

MINUTES

**SCHEDULED COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 3 APRIL 2023**



VENUE:

**Lighthouse Theatre Studio
Lighthouse Theatre
Timor Street
Warrnambool**

COUNCILLORS

Cr. Debbie Arnott (Mayor)
Cr. Otha Akoch
Cr. Ben Blain
Cr. Vicki Jellie AM
Cr. Angie Paspaliaris
Cr. Max Taylor
Cr. Richard Ziegeler

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

**ANDREW MASON
CHIEF EXECUTIVE OFFICER**

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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 3 APRIL 2023 COMMENCING AT 5:45 PM**

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

IN ATTENDANCE: Mr Andrew Mason, Chief Executive Officer
Mr Peter Utri, Director Corporate Strategies
Mr David Leahy, Director City Infrastructure
Mr Luke Coughlan, Acting Director City Growth
Ms. Ingrid Bishop, Director Community Development
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 BEN BLAIN
SECONDED: CR RICHARD ZIEGELER

That the Minutes of the Scheduled Meeting of Council held on 6 March 2023, 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.

Nil.

5. MAYORAL PRESENTATION

Following on from our International Women's Day events which the theme this year is Embrace Equity, I wish to speak about some of the findings from Respect Victoria. The findings from the 2021 National Community Attitudes Towards Violence Against Women's survey have been released. The survey measures understanding of and attitudes towards violence against women and gender inequality. The survey found that as a community we are becoming more aware of what violence against women and gender inequality look like. Australians are now more likely to reject certain forms of violence. Attitudes towards sexual violence improved significantly since the 2013 survey, which could be attributed to part in global movements like Me Too and local activism from people like Brittany Higgins, Grace Tame and Chantel Contos.

Despite these advances, there are some concerning trends in the data. The ABS Police Court and academic data demonstrates that men are overwhelmingly more likely than women to use violence, in fact data from the ABS shows that 95% of all victims regardless of gender, experience violence from a male perpetrator. In fact, most violence against people of all genders is perpetrated by men. This does not mean that all men are violent, however violence occurs where men hold sexist and violent supportive attitudes and where these attitudes go unchallenged. Drawing the link between violent supportive attitudes and violence against women is important in engaging the community in prevention. This is where we need to find ways to engage the community in the gender drivers of violence against women in ways that are meaningful to them in the places where they work, learn and play.

The survey also found that certain forms of violence continued to be unrecognized including emotional abuse and controlling behaviours, tech facilitated abuse like stalking or persistently messaging somebody, was not understood as harmful by a significant number of participants and issues of consent were similarly misunderstood. Why does this matter? Given the majority of violence against women is perpetrated by men, prevention work will only be successful if men and boys are meaningfully engaged in it. Rigid stereotypes of what it means to be a man are just as harmful to men and boys as they are to our entire community. Further, male peer relationships also play a critical role in where the violent attitudes, practices and behaviours are challenged or supported. I just wish to highlight this to show that we still have a lot of work to do to prevent violence against women.

6. PUBLIC QUESTION TIME

6.1 QUESTION FROM RAY LOUGHEED, WARRNAMBOOL

- 1) *In relation to the levelling off of the top of Cannon Hill, prior to the possible building of the new Art Gallery, what contingency plans have been put in place should any caves, crevices or faults be found in the underlying sandstone*

AND

- 2) *Have these very likely cost blowouts been included in the stated \$40m building cost.*

RESPONSE

Geological surveys of Cannon Hill have not been completed. If the Business Case finds that a new Art Gallery at Cannon Hill is something that the Council wishes to continue with and it is very important to realise that decision hasn't been made but if that decision was to go ahead and Council was to proceed with that it will then be necessary for Council to include and undertake a geological surveys and that will then feed into detailed design and costing works.

AND

Preliminary costings in the feasibility study have only been done at a very high level. While the costings have included a sum for contingency costs, they have not accounted for any escalation of construction costs or impact of the geotechnical work and obviously these factors will need to go into an updated business case and costings again if Council chose to proceed at this site.

6.2 QUESTION FROM BRIAN GUYETT, WARRNAMBOOL

Has the petition opposing the art gallery on cannon hill been formally acknowledged?

RESPONSE

The petition opposing an Art Gallery on Cannon Hill was received at an open Council meeting on 2 October 2022. The resolution of the Council at that time was that *in accordance with the Governance Rules, the petition lodged objecting to the proposed relocation of Warrnambool Art Gallery to Cannon Hill, be received.*

6.3 QUESTION FROM BRIAN GUYETT, WARRNAMBOOL

Why was not a greenfield site considered when looking at options for a new art gallery?

RESPONSE

Although several sites were considered, no greenfield sites were included. The basis of that was Galleries are most successful when located within close proximity to other cultural and tourism attractions to maximise visitation.

6.4 QUESTION FROM PAMELA MEDRO, WARRNAMBOOL

When will more bus shelters be erected? I am sure (or I hope they are) that Council is aware that there are no bus shelters at the bus stops around Jamieson Street school. This is just one example of the lack of bus shelters. Warrnambool certainly needs more bus shelters to protect people of all ages against the cold rainy days. Also, why are the few bus shelters we do have are not being maintained?

RESPONSE

It is important to recognise that Warrnambool Council is not responsible for the provision of bus shelters, the provision of bus services is the responsibility of Public Transport Victoria so we don't budget for the maintenance or provision of that. Council is in fact meeting in the next fortnight with Public Transport Victoria representatives to negotiate replacement of some bus shelters and discuss maintenance issues, we will certainly raise in our discussion with Public Transport Victoria the provision of bus shelters in areas raised by Miss Medro and we will continue to advocate for these facilities.

6.5 QUESTION FROM GEOFFREY GREG, WARRNAMBOOL

With regards to the Art Gallery I believe you should have a community feasibility study plan in place before you take anything about what you're doing at the moment and obviously that's the problem we don't know what your doing so I am under the understanding there should be a feasibility plan engagement plan in place.

RESPONSE

You are correct Mr Greg if Council chooses to go ahead and again there is no decision made we are still in a very preliminary phase obviously a consultation plan community engagement plan will form part of any proposal going forward but we are probably at a stage that's before given that no decision has been made we are not at a stage where that would be normal practice.

7. REPORTS

7.1. LOCAL GOVERNMENT INSPECTORATE LETTER

DIRECTORATE : Executive Services

AUTHOR : Andrew Mason

PURPOSE:

This report provides an update on issues being investigated by the Local Government Inspectorate.

EXECUTIVE SUMMARY

At the Audit and Risk Committee meeting, an update was sought on issues being investigated by the Local Government Inspectorate. A search of Council's records has revealed that in June 2022 the Local Government Inspectorate wrote to the former CEO in relation to their investigation into the re-appointment of Vikki King as Director Community Development.

In summary, the Inspectorate advised that following their investigation, they had concluded that Vikki King has not undertaken any unlawful activities and that no breach or offence of the Local Government Act had occurred - refer attached letter – **Attachment 1**.

The Local Government Inspectorate made 5 recommendations. Four of the recommendations related to improvements to Council policy and process. The fifth recommendation stated that: *“the recommendations in this letter should be tabled at the next open Council meeting”*. This recommendation was not acted upon and was not reported to an open meeting of Council.

From a governance and transparency perspective, this matter is now being brought to Council.

It is considered that four recommendations of the Inspectorate in relation to policy and process are not unreasonable and will be actioned.

MOVED: CR MAX TAYLOR

SECONDED: CR VICKI JELLIE

- 1. That Council note the letter from the Local Government Inspectorate.**
- 2. Request management to implement relevant recommendations.**
- 3. Direct the CEO to inform that Local Government Inspectorate that the letter has been tabled and recommendations will be implemented.**

CARRIED - 7:0

BACKGROUND

Councillors have been provided with a copy of the Inspectorate letter which should provide the necessary background. The investigation was triggered by four separate complaints, all relating to the reappointment of the former Director Community Development Vikki King. The investigation concluded that the actions were not unlawful.

FINANCIAL IMPACT

N/A.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

Not Applicable

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

This matter has been tabled with Council as recommended by the Inspectorate and to ensure transparency.

ATTACHMENTS

1. Outcome Letter to Peter Schneider 1 June 2022 [7.1.1 - 3 pages]



Local Government Inspectorate

GPO Box 4912
Melbourne Victoria 3001
Inspectorate@lgi.vic.gov.au
Telephone: 1800 469 359

Ref: INV 785

By email to: PSchneider@warrnambool.vic.gov.au

WARRNAMBOOL CITY COUNCIL (WCC) REAPPOINTMENT OF VIKKI KING AS DIRECTOR COMMUNITY DEVELOPMENT

Dear Mr Schneider

I write to advise you that the Inspectorate has finalised the investigation into the following allegations:

- i. On 16 August 2020, a complaint form was submitted to the Inspectorate, it was alleged that the Vikki King, former Acting Chief Executive Officer (**'CEO'**) misused her position in contravention of section 76D of the *Local Government Act 1989* (**'the Act'**) to be reappointed to her substantive position of Director Community Development renewed for a further five years.
- ii. On 14 September 2020, another complaint was submitted, it was alleged that the contract renewal process for the Director Community Development was in breach of the Act.
- iii. On 18 November 2020, the Inspectorate received a complaint which alleged a misuse of position by Vikki King to reappoint herself into her previous position as Director Community Development for another five years.
- iv. On 12 April 2022, another complaint was submitted which alleged Vikki King misused her position pertaining to her reappointment as Director Community Development.

As you are aware the Local Government Inspectorate (Inspectorate) is the dedicated integrity agency for local government in Victoria, and is responsible for receiving, assessing and, where appropriate, investigating offences under the *Local Government Act 2020* (Act).

The Inspectorate has considered the allegations and without any clear evidence we are unable to substantiate or proceed further with any investigation or action.

The following comments are for your further information and in response to the claims:

I base this on the following information I have received and assessed:

- i. The Inspectorate explored the possibility of a Misuse of position by Vikki King, however the elements of s 76D (1) cannot be satisfied. Vikki King was a former staff member, *not a "former Councillor or a member of a special committee"* as stated in the Act. It is therefore decided that Vikki King has not breached s 76 D of the Act.



76D Misuse of position

A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position –

- ii. The Inspectorate also investigated into 'Misconduct in public office' by Vikki King. It has been decided that Vikki King did not carry out any unlawful activities. Vikki King instructed Anthony Massaro, Russell Kennedy, who advised that the CEO powers could be delegated to a *"member of council staff"*. Vikki King delegated her powers to Noel Reid who was a part-time *staff member* at Warrnambool City Council. Further clarification on this point was sought by Simon Fleming, Mr. Massaro stated the following:

"Section 47(1)(a) of the Local Government Act 2020 provides that the delegation must be to a member of Council staff, which is defined to mean any person appointed who is not an independent contractor or volunteer".
- iii. Vikki King approached three senior members of staff, all of which did not feel comfortable with accepting the delegations. There is an argument to suggest that Vikki King made reasonable attempts to have a director accept the delegations before turning to a less senior member of staff.
- iv. It should be noted that Noel Reid is not a senior member of staff, however, Mr. Reid took advice from both Simon Fleming and Graham Shiell before he accepted the delegation. In an interview with the Inspectorate, Mr. Reid stated there was,

"..no negative response through the Organisational Development Manager, Graham Shiell, etc."
- v. Vikki King was advised by Anthony Massaro to *"engage a suitably qualified consultant to provide an independent assessment"*. An independent report was drafted by Christine Mileham, Recruitment, Workplace Relations & HRM Consultant. On 6 August 2020, Ms. Mileham made a declaration that she did not have a past work or personal relationship with Vikki King. Without any evidence to the contrary, it has been decided that no conflict of interest exists between Vikki King and Christine Mileham. During Mr. Reid's interview with the Inspectorate, he advised that he based his decision on whether to reappoint Vikki King on the conclusion of the independent report.
- vi. It is noteworthy that although the legislation states that *"any staff member"* can be delegated the powers of the CEO, it is a shortcoming of council that Mr. Reid was placed in a position to accept the delegations. It can be argued that Mr. Reid does not have the adequate experience to accept the CEO delegations. I have addressed this in the recommendations below.
- vii. Furthermore, it appears that Vikki King circumvented a proper procurement process in the appointment of Ms. Mileham. This has been addressed in the below recommendations.
- viii. Another shortcoming to arise out of this investigation is that Ms. Mileham was unable to obtain documented performance plans for Vikki King. Vikki King sent Ms. Mileham an *"unassessed performance plan"* again, indicating that there was nothing formal on council's case management system relating to her performance. I have also addressed this shortfall in the recommendations below.

Conclusion:

- i. As a staff member, Vikki King is not subject to the provisions governed by section 76D of the *Local Government Act 1989*.
- ii. It has been decided that Vikki King has not undertaken any unlawful activities.
- iii. No breach and / or offence of the Local Government Act 1989 has occurred.

Recommendations:

- i. Council should devise a policy pertaining to the reappointment of senior staff members.
- ii. Council should define the staff members capable of accepting the CEO delegations in certain circumstances.
- iii. Council should have a policy in place for the performance reviews of senior staff members. All performance reviews should be adequately documented and saved onto Council's case management system.
- iv. Council should ensure all procurement / tender policy documents have been updated and that staff members are reminded of the importance of the same.
- v. The recommendations in this letter should be tabled at the next open Council meeting.

Should you have any questions or would like to discuss this matter further, please contact Sinead Flatley at email inspectorate@lgi.vic.gov.au.

Yours sincerely



David Walker
Team Leader Investigations

1/06/2022

7.2. APPOINTMENT OF AUDIT AND RISK COMMITTEE CHAIRPERSON

DIRECTORATE : Corporate Strategies

PURPOSE:

The purpose of this report is to recommend the appointment of a new committee chairperson to the Warrnambool City Council Audit and Risk Committee

EXECUTIVE SUMMARY

- The Audit and Risk Committee is an independent advisory committee established under section 54 of the *Local Government Act 2020*
- A vacancy in the chairperson position recently opened due to the appointment of the previous incumbent as an employee with Council and subsequent resignation.
- The Audit and Risk Committee charter states that Council must appoint the chairperson.

MOVED: CR BEN BLAIN

SECONDED: CR RICHARD ZIEGELER

That Kevin Leddin be appointed as the chairperson of the Warrnambool City Council Audit and Risk Committee.

CARRIED - 7:0

BACKGROUND

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

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

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

The Committee is made up of 3 independent members and 2 Councillors. The previous chairperson resigned from the Committee recently. This created a vacancy for an independent committee member (which was filled via appointment in March) and for the role of the chairperson.

ISSUES

It is recommended that Kevin Leddin be appointed as chairperson of the Audit and Risk Committee. Independent Committee members were canvassed on the chairperson role and recommended the appointment of Kevin Leddin as chairperson.

FINANCIAL IMPACT

No Financial impact as committee member remuneration is budgeted.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

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

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

TIMING

The next Committee meeting is on Tuesday, 16 May, 2023

OFFICERS' DECLARATION OF INTEREST

No conflict of interest declared

CONCLUSION

It is recommended that Kevin Leddin be appointed as chairperson of the Audit and Risk Committee.

ATTACHMENTS

Nil

7.3. CONTRACT EXTENSION - MEALS ON WHEELS SERVICE

DIRECTORATE : Community Development

PURPOSE:

This report provides an update on Council's current contractual arrangements with South West Healthcare for the ongoing procurement of meals for the Meals on Wheels service for a period of 15 months, up to 30 June 2024.

EXECUTIVE SUMMARY

In February 2021, Council entered into a 2 year contract with South West Healthcare (SWH) for the supply and deliver of meals for the Meals on Wheels program. In the 24 months since then, SWH has delivered over 41,000 meals at a total cost of \$452,971 (average of \$11.04 p/meal).

This contract, which expires on the 5 April 2023, has provision for a 2 x 1 year extension (Clause 2.2.2 Extension of Contract – the Council's option) which should be exercised three months before the contract expires. In line with customer demand and limited service delivery alternatives, and the high quality of the service received to date, discussions with SWH have taken place regarding the extension of the contract. South West Healthcare has in-principle agreed to the extension obligations for a further 15 months.

With reference to the current arrangement under the Commonwealth Home Support Program, Council is funded to 30 June 2024 to provide the service therefore it would be prudent for Council to extend the current contract for the next fifteen months, instead of going to market.

MOVED: CR RICHARD ZIEGELER

SECONDED: CR BEN BLAIN

That Council endorses the extension of the Meals on Wheels procurement contract which is due to expire on 5 April 2023 to 30 June 2024.

CARRIED - 7:0

FINANCIAL IMPACT

There is no direct financial impact to Council. The existing contract allows for an increase in price for the CPI for delivered meals. South West Healthcare, the service provider, has consented to a 1.5% increase in cost. Based on the number of meals for the past 12 months leading up to March 2023, this would result in an additional \$5,000 being committed. The Commonwealth Government's contribution to meals has increased from \$136,310 to \$147,724, an increase of \$11,414.

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.

OFFICERS' DECLARATION OF INTEREST

There is no conflict of interest.

CONCLUSION

With funding confirmed for delivery of the Commonwealth Home Support Program up to 30 June 2024, the extension of the current contract with South West Healthcare would be cost effective to Council to continue the delivery of the Meals on Wheels program for the funding period.

ATTACHMENTS

Nil

7.4. ADVISORY COMMITTEE REPORTS

PURPOSE

This report contains the record of one Reference Group Meeting.

REPORT

1. Warrnambool Airport Reference Group – 21 February 2023 – refer **Attachment 1**, noting Item 5, commentary on Development Plan and Strategy, Item 9, commentary on Wind Farm Developments and Item 14, commentary on future development.

ATTACHMENTS

1. Minutes WARG 21 February 2023 (1) [7.4.1 - 7 pages]

MOVED: CR MAX TAYLOR

SECONDED: CR ANGIE PASPALIARIS

That the Minutes of the Warrnambool Airport Reference Group meeting held on 21 February 2023, be received.

CARRIED - 7:0

WARRNAMBOOL REGIONAL AIRPORT REFERENCE GROUP (WRARG)			
MINUTES			
Date:	Tuesday 21 February 2023.	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) John Stuart, Errol Stewart, Stephen Wood (Off Shore Services) Patrick HEMS4 MICA Paramedic.		
WCC Attendees:	David Leahy (Director City Infrastructure) Abel Farrell (Manager Infrastructure Services) Terry O'Sullivan (Coordinator Airport Operations & Compliance)		
MSC Attendees:	Michelle Grainger (Manager Energy Projects Officer)		
For Information:	Shane Robe (ARO)		
Apologies:	Jodie McNamara (Director Economy & Place) Vicki Askew Thornton (Senior Energy Projects Liaison Officer) Jim Doukas (Moyne Shire) Ken Veal, Chris Daffy, Troy Bentley, Toby Hunt (Babcock) Julie Anderson (Manager Strategic Assets, Property and Projects/Governance, Property, Projects & Legal) Tina Bryant (Property Officer)		
No	Discussion	Who	Action
1.	Welcome & Apologies.	Chairman.	
2.	Declaration of conflict of interest.	All.	Stephen Lucas – Hangar Owner/Aero Club. John Stuart – Hangar Owner. Errol Stewart – Hangar Owner/Aero Club.
3.	Confirmation of minutes of Meeting Monday 21 November 2022. Minutes tabled as follows: Executive Management Team Meeting Tuesday 13 December. Council briefing Monday 19 December. Council Meeting Monday 6 February 2023.		Moved: John Stuart Seconded. Cr Max Taylor. 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.	David Leahy/Abel Farrell.	Officers to review the Airport Development Plan and to develop an Airport Strategy with particular reference to the protection of Airspace around the Airport (Minimum Safe

	<p>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.</p> <p>Any future development on site, applicants will require Councils in principal approval for use and consent to build in the first 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.</p>		<p>Altitude, MSA, and Obstacle Limitation Surfaces, OLS, as highlighted by recent State Government Panel Hearing's on Windfarm Developments.</p> <p>Reference Group to be included in above for review/comment.</p> <p>The above to be reported to Council for adoption.</p> <p>Council to Express an Interest in becoming part of Regional Capitol Australia.</p> <p>Moyne Shire Council, MSC, recently advertised for Expressions of Interest to purchase or lease land for a new Depot as they have outgrown their site at Koroit.</p> <p>Council staff continue to field calls from interested parties enquiring about operating larger Aircraft from Warrnambool, construction of Hangars, lease terms, conditions of use, etc.</p>
<p>6.</p>	<p>Runway 13/31. Resealed February 2016.</p> <p>To clearly determine the current asset life of the runway a detailed pavement investigation needs to be undertaken as soon as practical.</p> <p>With increasing and larger traffic the pavement life expectancy is becoming less and early signs of ponding are evident.</p>	<p>David Leahy/Abel Farrell.</p>	<p>Skid resistance and surface texture testing to be undertaken.</p> <p>The GHD Pavement Investigation report 2010 still a relevant reference to existing pavement.</p>

<p>7.</p>	<p>Runway 04/22. Usage of Runway continues to increase. Runway swept Thursday 15 December. A second 7mm seal was applied Monday 23 January. Rolling of Runway undertaken Tuesday 24 and Wednesday 25 January and again Tuesday 8, Wednesday 9, & Friday 10 February.</p>	<p>Abel Farrell/Terry O'Sullivan.</p>	<p>Runway to be suction swept Thursday 23 February to remove loose stone. Turning nodes each end are planned along with line markings plus grading of runway shoulders to improve drainage commencing Monday 27 February and scheduled for completion by Friday 24 March. Runway will be available for light Aircraft movements with displaced threshold of 334 metres.</p>
<p>8.</p>	<p>Obstacle Limitation Surfaces, OLS. 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>Terry O'Sullivan.</p>	<p>Property owner of tree plantation on approach to Runway 13 (west end main runway) has given consent to Council to lop back part of the plantation for approximately 120 metres.</p>
<p>9.</p>	<p>Wind Farm Developments. As previously agreed Council's position that no change to the MSA occur in order to protect the current Airspace. Moyne Shire Council. Moyne Shire Council's current resolution is to oppose all new wind farms in Moyne (attached) Willatook. Subject to Panel Hearing in Warrnambool Tuesday 11 October through to Monday 7 November. WCC made submission through Public Exhibition/Planning Process 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>WCC & MSC Staff.</p>	<p>Michelle Grainger, MSC, provided an update on windfarm developments. Has been recent panel hearings for Willatook and Woolsthorpe developments. In future Warrnambool to attend and make representation at hearings in unison with Moyne. Critical that Development and Strategy Plans for the Airport are adopted by Council. Aviation consultants continually advise that a raise in the MSA is not a safety issue and is purely an administrative task.</p>

	<p>Thanks to Moyne Shire in particular Michelle Grainger and Vicki Askew-Thornton for their support in protecting the Airports Airspace throughout the hearing.</p> <p>Woolsthorpe. Woolsthorpe Wind Farm, Planning Permit amendment application, reduce number of turbines from 20 to 13 but increase height from 168 metres to 230 metres This application is seeking to amend planning permit and proposes to increase MSA from 2100 to 2300ft.</p> <p>To be considered by MSC Tuesday 8 November.</p> <p>WCC made submission through Public Exhibition/Planning Process to DEWLP Friday 4th November (copy MSC)</p> <p>Currently subject to Panel Hearing.</p> <p>Hawkesdale. Works have commenced.</p> <p>Hexham. Nothing further to report from last meeting.</p>		<p>In all discussions to date it is not clear who has the regulatory authority to approve or reject the requests for an increase in the MSA, i.e. who has control/ownership of Air Space? Fair to say the end result sits with the Minister for Planning.</p> <p>The outcome of the Willatook Panel Hearing is expected in a month or so. Await outcome in anticipation. Outcome of Woolsthorpe hearing to follow.</p> <p>Again thanks to Moyne Shire in particular Michelle Grainger and Vicki Askew-Thornton for their support in protecting the Airports Airspace throughout the hearing.</p> <p>Works in progress.</p> <p>Expect development in this space shortly. Towers planned are 260 metres AGL.</p>	
10.	<p>Communications & Water Towers. 63 McKenzies (Telstra 35m monopole) subject to a hearing in April.</p> <p>366 Wollaston (Telstra 35m monopole) has been appealed at VCAT and is scheduled for a hearing in September.</p>	Terry O'Sullivan.	For information.	
11.	<p>Fees and Landing Charges. Income for 2022/2023 to date: Avdata charges \$28,629.00 Local Commercial Operators \$6,109.09 " Recreational " \$3,568.68</p>		Noted by group.	

	<p>Group to be advised when Budget is put out for public comment.</p> <p>Response to operators that fail to pay landing fees.</p> <p>Warrnambool City Council has engaged Avdata to act on its behalf for the purposes of collecting landing fees at YWBL.</p> <p>An amount of \$0.00 is owing for movements at YWBL.</p> <p>Please settle this outstanding amount at your earliest convenience, failure to do so will result in Council engaging its Debt Collectors.</p>		<p>Group in agreement that if Aircraft Operators are not willing to pay landing fees at YWBL then please refrain from using Warrnambool, all others pay as per Councils landing Fees.</p>
12.	<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 on apron Tuesday 31 January.</p> <p>Wednesday 23 November, Friday's 6 and 20 January full day of applying Herbicide on runway strips, drains, and grazing land to control noxious weed.</p>		<p>Noted by group.</p>
13.	<p>Leases.</p> <p>Chairman has had discussion with Manager Governance, Property, Projects, & Legal, on leases.</p> <p>Monday 13 February, e-mail to Hangar owners.</p> <p>Draft lease attached for information and comment. Please see attached Draft Lease for the Warrnambool Airport Land Leases.</p> <p>Can you please read through this document and provide comment back to Stephen Lucas. Please note, we still need to provide details on Rent terms which we look to charge on Land</p>	<p>Julie Anderson/Tina Bryant.</p>	<p>Ongoing discussion to review and refine draft lease</p>

	<p>space rather than Hanger space. This is to accommodate those who wish to use the Land space as well as Hanger. The price per m2 will be lowered to reflect this change, with minimal impact to your yearly Rent charges.</p> <p>If you have any questions please do not hesitate to get in touch.</p>			
14.	<p>Australian Airports Association, AAA. Re e-mail 19 August 2022 to AAA MOS 139 Technical Working Group with reference to 2019 MOS in particular Runway Strips.</p>	Terry O'Sullivan.	<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>	
15.	<p>Hangar/Building Construction Lot 14. Applicant provide landowners consent to build. Lease agreement to be entered into.</p>	Abel Farrell/Terry O'Sullivan.	Noted by group.	
16.	<p>On/Off Shore operations. Off Shore Operations for the Thylacine Gas Rig continue.</p> <p>Recent request from Offshore Services for Pavement concession for AW 139 Rotary Aircraft. Approved Tuesday 7 February.</p>	For information.	Noted by group.	
17.	<p>Flight Training. Ideally a provider should be based locally and have aircraft on site.</p>		Noted by group.	

	Nothing further to report since last meeting.			
18.	Aero Club Redevelopment. Works in progress.			Noted by group.
19.	Drag Race Club. E-Mail received from Club 1 st November requesting use of the Airport for Saturday's 25 th February, and 15 th April 2023. In event the Airport can be made available on the requested dates, daylight hours Saturday only, approval and conditions of use will be at the discretion of Council's Airport Manager and/or Coordinator Airport Operations & Compliance.	Terry O'Sullivan.		Noted by group.
20.	General Business. 20.1. Air Transport Operations. Regular operations occurring into Warrnambool from Kingscote SA. 20.2. CASA. CASA under flight validation of published procedures, etc, Saturday 10 December 2022. 20.3. DEECA had observer Fire Spotter Aircraft on site Saturday 14 and Tuesday 17 January when weather was warmer. 20.4. Patrick HEMS4 MICA Paramedic, advised the concrete landing pad for the Helicopter is to be cleaned to remove moss. 20.5. Hangar 13. Owner has advised of intentions to sell facility in near future.			Noted by group.
21.	Next Meeting. Close of Meeting.			Monday 22 May 2023. Meeting closed at 11.55am.

7.5. INFORMAL MEETINGS OF COUNCIL REPORTS

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE

The purpose of this report is to provide Council with copies of Informal Meetings of Council (previously known as "Assembly of Councillor Records") as previously required under section 80A(2) of the Local Government Act 1989.

BACKGROUND INFORMATION

Section 80A(2) of the Local Government Act 1989 required the record of an Assembly of Councillors to be reported at an ordinary Council meeting.

Assembly of Councillor Records are no longer a requirement in the Local Government Act 2020 as of 24 October 2020. However, under Council's Governance Rules, a summary of the matters discussed at the meeting are required to be tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

REPORT

The record of the following Informal Meetings of Council are enclosed:-

Tuesday 14 March 2023 –refer **Attachment 1.**

Monday 21 March 2023 – refer **Attachment 2.**

Monday 28 March 2023 – refer **Attachment 3.**

ATTACHMENTS

1. Assembly of Councillors Record 14 March 2023 [7.5.1 - 2 pages]
2. Assembly of Councillors Record 21 March 2023 [7.5.2 - 2 pages]
3. Assembly of Councillors Record 28 March 2023 [7.5.3 - 2 pages]

MOVED: CR BEN BLAIN

SECONDED: CR ANGIE PASPALIARIS

That the record of the Informal Meetings of Council held on 14, 21 and 28 March 2023, 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:	14 March 2023
Time Meeting Commenced:	3.03pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. B. Blain – Zoom – joined meeting at 3.11pm Cr. V. Jellie AM - Zoom Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler
Council Officers in Attendance:	Andrew Mason, Chief Executive Officer Peter Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Luke Coughlan, Acting Director City Growth – until 4.00pm Wendy Clark, Executive Assistant Jackson Fary, Project Manager (3.23pm – 3.32pm) Thomas Hall, Acting Co-ordinator, Project Manager (3.23pm – 3.32pm) Paul Cugley, Co-ordinator, Infrastructure Management (3.23pm-4.02pm)
Other persons present:	N/A
Apologies	Ingrid Bishop, Director Community Development
Matters Considered:	<ol style="list-style-type: none"> 1. Airport Reference Group Meeting Minutes 21 February 2023 - (3.03pm - 3.07pm) 2. Local Government Inspectorate Letter - (3.07pm - 3.22pm) 3. Confidential - Tender Evaluation 2023015 Warrnambool Hockey Club Pitch Replacement - (3.23pm - 3.32pm) <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> 4. Car Parking & Traffic Strategy - South West Health Care Redevelopment - (3.33pm – 4.02pm) 5. Citizenship Ceremony Trees - (4.02pm - 4.05pm) 6. Regional Cities Victoria General Meeting Summary Report (4.05pm - 4.12pm) 7. Items Raised By Councillors & Officers - (4.12pm - 4.38pm)
Council and Officer Items Raised	<ul style="list-style-type: none"> • Lady Bay dredging. • Speed humps in Merrivale Drive. • North car park at breakwater. • Rubbish being washed up on beaches. • Basketball court at Lake Pertobe. • Long term masterplan for tennis courts on Pertobe Road. • Overgrown weeds at the cutting. • VEC Electoral boundary review. • Credit card fraud press article. • Great Ocean Road Parks Authority. • Lore with Law cricket match. • Flagstaff Hill planning consultations.

	<ul style="list-style-type: none">• May Races sponsorship.
Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name:	
Meeting close time:	4.38pm
Record Completed by:	Wendy Clark Executive Assistant

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	21 March 2023
Time Meeting Commenced:	2.00pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. B. Blain – arrived 2.30pm Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler
Council Officers in Attendance:	Andrew Mason, Chief Executive Officer Peter Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Luke Coughlan, Acting Director City Growth Ingrid Bishop, Director Community Development John Brockway, Manager Finance (2.00pm - 3.35pm) Wendy McGorm, Co-ordinator Financial Services (2.00pm – 3.35pm) Wendy Clark, Executive Assistant (3.40pm onwards) Julie McLean, Manager City Strategy & Development (3.40pm – 3.45pm) Rob Wandell, Co-ordinator City Development (3.40pm – 3.45pm) Ashish Sitoula, Manager, Strategic Community Planning & Policy (3.45pm – 3.59pm)
Other persons present:	N/A
Apologies	Nil.
Matters Considered:	<ol style="list-style-type: none"> 1. Budget Workshop – (2.00pm – 3.35pm) 2. PP2000-0135.04 - 355 Koroit Street - Amended Grounds for VCAT Proceeding P1737/2022 - (3.40pm – 3.45pm) 3. Confidential - Update on the Commonwealth Home Support Program Reform - (3.45pm – 3.58pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: Section 3(a) – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.</i> 4. Contract Extension - Meals On Wheels Service - (3.58pm – 3.59pm) 5. It's All Happening Campaign Report - (4pm) - 4.11pm) 6. Optus - Proposed Lease (4.11pm - 4.28pm)
Council and Officer Items Raised	<ul style="list-style-type: none"> • Bonza Airlines. • Meeting with Roma Britnell MP. • Meeting with Midfield Meats. • Meeting with Warrnambool Golf Club. • Councillors meetings with CEO. • International Women's Day event on 30 March 2023. • Future direction of Flagstaff Hill sessions. • Bushfield-Woodford Community Drop In session. • Great South Coast Food & Fibre.
Councillor Conflicts of interest Disclosures:	

Councillor /officer Name:	
Cr Angie Paspaliaris – Item 3.1. PP2000-0135.04 - 355 Koroit Street - Amended Grounds For VCAT Proceeding P1737/2022. Cr Paspaliaris left the meeting at 3.35pm and returned to the meeting at 3.45pm.	
Meeting close time:	4.37pm
Record Completed by:	Wendy Clark Executive Assistant

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	28 March 2023
Time Meeting Commenced:	3.08pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler
Council Officers in Attendance:	Andrew Mason, Chief Executive Officer Peter Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Luke Coughlan, Acting Director City Growth Ingrid Bishop, Director Community Development (3.20pm – 4.49pm) Wendy Clark, Executive Assistant Ali Kemp, Manager Recreation & Culture – ZOOM (3.21pm – 4.38pm) Aaron Bradbrook, Director, Warrnambool Art Gallery (3.21pm – 4.33pm) Steve Hoy, Manager Economic Development & Events (4.53pm – 4.58pm) Chloe Jewell, Events & Promotion (4.53pm – 4.58pm) Victoria Black, Events & Promotion 4.53pm – 4.58pm) Nick Higgins, Manager Communications (5.16pm – 5.26pm) John Brockway, Manager Finance (5.29pm – 6.16pm) Wendy McGorm, Co-ordinator Financial Services (5.29pm – 6.16pm)
Other persons present:	Oonagh Kilpatrick, GSC Food & Fibre – ZOOM (3.08pm – 3.20pm) Stephanie Hope, RP Infrastructure – ZOOM – (3.35pm – 4.33pm) Geoff Croker, fjmt Architecture – ZOOM - (3.35pm – 4.33pm) Heidi Sinclair, fjmt Architecture – ZOOM - (3.35pm – 4.33pm)
Apologies	Nil.
Matters Considered:	<ol style="list-style-type: none"> 1. GSC Food & Fibre Presentation (3.08pm – 3.20pm) 2. Warrnambool Art Gallery Preliminary Business Case (3.25pm-4.33pm) 3. Aquazone - Extension of Open Hours of Outdoor Pool - (4.33pm – 4.37pm) 4. Aquatic Strategy - (4.37pm – 4.38pm) 5. GSC Food & Fibre - Annual Fee Increase Request (4.39pm-4.49pm) 6. Festivals & Events Grants & Sponsorship Program - (4.53pm-4.58pm) 7. Port of Warrnambool Dredging - (4.59pm – 5.03pm) 8. City Centre - Central Bus Interchange (5.03pm – 5.14pm) 9. Mayoral Diary Update - (5.14pm) 10. Local Government Inspectorate Letter - (5.24pm - 5.25pm) 11. Appointment of Audit & Risk Committee Chairperson - (5.25pm) 12. Council Plan 2023 Review - Actions And Initiatives - (5.25pm - 5.26pm) 13. February Monthly Finance Report - (5.30pm – 5.32pm) 14. Budget Workshop 4 - (5.37pm - 6.16pm)

Council and Officer Items Raised	<ul style="list-style-type: none">• Meeting with Dean Montgomery.• Meeting with Hockey South West.• On Country Native Title Consent Determination Hearing.• Warrnambool Ski Club.• International Women's Day event - 30 March 2023.• Bushfield-Woodford Community drop in.• VCAT referral 39 Ziegler Parade.• Proposed DAMA press article.
Councillor Conflicts of interest Disclosures:	
Councillor /officer Name: Nil.	
Meeting close time:	6.16pm
Record Completed by:	Wendy Clark Executive Assistant

7.6. 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

Date	Location	Function
7 March 2023	Warrnambool	Mayor & Chief Executive Officer - Launch of Ideas Place for 2023.
8 March 2023	Warrnambool	Mayor - International Women's Day Reception.
9 March 2023	Warrnambool	Mayor - South West TAFE Graduation Awards Ceremony.
10 March 2023	Warrnambool	Mayor & Chief Executive Officer - Official opening of Surf Life Saving Victoria – 2023 Victorian Junior Championships.
13 March 2023	Warrnambool	Mayor - Warrnambool Lawn Tennis Club Men's & Women's Open Singles Championships.
15 March 2023	Warrnambool	Mayor & Chief Executive Officer - 2023 Deakin Medical School Welcome Reception.
17 March 2023	Warrnambool	Mayor - the Embroiderers Guild, Victoria South Western Branch official opening of exhibition – <i>Art Through the Eye of the Needle</i> .
18 March 2023	Warrnambool	Mayor - Warrnambool Racing Club 150 th Anniversary function.
22 March 2023	Warrnambool	Mayor & Chief Executive Officer - Changchun, China 10 Year Anniversary ceremony.
24 March 2023	Warrnambool	Mayor & Chief Executive Officer - TAB May Racing Carnival launch.
	Warrnambool	Deputy Mayor & Chief Executive Officer – Brauerander Park Regional Athletics Complex official opening of new drainage system.
26 March 2023	Allansford	Mayor - Warrnambool & District Historical Vehicle Club Inc 50 year celebration.
	Warrnambool	Mayor - Screening of movie "Living" & presentation on the Royal Commission into defence and veterans suicide by Defence and Veterans Legal Service
29 March 2023	Warrnambool	Mayor & Chief Executive Officer – South West Community Sports Awards.

30 March 2023

Warrnambool

Mayor – Breaking the Barriers – celebrating women of Warrnambool event.

MOVED: CR ANGIE PASPALIARIS

SECONDED: CR VICKI JELLIE

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. CLOSE OF MEETING

The meeting closed at 6.15pm.

CHAIRMAN