed to address the negative impact of excessive condensation at Aquazone.

A panel has met and evaluated the tender responses.

### **ISSUES**

These works are timed to occur concurrently with a Water Treatment Replacement Project. This approach allows Council to take full advantage of a single shut down period.

### **FINANCIAL IMPACT**

Acceptance if the best value tender is within the 100684 Aquazone Condensation Treatment Project budget allocation.

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

This report supports the following Council Plan Initiatives:

#### **2 Foster a healthy City that is socially and culturally rich**

2.4 Encourage and support participation in sport, recreation and physical activity.

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

3.5 Maintain and enhance existing Council Infrastructure.

### **TIMING**

The Tender has been timed to coincide with the planned facility shutdown to upgrade Aquazone water treatment, commencing 1 July 2019 for 7 weeks.

To minimise the disruption to the community the following works are occurring concurrently:

- upgrade of pool water treatment upgrade and renewal of the pool concourse slip resistant treatment.
- replacement of damaged pool tiles in the indoor pools and re-configuration of pool lane ropes.
- renewal of the leaking skylights

## **COMMUNITY IMPACT / CONSULTATION**

Aquazone is advertising the shutdown to members and the general public. The shutdown will affect access to all four pools, but the dry facilities will remain open during the works.

During the changeover from instantaneous gas domestic hot water, there will be a period of 2 – 3 days where hot showers will not be available to gym and group fitness patrons.

## **LEGAL RISK / IMPACT**

A construction risk assessment has been completed resulting in the decision to empty the indoor pools in order to mitigate the possibility of metal debris being deposited in the swimming pools during demolition of the solid metal supply air duct.

Environmental sustainability has been considered as part of the design, in relation to selection of efficient plant and equipment. The planned upgrades to the building management system will also result in a reduction in natural gas consumption in the event the hanger doors are open and outside air is less than the pool hall set-point.

The shutdown will result in short term, limited public access to the pools at Aquazone.

## **OFFICERS' DECLARATION OF INTEREST**

No officers or contractors involved in the preparation of this report have identified a direct or indirect interest in matters to which this report relates.

## **CONCLUSION**

Acceptance of the recommended tender represents best value for the community and will provide benefits to patrons through improved air quality, further reduced operational costs and by significantly extending the expected life of the pool hall.

## **ATTACHMENTS**

Nil

## **5.7. EXTENSION OF CONTRACT 2016040 - PROVISION OF SECURITY SERVICES**

### **PURPOSE:**

***The purpose of this report is to discuss the proposed extension of the existing tender 2016040 Provision of Security Services contract for a further (2) year period.***

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### **EXECUTIVE SUMMARY**

- On 11 July 2016 Council awarded a three (3) year contract under 2016040 for the Provision of Security Services to Council main buildings & public amenities with an option of a (2) year extension
- The current contract entails providing a security and lockup service for main Council buildings and public amenities within the municipality.
- The current annual contract budget for provision of these services is \$144,997 with provision for additional services for events called upon throughout the year at an estimated \$57,636 per annum.

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**MOVED: Cr. Robert Anderson**

**SECONDED: Cr. Kylie Gaston**

### **That Council**

- 1. Extend Contract No. 2016040 Provision of Security Services to R & M Security for an additional 2-year term for a lump sum amount of \$144,997 (GST inclusive) per annum and indexed at CPI.**
- 2. Extend the schedule of rates component of Contract No. 2016040 Provision of Security Services to R & M Security for an additional 2-year term.**

**CARRIED 5:0**

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### **BACKGROUND**

The contract commenced on 11 July 2016 with an agreed contract term of three (3) years, CPI indexed at 2.5%, expiring on 11 July 2019. Conditions of the current contract allows for a single 2-year extension.

The current contactor displays professional service supplying qualified persons to conduct security patrols, response call-outs, lockup services, event/crowd control, Summerbool patrols, two holiday parks security and main Council buildings and amenities security.

Acceptance of the biennial tender option has been appraised as providing best value for Council in relation to provision of security services.

### **Scope of Works**

The scope of works includes the provision of the following services:

#### **Security Patrols at the following:**

- Liebig / Timor Street Precinct: (Inclusive of the Civic Centre Building, Lighthouse Theatre, Public Library, West Wing, Art Gallery, Archie Graham Community Centre.)
- Municipal Depot
- Flagstaff Hill Maritime Village
- Aquazone Aquatic Leisure Centre

- Lake Pertobe Precinct
- Warrnambool Stadium
- Matron Swinton Child Care Centre
- Florence Collins Child Care Centre
- Swan Reserve Childrens Services Centre

**Lockup Services at the following:**

- Coles Carpark Toilet Block
- Lake Pertobe East Toilet Block
- Lake Pertobe West Toilet Block
- McGennans Carpark Entrance Toilet Block
- Flying Fox and Surfside access tunnel – Lake Pertobe Playground
- Botanic Gardens Gate
- Botanic Gardens Toilet Block
- Koroit Street Public Toilet Block
- Foreshore Pavilion Toilet Block
- Point Richie Toilet Block
- Surf Club Toilet Block

**Other Services:**

- Alarm response callouts
- Event and crowd control
- Summerbool
- Shipwreck Bay Holiday Park security
- Surfside One Holiday Park security

**ISSUES**

There are no performance issues with the current contract.

**FINANCIAL IMPACT**

The cost of entering into a 2-year extension, with anticipated schedule of rates costs, is approximately \$413,619 and is funded through operational programs.

**LEGISLATION/POLICY/COUNCIL PLAN CONTEXT**

Legislative provisions to enter into contracts are contained under Section 186 of the Local Government Act 1989 (as per the following extract).

**“186.** Restriction on power to enter into contracts

(1) Before a Council enters into a contract for the purchase of goods or services or for the carrying out of works, to the value of \$100,000 (or such higher amount as may be fixed by Order in Council) or more, it must—

(a) Give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract; or

(b) Give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.”

On 5 August 2008, the Governor in Council made an order fixing the amount to be:

- \$150,000 for contracts for goods or services; and
- \$200,000 for the carrying out of works

This contract must be submitted to Council for a determination due to the contract value exceeds the Chief Executive’s delegation.

### **Council plan context**

This report responds to the following Council Plan initiatives:

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

3.5 Maintain and enhance existing Council Infrastructure.

### **TIMING**

The contract commenced on 11 July 2016 with an agreed contract term of three (3) years, expiring on 11 July 2019.

### **COMMUNITY IMPACT/CONSULTATION**

Acceptance of a tendered extension to an existing contract is not considered to represent an impact to the community or require any community consultation.

There are no outstanding issues relating to performance under the existing contract.

### **LEGAL RISK/IMPACT**

The tenderers were evaluated as to the potential risks associated with delivering the contract works.

This specification has requirements for monitoring such pre-requisites as Probity Checks, Security Licences, OH&S compliance and Public Risk Insurances.

The risk to Council is considered to surround the effectiveness of the service which if not done effectively, places buildings, chattels, and equipment at risk from burglary, vandalism and property damage.

### **OFFICERS’ DECLARATION OF INTEREST**

No officers have declared any conflict of interest in making this recommendation.

### **CONCLUSION**

The current contractor R & M Security have displayed professional service over the recent three (3) year contract period. Any issues have been minor and suitably addressed, with all Council Service Managers in agreeance to offer an extension to the contract.

It is recommended that contractors R & M security are awarded an extension of Contract 2016040 for a further (2) years.

#### **ATTACHMENTS**

Nil



## **5.8. CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER NO. 2019017 - REGISTER OF CONTRACTORS SUPPORTING MINOR BUILDING CONSTRUCTION & MAINTENANCE**

### **PURPOSE:**

***The purpose of this report is to award contracts under Tender No. 2019017 - Register of Contractors Supporting Minor Building Construction and Maintenance.***

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### **EXECUTIVE SUMMARY**

- The intent of this contract is to create a register of contractors supporting minor building construction and maintenance for provision of 14 building work types and trades.
- The successful tenderers will be appointed as registered suppliers to a panel of providers for the provision of these services.
- The individual project budget for this contract is not specifically listed. The Council budget contains several allocations for minor building construction and maintenance which will be used to fund the works as required.
- 40 tender submissions were received from 28 individual tenderers and considered by the Tender Assessment Panel, the details of which are attached to this report.
- Following a detailed evaluation of each of the submissions it is considered that the tender submission/s of Kobb & Co Landscaping, L&H Van Kempen, Warrick Young Plumbing, Hammonds Paints Contracting, O'Brien building, Murrihy Demolitions, Leahys Electrical Contractors P/L, Cri-Tech Plumbing, Coley Electrical P/L, ASAP Local Plumbing, Pat Dwyer Glazing, Onshore Plumbing and Gasfitting, Merri Aluminium Auto Doors, Platinum Gas and Plumbing, Western District Electrical Services, Andrews Asbestos Solutions, Abtech Plumbing & Excavation, Brian O'Shannessy Plumbing, Warrnambool Emergency Plumbing, PSH Electrical, Southwest Kitchens and Stephen Hotker are preferred.
- Additional information is required from five tenderers before they can be included on the panel.
- One tender has been considered non-conforming as the service was not sought under the contract.

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**MOVED: Cr. Michael Neoh**

**SECONDED: Cr. Robert Anderson**

### ***That Council:***

- 1. Accept the tender submission/s for tender 2019017 – Register of contractors supporting minor building construction and maintenance from: Kobb & Co Landscaping; L&H Van Kempen; Warrick Young Plumbing; Hammonds Paints Contracting; O'Brien building; Murrihy Demolitions; Leahys Electrical Contractors P/L; Cri-Tech Plumbing; Coley Electrical P/L; ASAP Local Plumbing; Pat Dwyer Glazing; Onshore Plumbing and Gasfitting; Merri Aluminum & Auto Doors; Platinum Gas and Plumbing; Western District Electrical Services; Andrews Asbestos Solutions; Abtech Plumbing & Excavation; Brian O'Shannessy Plumbing; Warrnambool Emergency Plumbing; PSH Electrical; Southwest Kitchens; and, Stephen Hotker Electrical; for the associated schedule of rates exclusive of GST.**
- 2. Accept the tender submission/s for tender 2019017 – Register of contractors supporting minor building construction and maintenance from: Westfridge P/L; Wayne Hamilton Home Maintenance; McConnell Colour Coatings; Nathan Shanley Carpentry; and MC Plumbing Warrnambool; subject to each reaching agreeable contractual terms and conditions to the satisfaction of the Director City Infrastructure.**

**3. Note that this panel contract is for a two-year period with an option for a one-year extension.**

**4. Authorise the CEO to sign and seal the contract documents.**

**CARRIED 5:0**

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## **BACKGROUND**

Council sought submissions from suitably experienced and qualified contractors supporting minor building construction work and maintenance.

## **PURPOSE**

The intent of this contract is to create a register of contractors to support minor building and maintenance works.

## **SCOPE OF WORKS**

Tenders were called to provide the following services:

Separable Portion A -	Electrical Works
Separable Portion B -	Carpentry and Minor Building Works
Separable Portion C -	Cabinet Making and Joinery Works
Separable Portion D -	Painting Works
Separable Portion E -	Graffiti Removal Works
Separable Portion F -	Plumbing and Gas Fitting Works
Separable Portion G -	Bricklaying and Paving Works
Separable Portion H -	Glazing Works
Separable Portion I -	Miscellaneous Skilled Labour
Separable Portion J -	Air-conditioning Maintenance
Separable Portion K -	Asbestos Removal
Separable Portion L -	Roof, Gutter and Solar Panel Cleaning
Separable Portion M -	Metal Fabrication
Separable Portion N -	Height Safety Installation and Certification
Separable Portion O -	Elevator and Lift Maintenance

This contract is a panel type contract, where one or more contractors may be appointed to the panel for each service. All successful Tenderers will sign up to a Deed of Standing Offer for the provision of construction work.

The Deed constitutes an irrevocable, standing offer by the Contractor to perform works during the Deed Term on the terms and conditions set out in the Deed, including prices submitted. Secondary procurement is required in accordance with Councils procurement policy, in order to determine best value.

Council is under no obligation to direct the contractor to perform works and the deed is not exclusive; Council may use other contractors to provide the services.

## **ISSUES**

### **Legislative Powers**

Legislative provisions to enter into contracts are contained under Section 186 of the Local Government Act 1989.

This report must be submitted to Council for a determination due to the recommended contract amount being above the delegated amount of \$300,000 set by Council to enable the Chief Executive to enter into a contract.

## **TENDERS RECEIVED**

At the close of tenders was 2:00pm Friday 9<sup>th</sup> October 2018. A total of 40 tender submissions were received from 28 contractors in the tender box up until the close of tenders. No late tenders were received.

## **FINANCIAL IMPACT**

This is a schedule of rates tender and will rely upon the amount of funds allocated from the building maintenance and minor capital works budgets in the relevant financial year. The budget allocation for these services is approximately \$900,000 to \$950,000 per annum.

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

Legislative provisions to enter into contracts are contained under Section 186 of the Local Government Act 1989 (as per the following extract).

“**186.** Restriction on power to enter into contracts

(1) Before a Council enters into a contract for the purchase of goods or services or for the carrying out of works, to the value of \$100,000 (or such higher amount as may be fixed by Order in Council) or more, it must—

(a) Give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract; or

(b) Give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.”

On 5 August 2008, the Governor in Council made an Order fixing the amount to be:

- \$150,000 for contracts for goods or services; and
- \$200,000 for the carrying out of works

This contract must be submitted to Council for a determination due to the contract value exceeding the Chief Executives delegation.

This tender relates to Council Plan context:

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

#### **3.5 Maintain and enhance existing Council Infrastructure.**

## **TIMING**

The tender has been advertised for services up until June 2021 with one subsequent 12-month option.

## **COMMUNITY IMPACT / CONSULTATION**

There are no community impact or consultation issues associated with the acceptance of this tender.

## **LEGAL RISK / IMPACT**

It is not considered that there are any risks associated with the acceptance of this tender that cannot be managed through the contract conditions.

The tender process has been determined to comply with the principles of sound financial management as listed in section 136 of the Victorian Local Government Act 1989, specifically to manage financial risks faced by the Council prudently, having regard to economic circumstances;

Tender of panel contracts are a mechanism commonly employed by Local Municipalities in order to comply with the Local Government Act and are seen to provide best value procurement for frequent engagement of contractors which have the potential to exceed the tender threshold.

## **OFFICERS' DECLARATION OF INTEREST**

No officers involved in preparation of this report have declared interest in the recommendation.

## **CONCLUSION**

Acceptance of the tender is considered best value in relation to efficient engagement of resources for maintenance of Councils public buildings and associated infrastructure.

## **ATTACHMENTS**

Nil

## **5.9. RESPONSE TO PETITION - DOG & CAT REGISTRATIONS**

### **PURPOSE:**

***For Council to consider the petition on increased dog and cat registration fees and subsequent recommendations.***

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### **EXECUTIVE SUMMARY**

- A petition has been received with 1,490 signatures in response to the increased registration fees for dogs and cats.
- The petition purported that nearly a third of registered pet owners in Warrnambool were objecting to the increase, gained nothing in return, and should not be more expensive than other towns.
- Of the 1,490 signatories to the petition, 872 did not designate Warrnambool as their address, and 271 signatories were identified as being registered pet owners in the Municipality.
- The cost to register a desexed dog or cat has increased by \$16.00 for the 2018-19 financial year to \$59 and \$70 for a cat and dog respectively.
- For the 2019 registration period there were 4,330 registered dogs and 1,690 registered cats in Warrnambool with around 75% of registered dogs and cats desexed.
- As of mid-May 2019 - 77% of dogs and 74% of cats had been registered.
- All Councils in Victoria must provide animal shelter services and all dogs and cats in the Municipality must be registered with Council under the Domestic Animals Act 1994.
- Owners failing to register dogs or cats face an infringement of \$322.00 set by State Government legislation.
- Council's animal shelter is run by the RSPCA who were awarded the operational contract through an open tender process in 2017. The 2017 contract saw an increased cost of more than 350% over the previous contract which was also held by the RSPCA. Council was able to negotiate a discounted first year rate which represented a 290% increase.
- The cost of Councils overall animal management service is approximately \$550,000 per annum and this includes the RSPCA contract cost, Local Laws staff costs, allowance for vehicle costs, after hours call out costs, dog attacks, stray animals, complaints etc.
- The RSPCA service provides for a higher level of service than is required under the Domestic Animals Act which provides that impounded animals must be held for 8 days. The RSPCA model is to use euthanasia as a last result with animals often kept in excess of 30 days or until they can be re-homed.
- The income received from dog and cat registrations and infringements for the 2017-18 financial year was \$324,784 which represents a subsidy of \$225,215 or from other ratepayers who do not have registered pets. This equates to a \$13.34 per rateable tenement or \$37.50 per registered animal subsidy from across the general rate base.

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**MOVED: Cr. Kylie Gaston**

**SECONDED: Cr. David Owen**

***That Council:***

- 1. Notes the contents of this report;***
- 2. Authorises the CEO to forward a copy of this report to the petition organiser.***

**CARRIED 5:0**

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## BACKGROUND

A petition was received on March 28<sup>th</sup> 2019 containing 1,490 signatures objecting to the increase in dog and cat registrations. The petition was presented to Council at the May 6<sup>th</sup> 2019 meeting, whereby a further report was requested by Council.

The petition states that nearly 1/3 of Warrnambool residents currently registering their pets are all saying the same thing, too expensive, nothing in return, no forewarning and why should Warrnambool residents pay more than other towns. The petition also states that Council should be encouraging dog and cat registrations and that the huge price increase discourages registration.

In 2017 the RSPCA advised Council that the costs of running the pound would need to increase substantially as they were changing their business model and were no longer providing a subsidised service.

Through the 2017 tender process for the operation of the pound Council accepted a tender from the RSPCA which was almost 350% higher than the previous tender.

Through the 2018/19 budget process, the cost to register a desexed dog or cat was increased by \$16.00 to reflect the increased cost of operating the shelter.

## ISSUES

In consideration of the petition, the key points are addressed.

### **1. Nearly 1/3 of residents registering their pets all saying the same thing.**

Of the 1,490 signatures, the following analysis has been undertaken:

- Signatures from Warrnambool residents with registered animals: 271
- Signatures from Warrnambool residents without registered animals: 347
- Signatures from non-Warrnambool residents: 872.

### **2. Registration fees are too expensive, nothing in return, no forewarning.**

The cost to register a desexed dog or cat has increased by \$16.00 for the 2018-19 financial year.

This increase is due to the increase in the cost of operating the animal shelter in Braithwaite Street.

The income received from dog and cat registrations (including infringements) for the 2017-18 financial year was \$324,784.

Council's animal management program costs around \$550,000 annually. In providing this service, Council responds to requests and complaints from the community including pets at large, returning stray animals home, dealing with dog attacks, menacing and dangerous dog, barking complaints, and patrols of the Municipality for compliance with local laws in relation to dogs and cats.

Local Laws also undertake regular community education programs at schools and community groups in relation to animal management.

Council actions relating to cats and dogs are detailed in the table below:

Action	2015 - 2016	2016 - 2017	2017 - 2018
Dogs registered	4,064	4,211	4,204
Cats registered	1,490	1,591	1,603
Inquiries about animals	730	1,072	914
Attacks	32	20	29
Dogs at large	159	149	154
Barking / nuisance	46	173	233
Impounded dogs (by Council)	264	231	228
Impounded cats (by Council)	36	53	70
Impounded dogs (by public)	130	135	122
Impounded cats (by public)	269	379	423
Returned home	46	35	28
Cat cage requests	60	71	69

Pet registration fees do not cover the full cost of running the service and therefore there is a level of subsidy of around \$225,215 per annum paid by ratepayers who do not have a registered dog or cat or \$13.34 per rateable tenement and \$37.50 per registered animal.

Council acknowledges that pet ownership has a positive impact on the mental and physical health and wellbeing of the community and to this end Council provides significant resources and infrastructure to support pet ownership.

However, there are a wide range of consequences, legislation and responsibilities that pet ownership places on Council, the costs of which are not covered by the income received by pet registrations.

The increase in pet registrations was advertised through the community consultation process undertaken through the Council budget process.

### 3. Why should we pay more than other towns

Whilst it is acknowledged that Warrnambool City Council's pet registration fees are higher than many councils in Victoria, there are factors that are specific to Warrnambool which contribute to the cost of pet registration including:

- The overall cost of running the animal management service and the level of service provided.
- The cost of operating the animal shelter by the RSPCA.
- The humane way the RSPCA treat animals in the shelter and the cost of housing animals until they are adopted. The RSPCA do not support euthanasia of animals who were not collected within the legislative period of 8 days under the Domestic Animals Act.

Therefore, it is difficult to draw a direct comparison between Warrnambool and other councils in Victoria in how the pet registration fee is set. It depends on a range of factors including how the overall council budget is set up, the level of service the council provides in animal management, ability to share facilities, and the level of subsidy the council feels is appropriate for ratepayers who do not have pets to contribute to those that do.

### 4. Council should encourage dog and cat registrations

Council goes to considerable trouble and expense to encourage pet registrations because pet registrations are mandatory with fines set by the State Government for non-registration of \$322.00.

Council undertakes a significant publicity campaign every year in the form of newspaper adverts, social media, targeted marketing on vehicles, text messaging and letters sent directly to pet owners to ensure pet owners register their animals. Council sends at least two reminders to pet owners and every year has a significant number of owners who do not register their pets and face fines.

For the last 3 years, in excess of 1,000 pet owners have failed to register their pets despite receiving letters, reminders and the significant public awareness measures undertaken.

## FINANCIAL IMPACT

The RSPCA have operated the animal shelter in Braithwaite Street Warrnambool for over 20 years.

In 2017 the RSPCA advised Council that the costs of running the pound would need to increase substantially as the costs to operate the shelter had increased. The RSPCA adopted a position that shelters would not be subsidised and must be operated on a full cost recovery basis.

This coincided with the time when the contract with the RSPCA was due to expire.

A public tender process was undertaken. Given the specialist nature of running an animal shelter there are limited parties available in the market with the interest and expertise to operate an animal shelter.

The cost of the overall animal management service Council provides is around \$550,000 per annum including Local Laws staff costs, allowance for vehicle costs, after hours call out costs etc.

The income received from dog and cat registrations and infringements for the 2017-18 financial year was \$324,784 which represents a subsidy of \$225,215 or from other ratepayers who do not have registered pets. This equates to \$13.34 per rateable tenement or \$37.50 per animal.

The cost of animal registrations is listed on Councils website under fees and charges - refer to the following table.

### Animal Registrations

New fees to apply from 1 April 2019

User Fees & Charges	2016/17	2017/18	2018/19	Variance	Variance %
Unsterilised dog	\$160.00	\$166.00	\$210.00	\$44.00	26.51%
Sterilised dog	\$52.00	\$54.00	\$70.00	\$16.00	29.63%
Unsterilised dog (pensioner)	\$80.00	\$83.00	\$105.00	\$22.00	26.51%
Sterilised dog (pensioner)	\$26.00	\$27.00	\$35.00	\$8.00	29.63%
Dog over 10 years old	N/A	\$54.00	\$70.00	\$16.00	29.63%
Dog over 10 years old (pensioner)	N/A	\$27.00	\$35.00	\$8.00	29.63%
Dog kept for working with Livestock (rural)	N/A	\$54.00	\$70.00	\$16.00	29.63%
Dog kept for working with Livestock (rural) (pensioner)	N/A	\$27.00	\$35.00	\$8.00	29.63%
Dog registration at pound release	N/A	\$25.00	\$35.00	\$10.00	40.00%
Declared Dangerous or Restricted Breed	\$215.00	\$225.00	\$250.00	\$25.00	11.11%
Unsterilised cat	\$125.00	\$130.00	\$177.00	\$47.00	36.15%
Sterilised cat	\$41.00	\$43.00	\$59.00	\$16.00	37.21%
Cat registration at pound release	N/A	\$15.00	\$29.00	\$14.00	93.33%
Unsterilised cat (pensioner)	\$62.00	\$65.00	\$88.00	\$23.00	35.38%
Sterilised cat (pensioner)	\$20.00	\$21.00	\$29.00	\$8.00	38.10%
Permit to house a third dog / cat	NA	NA	\$25.00	N/A	N/A
Replacement registration tag	\$19.00	\$20.00	\$20.00	\$0.00	0.00%
Grazing permit	\$175.00	\$180.00	\$185.00	\$5.00	2.78%
Registered animal businesses	\$160.00	\$170.00	\$175.00	\$5.00	2.94%
Impounded animal release fee:					
Cat	\$98.00	\$100.00	\$105.00	\$5.00	5.00%
Dog	\$140.00	\$145.00	\$150.00	\$5.00	3.45%

Pro-rata fees – 50% of pet registration fees apply after 1 November.

Deceased animals – 50% refund of fees available/claimed up to 1 November of current registration period.



The Domestic Animal Act requires that the maximum registration fee for entire dogs and cats must be 3 times greater than the reduced fee for desexed animals. This is intended as an incentive for pet owners to have their animals desexed.

In an effort to reduce the operational costs of running the animal shelter, Council has been in discussions with the RSPCA to determine if the animal shelter could be operated with reduced hours. Council is reviewing options to bring the operation of the shelter "in house". This would allow Council could consider a review of the euthanasia timeframes, operating hours, and the ongoing operation of the animal adoption program.

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

This report responds to the following Council Plan objectives:

5 Practice good governance through openness and accountability

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

5.9 Deliver customer-focused, responsive services.

## **TIMING**

Dogs and cats were required to be registered with Council by 10<sup>th</sup> of April every year.

Reminder letters have been issued and Council will shortly be obligated to issue infringements.

## **COMMUNITY IMPACT/CONSULTATION**

The registration fees were consulted through the annual budget process.

## **LEGAL RISK/IMPACT**

Risks are assessed as reputational and financial.

## **OFFICERS' DECLARATION OF INTEREST**

No conflicts of interest were declared by officers involved in the preparation of this report.

## **CONCLUSION**

Council can now consider the detailed information provided in relation to the animal management program.

## **ATTACHMENTS**

Nil

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

### **PURPOSE:**

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

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### **EXECUTIVE SUMMARY**

The following request for leave of absence from Cr. David Owen has been received to be effective for the following Council meeting dates:-

- Ordinary Council Meeting – 1 July 2019
- Ordinary Council Meeting – 5 August 2019

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

---

**MOVED: Cr. Michael Neoh**  
**SECONDED: Cr. Robert Anderson**

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

- **Ordinary Council Meeting - 1 July 2019**
- **Ordinary Council Meeting – 5 August 2019**

**CARRIED 4:0**

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### **ATTACHMENTS**

Nil

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## **5.11. ADVISORY COMMITTEE REPORTS**

### **PURPOSE**

*This report contains the records of the Economic Development and Visitor Economy Advisory Committee meetings.*

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### **REPORT**

### **ATTACHMENTS**

1. Economic Advisory Committee - 28 May 2019 **[5.11.1]**
2. Visitor Economy Advisory Committee - 17 April 2019 **[5.11.2]**

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**MOVED: Cr. Robert Anderson**

**SECONDED: Cr. David Owen**

**That the Economic Development and Visitor Economy Advisory Committee records be received.**

**CARRIED 5:0**

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## **5.12. ASSEMBLY OF COUNCILLORS REPORTS**

### **PURPOSE**

*The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.*

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### **BACKGROUND INFORMATION**

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. an advisory committee of the Council where one or more Councillors are present.

The requirement for reporting provides increased transparency, particularly the declarations of conflict of interest.

### **REPORT**

Section 80A(2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.

The record of the following Assembly of Councillors is enclosed:-

- Monday 8 April 2019 – Refer **Attachment 1**
- Monday 13 May 2019 – Refer **Attachment 2**
- Monday 20 May 2019 – Refer **Attachment 3**
- Monday 27 May 2019 – Refer **Attachment 4**

### **ATTACHMENTS**

1. Assembly of Councillors Record 080419 **[5.12.1]**
2. Assembly of Councillors Record 130519 **[5.12.2]**
3. Assembly of Councillors Record 200519 **[5.12.3]**
4. Assembly of Councillors Record 270519 **[5.12.4]**

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**MOVED:** Cr. Kylie Gaston  
**SECONDED:** Cr. Robert Anderson

**That the record of the Assembly of Councillors held on 8 April, 13 May, 20 May and 27 May 2019 be received.**

**CARRIED 5:0**

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### **5.13. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT**

#### **PURPOSE**

***This report summarises Mayoral and Chief Executive Officer Council activities since the last Ordinary Meeting which particularly relate to key social, economic and environmental issues of direct relevance to the Warrnambool community.***

#### **REPORT**

<b>Date</b>	<b>Location</b>	<b>Function</b>
2 May 2019	Warrnambool	Mayor & Chief Executive Officer – Met with Federal Labour candidate Maurice Billi.
3 May 2019	Port Fairy	Mayor & Chief Executive Officer – Attended the Great South Coast Board Meeting.
7 May 2019	Warrnambool	Mayor & Chief Executive Officer – Met with members of the local Philanthropic Trusts.
8 May 2019	Ballarat	Mayor & Chief executive Officer – Met with Minister for Roads, Jaala Pulford MP regarding road issues of concern to Warrnambool.
9 May 2019	Warrnambool	Chief Executive Officer – Attended a meeting of the Great South Coast CEO's group.
16 May 2019	Melbourne	Mayor – Joined a delegation of Great South Coast Mayors to meet with Minister for Roads, Jaala Pulford MP concerning Princes Highway West and roads funding.
	Warrnambool	Cr Neoh represented the Mayor at the HFNL Interleague dinner.
17 May 2019	Melbourne	Mayor – Attended the Municipal Association of Victoria State Council meeting.
23 May 2019	Geelong	Mayor – Attended a dinner to celebrate the contribution made to Deakin University by Professor Jane den Hollander AO.
26 May 2019	Warrnambool	Cr Neoh represented the Mayor and Opened the City of Warrnambool Eisteddfod which included the Aria Final.
28-29 May 2019	Sydney	Chief Executive Officer – Attended the World Business Forum held in Sydney.
29 May 2019	Warrnambool	Mayor – Attended and gave a welcome address at the South West Sport 2018 Deakin University Star Awards.

**MOVED: Cr. Michael Neoh**

**SECONDED: Cr. Robert Anderson**

**That the Mayoral & Chief Executive Officer Council Activities Summary Report be received.**

**CARRIED 5:0**

## **6. PUBLIC QUESTION TIME**

### **6.1 PUBLIC QUESTION FROM DAVID THOMPSON, 831 KOROIT-WOOLSTHORPE ROAD, WARRNAMBOOL**

*"Thank you for your reply to my request for further information in relation to the Warrnambool Livestock Exchange.*

*Part 2 of my request was for the breakdown of money spent on improvements since 2010, this figure is for improvements only to the Saleyards excluding the normal maintenance.*

*Your figures are for total year to year capital expenses, however I requested a breakdown of these figures to show what has actually been spent on each separate item for improving the Warrnambool Saleyards.*

*Could you please provide these breakdown figures as soon possible."*

Director Corporate Strategies Peter Utri has completed this action.

### **6.2 PUBLIC QUESTION FROM MAX TAYLOR, 132 LIEBIG STREET, WARRNAMBOOL**

*"It was reported in the Warrnambool Standard on Thursday, April 4th 2019 that Warrnambools City Centre Car Parking Strategy will be reviewed in answer to my car parking petition tabled at the Council meeting in April this year. As I have had no reply to my petition, when is this review going to take place and will CBD traders and professional business people be able to have input into this review?"*

### **6.3 PUBLIC QUESTION FROM ANGIE PASPALIARIS, 62 KEPLER STREET, WARRNAMBOOL**

*"Dear Mr Schneider and Councillors*

*As a CBD business owner who is in direct proximity to the Koroit/Kepler Street roundabout, I would like to know why I (and other business owners near me) have not had one single bit of written correspondence about what is happening with the planned 'refurbishment' of our roundabout?*

*It was stated in The Standard newspaper in February this year that business owners in the direct vicinity were consulted about the Council's plans for this roundabout - this only occurred when two Council representatives attended a select number of businesses the day after I contacted a Council Director about the newspaper article being false in what it said about consultation and checking with 12 local businesses who had received no contact or information prior to that article being published.*

*If I understood correctly, minor works are to start on our roundabout shortly after this coming weekend - and still, no contact?*

*How can small business plan for, and inform staff, customers and clients of the impacting roadworks and street closures, when the business owners themselves have absolutely no idea what is going on? This is absolutely not good enough and I would like an explanation as to how we have been disregarded for months and months now.*

*I would like a reply verbally and in writing."*

**6.4 PUBLIC QUESTION FROM ANGIE PASPALIARIS, 62 KEPLER STREET, WARRNAMBOOL**

***"Dear Mr Schneider and Councillors***

***At the last council meeting May 6th 2019, I asked a public question about the efforts and consultative costs required for the rate rise application.***

***Mr Schneider was kind enough to promptly answer the question in written form, and his answer, referred to a possible increase in rates'.... being directed towards Council's asset renewal backlog of approximately \$16.5 million'.***

***Could Mr Schneider - but more importantly - could councillors or officers - who have been in office much longer than Mr Schneider - please give details on how a \$16.5 million dollar deficit in the asset renewal fund has suddenly appeared? How and why has this deficit only just been identified as a matter of urgency and action?***

***Could Mr Schneider, Councillors, Directors - someone? - please elaborate on how long it took for this deficit to grow to a sum of \$16.5 million, as I'm sure most would agree, this type of figure does not occur overnight. I would appreciate a detailed account of what has caused such a deficit, why it has happened, and which parties were ultimately responsible for it.***

***I would like my answer verbally and in writing please."***

**6.5 PUBLIC QUESTION FROM PETER SYCOPOULIS, 12 JACKMAN AVENUE, WARRNAMBOOL**

***"On June 1 2019, The Warrnambool Standard reported there is to be a Strategic Vegetation Management Project at Cannon Hill in order to restore views. Warrnambool residents have long awaited the reclamation of sea views from McGennen Car Park.***

***Is Warrnambool City Council considering a similar Strategic Vegetation Management project to restore sea views at McGennen Car Park?"***

**6.6 PUBLIC QUESTION FROM BRIAN KELSON, WARRNAMBOOL RATEPAYERS ASSOCIATION**

***"Council recently advertised the following new positions:  
Project Manager Reid Oval...salary not disclosed.  
Project Officer Reid Oval....salary \$99/\$110k per year  
Project Officer Library.....salary \$99k/\$110k per year***

***The Warrnambool City Council has applied to break the Rate Capping, we see these positions being advertised at a time when ratepayers are possibly going to have to pay more for rates. With the 2019/2020 wage bill of \$32.4 million dollars an increase of \$1.25 million, Council should be showing restraint not increasing its wage bill.***

***QUESTION:***

***Do we currently have employees qualified to handle these positions or possess the skill set required to transition into these roles, or could the WCC head of departments oversee the works with the successful tenderer?***

***A further position was advertised "Village Activations Coordinator" at a salary of \$72k, in light of the large losses Flagstaff Hill is incurring do we not have current staff that are able to take on this position to lessen the financial burden?"***

## **7. CLOSE OF MEETING**

**6.47pm**