

AGENDA

**SCHEDULED COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 6 JUNE 2022**



VENUE:

**Lighthouse Theatre Studio
Timor Street
Warrnambool**

COUNCILLORS

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

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

Peter Schneider
CHIEF EXECUTIVE OFFICER

AUDIO RECORDING OF COUNCIL MEETINGS

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 2 May 2022, be confirmed.

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

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

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

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

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

5. MAYORAL PRESENTATION

6. PUBLIC QUESTION TIME

7. REPORTS

7.1. INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE:

This report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to members of staff which reflect recent legislative changes within the Planning and Environment Act 1987.

EXECUTIVE SUMMARY

- The Chief Executive Officer has power to appoint the majority of authorised officers under the s5 Instrument of Delegation to the Chief Executive Officer. However, the appointment of authorised officers under the Planning and Environment Act 1987 cannot be delegated and are therefore required to be made by resolution of Council.
 - The attached instrument of authorisation has been updated due to staff changes within the planning team.
 - This instrument of authorisation is attached and is submitted for Council's consideration and adoption - refer **Attachment 1**.
-

RECOMMENDATION

That Council, in the exercise of the powers conferred by s 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument):

- 1. Authorises the members of Council staff referred to in the instrument in Attachment 1 to be appointed and authorised as set out in the instrument.**
 - 2. Adopts the Instrument of Appointment and Authorisation as found at Attachment 1.**
 - 3. Authorises the instrument to come into force immediately upon the common seal of Council being affixed to the instrument by the Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**
-

BACKGROUND

The appointment of authorised officers under the Planning and Environment Act 1987 cannot be delegated and must be made through resolution of Council.

ISSUES

Officers authorised to act under the Planning and Environment Act 1987 have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the Planning and Environment Act 1987 – appointment as an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
2. under section 313 of the Local Government Act 2020 authorisation generally to institute proceedings for offences against the Act and/or any regulations.

FINANCIAL IMPACT

There are no financial implications with this item.

COMMUNITY IMPACT / CONSULTATION

This is a statutory process. The Instrument of Appointment and Authorisation has been reviewed and updated in line with Maddocks Delegations and Authorisations service.

OFFICERS' DECLARATION OF INTEREST

None declared.

CONCLUSION

By authorising the relevant officers to act under the Planning and Environment Act 1987 Council will ensure they have the required authority to carry out their roles within legislated requirement

ATTACHMENTS

1. VIC S11A Delegations Instrument of Appointment PE Act DELS11A [7.1.1 - 2 pages]



Maddocks

Maddocks Delegations and Authorisations

*S11A Instrument of Appointment and Authorisation (Planning and
Environment Act 1987)*



Warrnambool City Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)



Maddocks

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

**Julie McLean
Lauren Schneider
Rob Wandell
Salman Sabir
Srimali Mellawa
Jodie McNamara**

By this instrument of appointment and authorisation Warrnambool City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be **an** authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Warrnambool City Council made on 6 June 2022.

The COMMON SEAL of the)

WARRNAMBOOL CITY COUNCIL)

was affixed in the presence of)

.....

Chief Executive Officer

.....

Mayor

7.2. PUBLIC INTEREST DISCLOSURE PROCEDURE

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE:

The purpose of this report is to present proposed amendments to the Public Interest Disclosure Procedure.

EXECUTIVE SUMMARY

The Public Interest Disclosure Procedure has been amended to rectify the contact listed as the Public Interest Disclosure Coordinator, from Director Corporate Strategies to the Manager Governance.

Some additional minor amendments have also been made to assist with ease of understanding the document.

The procedure is now issued to Council for consideration and is recommended for adoption.

RECOMMENDATION

That Council adopt the Public Interest Disclosure Procedure as found at Attachment 1.

BACKGROUND

The Director of Corporate Strategies had been temporarily named to the Public Interest Disclosures Coordinator due to there not being a Manager Governance at the time the Procedure was adopted.

The Manager Governance, Property, Projects and Legal is now in a position to take over the role of Public Interest Disclosure Coordinator therefore the Procedure has been updated to reflect this.

ISSUES

Although the Procedure is not due for a full review, the adjustment of the Public Interest Disclosure Coordinator was completed to rectify the temporary nature of the appointment of the Director Corporate Strategies to the role.

FINANCIAL IMPACT

Nil.

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

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

TIMING

Nil.

COMMUNITY IMPACT / CONSULTATION

Nil.

LEGAL RISK / IMPACT

Nil.

OFFICERS' DECLARATION OF INTEREST

Nil.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

The Procedure has been amended to reflect the current Public Interest Disclosure Coordinator and is now presented to Council and is recommended for adoption.

ATTACHMENTS

1. DRAFT Public Interest Disclosure Procedure 10 May 2022 [7.2.1 - 30 pages]



Public Interest Disclosure Procedure

DOCUMENT CONTROL

Document Title:	Public Interest Disclosure Procedure
Policy Type:	Council
Responsible Branch:	Governance
Responsible Officer:	Manager Governance
Document Status:	Final
Approved By:	Council
Adopted Date:	6 June 2022
Review Date:	July 2025

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1. INTRODUCTION

Purpose

These procedures form an essential part of the Council's commitment to the aims and objectives of the Public Interest Disclosure Act 2012 (the Act), and is in accordance with section 58 of the Act. The Council does not tolerate improper conduct by the organisation, Councillors, staff or contractors, nor the taking of reprisals against those who come forward to disclose such conduct.

The Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct or expose the taking of detrimental action against persons who come forward to report such improper conduct.

The Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to any person who is the subject of a disclosure.

An essential component of this protection is to ensure that information connected to a public interest disclosure, including the identity of a discloser and the contents of that disclosure are kept strictly confidential.

Scope

Council can only action public interest disclosures that concern activities of the organization, officers and staff.

All disclosures regarding local government Councillors must be made directly to IBAC or the Victorian Ombudsman. The Council is not permitted to receive disclosures about Councillors.

The conduct or action being disclosed may be one which has taken place, is still occurring, or is believed to be intended to occur. Disclosures may also be made about conduct that occurred prior to the commencement of the Act on 10 Feb 2013.

For complaints that do not meet the threshold for a public interest disclosure, a discloser should follow the process outlined in the Council's Complaint Handling Procedure.

Definitions and Terminology

Term	Meaning
Act	Public Interest Disclosure Act 2012
Assessable Disclosure	Any disclosure either made directly to IBAC , The Ombudsman or the VI , or if received by the Council is required under s 21 of the Act to be notified by the Council to IBAC for assessment.
Co-operators	People who have cooperated or intend to cooperate with the investigation of a public interest disclosure complaint.
Council	Warrnambool City Council.
CEO	Chief Executive Officer of the Council .

Officer/ Staff	Means an employee appointed by the Chief Executive Officer and Contractors, volunteers and any other person who the Warrnambool City Council Employee Code of Conduct applies to.
Discloser	A person who (purports to) make(s) a complaint, allegation or disclosure (however described) under the Act .
Disclosure	Any complaint, concern, matter, allegation or disclosure (however described) purported to be made in accordance with Part 2 of the Act .
Guidelines	The Guidelines published by IBAC under s 57 of the Act .
IBAC	Independent Broad-based Anti-corruption Commission.
Investigative Entity	Any one of the bodies authorised to investigate a public interest disclosure complaint.
Ombudsman	Victorian Ombudsman
Procedures	This version of the procedures, as established under s 58 of the Act by the Council .
Protected discloser	A person who makes a disclosure of improper conduct or detrimental action in accordance with the requirements of Part 2 of the Act .
Public Bodies	Defined in s. 6 of the Act. Includes: <ul style="list-style-type: none"> • a public sector body within the meaning of the Public Administration Act 2004; • a body, whether corporate or unincorporated, established by or under an Act for a public purpose; • a Council; • a body that is performing a public function on behalf of the State or a public body or public officer (whether under contract or otherwise).
Public Interest Complaint (PIC)	A public interest disclosure that has been determined by IBAC , the VI , or the Integrity and Oversight Committee to be a public interest complaint (previously a protected disclosure complaint).
Public Interest Disclosure (PID)	Disclosure by a natural person of information that shows or tends to show, or information that the person reasonably believes shows or tends to show, improper conduct or detrimental action (previously known as protected disclosure).
Public Officers	Defined in s. 6 of the Act. Includes: <ul style="list-style-type: none"> • a person employed in any capacity or holding any office in the public sector; • a Councillor; • a member of Council staff; • a person that is performing a public function on behalf of the State or a public officer or public body (whether under contract or otherwise)
Regulations	Public Interest Disclosure Regulations 2019
VI	Victorian Inspectorate.

References

Category	Document
Legislation	Public Interest Disclosure Act 2012 Protected Disclosure Regulations 2013 Independent Broad-based Anti-Corruption Commission Act 2011 Local Government Act 1989 Local Government Act 2020 Freedom of Information Act 1982
Standards and Guidelines	IBAC Guidelines for handling public interest disclosures, January 2020 IBAC Guidelines for public interest disclosure welfare management, January 2020
Council related Policies and Procedures	Councillor Code of Conduct Staff Code of Conduct Complaint Handling Procedure

Public Interest Disclosure Act 2012

The Protected Disclosure Act 2012 was renamed the Public Interest Disclosures Act 2012 (the Act) in March 2019. The new legislation introduced changes to support people making disclosures which are in the public interest. On 1 January 2020, these changes took effect replacing existing 'protected disclosure' arrangements with 'public interest disclosures' (PIDs).

The Act aims to:

- encourage and assist people to report improper conduct and detrimental action taken in reprisal for a public interest disclosure
- provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure
- ensure that certain information about a disclosure is kept confidential - the identity of the person making the disclosure and the content of that disclosure

Procedure Requirements

The Council is required to establish and publish procedures under s 58 of the Act and in accordance with the Guidelines of IBAC published under s 57 of the Act. The Council is required to ensure that the procedures are readily available to members of the public as well as internally to all Councillors, staff and contractors.

These procedures cover:

- the Council's reporting structures
- how disclosures may be made to the Council;
- how the Council handles the receipt of disclosures;
- how the Council assesses disclosures it is able to receive under the Act;
- notifications the Council is required to make about disclosures, to both disclosers and to IBAC;
- how the Council protects certain people involved in the processes:
 - disclosers,
 - persons who are the subject of public interest disclosures and public interest complaints, and
 - other persons connected to public interest disclosures, such as witnesses or persons cooperating with an investigation.

The procedures have been established to ensure the confidentiality of a person making a disclosure and their welfare is protected.

2. COUNCIL PRINCIPLES and STRUCTURE

Principles

The Council supports a workplace culture based on trust, ethics and authenticity; where the making of public interest disclosures is valued by the organisation and the right of any individual to make a public interest disclosure is taken seriously. Councillor and Council staff are expected to act with integrity and demonstrate ethical behaviour.

The Council will:

- be visible, approachable, openly communicative and lead by example in establishing a workplace that supports the making of public interest disclosures and impartial investigations;
- ensure these procedures, including information about how disclosures may be made and to whom, are accessible on its website and available internally and externally to Councillors, staff and any individual in the broader community;
- provide appropriate training at all levels of the organisation to raise awareness of how a public interest disclosure may be made and how disclosures are received and managed;
- ensure its reporting system is centralised and accessible only by appropriately authorised staff, allowing the flow of information to be tightly controlled to enhance confidentiality and minimising risks of reprisals being taken against disclosers;
- ensure the reporting system protects the confidentiality of information received or obtained in connection with a public interest disclosure and protects the identity of persons connected with a public interest disclosure;
- not tolerate the taking of detrimental action in reprisal against any person for making a public interest disclosure, including to take any reasonable steps to protect such persons from such action being taken against them;
- afford natural justice and treat fairly those who are the subject of allegations contained in disclosures; and
- take appropriate action against any Councillor or staff engaged in the taking of detrimental action.

Councillors, Staff and Contractors

All Councillors, staff and contractors are encouraged to raise matters of concern internally, and to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures, whether such conduct or action has taken place, is still occurring or is suspected will take place.

All Councillors, staff and contractors have an important role to play in supporting those who have made a legitimate disclosure. All persons must refrain from any activity that is, or could be perceived to be, victimisation, harassment or bullying of a person who makes a disclosure.

Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

Public Interest Disclosure Coordinator

The Council has appointed a Public Interest Disclosure Coordinator who has pivotal role in the internal reporting system and maintains oversight over the system.

The Public Interest Disclosure Coordinator will:

- be the primary contact point for general advice about the operation of the Act, for integrity agencies such as IBAC and for any person wishing to make a disclosure;
- liaise with the Public Interest Disclosure Officer and receive all disclosures forwarded from them;
- ensure that the Council carries out its responsibilities under the Act, any regulations made pursuant to the Act and any guidelines issued by IBAC;
- take all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relates, are kept secured, private and confidential at all times;
- consider each disclosure impartially to determine whether it should be notified to IBAC for assessment under the Act;
- arrange any necessary and appropriate welfare support for the discloser, including appointing a Welfare Manager to support the discloser and to protect him or her from any reprisals;
- advise the discloser, appropriately and in accordance with the Act, the progress of the disclosure and the stage reached at a given time (whether it has been notified to IBAC for assessment etc);
- coordinate the Council's reporting system and establish and manage a confidential filing system for the disclosures;
- collate and publish statistics on disclosures, as required by the Act; and
- liaise with the CEO of the Council.

The Council's Public Interest Disclosure Coordinator is:

Name	Julie Anderson
Position	Manager Governance
Address	25 Liebig Street Warrnambool_
Email	janderson@warrnambool.vic.gov.au
Phone	03 5559 4404

From time to time, it may be necessary to appoint other or additional Public Interest Disclosure Officers. The Council will take all reasonable steps to publicise the contact details of those persons.

3. MAKING a DISCLOSURE

What is a Disclosure?

A disclosure under the Act may be made about:

- the improper conduct of public bodies or public officers (including corrupt conduct); and
- the detrimental action taken by public bodies or public officers in reprisal against a person for the making of a public interest disclosure or co-operating with the investigation of a public interest disclosure.

The term disclosure is interpreted under the Act in the ordinary sense of the word, for example, as a “revelation” to the person receiving it. IBAC considers that a complaint or allegation that is already in the public domain will not normally be a public interest disclosure. Such material would, for example, include matters which have already been subject to media or other public commentary.

The conduct or action being disclosed about may be one which has taken place, is still occurring, or is believed is intended to be taken or engaged in. Disclosures may also be made about conduct that occurred prior to the commencement of the Act (on 10 February 2013).

The following are not public interest disclosures under the Act:

- a disclosure that has not been made in accordance with all of the procedural requirements of Part 2 of the Act and the prescribed procedures in the Regulations;
- a disclosure made by a discloser who expressly states in writing, at the time of making the disclosure, that the disclosure **is not** a disclosure under the Act;
- a disclosure made by an officer or employee of an investigative entity in the course of carrying out his or her duties or functions under the relevant legislation, unless the person expressly states in writing that the disclosure **is a disclosure** and the disclosure is otherwise made in accordance with Part 2 of the Act.

If the Council receives any disclosures which do not meet all of the requirements of Part 2 of the Act or the prescribed procedures in the Regulations, the Council will not be required to consider whether it is a public interest disclosure under the Act. However, the Council will always consider whether it would be appropriate to inform the discloser how to make the disclosure in a way that would comply with the requirements of the Act and the Regulations in order to ensure that persons are properly afforded the opportunity to receive any appropriate protections available to them under the Act.

In addition, the Council is required to consider whether a disclosure that does not meet the requirements of the Act and the Regulations should be treated as a complaint, notification or referral to the Council in accordance with any other laws or internal policies and procedures.

Who can make a Disclosure?

A disclosure may:

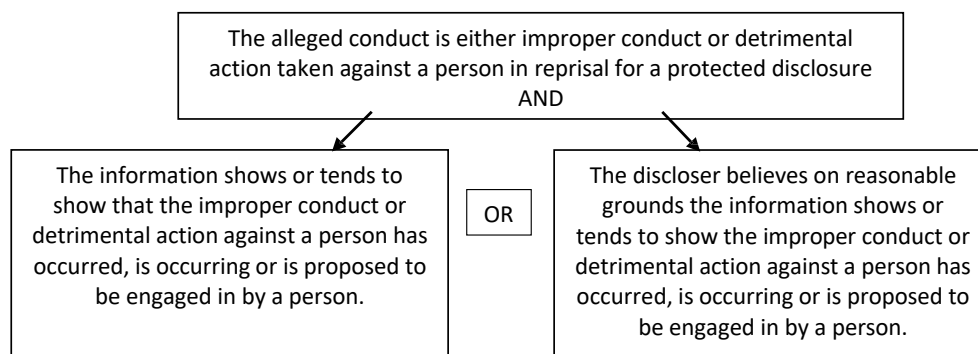
- only be made by a natural person (or a group of individuals making joint disclosures).
- be made anonymously;
- be made even where the discloser is unable to identify precisely the individual or the organisation to which the disclosure relates; and
- also be a complaint, notification or disclosure (however described) made under another law.

It should be noted that some of the protections set out in the Act protecting a discloser are available only to the person who makes a disclosure. As a consequence of this, if a person makes a disclosure by notifying the agency on behalf of another individual, then it is the notifier who may receive those protections, and not the person on whose behalf they have made the disclosure. The person on whose behalf the disclosure has been made will only be entitled to protections against detrimental taken against them in reprisal for the disclosure made by the notifier.

Anonymous disclosures may create difficulties for the Council. Some of the notification requirements imposed on the Council in relation to disclosures will not apply in relation to an anonymously made disclosure. In addition, it may impede the Council's ability to properly assess whether the complaint or allegation is a public interest disclosure for the purposes of the Act.

What can a Disclosure be Made About?

A disclosure must be about the conduct of a person or organisation in their capacity as a Public Officer or a Public Body as outlined below:



In assessing whether there is improper conduct or detrimental action, the Council will look critically at all available information about the alleged conduct and about the discloser.

Preliminary questions the Council may seek answers to, or consider, include:

- What is the discloser's connection to the alleged conduct – is the discloser a victim, a witness, or a participant in the alleged conduct?
- How did the discloser come to know about the conduct – was or is the discloser directly involved in it, did the discloser observe it happening to another person or did someone else tell the discloser about it?
- How detailed is the information provided – is there sufficient information to enable the Council to consider whether there is improper conduct or detrimental action?
- How reliable is the information given to the Council – is it supported by other information?

Improper Conduct

Improper conduct includes corrupt conduct, criminal offences and other conduct specified in the Act. If the conduct is trivial, it will not meet the threshold of improper conduct.

Improper conduct is defined in the Act to mean either:

- corrupt conduct;

- conduct by a public officer or public body in their capacity as a public officer or public body that constitutes:
 - a criminal offence;
 - serious professional misconduct;
 - dishonest performance of public functions;
 - an intentional breach or reckless breach of public trust;
 - an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body;
 - a substantial mismanagement of public resources;
 - a substantial risk to the health or safety of one or more persons;
 - a substantial risk to the environment;
- conduct of any person that:
 - adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body
 - is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person or an associate of the person obtaining:
 - a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument
 - an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument
 - a financial benefit or real or personal property
 - any other direct or indirect monetary or proprietary gain, that the person or associate would not have otherwise obtained.
- conduct by a third party that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.

Central to the notion of improper conduct is the notion of the “public trust”. Public trust is a concept that provides the basis *‘for obligations of honesty and fidelity in public officers that exist to serve, protect and advance the interests of the public’*.

A person acting in their official capacity is exercising ‘public power’ that is derived from their public office holding and may be controlled or influenced by legislative provisions, administrative directions, or constitutional principles or conventions. There is an expectation that members of the community may rely on and trust their public bodies and officials to act honestly. The expectation is that public officers will not use their positions for personal advantage or use the influence of their public office for improper purposes where there is a duty to act objectively and impartially.

Disclosers or the Council will need to identify that there is a link between the alleged improper conduct of a person or an organisation and their function as a public officer or a public body.

Corrupt conduct

Corrupt conduct is defined in s 4 of the IBAC Act and includes:

- conduct of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body;
- conduct of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body;
- conduct of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust;
- conduct of a public officer or a public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a

- public officer or public body, whether or not for the benefit of the public officer or public body or any other person; *or*
 - conduct that could constitute a conspiracy or an attempt to engage in any of the conduct referred to above; **and**
- if that conduct could be proved beyond reasonable doubt at a trial, amounts to:
- an indictable offence; *or*
 - one of the following 3 types of common law offences committed in Victoria:
 - perverting the course of justice
 - attempting to pervert the course of justice
 - bribery of an official.

Detrimental Action

It is an offence under the Act for a Public Officer or a Public Body to take detrimental action against a discloser in reprisal for making a public interest disclosure. Detrimental action as defined by the Act includes:

- action causing injury, loss or damage;
- intimidation or harassment; and
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

In addition, a person can have taken detrimental action without having taken the action itself, but just by threatening to take such action. Further, the detrimental action need not necessarily have been taken (or threatened to be taken) against a person making a public interest disclosure, but against any person connected with a public interest disclosure.

Examples of detrimental action prohibited by the Act include:

- threats to the discloser's personal safety or property, including intimidating, harassing a discloser or the discloser's family or friends, otherwise causing personal injury or prejudice to the safety or damaging property of a discloser or the discloser's family or friends;
- the demotion, transfer, isolation or change in duties of a discloser due to him or her having made a disclosure;
- discriminating or disadvantaging a discloser in their career, profession, employment, trade or business; or
- discriminating against the discloser or the discloser's family and associates in subsequent applications for promotions, jobs, permits or tenders resulting in financial loss or reputational damage.

The person (or the person incited to take detrimental action) must take or threaten the detrimental action, because, or in the belief that the:

- other person or anyone else has made, or intends to make the disclosure;
- other person or anyone else has co-operated or intends to cooperate with an investigation of the disclosure.

If the fact that a staff member has made a disclosure forms any part of the reason for which action is taken against them by their employer, it will constitute detrimental action. Said action is consequently reportable as a public interest disclosure as well as being a criminal offence.

How to Make a Disclosure?

Disclosure to be Made to a Body Authorised to receive it

One of the most critical requirements of the Act is that disclosures are made to a body authorised under the Act to receive the disclosure. The Council can only deal with disclosures which concern the organisation and its staff.

Disclosures about improper conduct or detrimental action by Councillors should be made to IBAC or to the Ombudsman. Those disclosures cannot be made to the Council.

Disclosures about improper conduct or detrimental action by the Council or its staff may be made to the Council or one of four (4) external authorities:

- IBAC;
- Ombudsman in relation to limited types of disclosures;
- VI in relation to limited types of disclosures; or
- Chief Commissioner of Police in relation to limited types of disclosures.

In most circumstances, disclosures about the Council or its staff should be made to the Council or to IBAC.

A public interest disclosure made to the Council, when the Council is not the receiving entity to which the disclosure may or must be made under Part 2 of the Act, is a misdirected disclosure if the discloser honestly believed that the Council was the appropriate receiving entity. A misdirected disclosure may be redirected to another receiving entity without the discloser losing the protections contained in the Act.

The Council must notify the appropriate receiving entity of the disclosure within 28 days. Beyond this notification, the Council is prohibited from disclosing the content of the misdirected disclosure and from disclosing information likely to reveal the identity of the discloser.

Making a Disclosure to the Council

Oral disclosures

An oral disclosure to the Council **must** be made in private and **may** be made:

- in person; or
- by telephone to one of the persons authorised to receive disclosures set out below, including by leaving a voicemail message on that telephone number; or
- by some other form of non-written electronic communication.

The oral disclosure **must** be made to one of the following persons:

- the CEO of the Council (Phone: 1300 003 280 (local call) or 5559 4800);
- the Public Interest Disclosure Officer identified in these procedures;
- the Public Interest Disclosure Coordinator identified in these procedures;
- to the direct or indirect manager of the discloser, if the discloser is a staff member of Council; or
- to the direct or indirect manager of the person to whom the disclosure relates, if that person is a staff member of Council.

If the disclosure is made orally, the person receiving the disclosure will make notes at the time recording the disclosure. Recording of the conversation will only be done with the disclosure's permission or by giving prior warning that the conversation will be recorded.

Written disclosures

A written disclosure to the Council **must** be:

- delivered personally to the office of the Council at 25 Liebig Street, Warrnambool; or
- sent by post marked "Confidential" and addressed to the Public Interest Disclosure Coordinator, Warrnambool City Council, PO Box 198, Warrnambool, Victoria 3280; or
- sent by email marked "Confidential" to the official email address of:
 - the Public Interest Disclosure Officer identified in these procedures; or
 - the Public Interest Disclosure Coordinator specified these procedures.
- if the discloser is a staff member of the Council the disclosure may also be made to:
 - the direct or indirect supervisor or manager of the discloser; or
 - the direct or indirect supervisor or manager of the person to whom the disclosure relates.

The Council recommends that the discloser ensures, where a written disclosure is being provided personally or by post to the official office location or address of the Council, that the disclosure be sealed in an envelope which is clearly marked with one or more of the following:

- "Re: Public interest disclosure";
- "To the personal attention of the Chief Executive Officer";
- "To the personal attention of the Public Interest Disclosure Coordinator"; or
- "To the personal attention of the Public Interest Disclosure Officer".

In relation to a disclosure being emailed to the official email address of the Council, rather than to the email address of one of the individuals specified above the Council recommends that the discloser insert in the email subject line one of the labels set out above applicable to personally delivered or posted items.

Disclosures cannot be made by fax. A disclosure made by email from an address from which the identity of the discloser cannot be ascertained will be treated as an anonymous disclosure.

Disclosures to Council Supervisors or Managers

A Council supervisor or manager receiving a disclosure from staff will:

- immediately bring the matter to the attention of the Public Interest Disclosure Coordinator or Public Interest Disclosure Officer for further action in accordance with the Act;
- commit to writing down any disclosures made orally;
- take all necessary steps to ensure the information disclosed, including the identity of the discloser and any persons involved, is secured, remains private and confidential; and
- offer to remain a support person for the discloser in dealing with the Public Interest Disclosure Coordinator or Public Interest Disclosure Officer.

Making a Disclosure to IBAC

Oral disclosures

An oral disclosure to IBAC **must** be made in private and **may** be made:

- in person;
- by telephone, to 1300 735 135;
- by leaving a voicemail message for one of the specified individuals below; or
- by some other form of non-written electronic communication.

The oral disclosure **must** be made to one of the following persons:

- the Commissioner of IBAC;
- the Deputy Commissioner of IBAC;
- the CEO of IBAC;
- an employee referred to in s 35(1) of the IBAC Act; or
- any staff referred to in s 35(2) of the IBAC Act.

Contact details are available from IBAC (telephone 1300 735 135).

Written disclosures

A written disclosure to IBAC **must** be:

- delivered personally to the office of IBAC, at Level 1, North Tower, 459 Collins Street, Melbourne, VIC 3001; or
- sent by post addressed to the office of IBAC, at GPO Box 24234, Melbourne, VIC 3000; or
- sent by email to the official email address of a person specified above to whom an oral disclosure may be made (i.e., the Commissioner, the Deputy Commissioner, the CEO, or employee or staff referred to in s 35 of the IBAC Act); or
- submitted by an online form available on the IBAC website

Making a Disclosure to Ombudsman

Oral disclosures

An oral disclosure to the Ombudsman **must** be made in private to an Ombudsman officer and **may** be made:

- in person;
- by telephone, to 9613 6222 or toll free (regional areas only) to 1800 806 314;
- by leaving a voicemail message on the telephone number of any Ombudsman officer; or
- by some other form of non-written electronic communication.

Written disclosures

A written disclosure to the Ombudsman **must** be:

- delivered personally to the office of the Ombudsman, at Level 9, North Tower, 459 Collins Street, Melbourne, VIC 3001; or
- sent by post addressed to the office of the Ombudsman, as above; or
- sent by email to the office of the Ombudsman at: ombudvic@ombudsman.vic.gov.au; or
- sent by email to the official email address of any Ombudsman officer; or
- submitted by an online form (if any) identified in the procedures established by the Ombudsman under s 58(1) of the Act.

4. HANDLING DISCLOSURES

Receiving a Disclosure

When the Council receives a complaint, report or allegation of improper conduct or detrimental action, the first step will be to ascertain whether it has been made in accordance with Part 2 of the Act.

The Public Interest Disclosure Coordinator or Public Interest Disclosure Officer must ask the following questions about the disclosure:

- Has a natural person or persons made the disclosure?
- Does the disclosure relate to the conduct of a Public Officer or Public Body acting in their official capacity?
- Does the alleged conduct constitute either improper conduct or detrimental action taken against a person?
- Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred or may occur?

If the answer to one or more of the above elements is yes, the disclosure satisfies Part 2 of the Act, and the discloser is entitled to receive protections under Part 6 of the Act.

Assessing a Disclosure

If the disclosure satisfies the requirements of Part 2 of the Act, the Council is required to determine whether the disclosure may be a public interest disclosure by going through the two step assessment process recommended by IBAC.

This will be the case even if the discloser does not refer to the Act or require the protections of the Act. The initial assessment is made on the nature of the information disclosed or on the belief that the discloser has about the nature of the information, and not the discloser's intention.

First step

The first question the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer must answer is whether the information disclosed shows, or tends to show, that there is improper conduct or detrimental action taken in reprisal for the making of a public interest disclosure.

This requires the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer to ascertain whether the information satisfies the 'elements' of improper conduct or detrimental action, as defined in the Act and whether any of the relevant exceptions apply.

This may require the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer to:

- seek further information;
- conduct a discreet initial enquiry;
- seek (further) evidence from the discloser;
- ascertain whether there is sufficient supporting material to demonstrate that the conduct or actions covered by the Act have occurred, are occurring or are likely to occur.

If it is not clear that the information disclosed does show or tend to show that there is improper conduct or detrimental action, then the Council will go on to the second step below.

Second step

This requires the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer to ask whether the discloser believes on reasonable grounds that the information shows or tends to show there is improper conduct or detrimental action.

That is, does the person actually believe that the information shows, or tends to show, there is improper conduct or detrimental action? A reasonable belief requires the belief to be

based on facts that would be sufficient to make a reasonable person believe there was improper conduct or detrimental action.

This reasonable belief does not have to be based on actual proof that the improper conduct or detrimental action in fact occurred, is occurring, or will occur, but there must be some information supporting this belief. The grounds for the reasonable belief can leave something to surmise or conjecture, but it must be more than just a reasonable suspicion, and the belief must be probable.

According to IBAC, simply stating that improper conduct or detrimental action is occurring, without providing any supporting information, would not be a sufficient basis for having a reasonable belief. In IBAC's view, a belief cannot be based on a mere allegation or conclusion unsupported by any further facts or circumstances.

Other matters that IBAC suggests the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer can consider are:

- the reliability of the information provided by the discloser, even if it is second- or third-hand. For example, how would the discloser have obtained the information?
- the amount of detail that has been provided in the information disclosed; and
- the credibility of the discloser, or of those people who have provided the discloser with information.

When making a decision as to whether the event or behaviours show or tends to show that there was improper conduct or detrimental action, the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer may seek guidance from IBAC.

Urgent Action

In some circumstances, the disclosure may be about improper conduct that may pose an immediate threat to health and safety of individuals, preservation of property, or may consist of serious criminal conduct.

Examples of this provided by IBAC include where the disclosure may be about:

- a child protection worker allegedly sexually assaulting children in care;
- a council worker allegedly lighting bush fires; or
- a person threatening to poison the water supply.

In these cases, the Council can take immediate action while considering whether or not it is an assessable disclosure that must be notified to IBAC or awaiting IBAC's decision on a notified matter.

It may also be necessary to report criminal conduct to Victoria Police for immediate investigation or take appropriate action against a staff member, in accordance with existing organisational policy and procedure, to prevent further improper conduct.

The Act allows the Council to disclose the content of the disclosure by a person or body "to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of an assessable disclosure including disciplinary process or action". However, IBAC notes that this does not allow the identity of the discloser to be revealed.

Decision on Assessment

At the conclusion of the assessment, the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer must decide whether it considers the disclosure to be a public interest disclosure. If the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer decides it may be a public interest disclosure, it **must** notify IBAC of the disclosure. If the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer does not consider it to be a public interest disclosure, then it may be a matter that the Council otherwise deals with through any other relevant internal complaint or grievance management processes.

Decision that Disclosure may be a Public Interest Disclosure

If the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer considers the disclosure may be a public interest disclosure under the Act, the Council will, within 28 days of receiving the disclosure:

- notify IBAC that:
 - the Council considers the disclosure may be a public interest disclosure; and
 - the Council is notifying the disclosure to IBAC for assessment; **and**
- notify the discloser that:
 - the disclosure has been notified to IBAC for assessment; and
 - it is an offence under s74 of the Act to disclose that the disclosure has been notified to IBAC for assessment under the Act.

In addition, at the time of notifying IBAC or at any later time the Council may also provide IBAC with any information obtained by the Council regarding the disclosure in the course of its enquiries leading up to its notification of the disclosure to IBAC.

Decision that Disclosure may Not be a Public Interest Disclosure

If the Public Interest Disclosure Coordinator/ Public Interest Disclosure Officer determines the disclosure is not a public interest disclosure, and the discloser has indicated to the Council (or it otherwise appears to the Council) that the discloser wishes to receive the protections that apply to a public interest disclosure under the Act, the discloser will be notified in writing, within 28 days of the Council receiving the disclosure, that:

- the Council considers the disclosure is not a public interest disclosure;
- the disclosure has not been notified to IBAC for assessment under the Act; and
- regardless of whether the disclosure is notified to IBAC for assessment under the Act, the protections under Part 6 of the Act apply.

Notifications to a discloser do not need to be provided by the Council in response to an anonymously made disclosure.

Protections for Public Officers

A public officer is given specific protections under the Act to provide information to other public officers or to IBAC in dealing with a disclosure they have received. When a public officer acts in good faith and in accordance with the Act, Regulations and IBAC's Guidelines, the public officer does not commit an offence under laws imposing a duty to maintain confidentiality or restricting the disclosure of information.

5. IBAC ASSESSMENT

Once a disclosure has been notified to IBAC, it must determine whether it is a public interest disclosure complaint. Such a determination must be made within a reasonable time after the disclosure is notified to IBAC.

In making its assessment, IBAC may seek additional information from the Council or from the discloser if IBAC considers there is insufficient information to make a decision.

If IBAC is of the view that the assessable disclosure is not a public interest disclosure, then it is not a 'public interest disclosure complaint'. If IBAC is of the view that the assessable disclosure is a public interest disclosure, then it must determine that the public interest disclosure is a "public interest complaint".

IBAC must inform the Council of its determination as to whether or not the disclosure is a public interest disclosure complaint:

- in writing; and
- within a reasonable time after making the determination.

If IBAC determines the Disclosure is Not a Public Interest Complaint

If IBAC determines the disclosure is not a public interest complaint, IBAC must advise the discloser in writing and within a reasonable time after the determination is made, that:

- IBAC has determined that the disclosure is not a public interest complaint; and
- as a consequence of that determination:
 - the disclosure will not be investigated as a public interest complaint; and
 - the confidentiality provisions under Part 7 of the Act no longer apply in relation to the disclosure; and
- regardless of whether IBAC has determined that the disclosure is a public interest complaint, the protections under Part 6 apply to a public interest disclosure.

In addition, if IBAC is of the view that the disclosure, although not a public interest complaint, may be able to be dealt with by another entity, IBAC may advise the discloser that:

- the matter which is the subject of the disclosure may be able to be dealt with by that entity other than as a public interest complaint; and
- if the discloser wishes to pursue the matter, to make a complaint directly to that entity.

If this is the case, IBAC will also advise the relevant notifying entity that the discloser has been given this advice.

IBAC is also able to consider whether it wishes to treat the assessable disclosure as a notification made to IBAC under the IBAC Act.

If IBAC determines the Disclosure is a Public Interest Complaint

Notification to Discloser

If IBAC determines the disclosure is a public interest complaint, IBAC must advise the discloser in writing and within a reasonable time after the determination is made, that:

- IBAC has determined that the disclosure is a public interest complaint;
- the protections available to a discloser of a public interest disclosure under Part 6 of the Act apply;

- the discloser has rights, protections and obligations under the Act as contained in ss 72, 74 and Parts 6 and 7 of the Act, including an explanation of the effect of those sections and Parts of the Act; and
- it is an offence under s 74 of the Act to disclose that IBAC has determined that the disclosure is a public interest complaint.

Once IBAC has determined that a disclosure is a public interest complaint, the discloser cannot withdraw that disclosure. However, under the IBAC Act, IBAC can decide not to investigate a public interest complaint if the discloser requests that it not be investigated.

Further Actions IBAC may take

Once IBAC has established whether or not the assessable disclosure is a public interest complaint, then it decides what action it might take under the IBAC Act. IBAC may **dismiss**, **investigate**, or **refer** the matter.

- If it **dismisses** a public interest complaint, then it must do so on one of the grounds specifically set out in the IBAC Act.
- It may choose to **investigate** the alleged conduct if it is reasonably satisfied that it is "serious corrupt conduct".
- It may also choose to **refer** the public interest complaint to another appropriate and relevant investigating entity.

If IBAC determines that the disclosure is not a public interest disclosure, it may advise the discloser that they should make a complaint directly to the relevant public body.

At the conclusion of its investigation, IBAC must provide the discloser with information about the results of its investigation, including any action taken by IBAC and any recommendation by IBAC that action or further action be taken (subject to certain exceptions).

IBAC may provide written information about the commencement, conduct or result of an investigation, including any actions taken and any recommendation made that any action or further action be taken to the relevant principal officer. However, IBAC must not provide any information that is likely to lead to the identification of a discloser.

6. WELFARE MANAGEMENT

Welfare Obligations

The Council is committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of public interest disclosures.

The protection of persons making genuine public interest disclosures about improper conduct or detrimental action is essential for the effective implementation of the Act. In addition, the Act extends the need for welfare management to people who have cooperated or intend to cooperate with an investigation of a public interest complaint (co-operators). Persons who are the subject of allegations are also entitled to have their welfare protected.

The Council must endeavour to ensure disclosers and co-operators are protected from direct and indirect detrimental action being taken against them in reprisal for the public interest disclosure. The Council will ensure its workplace culture supports disclosers and co-operators. Such support will extend to the relevant persons regardless of whether they are internal to the organisation (e.g., Councillors and staff) or external members of the public.

However, different legislative responsibilities apply to persons internal to the organisation, and to persons who may be clients or users of the Council's services.

Those derive from various legislative and administrative obligations to:

- ensure the health and wellbeing of employees of a public sector body under laws including those relating to Occupational Health and Safety, the Charter of Human Rights and Responsibilities Act 2006, the Staff Codes of Conduct; and
- comply with various relevant laws, policies and practices when making administrative and other decisions or taking particular actions affecting a customer, client or user of the public body's services.

Generally, for internal persons, the Council will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment against these persons. For external persons, the Council will take reasonable steps to provide appropriate support. The Council will discuss reasonable expectations with all persons receiving welfare management in connection with a public interest disclosure.

Support available to Disclosers and Co-operators

The Council will support disclosers and co-operators by:

- keeping them informed, by providing:
 - confirmation that the disclosure has been received;
 - the legislative or administrative protections available to the person;
 - a description of any action proposed to be taken;
 - if action has been taken by the Council, details about results of the action known to the Council;
- providing active support by:
 - acknowledging the person for having come forward
 - assuring the discloser or co-operator that they have done the right thing, and the Council appreciates it;
 - making a clear offer of support;
 - assuring them that all reasonable steps will be taken to protect them;
 - giving them an undertaking to keep them informed as far as the Council is reasonably able to;
- managing their expectations by undertaking an early discussion with them about:
 - what outcome they seek;
 - whether their expectations are realistic;
 - what the Council will be able to deliver;
- maintaining confidentiality by:
 - ensuring as far as is possible that other people cannot infer the identity of the discloser or co-operator;
 - reminding the discloser or co-operator not to reveal themselves or to reveal any information that would enable others to identify them as a discloser or co-operator;
 - ensuring that hardcopy and electronic files relating to the disclosure are accessible only to those who are involved in managing disclosures in the Council;
- proactively assessing the risk of detrimental action being taken in reprisal (rather than reactively waiting for a problem to arise and a complaint made by the discloser or co-operator). That is, actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible;
- protecting the discloser or co-operator by:
 - examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment;

- listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions;
 - assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the public interest disclosure;
- preventing the spread of gossip and rumours about any investigation into the public interest disclosure; and
- keeping thorough and complete records of all aspects of the case management of the person, including all contact and follow-up action.

Appointment of Welfare Manager

In appropriate circumstances, the Council will appoint a suitable Welfare Manager to protect a discloser or a co-operator. The Welfare Manager may be sourced externally where disclosures are made by staff to avoid any potential conflicts of interest and to ensure an impartial, third party view is provided.

The following matters will be taken into consideration by the Council when deciding whether to appoint a Welfare Manager in a particular case:

- are there any real risks of detrimental action against the discloser or co-operator, taking into account their particular circumstances?
- whether the Council can or will take the discloser or co-operator seriously and will be able to treat them with respect?
- whether the Council will give the discloser or co-operator effective support, including keeping the discloser informed of the status of the disclosure?
- can the Council protect the person from suffering repercussions, by dealing with the matter discreetly and confidentially, and responding swiftly and fairly to any allegations that the discloser or co-operator has in fact suffered retribution?

If the answer to the first question is 'yes' then IBAC recommends the appointment of a dedicated Welfare Manager. If the answer to the first question is 'no' and the Council can meet the needs set out in the remainder of the questions IBAC suggests there may be no need for a dedicated Welfare Manager to be appointed for that particular case.

In most circumstances, a Welfare Manager will only be required where a public interest complaint proceeds to investigation, but each public interest disclosure received by the Council will be assessed on its own merits.

In particular, a Welfare Manager will be appointed where the Council believes that one is required to ensure that the appropriate support can be provided to the discloser or co-operator.

If appointed, the Welfare Manager will, in addition to providing the general support:

- advise the discloser or co-operator of the legislative and administrative protections available to him or her, including providing practical advice;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure;
- not divulge any details relating to the public interest disclosure to any person other than the Public Interest Disclosure Coordinator or the CEO;
- ensure all meetings between the Welfare Manager and the discloser or co-operator are conducted discreetly to protect the person from being identified as being involved in the public interest disclosure; and

- ensure the expectations of the discloser are realistic and reasonable, and that the discloser or co-operator understands the limits of the support the Council is able to reasonably provide in the particular circumstances.

Welfare Management of Persons Subject of Public Interest Disclosure

The Council recognises that persons against whom disclosures are made must also be supported and afforded natural justice. It is important to remember that until a public interest complaint is resolved, the information about the person is only an allegation.

The Council will make a decision about whether or when the subject of a disclosure will be informed about a public interest disclosure involving an allegation made against him or her. It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a public interest complaint, or if a decision is made to dismiss the disclosure.

The Act limits the disclosure of information about the content of an assessable disclosure and the identity of the discloser to certain specified circumstances set out in Part 7 of the Act. The Council may give information about the disclosure to the subject of the disclosure if it is directed or authorised to do so by the investigative entity investigating the public interest complaint, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action.

Investigative entities may also inform the subject of the public interest complaint in the course of their investigation for the purposes of conducting that investigation, or any actions that they propose to take as a result of the investigation.

Welfare services

A person the subject of a disclosure who is made aware of their status as such may have a Welfare Manager appointed by the Council. Alternatively, the Public Interest Disclosure Coordinator/Public Interest Disclosure Officer will provide support and advice to a person the subject of a disclosure, particularly in relation to their rights and obligations under the Act, the Council's internal reporting system as set out in these procedures, and any other relevant law or code of conduct.

The Council will consider each matter on a case by case basis, taking into account the particular circumstances of the person and the public interest complaint.

Natural Justice

The Council will afford natural justice to the subject of a disclosure prior to any decision being made about the allegations. If the matter has been investigated by an investigative entity, then the investigative entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her.

IBAC has noted that affording a subject of a disclosure natural justice in this context means that if a decision is to be made about their conduct this person has the right to:

- be informed about the substance of the allegations against them;
- be given the opportunity to answer the allegations before a final decision is made;
- be informed about the substance of any adverse comment that may be included in any report arising from an investigation; and
- have his or her defence set out fairly in any report.

If the Allegations are Wrong or Unsubstantiated

The Council will provide support to a person who is the subject of a disclosure where the allegations contained in a disclosure have been found to be wrong or unsubstantiated.

In those circumstances, the Council and any investigative entity involved will ensure that there are no adverse consequences for this person arising out of the disclosure or its investigation. This is particularly crucial in a situation where there has been publicly disclosed information identifying the subject, but also where such information has become well-known across the Council and the subject is a Councillor or staff of the Council.

Further, if the matter has been publicly disclosed by the Council, the CEO will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

If Detrimental Action is Reported

If any person reports an incident of harassment, discrimination or adverse treatment that may amount to detrimental action apparently taken in reprisal for a disclosure, the Welfare Manager, Public Interest Disclosure Coordinator or Public Interest Disclosure Officer must record details of the incident and advise the person of their rights under the Act.

Detrimental action taken against another person in reprisal for a public interest disclosure is:

- when the person takes, or threatens to take, detrimental action against the other person because, or in the belief that:
 - the other person or anyone else has made, or intends to make, the disclosure; or
 - the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or
- for either of the reasons above, the person incites or permits someone else to take or threaten to take detrimental action against the other person.

It is a criminal offence to take detrimental action against another person in reprisal for a public interest disclosure under the Act.

In such circumstances, the Council will be careful about making preliminary enquiries or gathering information concerning such an allegation of detrimental action so that, to the extent it is reasonably able to, it protects the integrity of any evidence that might be later relied upon in a criminal prosecution.

In addition, the taking of detrimental action in reprisal for making a disclosure can be grounds for a person to make a further disclosure with respect to that conduct. The disclosure of this allegation will then be assessed by the Council as a new disclosure under Part 2 of the Act. Where the detrimental action is of a serious nature likely to amount to a criminal offence, the Council will also consider reporting the matter to the police or IBAC (if the matter was not already the subject of a disclosure notified to IBAC).

A discloser of a public interest disclosure may also:

- take civil action against the person who took detrimental action against the discloser and seek damages;
- take civil action against the Council jointly and severally to seek damages if the person who took detrimental action against the discloser took that action in the course of employment with, or while acting as an agent of the Council; and

- apply for an order or an injunction from the Supreme Court.

Protections available to Disclosers

Part 6 of the Act sets out the protections provided to persons who make a disclosure that is a 'public interest disclosure'.

In summary, they are as follows:

- the discloser is not subject to any civil or criminal liability for making the public interest disclosure;
- the discloser is not subject to any administrative action (including disciplinary action) for making the public interest disclosure;
- by making the public interest disclosure, the discloser is not committing an offence against the *Constitution Act 1975* or any other law that imposes obligations of confidentiality or otherwise restricts the disclosure of information;
- by making the public interest disclosure, the discloser is not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality; and
- the discloser cannot be held liable for defamation in relation to information included in a public interest disclosure made by him or her.

The protections in Part 6 apply from the time at which the disclosure is made by the discloser. They apply even if the Council receiving the disclosure does not notify the disclosure to IBAC, and even if IBAC has determined that the public interest disclosure is not a public interest complaint.

Limits on Protection

A number of the protections in the Act do not apply if a discloser:

- knowingly provides false or misleading information
- claims that a matter is the subject of a public interest disclosure knowing the claim to be false.

The Act also specifically states that a person is still liable for their own conduct even if they disclose that conduct.

A person who makes a disclosure is not protected against legitimate management action being taken in relation to them.

Where a discloser is implicated in improper conduct, the Council will protect the discloser from reprisals in accordance with the Act, IBAC's guidelines and these procedures. The Council acknowledges that the act of making a disclosure does not exclude the person making the disclosure from being subject to reasonable consequences flowing from any involvement in improper conduct.

In some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

Taking disciplinary or other action against a person who has made a public interest disclosure invariably creates the perception that it is being taken in reprisal for the disclosure.

The CEO will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject

of the disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the CEO must be satisfied that it has been clearly demonstrated that:

- the decision to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any other person not making a disclosure in the same circumstances;
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Council will take all reasonable steps to thoroughly document its decision-making process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not being taken in retribution against the discloser for making the disclosure, so that it will be able to clearly demonstrate that the disciplinary or other action was taken for the appropriate and permitted reasons under the Act.

The discloser will be clearly informed of any action proposed to be taken, be afforded natural justice, and be informed of any mitigating factors that have been taken into account.

7. CONFIDENTIALITY

Confidentiality Obligations

Consistent with the Council's confidentiality obligations under the Act the fact that a disclosure has been made, whether it has been notified to IBAC for assessment, any information received from IBAC or another investigative entity and the identities of persons involved will not be divulged.

The Council will take all reasonable steps to protect the identity of a discloser and to ensure the confidentiality of the subject of a disclosure during any assessment and any ensuing investigation. Where the disclosure is dismissed or investigations do not substantiate the allegations made against the person, the fact that the investigation was undertaken, its results, and the identity of the person subject of the disclosure will still be kept confidential.

Maintaining confidentiality in relation to public interest disclosure matters is crucial in ensuring reprisals are not made against a discloser.

Exceptions

The Act makes it a crime to disclose information connected with a disclosure made in accordance with the Act. Limited exceptions to the prohibition on disclosure are specified by the Act, include circumstances such as:

- where disclosure is required by the Council (or one of its staff) in the exercise of functions of the Council under the Act;
- where necessary for the purpose of the exercise of functions under the Act;
- by an investigating entity for the purpose of exercising that entity's functions under the IBAC Act;

- in accordance with a direction or authorisation given by the investigating entity that is investigating the disclosure;
- to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of an assessable disclosure including a disciplinary process or action;
- where IBAC or VI has determined that the assessable disclosure is not a public interest disclosure and the discloser or the Council subsequently discloses the information;
- when an investigative entity had published a report to Parliament, in accordance with its confidentiality obligations;
- for the purpose of obtaining legal advice in relation to matters specified in the Act;
- in order to enable compliance with the Act:
 - where a person does not have a sufficient knowledge of the English language, to obtain a translation from an interpreter;
 - where a person is under 18 years of age, to a parent or guardian of a discloser;
 - where a person is suffering a disability and is not able to understand, to an independent person;
- in disciplinary actions or legal proceedings for certain offences in the Act or other specified Acts.

It is important to note that the Act prohibits the inclusion of any details, in any report or recommendation that is likely to lead to the identification of a discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report or any reports to Parliament.

Offences

The Act contains a number of offence provisions relating to unauthorised disclosure of information by either disclosers or persons who have received disclosures. The relevant penalties include imprisonment, financial payments or both.

The criminal offences set out in the Act relating to confidentiality include:

- divulging information obtained in connection or as a result of the handling or investigation of a public interest disclosure without legislative authority. Maximum penalty: 60 penalty units, six months imprisonment, or both.
- disclosing that a disclosure has been notified to IBAC for assessment under the Act. Maximum penalty: 60 penalty units, six months imprisonment, or both.
- disclosing that a disclosure has been assessed by IBAC or VI to be a public interest complaint under the Act. Maximum penalty: 60 penalty units, six months imprisonment, or both.
- A person must not take detrimental action against another person in reprisal for a public interest disclosure. Penalty: 240 penalty units or 2 years imprisonment or both.

8. RECORDS MANAGEMENT

The Council will ensure all files, whether paper or electronic, are kept securely. Those files will be accessible only by the Public Interest Disclosure Coordinator, Public Interest Disclosure Officer and CEO. A Welfare Manager may be able to gain access (where appropriate) to related welfare matters.

A Welfare Manager may be provided with information relevant to a welfare issue he or she is managing whenever it is in the interests of the supported officer for that to occur.

All printed material will be kept in files that are clearly marked as a 'Public Interest Disclosure Matter' and warn of the criminal penalties that apply to any unauthorized divulging of information concerning a public interest disclosure.

All electronic files will be either password protected, stored separately or secured. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with access only by authorised officers, as listed above.

All phone calls and meetings will be conducted in private. Transmission of files containing sensitive information will not be sent to devices that have general staff access.

A person cannot obtain information about a public interest disclosure by application under the Freedom of Information Act 1982 (the 'FOI Act'). Although the FOI Act provides a general right of access for any person to seek documents in the possession of the Council, it provides that certain information related to public interest disclosures as contained in documents in the possession of the Council will be exempt from the application of the FOI Act.

Such information excluded from the operation of the FOI Act includes:

- any information relating to a disclosure made in accordance with the Act;
- any information relating to a disclosure notified to IBAC by the Council under s 21 of the Act for assessment; and
- any information that is likely to lead to the identification of a discloser.

The Council is required to contact IBAC prior to providing any document originating from IBAC or relating to a public interest disclosure, if that document is sought under the FOI Act.

9. TRAINING for COUNCILLORS and STAFF

The Council will:

- ensure that Councillors and staff have access to a copy of these procedures in hard or soft copy;
- incorporate into its induction procedures training about the Council's general obligations under the Act and the rights and obligations of all Councillors and staff;
- introduce periodic refresher courses for Councillors and staff about their rights and obligations under the Act;
- provide additional training and assistance to:
 - any staff of the Council with specific responsibilities and functions to handle and manage public interest disclosures under the Act, including the Public Interest Disclosure Coordinator, Public Interest Disclosure Officer and people involved in welfare management;
 - its complaint handling staff to ensure that any complaints received will be dealt with consistently and in accordance with the Act as required;

- any staff with functions and duties under the FOI Act or with responsibilities for information management, to ensure that no prohibited information is disclosed under the Act and to ensure there is appropriate liaising with the staff of IBAC or other investigative agencies where required in response to a request for access under the FOI Act; and
- all staff dealing with customers to ensure any potential disclosures received from external sources can be handled appropriately in accordance with the Act and these procedures.

10. GOVERNANCE

Review

This procedure will be reviewed every three years or upon significant change to the Act, the Regulations or IBAC's guidelines to ensure they comply with the requirements of the Act, the Regulations and IBAC's guidelines.

From time to time, circumstances may change leading to the need for minor administrative changes to this procedure. Where an update does not materially alter this procedure, such a change may be made administratively.

Examples of minor administrative changes include changes to Council personnel, change to names of Government departments and agencies or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this procedure, it must be considered by the Council

Compliance Responsibility

The Council is required to publish certain statistics about the Act in its annual reports. That information relates mainly to how these procedures may be accessed and the number of disclosures notified to IBAC for assessment under s 21 of the Act during the financial year.

The Public Interest Disclosure Coordinator will establish a secure register to record such information, and to generally keep account of the status of disclosures made under the Act.

7.3. WCC ASSET PLAN FY 2022-32 (10 YEARS)

DIRECTORATE: CITY INFRASTRUCTURE

PURPOSE:

This report provides information about Council's Asset Plan for Financial Years 2022-32, in compliance with Section 92 of the Victorian Local Government Act 2020. The Asset Plan explains the current position of Council's assets, the strategies for their management and their financial sustainability.

EXECUTIVE SUMMARY

- Council is required to adopt an Asset Plan by the end of June 2022.
 - The Asset Plan draws information from detailed Asset Management Plans for the major asset categories of Roads, Bridges, Buildings, Drainage, Pathways and Open Space and Recreation.
 - Council has developed a draft Asset Plan for endorsement by Council for the purposes of community consultation.
 - Council will consider feedback from the community in adopting its Asset Plan at a Council meeting before June 30, 2022.
 - The Asset Plan is closely linked with Council's Long Term Financial Plan and budget.
 - The Asset Plan shows that assets are generally sustainable for the next ten years although the renewal backlog is expected to increase to an unacceptable level in Year 13 unless planned funding is increased.
-

RECOMMENDATION

- 1. That Council approves and release the draft Asset Plan FY 2022-32 for community consultation and feedback from 7 June to 20 June 2022.**
 - 2. That Council adopt the Asset Plan upon incorporation of community feedback.**
-

BACKGROUND

The development of an Asset Plan is a new requirement of the Local Government Act 2020 with the Act outlining the following:

92 Asset Plan

- 1) Subject to subsection (6), a Council must develop, adopt, and keep in force an Asset Plan in accordance with its deliberative engagement practices.
- 2) The scope of an Asset Plan is a period of at least the next 10 financial years.
- 3) An Asset Plan must include the following—
 - a) information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council.
 - b) any other matters prescribed by the regulations.
- 4) Subject to subsection (6), a Council must develop or review the Asset Plan in accordance with its deliberative engagement practices and adopt the Asset Plan by 31 October in the year following a general election, other than the first general election to be conducted under section 257(1)(a).
- 5) The Asset Plan adopted under subsection (4) has effect from 1 July in the year following a general election.

- 6) A Council must develop and adopt an Asset Plan under this section in accordance with its community engagement policy by 30 June 2022 following the first general election to be conducted under section 257(1)(a).
- 7) The Asset Plan adopted under subsection (6) has effect from 1 July 2022.

The Asset Plan is integral with the Integrated Strategic Planning and Reporting Framework and sits alongside the Financial Plan as Council's two key long term (10+ years) resource allocation and management planning documents.

Formulating a Draft Asset Plan

In regard to legislated requirements, the proposed Asset Plan:

- Has a scope of ten financial years which meets the requirement 'of at least the next ten financial years.' The long-life asset renewal modelling shown within the Plan allows for a 13–14-year planning horizon for some asset categories to provide a longer-range view of asset renewal demand
- Contains relevant '(a) information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council;'
- Has been drafted in view of the requirement that 'A Council must develop and adopt an Asset Plan under this section in accordance with its community engagement policy by 30 June 2022 following the first general election to be conducted under section 257(1)(a)
- Has been based on the participatory and deliberative engagement process undertaken by Council in 2021 and the subsequent outcomes of this process, including Warrnambool 2040, Council Plan, and Long-Term Financial Plan.

Basis of Draft Asset Plan

The draft Asset Plan has been formulated on the following basis:

1. Preparation in accordance with Local Government Victoria's 'Asset Plan Guidance 2022'.
2. Consideration of all Council assets as outlined in the Annual Report including long life assets such as Buildings, Roads, Bridges, Pathways, Stormwater, and Open Space and Recreation assets; and short life assets such as Plant and Fleet.
3. A projected capital works program value that equates to the overall capital works funding allocated in the Long-Term Financial Plan.
4. Funding across the long-life asset categories (buildings, roads, bridges, pathways, stormwater, open space and recreation) in accord with asset management planning and modelling.

Context of Draft Asset Plan

The draft Asset Plan 2022-32 has been formulated in accord with funding allocations within the adopted Long Term Financial Plan 2021-31.

Asset renewal funds allocation requires balance between: (1) excessive condition service levels/ intervention levels that may lead to over-expenditure; and (2) lower service levels/ intervention levels that allows for efficient expenditure for asset renewal before end of life but may introduce additional service and asset risk.

The attached draft Asset Plan shows that:

- The Asset Plan is closely linked with Council's Long Term Financial Plan and budget.
- Assets are generally sustainable for the next ten years although the renewal backlog is expected to increase to an unacceptable level in Year 13 unless planned funding is increased.

ISSUES

The Asset Plan indicates that Council's asset portfolio is an overall good condition and that current service levels can be maintained from Council's assets over the coming 10 years with the planned expenditure levels as noted in the Asset Plan and Long-Term Financial Plan.

To put it another way, the Asset Plan's total lifecycle cost forecasts are balanced with the Financial Plan's budget forecasts, but....

***What** impact does it have on our assets and the services delivered from them in the coming years?*

***What** about increasing demand on our services from population growth, demographic change, community expectations, and the impacts of climate change?*

***What** about major shortcomings in our existing assets?*

***What** do we do?*

These issues, the challenges, the plan to meet those challenges, the inevitable trade-offs, and the importance of community input and negotiation in determining 'what we do' and 'what we don't'. are an integral part of the Asset Plan and outlined in section 5 titled 'What Challenges and Choices?'

FINANCIAL IMPACT

Council's Asset Plan has been financially integrated with Council's Long Term Financial Plan as part of the Integrated Strategic Planning and Reporting process.

Due to the different timeframes covered, this **Asset Plan 2022-32** uses the forecast funding available within the Long **Term-Financial Plan 2021-31** in Years 1-9 and uses an average of these years for year 10 of the Asset Plan. The Asset Plan is in funding lockstep with the Long-Term Financial Plan and provides the following observations and projected outcomes:

1. A marginal betterment in average asset condition due largely to the significant new and upgrade Council funding of \$158 million over Years 1-10. This is over 50% greater than the allocated renewal funding of \$103 million, and results in an increase of 23% to the current depreciating asset base's replacement value with newly constructed assets, and resultant betterment to overall asset condition.
2. Council will continue to have an Asset Renewal Backlog each year of the 10-year planning period, representing the replacement value of assets that are ready for intervention but not funded at that time. Backlog increases from \$35 million in Year 1 to \$41 million in Year 10 but remains at approx. 5% of the asset base due to the added new assets over this time. These values are the lower range of the generally accepted backlog range of 4% to 8%. However, it is projected that backlog will increase a further \$32 million by Year 14 if renewal funding is not increased, in particular for the Roads and Buildings categories. This represents a backlog greater than the acceptable range of 8% in Year 13 and nearly 10% by Year 14.
3. The funding of renewal between the various asset categories over Years 1-10 requires review, with Buildings and Roads generally underfunded, and Pathways and Open Space and Recreation overfunded.

These results indicate that Council's asset portfolio is an overall good condition and that current service levels can be maintained from Council's assets over the coming 10 years with the planned expenditure levels as noted in the Asset Plan and Long-Term Financial Plan.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

1.1 Be a welcoming and inclusive city: Warrnambool will be a city that is more welcoming to all, and which fosters diversity.

4 A connected, inclusive place

4.2 A connected community: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails, and digital infrastructure.

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility, and functionality of our built environment.

5 An effective Council

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

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

TIMING

A framework of what Council's first Asset Plan should look like was released by Local Government Victoria in March 2020. This left limited time for an Asset Plan to be formulated and adopted by Council by 30 June 2022.

This 'Asset Plan Guidance 2022' document has guided the formulation of the Asset Plan with initial internal meetings held after the release of the document in March in order to plan the Asset Plan's formulation. Further to these meetings an initial draft Asset Plan was formulated and then distributed to City Infrastructure, Finance, and Communication teams for the purpose of review, feedback, and project understanding. After initial discussion and feedback, a further meeting was held to finalize the draft Asset Plan, with this then provided for the Executive Management Team's (EMT) review and comment.

The finalized draft Asset Plan 2022-32 is planned to go to the June Informal Council Meeting for endorsement for the purpose of community feedback, then advertised for community submission, before being reviewed and brought back to Council for adoption at a Formal Council Meeting in late June 2022.

COMMUNITY IMPACT / CONSULTATION

Council has conducted a range of deliberative engagements with the community while developing the Asset Management Policy and Strategy and the different strategic plans for assets. For the development and finalization of this plan, Council will inform, consult, and involve the community, as outlined by Council's Community Engagement Policy, and as recommended by the IAP2 approach.

Whilst there is no legislative requirement to advertise the plan for public submissions, Council staff are suggesting that the plan be distributed for public viewing in the interests of transparency.

Prior to the development of this plan, Council has undergone a consultative process of the various plans, policies and strategies that have been used to help create this plan. In addition to this feedback is sought on the budget and Council Plan annually, which contains a commitment to asset renewal in both documents.

LEGAL RISK / IMPACT

The Asset Plan is a document that communicates the importance and magnitude of the infrastructure assets for which council is the custodian. This will result in more informed community engagement and a mutual understanding of the best use of council assets in the interest of the community.

All Council assets can have different gender impacts and such gender impact assessments will need to be incorporated into the management plan of the assets. This is a requirement of the Victorian Gender Equality Act 2020. While the gender impact assessments have not been conducted while developing this plan, Council is committed to conducting gender impact assessments of its assets in the future.

Other factors which have been considered within this framework include the future impacts of:

- climate change
- service delivery
- demographic change
- emerging technologies and practices
- political environments
- asset volume (such as duplication, redundancy, or scarcity)
- asset condition
- other drivers identified by council
- financial capacity.

OFFICERS' DECLARATION OF INTEREST

No officers have declared an interest in the development of this report or the associated 10 Year Community Asset Plan.

CONCLUSION

Council's Asset Plan is aimed at providing a document that helps everyone understand the quantum of assets that Council owns, and the challenges in maintaining an asset base that services the community into the future in support of Warrnambool 2040 and the Council Plan.

The Asset Plan rests on the processes outlined within Council's Asset Management Policy, Asset Management Strategy, and Asset Management Plans. These documents and the processes they describe form a road map for continual improvement in the way Council manages its assets and the services delivered from them. In this balancing act there are ever changing challenges, community conversations and negotiations to be had, choices to be made, and plans to be updated and revised.

This is Council's inaugural Asset Plan and has been financially integrated with Council's Long Term Financial Plan as part of the Integrated Strategic Planning and Reporting process. That is, the funding allocation from the Long-Term Financial Plan is the same as that applied to this Asset Plan. It represents what the community and Council are in agreement on, that is, it outlines expenditure in line with maintaining current (2021-22) service levels from its asset base, with expenditure in ways that support Warrnambool 2040 and the Council Plan.

ATTACHMENTS

1. WCC Draft - Asset Plan 2022-32 [7.3.1 - 32 pages]



ASSET PLAN

2022-32

Draft V1.0
May 2022

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DocumentControl:

Rev No	Date	Revision Details	Author
Draft V1.0	May 2022	Draft for EMT review	Warrnambool City Council



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Due to the different timeframes covered, this **Asset Plan 2022-32** uses the forecast funding available within the Long Term Financial Plan 2021-31 in Years 1-9, and uses an average of these years for year 10 of the Asset Plan. The Asset Plan is in funding lock-step with the Long-Term Financial Plan and provides the following observations and projected outcomes:

1. A marginal betterment in average asset condition due largely to the significant new and upgrade Council funding of \$158 million over Years 1-10. This is over 50% greater than the allocated renewal funding of \$103 million, and results in an increase of 23% to the current depreciating asset base's replacement value with newly constructed assets, and resultant betterment to overall asset condition.
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These results indicate that Council's asset portfolio is an overall good condition and that current service levels can be maintained from Council's assets over the coming 10 years with the planned expenditure levels as noted in the Asset Plan and Long Term Financial Plan.

To put it another way, the Asset Plan's total lifecycle cost forecasts are balanced with the Financial Plan's budget forecasts, but.....

What impact does it have on our assets and the services delivered from them in the coming years?

What about increasing demand on our services from population growth, demographic change, community expectations, and the impacts of climate change?

What about major shortcomings in our existing assets?

What do we do?

Table 1.0 following outlines the challenges, the plan to meet those challenges, the inevitable trade-offs, and the importance of community input and negotiation in determining 'what we do' and 'what we don't'. Action is required both now and in an on-going way to meet the challenges ahead.

Table 1.0 The Challenges and what we Do

What Challenge?	What's the Plan?	What Trade-Offs?	Further community input and/or negotiation required?
Delivering services from our existing assets into the future.	<ol style="list-style-type: none"> 1. Review and continuously improve asset data and modelled renewal demand in each asset category. 2. On-going integration of the Asset Plan and Financial Plan to reflect renewal requirements. 3. On-going service planning to define service levels and community priorities. 	<ul style="list-style-type: none"> • Some service levels may need to be lowered or services dropped to enable adequate funding of community prioritised services. • On-going asset backlog. • Potential decommissioning of some assets from service. • Potential 'user pays' services. 	Yes – on-going community input is required to define priority services and required service levels. This will inform and allow improved Service Planning. This in turn will lead to the community conversation around "Here's the funding we have, what do we do and what don't we do?"
Increasing services demand in the face of limited funding.	<ol style="list-style-type: none"> 1. On-going service planning to define service levels and community priorities. 2. Continually review and update asset management planning data and modelling with integration of the Asset and Financial Plans. 3. On-going service planning to define service levels and community priorities. 4. Strategic and prioritised grant funding applications targeted at community needs. 5. Include climate change resilient asset costs and costs of assets requiring higher design standards within asset planning new and renewal costs. 6. Manage increases to the asset portfolio within Council's expected financial capacity. 7. Consider non-asset service solutions where applicable. 	<ul style="list-style-type: none"> • Community expectations won't necessarily be met. • Some service levels may need to be lowered or services dropped to enable adequate funding of community prioritised services. • On-going asset backlog. • Potential decommissioning of some assets from service. • Potential 'user pays' services. 	Yes – on-going community input is required to define priority services and required service levels. This will inform and allow improved Service Planning. This in turn will lead to the community conversation around "Here's the funding we have, what do we do and what don't we do?"
Existing Assets with significant service shortcomings or non-compliance with current standards.	<ol style="list-style-type: none"> 1. On-going service planning to define service levels and community priorities. 2. Long term strategic planning to define quantum of shortcomings, service levels, and long term programs to rectify. 3. Strategic and prioritised grant funding applications targeted at asset upgrade where this is a community priority. 	<ul style="list-style-type: none"> • Current service levels provided from these assets may remain unchanged over time. • Other trade-offs as for the challenges above. 	Yes – on-going community input is required to define priority services and required service levels. This will inform and allow improved Service Planning. This in turn will lead to the community conversation around "Here's the funding we have, what do we do and what don't we do?"
Continuous improvement of asset management practice.	<ol style="list-style-type: none"> 1. Review and monitor the asset management improvement plan as part of the Asset Management Strategy. 2. On-going reporting of asset management status using the asset management steering committee. 	<ul style="list-style-type: none"> • Additional staff resources may be required which will come at a cost. 	No – because these processes are technical and internal to Council's operations they will be established in accord with the Asset Management Strategy, with community input more appropriately focused on service planning and funding discussions.

2.0 WHY AN ASSET PLAN?

2.1 Background

The municipality of Warrnambool covers 120sqkm in Victoria's South West. It includes the city of Warrnambool and townships of Allansford, Bushfield and Woodford. It has annual population growth of about one per cent, a population of 35,500 and is the most populous city in the South West.

Warrnambool is the major regional centre for health care, education, professional services and sport and culture. Warrnambool's economy generates output of some \$4.5 billion accounting for over 25 per cent of the Great South Coast region's economic output from less than one per cent of the land area. There are 16,653 jobs in Warrnambool and the following six sectors account for over two-thirds of employees whose place of work is located within Warrnambool:

- Healthcare and Social Assistance;
- Retail trade;
- Education and Training;
- Accommodation and Food Services;
- Construction and Manufacturing.

Warrnambool is a popular and expanding tourism destination. Property and business services, government administration and construction are also key growth sectors.

Warrnambool City Council is the custodian of an extensive range of community assets that deliver a wide range of vital services to the community. In order to deliver these services over the long term in a challenging environment, the Council must ensure that the assets supporting these services are managed in a sustainable way. This Asset Plan sits alongside Council's Financial Plan as the guiding ten-year resource and allocation tools within the Local Government Integrated Strategic Planning and Reporting Framework (ISPRF), and together these documents guide and inform Council's decisions in a long-term context.

2.2 Purpose of the Plan

This Asset Plan is intended as a strategic community facing document that informs the community on how Council controlled infrastructure and other assets are to be managed to achieve the Council Plan objectives and Community Vision statement. The purpose of the Asset plan is to:

- improve the transparency around asset value and performance
- better inform the community on the type of assets under council management and their financial impost
- embed responsible asset management practices into the ISPRF
- contribute to council's long-term objectives, strategic intent, and finances
- improve the efficiency and effectiveness of asset management practices through a more engaged community and informed council
- better align decisions around assets to community needs, service levels and standards, and financial sustainability
- articulate and communicate the challenges on service levels, costs, risks, and the considerations for the decisions made.

2.3 Strategic Context

2.3.1 Compliance with the *Local Government Act 2020*

Section 92 of the Local Government 2020 (the Act) highlights the requirement for good asset management practices across the local government sector in Victoria. Under the Act, councils must adopt an initial Asset Plan by 30 June 2022 and by 31 October following each Council election thereafter.

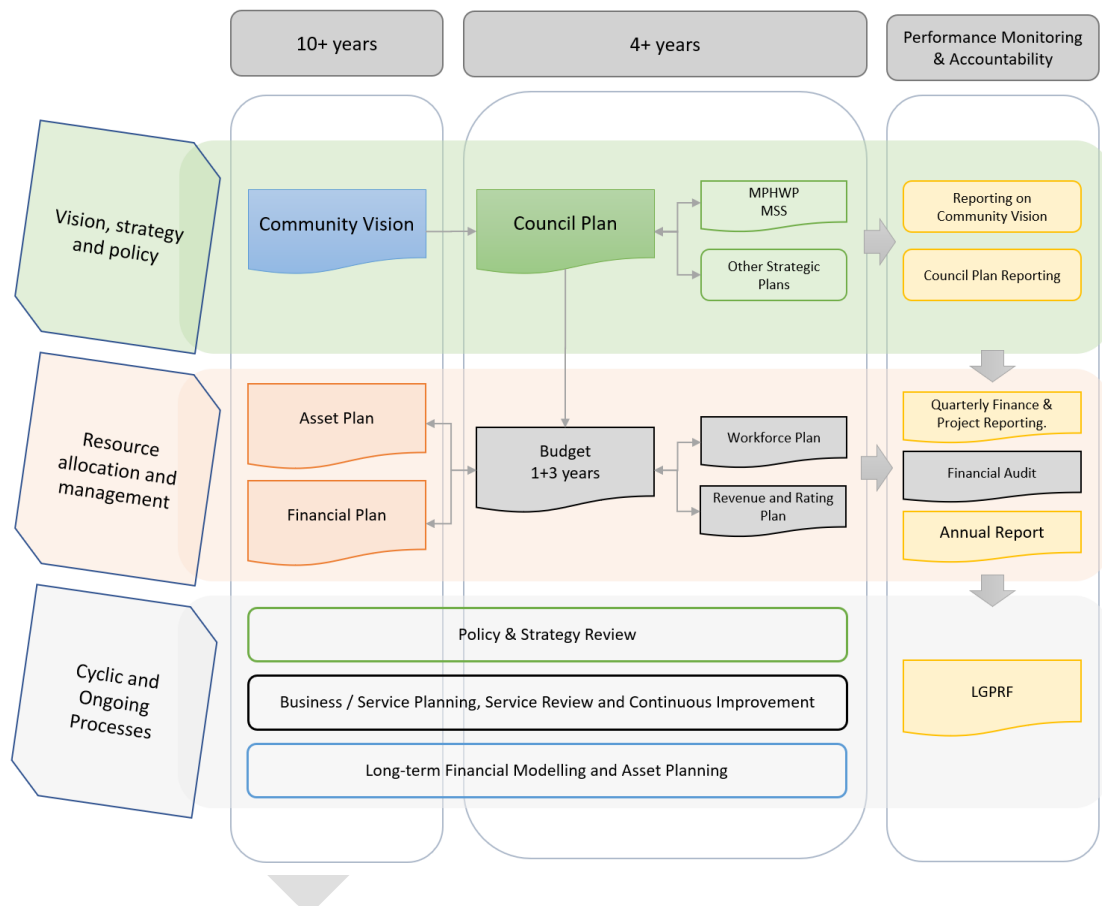
The Local Government Act 2020 (Planning and Reporting) Regulations requires councils to record their compliance with section 92 of the Act by completing the Governance and Management Checklist annually; and to ensure that the Asset Plan aligns with the Council Plan, Council Budget, Annual Report, Community Vision and Financial Plan.

These factors are in keeping with the ISPRF and are aimed at reassuring the community that their assets are being responsibly managed.

2.3.2 Integrated Strategic Planning and Reporting Framework

This Asset Plan is a vital component of the ISPRF and as such aligns with and complements other council planning and reporting documents, including the Council Plan, Council Budget, Annual Report, Financial Plan, and the 2050 Community Vision. An overview of Council's ISPRF showing elements and planning timeframes is shown in Figure 1.

Figure 1: Integrated Strategic Planning and Reporting Framework – Overview



3. How does it Fit Together?

3.1 Community Engagement

The Local Government planning and accountability framework guides the Council in identifying community needs and aspirations, and determining how it will deliver on them.

The Community Vision, Warrnambool 2040, was developed over two years and involved thousands of Warrnambool residents and numerous of clubs, groups, schools, businesses and community organisations who shared their 'Wishes for Warrnambool' and their aspirations for the future of the city. The plan is owned by the community and the W2040 network partners including Warrnambool City Council.

Throughout February 2021 Council completed workshops with Councilors and staff, and undertook community surveys to seek ideas for the Council Plan and to review the community vision Warrnambool 2040. This was followed by establishing listening posts to hear what the community had to say. Listening posts were set up at the Lighthouse Studio and Warrnambool Stadium with sessions for residents of all Warrnambool localities including Allansford, Bushfield-Woodford, Dennington, Central Warrnambool, Warrnambool-Botanic, East Warrnambool, North Warrnambool, North-East Warrnambool, South-East Warrnambool, South-Warrnambool-Merrivale and West Warrnambool.

Council then undertook deliberative community engagement for the Council Plan and review of the community vision Warrnambool 2040 in two March 2022 sessions with 60 participants attending.

The community engagement process outlined provided the basis for the documentation of the Draft Council Plan 2021-25 and the reviewed Community Vision, Warrnambool 2040. These two key documents were considered at open Council meeting in May 2022 and subsequently released for community review and submissions. Warrnambool 2040 and the Draft Council Plan were exhibited together to provide context around strategic direction and to demonstrate an alignment between the vision and the plan.

The Council Plan 2021-25 was adopted by Council in June 2021 following the consideration of three community submissions.

This Asset Plan directly aligns with and cascades down from Warrnambool 2040 and the Council Plan 2021-25, and is founded on the extensive community engagement undertaken in formulating these key documents.

In addition, Council has implemented the following consultation process to ensure due consideration and feedback is received from relevant stakeholders:

- a) Draft Asset Plan prepared by management with briefing to Council;
- b) Draft Asset Plan provided for Council endorsement at the 6th June 2022 Council meeting;
- c) Endorsed Draft Asset Plan placed on public exhibition calling for public submissions from the community;
- d) Draft Asset Plan, including any revisions, presented to Special (June) Council meeting for adoption.

3.2 Warrnambool 2040 (Community Vision), Council Plan and Shared Objectives

This Asset Plan has been prepared based on the Community Vision, Warrnambool 2040, and Council Plan 2021-25 which in turn have been informed by the participatory and deliberative engagement processes outlined above.

Warrnambool 2040:

A thriving city at the heart of coast and country.

Warrnambool is the bright beacon at the western edge of the Great Ocean Road.

Within the Warrnambool municipality are beautiful beaches, parks, buildings and pathways. The city of Warrnambool is the South West's professional, commercial, retail, education, sporting and health capital and our attractive townships of Allansford, Bushfield and Woodford enhance our liveability.

The Council Plan 2021-25 lists key activities and initiatives Council will undertake over 2021-2025 to deliver on the five plan objectives developed in response to visions and goals in Warrnambool 2040:

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

The **Council Plan 2021-25** cascades directly from **Warrnambool 2040**. The four-year Plan, developed by Council, guides the work of the organisation in making progress towards the community's 2040 vision. The relevant Council Plan objectives and how these are addressed in this Asset Plan are outlined Table 3.2 following.

Table 3.2: Objectives and how these are addressed in this Plan

2021-25 Council Plan Objectives and Strategies	How Objectives are addressed in this Asset Plan
<p align="center">Objective 1: A Healthy Community <i>We will be a healthy, inclusive and thriving community with equitable access to services, cultural opportunities and recreational</i></p>	
<p>1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.</p> <p>1.5 Recreation, arts, culture and heritage: Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness.</p>	<p>This Asset Plan provides for baseline renewal and new/ upgrade works within Financial Plan parameters to:</p> <ul style="list-style-type: none"> o Maintain and improve on current accessibility levels, and o Maintain and improve recreational, arts, cultural and heritage facilities.
<p align="center">Objective 2: A sustainable environment <i>We will protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.</i></p>	
<p>2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.</p> <p>2.4 Water resource management: Council will promote and encourage awareness of sustainable practices in our work and in the community, including water resource management.</p> <p>2.5 Waste minimisation: Council will pursue programs to minimise waste throughout the community, industry and promote the benefits of reduction, re-use and recycling of materials.</p>	<p>This Asset Plan provides for:</p> <ul style="list-style-type: none"> o Minimising the effects of climate change with resilient and efficient infrastructure where appropriate o Maintenance of a reliable network of road and drainage (stormwater) assets o The basis of a relevant Capital Works Program to meet annual infrastructure renewal gaps.
<p align="center">Objective 4: A connected, inclusive place <i>We will provide high quality places that people value and want to live, work, play and learn in.</i></p>	
<p>4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that it supports social connection, equitable access, appropriate housing and sustainable population growth.</p> <p>4.2 A connected community: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails and digital infrastructure.</p> <p>4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.</p> <p>4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.</p>	<p>This Asset Plan outlines the management and funding required for a sustainable well planned portfolio of assets over the medium term within the context of the Financial Plan; and baseline new/ upgrade funding to provide for a better connected community and stronger neighbourhoods.</p>
<p align="center">Objective 5: An effective Council <i>We will be recognised as a collaborative Council and a high-performing organisation that enables positive outcomes for Warrnambool's community, environment and economy and for Victoria's South West.</i></p>	
<p>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.</p> <p>5.2 Engaged and informed community: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.</p> <p>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.</p> <p>5.6 Risk mitigation: Council will mitigate and manage organisational risks through sound management systems and processes.</p>	<p>This Asset Plan commits to on-going community engagement and service planning, and outlines the management, risk mitigation, and funding required for a sustainable portfolio of assets over the medium term within the context of the Financial Plan; allowing organisational and financial sustainability through the effective and efficient use of Council's resources and assets.</p>

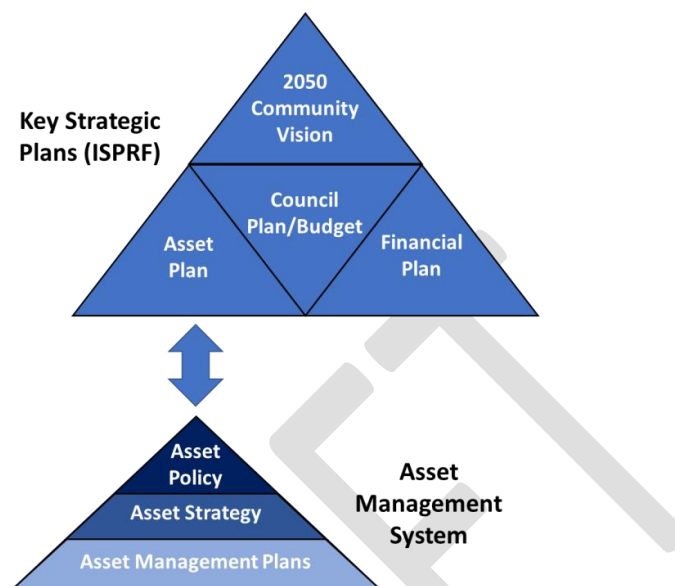
3.3 Fit Between the Asset Plan and Asset Management Practice

This Asset Plan has been informed by Council's asset management practices, data, systems and processes, and forms part of a continual improvement process. Council's Asset Management System includes:

1. Asset Management Policy -
 - Establishes the goals and objectives for asset management providing a platform for service delivery.
 - Integrates long-term asset and financial management with council's strategic objectives.
 - Maximises value for money by adoption of life cycle costing, combined with disciplined performance measurement.
 - Assigns accountability and responsibility for service delivery together with asset management.
 - Promotes sustainability to protect the needs of future generations.
2. Asset Management Strategy –
 - Links and integrates council's plans and resources, indicating which services are to be delivered through which assets.
 - Forecasts future service delivery needs and the capacity of assets to meet those, on a short, medium, and long-term basis.
 - Identifies assets that are critical to the council's operations and outline risk management strategies for these assets.
 - Includes specific actions required to improve the council's asset management capability and projected resource requirements and timeframes.
 - Establishes systems for asset performance measurement.
3. Asset Management Plans –
 - Encompasses all the major asset categories under council's control.
 - Connects the investment of community wealth in assets with service outcomes.
 - Presents at least one scenario that balances with the available funds from the Long-Term Financial Plan.
 - Identifies and communicates risks associated with affordable service levels and how these risks will be managed.
 - May allow for additional lifecycle scenarios (advanced) that manage assets to provide optimal life cycle costs to inform the asset management strategy and the Financial Plan.
 - Includes one scenario that balances the available funds from the Financial Plan with affordable service level targets, and may set out a strategy (advanced) to communicate the corresponding service levels and risks and how these will be managed to Council and the community.
 - For each scenario, presents cash flow forecasts for acquisition (upgrade/new/expansion), operating, maintenance, renewal and where relevant, disposal.

The linkage between the Asset Plan, Council's key strategic plans, and the Asset Management System is shown in Figure 2 following.

Figure 2: How the Asset Management System links to the Asset Plan and Key Strategic Plans



3.4 Financial Fit of the Asset Plan and Financial Plan

Council's Long-Term Financial Plan 2021-31 has informed the development of this first Asset Plan. Likewise, Council's six asset management plans for Buildings, Roads, Bridges, Pathways, Drainage, and Open Space and Recreation were developed between 2017-21 and have previously informed the funding levels outlined in the Long-Term Financial Plan.

Council's Long-Term Financial Plan, Asset Plan, and supporting asset management plans must be living plans that are regularly reviewed to reflect both external and internal influences on Council's financial current and future situation, and integrated together as part of the Integrated Strategic Planning and reporting Framework.

Due to the different timeframes covered, this **Asset Plan 2022-32** uses the forecast funding available within the Long **Term-Financial Plan 2021-31** in Years 1-9, and uses an average of these years for year 10 of the Asset Plan. The Asset Plan is in funding lock-step with the Long-Term Financial Plan and provides the following observations and projected outcomes:

4. A marginal betterment in average asset condition due largely to the significant new and upgrade Council funding of \$158 million over Years 1-10. This is over 50% greater than the allocated renewal funding of \$103 million, and results in an increase of 23% to the current depreciating asset base's replacement value with newly constructed assets, and resultant betterment to overall asset condition.
5. Council will continue to have an Asset Renewal Backlog each year of the 10 year planning period, representing the replacement value of assets that are ready for intervention but not funded at that time. Backlog increases from \$35 million in Year 1 to \$41 million in Year 10, but remains at approx. 5% of the asset base due to the added new assets over this time. These values are the lower range of the generally accepted backlog range of 4% to 8%. However, it is projected that backlog will increase a further \$32 million by Year 14 if renewal funding is not increased, in particular for the Roads and Buildings categories. This represents a backlog of greater than the acceptable range of 8% in Year 13 and nearly 10% by Year 14.

6. The funding of renewal between the various asset categories over Years 1-10 requires review, with Buildings and Roads generally underfunded, and Pathways and Open Space and Recreation overfunded.

It should be noted that further details on observations and outcomes are provided in section 4.3 of this Plan, with all values stated in 2022-23 dollar values.

3.5 Financial Indicators

There are multiple financial indicators which can be used to define asset performance and sustainability. The Long-Term Financial Plan 2021-31 outlines Council's policy statements in section 2.1 and includes the following:

Allocate adequate funds towards renewal capital in order to replace assets and infrastructure as they reach the end of their service life.

The measure of this given in the Financial Plan is: *Asset Renewal and Upgrade expenses / Depreciation expenses (%)*. The Long-Term Financial Plan 2021-31 provides a forecast ratio of an average 118% over the 10 year life of the plan for this measure. This is comfortably above the Council's Target Ratio of $\geq 100\%$. This ratio reduces slightly to 117% if the average of Years 1-9 of the Long-Term Financial Plan 2021-31 is applied to the Asset Plan 2022-32, with these plans being a year out of step with each other.

Similar ratios and their values under the next 10 years' planned expenditure are outlined below.

- A. **Asset Renewal Funding Ratio** - A key indicator for service delivery sustainability is the Asset Renewal Funding Ratio (ARFR) which is expressed as a percentage:

$$\text{Asset Renewal Funding Ratio (ARFR)} = \text{Capital Renewal Planned Budget} / \text{Capital Renewal Forecast} (\%)$$

The Financial Plan and Asset Plan provide for a Capital Renewal Planned Budget of an average \$10.33M for the next 9-10 years (2022-23 dollar values). Based on modelling, the planned renewal expenditure will result in an approx. \$6M increase in backlog over the 10 years, or an equivalent average \$0.6M renewal funding deficit per year. This equates to a Capital Renewal Forecast of \$10.33M plus \$0.6M = \$10.93M per year, equating to:

$$\text{Asset Sustainability Ratio (ASR)} = 95\%.$$

- B. **Asset Sustainability Ratio** – Another indicator for service delivery sustainability is known as the Asset Sustainability Ratio (ASR), this ratio is expressed as a percentage:

$$\text{Asset Sustainability Ratio (ASR)} = \text{Renewal Planned Budget} / \text{Asset Depreciation} (\%)$$

With a Capital Renewal Planned Budget of \$10.33M (2022-23 dollar values), and a 2020-21 depreciation amount of \$12.1M (refer section 4.1), the:

$$\text{Asset Sustainability Ratio (ASR)} = 85\%.$$



4. What Have we Got?

4.1 What Assets?

The assets covered by this Plan are those which are owned and/ or managed by Council. These assets are accounted for in reported figures with Table 4.1 below based on the 2020-21 Annual Report financial numbers. These assets have a replacement value of approx. \$865 Million as at 30 June 2021 and are used to provide a wide range of services to the community. The two largest value asset categories of Roads and Buildings make up approx. 49% of Council's total asset replacement cost.

Table 4.1 Assets covered by this Plan (2020-21 Annual Report)

Asset Category	Indicative Quantity/ Description	Replacement Value (\$,000)	Depreciated Value (\$,000)	Annual Depreciation (\$,000)
Land and Land Improvements	Largely urban land associated with buildings	\$164,097	\$163,674	\$18
Buildings and Building Improvements	390 building structures	\$144,349	\$125,506	\$2,092
Roads and Off street car parks	2,700,000m2 Sealed and 200,00m2 Unsealed roads, 490 km kerb and channel, carparks	\$279,368	\$167,509	\$4,613
Bridges	61 Bridges and major culverts	\$33,676	\$22,421	\$379
Pathways	350km concrete and sealed paths, 21km gravel and natural paths, 2.6km timber paths	\$59,610	\$34,176	\$1,263
Drainage (Stormwater)	11,399 Pits and 265km pipe network	\$94,473	\$69,342	\$941
Recreation, Leisure and Community	Playing fields and courts, reserve access and car parking, pool facilities, minor buildings and structures, facility lighting	\$7,013	\$2,315	\$124
Waste Management	Kerbside collection Bins	\$606	\$517	\$41
Parks, Open Space & Streetscapes	Playgrounds, Playing surfaces, Bollards and fencing, minor structures, irrigation, facility lighting, street furniture, beach access, jettys and boat ramps	\$19,055	\$12,768	\$624
Aerodromes	Runways and taxiways, hangar and shed, access road and carpark, fencing	\$10,064	\$7,924	\$258
Other Infrastructure	Saleyard facilities, Surfside Holiday Park facilities, jettys	\$8,877	\$4,269	\$180
Plant Machinery & Equipment	Fleet, Small Plant, Heavy Plant,	\$10,303	\$4,286	\$952
Fixtures, Fittings & Furniture	Fixtures, fittings and furniture	\$5,787	\$1,050	\$90
Computers & Telecommunications	CIT Equipment and networks	\$7,211	\$3,689	\$524
Library Books and Paintings and Exhibits	Books and art works	\$13,545	\$13,545	\$0
Works in Progress	Works currently in Progress	\$7,299	\$7,299	\$0
TOTAL		\$865,333	\$640,290	\$12,099

Council's assets as shown in Table 4.1 have been further re-grouped for the purposes of this Plan into six 'long-life' asset groups of Buildings, Roads, Bridges, Pathways, Drainage, and Open Space and Recreation. The Open Space and Recreation category has been re-formed to include the Long Term Financial Plan categories of 'Parks, Open Space and Streetscapes' and 'Recreation, Leisure and Community', with this content differing from Warrnambool City's 'Open Space Asset Management Plan' of June 2020'. *Profile 1.0 - Summary – All Assets* in section 4.3.1 following includes all assets as outlined in Table 4.1 above.

4.2 Are they the right Assets managed in the right Way?

4.2.1 Do our Assets Support Warrnambool 2040 and the Council Plan?

Warrnambool City Council's current asset portfolio provides direct support to the delivery of Warrnambool 2040 and the Council Plan as outlined in section 3.2 *Warrnambool 2040 (Community Vision), Council Plan and Shared Objectives*. The services delivered through the Council's assets are largely a legislated part of Local Government business, for instance Warrnambool City Council is responsible for managing local transport infrastructure including local Roads, Bridges, Stormwater and Pathways under the Road Management Act (2004). These transport services are vital and are delivered by assets comprising 54% of Council's total asset value. Similarly Council Buildings facilitate services such as arts and libraries, recreation and leisure, family and community services, administration, and public amenities which are vital to the community's function. Council's Open Space assets support active transport and recreation and leisure services which are essential in supporting Warrnambool 2040 and the Council Plan.

4.2.2 Do we need to Realign Asset Practices to deliver on the Council Plan?

Warrnambool City Council's current asset practices need further improvement to continue to deliver on the Council Plan as follows:

1. Review and revision of the Asset Management Policy, Asset Management Strategy, and Asset Management Plans in support and update of the Asset Plan, Financial Plan, and Strategic Planning and Reporting Framework.
2. Continued focus of the Asset Management Steering Committee to provide an improved whole of organisation approach and accountability for asset management practice, including the on-going review and integration between the Asset Plan and Financial Plan, and consideration of a depreciation based renewal funding framework.
3. Further review and definition of asset management roles and responsibilities with resourcing as required.
4. Improved Service Planning, Capital Works planning and Asset Management planning/ review, with improved integration of these functions so they work well together.

4.3 What Shape are our Assets in Now and in 10 Years' Time?

4.3.1 Asset Profiles and Best Use

A 'Summary – All Assets' profile and separate asset profiles for 'Buildings', 'Roads', 'Bridges', 'Pathways', 'Stormwater', and 'Open Space' are provided as Profile 1.0 to Profile 1.6 in this section. These profiles outline:

- The type of assets within each asset category.
- The services that are supported by these assets.
- How much they cost to replace and their depreciated value.
- The average condition they are in now and projected condition they will be in 10 years' time.
- What the next 10 years looks like in terms of expenditure and backlog.

The definitions of terms used in the profiles and elsewhere in this Plan are provided below:

1. Depreciated Value – the current value of the asset based on current condition and/ or accumulated depreciation.
2. Condition – the state of asset degradation - a condition scale of 1 to 5 is used in this Plan, with 0 representing a new condition, 1=Very Good, 2=Good, 3=Fair, 4=Poor, 5=Very Poor/ End of Life condition.
3. Operations – the regular activities to provide services from assets e.g. playground inspections.
4. Maintenance – regular on-going work needed to keep assets operating e.g road pot-hole patching.
5. Renewal – major work that restores, rehabilitates, replaces, or renews an asset to its original service potential.
6. New – major work that creates a new asset that did not previously exist.

7. Upgrade – major work that will upgrade or improve an existing asset beyond its existing capacity.
8. Acquisition – assets that are (generally) contributed by developers at no cost to Council e.g. new roads and stormwater network contributed as part of a subdivision development.
9. Backlog – the value of assets that are in poorer condition than the intervention level set at which these assets should be renewed
10. Depreciating Assets – those assets that degrade over time. This includes all long life and short life assets, but excludes assets that don't depreciate such as land and artworks.

DRAFT

Profile 1.0 – Summary – All Assets



\$865M

Replacement Cost

\$640M

Depreciated value

1.6 (Good)

Average Condition

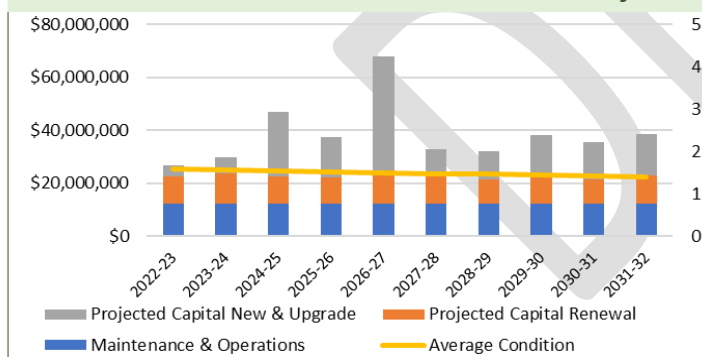
What does the next 10 years look like ?

\$125M	Operations and maintenance
\$103M	Renewal/ Replacement
\$158M	New/ Upgrade/ acquisition
\$35M - \$41M	Backlog/ deficit Year 1 - Year 10
1.6 – 1.4	Average Condition Year 1 - Year 10

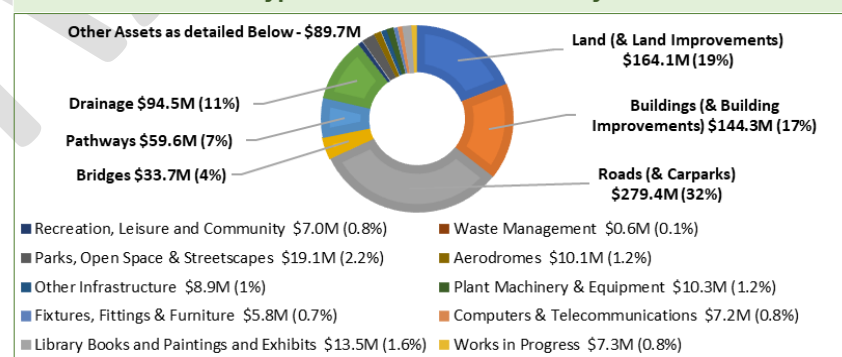
What services are supported by these assets?



Council's investment and asset condition over next 10 years ?



What type of assets and what do they cost ?



Profile 1.1 - Buildings



390

Number of Buildings

\$144.3M

Replacement Cost

\$125.5M

Depreciated value

0.7 (Good-V. Good)

Average Overall Condition

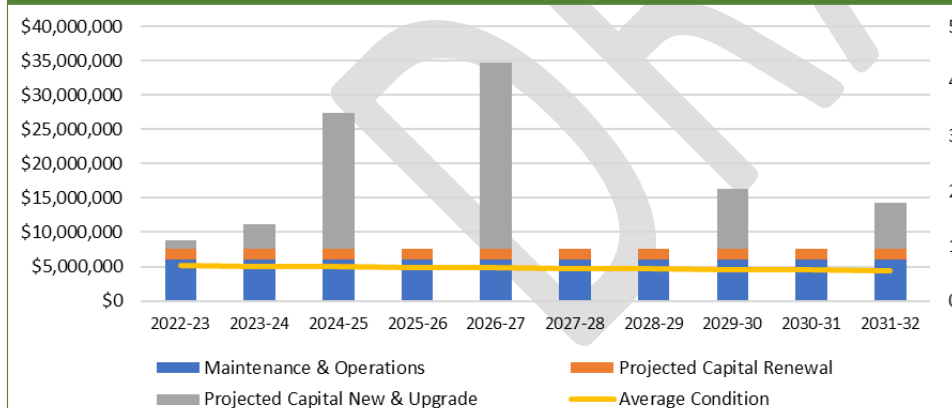
What services are supported by buildings?

 Art and Libraries	 Community services & meeting	 Recreation & Leisure	 Administration	 Public Amenities	 Animal Care
 Tourism	 Sale Yards	 Customer Service	 Waste Management	 Airfields	 Family and Community Services

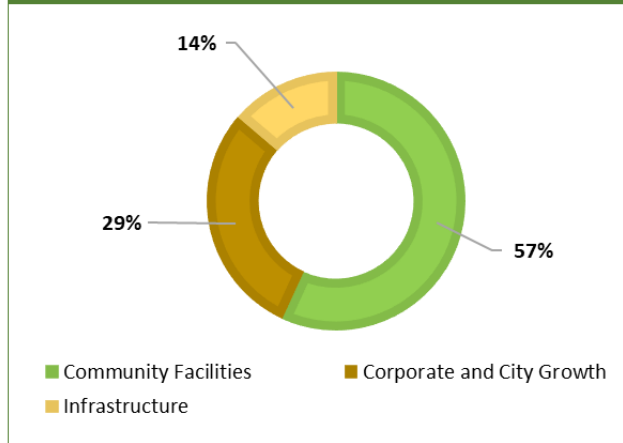
What does the next 10 years look like ?

\$60M	Operations and maintenance
\$16.3M	Renewal/ Replacement
\$66.8M	New/ Upgrade/ acquisition
\$4.4M - \$15.7M	Backlog/ deficit Year 1 - Year 10
0.7-0.6	Average Condition Year 1 - Year 10

Council's investment and asset condition over next 10 years ?



What type of building assets and their relative value?



Profile 1.2 – Roads (including Car Parks)



2.7M m² Sealed Road Surface
 0.2M m² Unsealed Road
 490 km Kerb & Channel
 \$279.4M Replacement Cost
 \$167.5M Depreciated value
 2.0 (Fair) Average Condition

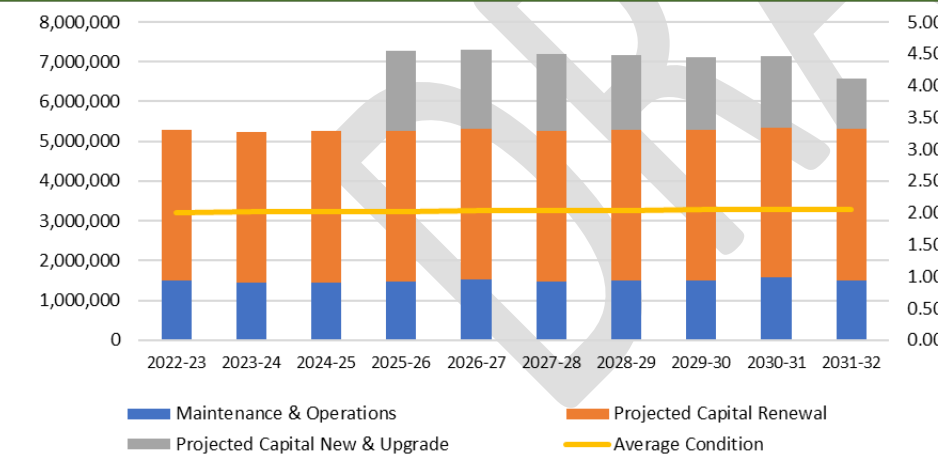
What services are supported by road assets?



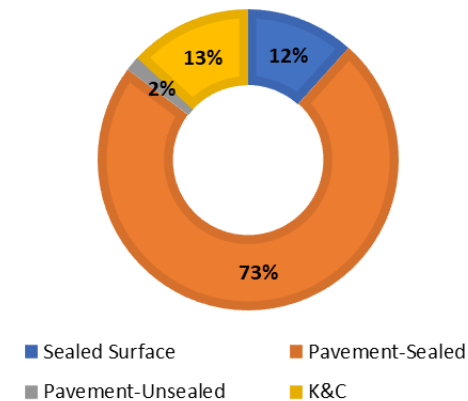
What does the next 10 years look like?

\$14.9M	Operations and maintenance
\$37.9M	Renewal/ Replacement
\$12.7M	New/ Upgrade/ acquisition
\$18.1M - \$13.7M	Backlog/ deficit Year 1 - Year 10
2.0 – 2.1	Average Condition Year 1 - Year 10

Council's investment and asset condition over next 10 years?



What type of road assets and their relative value?



Profile 1.3 - Bridges



61

Bridges and Major Culverts

\$33.7M

Replacement Cost

\$22.4M

Depreciated value

1.7 (Fair-Good)

Average Overall Condition

What services are supported by bridges and major culverts ?



Transportation



Safe Accessibility



Freight Vehicle
Usage



Emergency
Management

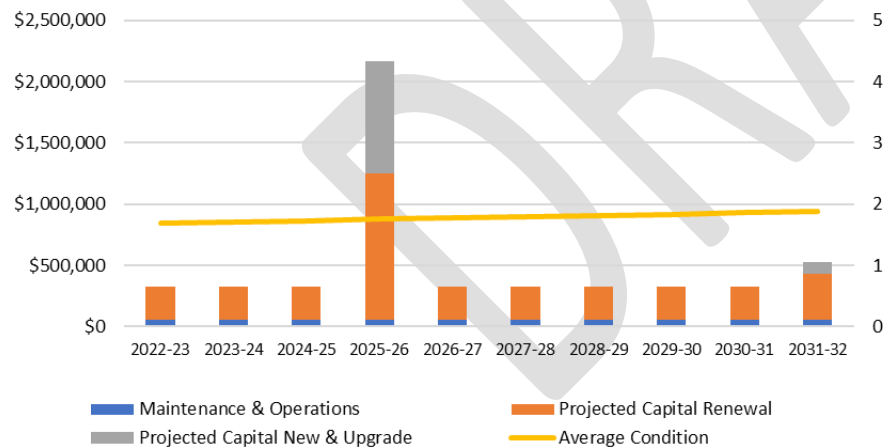


Tourism

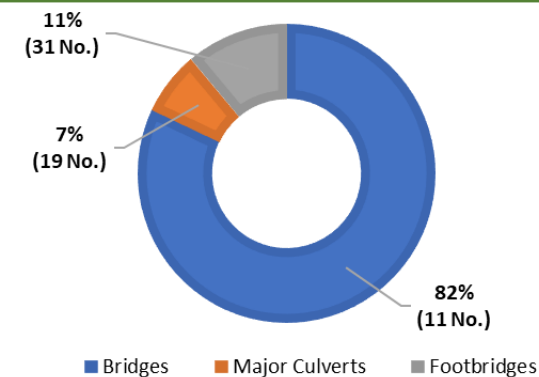
What does the next 10 years look like ?

\$0.6M	Operations and maintenance
\$3.7M	Renewal/ Replacement
\$3.5M	New/ Upgrade/ acquisition
\$2.7M - \$4.3M	Backlog/ deficit Year 1 - Year 10
1.7 – 1.9	Average Condition Year 1 - Year 10

Council's investment and asset condition over next 10 years?



What type of bridge assets and their relative value?

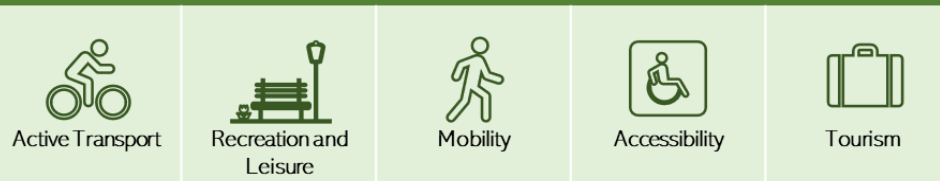


Profile 1.4 - Pathways



350 km Concrete & Sealed Paths
21 km Gravel Paths
2.6 km Timber Paths
\$59.6M Replacement Cost
\$34.2M Depreciated value

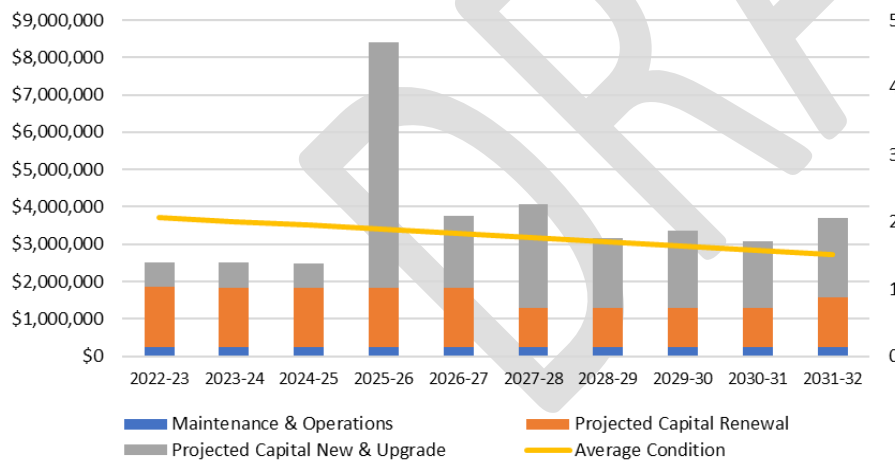
What services are supported by pathways ?



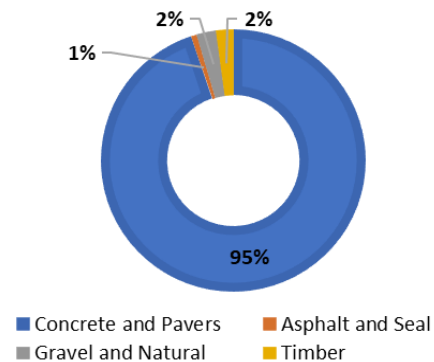
What does the next 10 years look like ?

\$2.6M	Operations and maintenance
\$13.3M	Renewal/ Replacement
\$21.2M	New/ Upgrade/ acquisition
\$1.1M - \$0M	Backlog/ deficit Year 1 - Year 10
2.1 – 1.5	Average Condition Year 1 - Year 10

Council's investment and asset condition over next 10 years?



What type of pathways and their relative value?



Profile 1.5 - Drainage



265 km
Pipes

11,399
Pits

\$94.5M
Replacement Cost

\$69.3M
Depreciated value

1.3 (Good)
Average Condition

What services are supported by stormwater assets?



Flood Protection



Transportation



Stormwater
Conveyance



Stormwater
Treatment



Stormwater
Management



Waterway
Conveyance

What does the next 10 years look like?

\$11.9M

Operations and maintenance

\$5.2M

Renewal/ Replacement

\$4.6M

New/ Upgrade/ acquisition

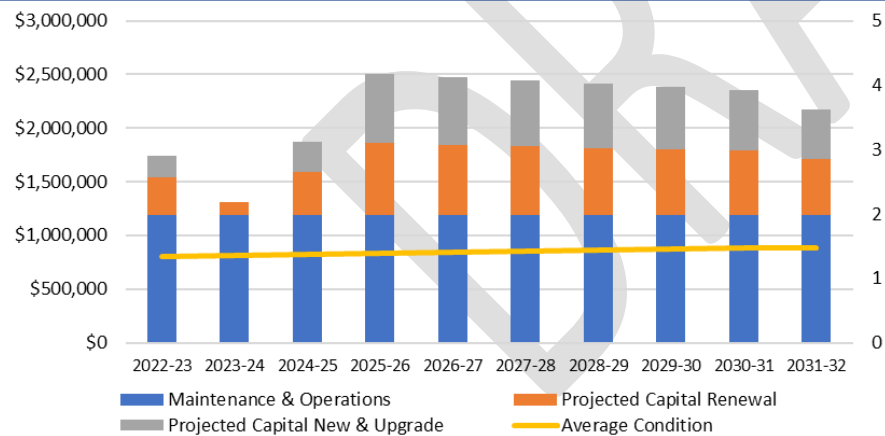
\$0.2M-\$7.7M

Backlog/ deficit Year 1 - Year 10

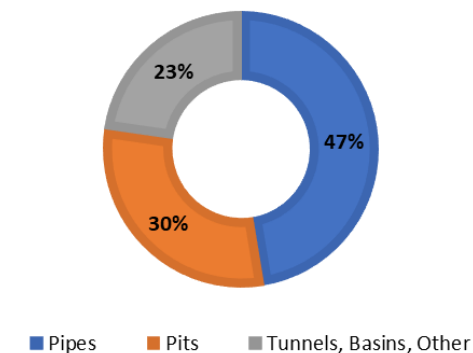
1.3 – 1.5

Average Condition Year 1 - Year 10

Council's investment and asset condition over next 10 years?



What type of drainage assets and their relative value?



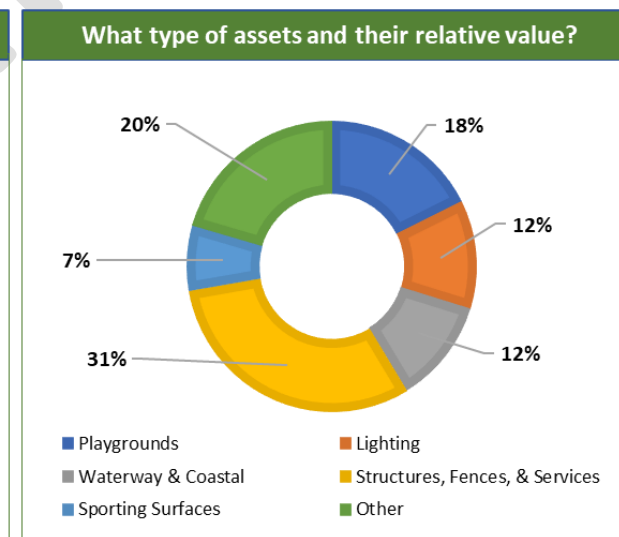
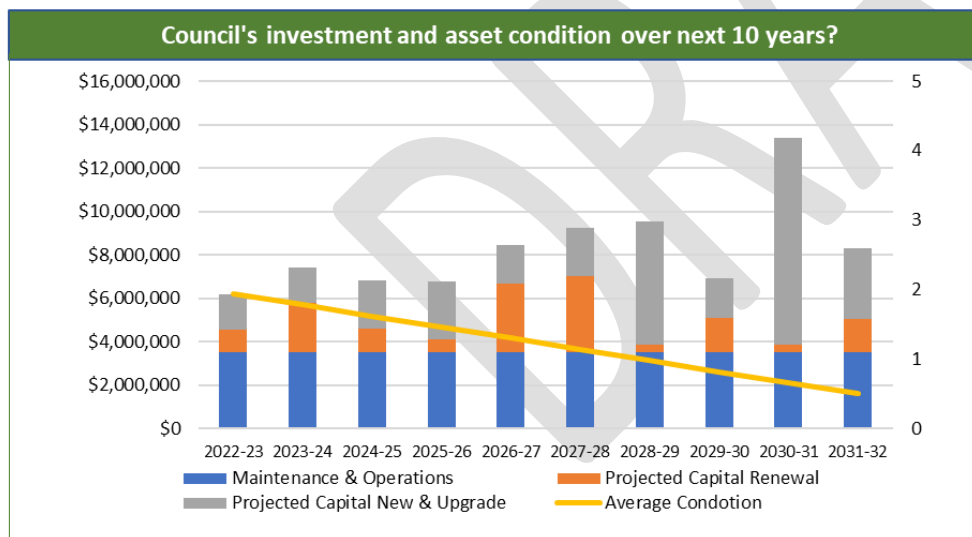
Profile 1.6 - Open Space and Recreation

(Parks, Open Space and Streetscapes; Recreation, Leisure and Community)



210 Open Spaces Sites **75** Playgrounds **\$26.1M** Replacement Cost **\$15.1M** Depreciated value **2.1 (Fair)** Average Condition

What services are supported by these assets?						What does the next 10 years look like?	
						\$35.0M	Operations and maintenance
Environment Conservation	Passive Surveillance	Recreation	Seating and Lighting	Tree Management	Tourism	\$15.5M	Renewal/ Replacement
						\$32.5M	New/ Upgrade/ acquisition
						\$8.3M - \$0M	Backlog/ deficit Year 1 - Year 10
						2.1 - 0.5	Average Condition Year 1 - Year 10



4.3.2 State of the Assets

The asset Profiles 1.0 to 1.6 as provided in section 4.3.1 (above) detail the Council's 'State of the Assets' for key asset categories. The six long life asset categories of Buildings, Roads, Bridges, Pathways, Drainage, and Open Space and Recreation comprise approximately 95% of Warrnambool City's asset replacement value for depreciating assets.

The future state of the assets is based on asset modelling using the planned asset expenditure and current asset condition, and in an overall sense result in -

- a betterment in the overall average asset condition over Years 1-10 from 1.6 to 1.4
- backlog remaining within an acceptable range of 4 to 8%, with an increase in backlog from \$35M in Year 1 (approx. 5.5% of asset value Year 1) to \$41M at the end of Year 10 (approx. 5.3% of asset value Year 10).

These results indicate that (in an overall sense) current service levels can be maintained from Council's assets over the coming 10 years with the planned expenditure levels as noted in the Plan. The 'State of the Assets' are further summarised for long-life asset categories of Buildings, Roads, Bridges, Pathways, Drainage, and Open Space and Recreation in Tables 4.3.2.1 to 4.3.2.6 below. Where applicable, the State of the Assets is based upon the planned expenditure in Year 11 continuing into future years.

Table 4.3.2.1 Buildings – State of the Assets

<i>Current condition?</i>	Buildings are in an overall Good to Very Good condition.
<i>Is Planned Expenditure adequate?</i>	Yes, but there is a modelled expansion of backlog from \$4.4M to \$15.7M in the next 10 years.
<i>Are the assets fit for future Years 1-10?</i>	Yes, however backlog expands from \$4.4M to \$15.7M in the next 10 years. This represents a backlog of about 3% in Year 1 (replacement value of \$144M at this time), to a backlog of about 7% in Year 10 (replacement value of \$211M at this time), which is within the generally accepted backlog range of 4 to 8%.
<i>Are the assets fit for future Years 11-20?</i>	Not really, renewal funding will require increasing by an estimated 50% plus from the current \$1.6M annual funding to address renewal requirements and decrease backlog in Years 11-20.
<i>Major Shortcomings?</i>	There are few major shortcomings in the existing building stock, with buildings generally safe, accessible, and fit for purpose. There is a focus on early years and other community facilities in coming years to provide increased amenity to services delivered from these buildings.
<i>What Risks?</i>	Buildings unsafe for use, not accessible, or out of service. Building facilities provision is mismatched to community need.
<i>What Challenges?</i>	Funding of asset costs with demand/ costs increasing because of increasing population, changing demographics and population distribution, and customer expectations. Prioritising building renewal and new/ upgrade projects that best match community need, followed by planned, prioritised and successful grant funding applications.

Table 4.3.2.2 Roads – State of the Assets

<i>Current condition?</i>	Roads are in an overall Fair condition.
<i>Is Planned Expenditure adequate?</i>	Yes, there is a modelled decrease in backlog from \$18.1M in Year 1 to \$13.7M backlog in Year 10.
<i>Are the assets fit for future Years 1-10?</i>	Yes, backlog decreases from \$18.1M in Year 1 to \$13.7M in the next 10 years. This represents a decrease in backlog from about 6% to 5% with these values inside the generally accepted backlog range of 4 to 8%.
<i>Are the assets fit for future Years 11-14?</i>	No, backlog is modelled to expand from \$13.7M in Year 10 to \$38.8M in Year 14. This represents a backlog of about 13% in Year 14 which is well outside the generally accepted backlog range of 4 to 8%.
<i>Major Shortcomings?</i>	Existing road infrastructure network does not always meet Victoria's Infrastructure Design Manual standards for functionality and capacity. Unsealed roads and poor amenity car parks can't all be upgraded. Poor connectivity of on-road bicycle path network. Existing safety concerns can't all be assessed and improved. Unable to address and mitigate impacts of Climate Change on roads.
<i>What Risks?</i>	Increased accidents and vehicle damage due to poor quality roads. Lack of connectivity and traffic delays. Not meeting community expectations on cleanliness of roads and availability of parking. Council does not meet its Road Management Plan obligations. New and upgraded roads don't meet required standards and/ or offer poor climate change resilience.
<i>What Challenges?</i>	Funding of asset costs with demand/ costs increasing because of increasing population, climate change impacts, customer expectations, and the increasing use of higher mass limit vehicles. Prioritising road renewal and new/ upgrade projects that best match community need, followed by planned, prioritised and successful grant funding applications.

Table 4.3.2.3 Bridges – State of the Assets

<i>Current condition?</i>	Bridges are in an overall Fair to Good condition.
<i>Is Planned Expenditure adequate?</i>	Yes, there is a modelled increase in backlog from \$2.7M in Year 1 to \$4.3M backlog in Year 10.
<i>Are the assets fit for future Years 1-10?</i>	Not really, backlog increases from \$2.7M to \$4.3M in the next 10 years. This represents a backlog of 8% in Year 1 to 13% in Year 10 which is higher than the generally accepted backlog range of 4 to 8%.
<i>Are the assets fit for future Years 11-plus?</i>	No, additional funding allocation is required to bring the modelled backlog down to acceptable levels.
<i>Major Shortcomings?</i>	Two Culverts subject to closure due to flooding with 20% AEP events. Load limiting of bridges. One road bridge has inadequate separation between vehicles and non-vehicular traffic. Six bridges (includes 5 footbridges) provide inadequate access for wheelchairs and prams.
<i>What Risks?</i>	Bridge network Unsafe for use. Bridge not accessible or closed due to 20% AEP flooding or lower frequency event. Council does not meet its Road Management Plan obligations. New and upgraded bridges don't meet required standards and/ or offer poor climate change resilience.
<i>What Challenges?</i>	Funding of asset costs with demand/ costs increasing because of increasing population, climate change impacts, customer expectations, and the increasing use of higher mass limit vehicles. Prioritising bridge renewal and upgrade projects that best match community need, followed by planned, prioritised and successful grant funding applications.

Table 4.3.2.4 Pathways – State of the Assets

<i>Current condition?</i>	Pathways are in an overall Fair condition.
<i>Is Planned Expenditure adequate?</i>	Yes, there is a decrease in backlog from \$1.1M to zero over the next 3 years.
<i>Are the assets fit for future Years 1-10?</i>	Yes, backlog decreases to zero over the next 2 years, with the network maintained at zero backlog over Years 2-10.
<i>Are the assets fit for future Years 11-15?</i>	Yes, backlog is expected to be maintained at zero over years 11-15 if Year 10 funding is continued into these years.
<i>Major Shortcomings?</i>	The Pathway network doesn't necessarily have major shortcomings, however areas for improvement include: <ul style="list-style-type: none"> • 5km of shared paths and 11 km of footpaths that are non-compliant with current width standards • Pathway lighting and signage • Additional linkages to provide better connectivity.
<i>What Risks?</i>	Pathway network Unsafe for use. Council does not meet its Road Management Plan obligations. New and upgraded pathways don't meet required standards and/ or offer poor climate change resilience.
<i>What Challenges?</i>	Funding of asset costs with demand/ costs increasing because of increasing population, climate change impacts, and customer expectations. Identifying community priorities for Pathway improvements. Prioritising pathway renewal and new/ upgrade projects that best match community need, followed by planned, prioritised and successful grant funding applications, often in conjunction with larger Open Space and Recreation projects.

Table 4.3.2.5 Drainage – State of the Assets

<i>Current condition?</i>	Stormwater assets are in an overall Good condition.
<i>Is Planned Expenditure adequate?</i>	Not really, there is an increase in indicated backlog from \$0.2M in Year 1 to \$7.7M in Year 10.
<i>Are the assets fit for future Years 1-10?</i>	Barely, the \$7.7M backlog at Year 10 represents a backlog of about 7.8% which is just within the generally accepted backlog range of 4 to 8%.
<i>Are the assets fit for future Years 11-15?</i>	No, additional funding allocation is required to maintain the modelled backlog within acceptable levels beyond from Year 11 onwards.
<i>Major Shortcomings?</i>	There are flooding hotspots as identified in the Warrnambool Drainage Strategy with certain areas subject to flooding. The existing network does not always meet Infrastructure Design Manual standards for adequate piped network capacity for defined % AEPs. The condition of stormwater assets is based on age, further in field down-pipe camera assessments are required to verify expected stormwater renewal demand.
<i>What Risks?</i>	Flooding of homes, properties, and access routes, with potential injury and risk to life.
<i>What Challenges?</i>	Progressively undertaking up-pipe drainage assessments and then formulating a structured and pragmatic forward works program to address the issues found. Further review of the Warrnambool Drainage Strategy to review and prioritise the upgrade/ new program with formulation of a 10-20 year forward works program. Long term funding of stormwater drainage projects identified from the City wide 10-20 year forward works program. Funding costs increasing because of increasing population, climate change impacts, and customer expectations.

Table 4.3.2.6 Open Space and Recreation – State of the Assets

<i>Current condition?</i>	Open Space and Recreation assets are in an overall Fair condition.
<i>Is Planned Expenditure adequate?</i>	More than adequate with some potential inefficiency/ over-expenditure with renewal expenditure in Years 6-10.
<i>Are the assets fit for future Years 1-10?</i>	Yes, backlog decreases from \$8.3M to nil from Years 1 to Year 10.
<i>Are the assets fit for future Years 11-20?</i>	Yes, backlog is expected to be maintained at zero over years 11-20 even if renewal expenditure is decreased.
<i>Major Shortcomings?</i>	Many of the existing open space and recreation facilities were not designed to meet modern expectations and will require major upgrade when renewed. Network deficiencies in terms of asset capacity and performance are detailed in relevant open space, play space and regional sport specific strategies.
<i>What Risks?</i>	Open Space and Recreation assets Unsafe for use. Open space asset provision is mismatched to community need.
<i>What Challenges?</i>	Prioritising open space and recreation renewal and upgrade projects that best match community need, followed by planned and prioritised renewal/ new/ upgrade works, including Masterplan implementation and Playground Renewal and Upgrades Funding of asset costs with demand/ costs increasing because of increasing population, and customer expectations.

4.3.3 Asset Fit and Maintenance

The State of the Assets outlined in section 4.3.2 above are based on the six asset management plans completed for these asset categories in 2017-2021, and June 2021 asset revaluation and depreciated value data. These asset management plans and the State of the Assets indicate that Council's assets have been assigned to their best use and will be maintained at an appropriate condition over the ten year life of the Asset Plan. However, if planned renewal funding levels are not increased in Year 11 and after from levels shown in Years 1-10 of this plan, overall backlog is projected to increase beyond an acceptable level of 8% in Year 13 of the current 2022-31 Asset Plan.

While assets have been assigned to their best use both now and historically, with ever changing design standards and services provision, and increasing customer expectations and technology driven requirements, many assets may now have significant shortcomings in the levels of service they provide. These shortcomings are detailed in section 4.3.2 above.



5. What Challenges and Choices?

5.1 The Plan

This Asset Plan is aimed at providing a document that helps everyone understand the quantum of assets that Council owns, and the challenges in maintaining an asset base that services the community into the future in support of Warrnambool 2040 and the Council Plan. This is a balancing act at the best of times, the funding bucket is only so big, there are lots of challenges, and we can't do everything.

The risks and cost of not having adequate resources and management practices is enormous. Assets that are poorly inspected, maintained or renewed can result in injury to life, breaching of legislative requirements, higher future costs, inter-generational inequity, loss of reputation, and assets that can't deliver on required services. There are environmental implications such as water quality management, the social implications of a built environment that is not amenable, and financial implications that may be difficult to recover from. This makes it imperative to have a Plan.

This Asset Plan rests on the processes outlined within Council's Asset Management Policy, Asset Management Strategy, and Asset Management Plans. These documents and the processes they describe form a road map for continual improvement in the way Council manages its assets and the services delivered from them. In this balancing act there are ever changing challenges, community conversations and negotiations to be had, choices to be made, and plans to be updated and revised.

This Asset Plan represents the first iteration Asset Plan, with this plan financially integrated with Council's Long-Term Financial Plan 2021-31 as part of the Integrated Strategic Planning and Reporting process. It represents what the community and Council are in agreement on, that is, it outlines expenditure in line with maintaining current (2021-22) service levels from its asset base, with expenditure in ways that supports Warrnambool 2040 and the Council Plan.

In an ever changing environment, there is an increasing chance of flood, storm, and fire events that will compromise the integrity of the asset base. These events will happen, and Council's role in emergency management and the recovery afterwards is vital. It is worthy to note that Federal Government funding provides for restoration of disaster affected infrastructure assets under Disaster Recovery Funding Arrangements as administered by the State Government.

5.2 The Challenges and what we Do

This Asset Plan 2022-32 is consistent with the Long-Term Financial Plan 2021-31 with Asset Plan total lifecycle cost forecasts being balanced with the Financial Plan total budget forecasts. **This is a good start, but.....**

What impact does it have on our assets and the services delivered from them in the coming years?

What about increasing demand on our services from population growth, demographic change, community expectations, and the impacts of climate change?

What about major shortcomings in our existing assets?

What do we do?

This section builds upon section 4.3 *What Shape are our Assets in Now and in 10 Years' Time?* and brings together a response to these questions in Table 5.2 following. Table 5.2 outlines the challenges, the plan to meet those challenges, the inevitable trade-offs, and the importance of community input and negotiation in determining 'what we do' and 'what we don't'. Action is required both now and in an on-going way to meet the challenges ahead.

Table 5.2 The Challenges and what we Do

What Challenge?	What's the Plan?	What Trade-Offs?	Further community input and/or negotiation required?
Delivering services from our existing assets into the future.	<ol style="list-style-type: none"> 1. Review and continuously improve asset data and modelled renewal demand in each asset category. 2. On-going integration of the Asset Plan and Financial Plan to reflect renewal requirements. 3. On-going service planning to define service levels and community priorities. 	<ul style="list-style-type: none"> • Some service levels may need to be lowered or services dropped to enable adequate funding of community prioritised services. • On-going asset backlog. • Potential decommissioning of some assets from service. • Potential 'user pays' services. 	Yes – on-going community input is required to define priority services and required service levels. This will inform and allow improved Service Planning. This in turn will lead to the community conversation around "Here's the funding we have, what do we do and what don't we do?"
Increasing services demand in the face of limited funding.	<ol style="list-style-type: none"> 1. On-going service planning to define service levels and community priorities. 2. Continually review and update asset management planning data and modelling with integration of the Asset and Financial Plans. 3. On-going service planning to define service levels and community priorities. 4. Strategic and prioritised grant funding applications targeted at community needs. 5. Include climate change resilient asset costs, and costs of assets requiring higher design standards, within asset planning new and renewal costs. 6. Manage increases to the asset portfolio within Council's expected financial capacity. 7. Consider non-asset service solutions where applicable. 	<ul style="list-style-type: none"> • Community expectations won't necessarily be met. • Some service levels may need to be lowered or services dropped to enable adequate funding of community prioritised services. • On-going asset backlog. • Potential decommissioning of some assets from service. • Potential 'user pays' services. 	Yes – on-going community input is required to define priority services and required service levels. This will inform and allow improved Service Planning. This in turn will lead to the community conversation around "Here's the funding we have, what do we do and what don't we do?"
Existing Assets with significant service shortcomings or non-compliance with current standards.	<ol style="list-style-type: none"> 1. On-going service planning to define service levels and community priorities. 2. Long term strategic planning to define quantum of shortcomings, service levels, and long term programs to rectify. 3. Strategic and prioritised grant funding applications targeted at asset upgrade where this is a community priority. 	<ul style="list-style-type: none"> • Current service levels provided from these assets may remain unchanged over time. • Other trade-offs as for the challenges above. 	Yes – on-going community input is required to define priority services and required service levels. This will inform and allow improved Service Planning. This in turn will lead to the community conversation around "Here's the funding we have, what do we do and what don't we do?"
Continuous improvement of asset management practice.	<ol style="list-style-type: none"> 1. Review and monitor the asset management improvement plan as part of the Asset Management Strategy. 2. On-going reporting of asset management status using the asset management steering committee. 	<ul style="list-style-type: none"> • Additional staff resources may be required which will come at a cost. 	No – because these processes are technical and internal to Council's operations they will be established in accord with the Asset Management Strategy, with community input more appropriately focused on service planning and funding discussions.

6.0 REFERENCES

- 'Warrnambool 2040', Warrnambool City Council
- 'Council Plan 2021-25', Warrnambool City Council (2021)
- 'Long-Term Financial Plan 2021-31', Warrnambool City Council
- 'Warrnambool City Council Annual Report 2020-21', Warrnambool City Council
- 'Warrnambool City Council Asset Management Policy (2019)', Warrnambool City Council
- 'Warrnambool City Council Asset Management Strategy (July 2020)', Warrnambool City Council
- 'Warrnambool City Council Executive Summary - Building Asset Management Plans', June 2020, SPM Assets
- 'Roads Asset Management Plan', August 2021, Warrnambool City Council
- 'Bridge Asset Management Plan', March 2017, Warrnambool City Council
- 'Pathway Asset Management Plan', November 2017, Warrnambool City Council
- 'Drainage Asset Management Plan', May 2020, Warrnambool City Council
- 'Warrnambool City Council Open Space Asset Management Plan', June 2020, SPM Assets
- Local Government Act 2020 (Victoria)
- 'Asset Plan Guidance 2022', Local Government Victoria
- 'Integrated Strategic Planning and Reporting Framework Guidance', State Government
- 'Asset Management Better Practice Guide', State Government
- 'International Infrastructure Management Manual', IPWEA, 2020
- 'International Infrastructure Financial Management Manual', IPWEA, 2020.

7.4. TENDER AWARD 2022015B JETTY FLAT PAVILION

DIRECTORATE : CITY INFRASTRUCTURE

PURPOSE:

This report provides information on the award of Contract 2022015B Jetty Flat Pavilion Redevelopment.

EXECUTIVE SUMMARY

- A public tender was advertised on 18 December 2021 inviting tender submissions from suitably qualified and experienced contractors to carry out works to redevelop the Jetty Flat Sporting Pavilion.
- Close of tenders was 2:00pm Friday 4 February and no submissions were received.
- Following the close of Tenders, and as no submissions were received, local building contractors were privately invited to submit tender prices with updated practical completion dates.

RECOMMENDATION

That Council

1. **Award Contract No. 2022015B Jetty Flat Pavilion Redevelopment to Bolden Constructions Pty Ltd for the tendered amount of \$834,183.35 Ex. GST,**
 2. **Authorise the CEO to sign, seal and vary the contract as required.**
-

BACKGROUND

Council in partnership with the State Government, Russell's Creek Cricket Club and the Warrnambool BMX Club has secured funding with the Female Friendly Facilities stream under the 2021 SRV Local Sports Infrastructure Fund to redevelop the pavilion at Jetty Flat Reserve.

ISSUES

The works are funded through various grant sources, primarily Sport & Recreation Victoria (State Government), and must be completed prior to the end of 2022.

The open tender was advertised for 7 weeks and no submissions were received. This resulted in a delay to the proposed construction start time.

FINANCIAL IMPACT

Total Budget of the project is \$978,000 excl GST, funded from the following sources:

FUNDING SOURCE	AMOUNT
Warrnambool City Council	\$393,000
Sport & Recreation Victoria (SRV – State Gov)	\$500,000
Jetty Flat Reserve User Groups	\$55,000
Cricket Victoria	\$30,000
TOTAL FUNDING	\$978,000

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report responds to the following Council Plan initiatives:

1 A healthy community

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

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

5 An effective Council

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

TIMING

The contract will commence in June 2022 and be complete by December 2022.

COMMUNITY IMPACT / CONSULTATION

Prior to site works being undertaken public information will occur as part of the project delivery plan.

LEGAL RISK / IMPACT

Procurement processes are occurring in line with the approved contract specific procurement plan.

OFFICERS' DECLARATION OF INTEREST

No officer involved in the preparation of this report has declared a conflict of interest.

ATTACHMENTS

Nil

7.5. AWARD OF CONTRACT 2022019 PORT OF WARRNAMBOOL DREDGING

DIRECTORATE : CITY INFRASTRUCTURE

PURPOSE:

This report provides information on the award of Contract 2022019 Port of Warrnambool Dredging.

EXECUTIVE SUMMARY

- A public tender was advertised on 2 February 2022 inviting tender submissions from suitably qualified and experienced contractors to carry out works to undertake the dredging at the Port of Warrnambool.
- Close of tenders was 2:00pm Friday 11 March 2022. A total of five tender submissions from two tenderers were received in the tender box up until the close of tenders.
- Each of the submissions received are above the allocated budget. An option is to appoint the most advantageous tenderer with a lesser volume of material to be dredged in line with the tendered rates provided. Given the high mobilisation fees this would result in reducing the volume of material to approximately 20,000m³ from 35,000m³, to align to the available budget.
- The most advantageous tenderer confirmed that they would accept limiting the volume of dredge material to 20,000m³ (from 35,000m³) to align to the available budget.
- Council is in discussions with State Government Agencies to redistribute already committed design funding to maximise the opportunity to undertake additional dredging while the equipment is on site, noting the high mobilisation and site establishment costs that would already be incurred.

RECOMMENDATION

That Council

- 1) **Award Contract No. 2022019 Port of Warrnambool Dredging to Hall Contracting Pty Ltd for the tendered amount of \$963,031.80 excl. GST.**
- 2) **That the schedule of rates offered is accepted to undertake any extra works over and above the lump sum price if required, provided that additional works can be negotiated with the asset owner.**
- 3) **That the additional desired work be awarded under a provisional sum and approved under the contract, provided additional funding be sourced.**
- 4) **Authorise the CEO to sign, seal and vary the contract as required.**

BACKGROUND

Council in partnership with the State Government and consultants Water Technology Pty Ltd completed a new long term Dredging Management Plan and relevant permits for configuration dredging.

This contract is for the initial capital dredging campaign identified in the Dredging Management Plan.

ISSUES

Each of the tender offers submitted provided areas of non-conformance. The tender assessment panel assessed each of the submissions and how they aligned to the specification.

FINANCIAL IMPACT

Total Budget of the project is \$1,000,000 excl. GST, funded from the following sources:

FUNDING SOURCE	AMOUNT
Victorian Fisheries Authority on behalf of the State of Victoria	\$1,000,000
Warrnambool City Council in kind contribution; Contract Management, Project Management and Construction Supervision	Nil
TOTAL FUNDING	\$1,000,000

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report responds to the following Council Plan initiatives:

1 A healthy community

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

2 A Sustainable environment

2.1 Natural environment: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

2.2 Water and coastal management: Council will protect and enhance the health of Warrnambool's coastline and inland waterways to protect and improve biodiversity

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

3 A strong economy

3.1 Build on competitive strengths: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool's economic strengths and comparative advantages

3.3 Visitor growth: Council will facilitate Warrnambool's visitor growth and year-round visitation through industry development, effective destination management and promotion of attractions, experiences and by leveraging key events.

4 A connected, inclusive place

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

5 An effective Council

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

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

5.7 Effective advocacy: Council will pursue effective advocacy by providing compelling materials for desired support and funding for community priorities through establishing strong relationships with other levels of government, strategic partners and key stakeholders

TIMING

The contract will commence upon award, with site works scheduled to follow the active whale period, 3 October 2022 and be complete by 11 November 2022.

COMMUNITY IMPACT / CONSULTATION

Prior to site works being undertaken public information will occur as part of the project delivery plan.

LEGAL RISK / IMPACT

Procurement processes are occurring in line with the approved contract specific procurement plan.

OFFICERS' DECLARATION OF INTEREST

No officer involved in the preparation of this report has declared a conflict of interest.

ATTACHMENTS

Nil

7.6. 2022030 - REGISTER OF CONTRACTORS SUPPORTING BUILDING MAINTENANCE & CONSTRUCTION WORKS 2022

DIRECTORATE : CITY INFRASTRUCTURE

PURPOSE:

The purpose of this report is to award deeds under Tender No. 2022030 – Register of Contractors Supporting Building Maintenance and Construction Works.

EXECUTIVE SUMMARY

- The intent of this contract is to create a register of contractors supporting minor building construction and maintenance for provision of 12 building work types and trades.
- The successful tenderers will be appointed as registered suppliers to a panel of providers via a Deed of Standing offer to provide services under one or more of the separable portions.
- 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.
- A total of 29 tender submissions were received from 21 individual tenderers and considered by the Tender Assessment Panel, the details of which are attached to this report.
- One late tender was received and not considered by the Tender Assessment Panel.
- Following detailed evaluation of each submission it is considered that the tender submissions of Leahy's Electrical Services, Simon Lucas Electrical Services Pty Ltd, Coley Electrical Pty Ltd, Hotker Electrical Contractors, Coopers Electrical and Air Conditioning, Wayne Hamilton Home Maintenance, O'Brien Building (aust) Pty Ltd, Hammonds Paints Contracting Pty Ltd, XCAVAC, Koroit and District Plumbing, Abtech Plumbing and Excavation Pty Ltd, ASAP Local Plumbing, Brian O'Shannessy Plumbing, Warrick Young Plumbing, Onshore Plumbing and Gas fitting, MT Windows Pty Ltd, MC Plumbing Warrnambool, Plumtrax Infrastructure Services, Leon Van Kempen, West Fridge Pty Ltd , and Andrews Asbestos Solutions are preferred.
- Additional information is required from five tenderers before they can be included on the panel.

RECOMMENDATION

That Council:-

1. **Accept the tender submissions/s for tender 2022030 – Register of Contractors Supporting Minor Building Construction and Maintenance from : Leahy's Electrical Services, Hotker Electrical Contractors, Coopers Electrical and Air Conditioning, Wayne Hamilton Home Maintenance, O'Brien Building (aust) Pty Ltd, Hammonds Paints Contracting Pty Ltd, Koroit and District Plumbing, Abtech Plumbing and Excavation Pty Ltd, ASAP Local Plumbing, Brian O'Shannessy Plumbing, Warrick Young Plumbing, Onshore Plumbing and Gas fitting, MC Plumbing Warrnambool, Plumtrax Infrastructure Services, Leon Van Kempen and West Fridge Pty Ltd.**
2. **Accept the tender submissions/s for tender 2022030 – Register of Contractors Supporting Minor Building Construction and Maintenance from: Simon Lucas Electrical Services Pty Ltd, Coley Electrical Pty Ltd, XCAVAC, MT Windows Pty Ltd and Andrews Asbestos Solutions; subject to each reaching agreeable contractual terms and conditions to the satisfaction of the Director City Infrastructure.**
3. **Authorise the Chief Executive Officer to sign and seal the deed(s) of standing offer and any contract documents.**

4. Authorise the Director City Infrastructure to manage and execute deed extensions for; Optional extension, for a further 12 months ending 30 June 2026.

BACKGROUND

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

The type of services covered by the tender are listed below and detailed in the relevant specifications attached to the tender documentation.

The tender includes the following works:

- A. Electrical Works
- B. Carpentry and minor building works
- C. Cabinet making and joinery works
- D. Painting works
- E. Graffiti removal works
- F. Plumbing and gas fitting works
- G. Bricklaying and paving works
- H. Glazing works
- I. Miscellaneous skilled labour
- J. Air conditioning maintenance
- K. Asbestos removal
- L. Gutter and spout cleaning

The contract is a panel arrangement where one or more contractors may be appointed for each trade. All successful Tenderers will sign a Deed of Standing Offer for the provision of the relevant service.

The deed constitutes an irrevocable, standing offer by the contractor to perform works during the Deed Term of the terms and conditions set out in the Deed, including prices submitted as schedule of rates.

ISSUES

Additional information is required from the following tenderers prior to them being approved for inclusion on the panel:-

- Simon Lucus Electrical Services Pty Ltd
- Coley Electrical Services Pty Ltd
- XCAVAC
- MT Windows Pty Ltd
- Andrews Asbestos Solutions

It is recommended that the Director City Infrastructure be authorised to approve their inclusion on the panel upon them meeting the requirements of the specification.

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

FINANCIAL IMPACT

This is a schedule of rates tender to comply with the Local Government Act for purchasing expenses costed to funded programs for building maintenance and construction works.

The level of expenditure 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 \$950,000 per annum. It is anticipated that the total spend with any single contractor will be less than \$250,000 per annum.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

4 A connected, inclusive place

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility, and functionality of our built environment.

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 \$400,000 set by Council to enable the Chief Executive to enter into a contract.

TIMING

The Deed of Standing Offer is for an initial three (3) year period to 30 June 2025, with an option at Councils discretion for a one (1) year extension concluding on 30 June 2026.

COMMUNITY IMPACT / CONSULTATION

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

LEGAL RISK / IMPACT

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

OFFICERS' DECLARATION OF INTEREST

All Council Officers involved in the preparation of this report have declared any direct or indirect interest in matters to which this report relates.

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

7.7. ADVISORY COMMITTEE REPORTS

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE

This report contains the record of one Advisory Committee meeting.

REPORT

1. Economic Development & Tourism Advisory Committee – 20 May 2022 – refer **Attachment 1**.

ATTACHMENTS

1. 220520 EDTAC Minutes [7.7.1 - 3 pages]

RECOMMENDATION

That the record of the Economic Development & Tourism Advisory Committee meeting held on 20 May 2022, be received.

MINUTES

ECONOMIC DEVELOPMENT & TOURISM ADVISORY COMMITTEE

Date:	20 th May 2022	Time:	12PM	Location:	Committee Room 1, Warrnambool Civic Centre
Committee Members In Attendance	Cr. Debbie Arnott, Chair Cr Max Taylor Paul Dillon Martin Ellul Penny Irons (Apology) Kate Lindsey Leanne Williams				
Council Officer Attendees	Andrew Paton – Director City Growth Stephen Hoy - Designated Area Migration Agreement Coordinator Lauren Edney – Events & Promotions Service Manager				
No.	What	Who			
1.	Welcome & Apologies <ul style="list-style-type: none"> Apology from Penny Irons Noted. 	Chair			
2.	Conflict of Interest Declaration <ul style="list-style-type: none"> Nil. 	Chair			
3.	Minutes from Previous Meeting – 11 March 2022 <ul style="list-style-type: none"> Moved Cr Taylor; Seconded Leanne Williams. Carried. 	Chair			
4.	Great South Coast DAMA (Skilled Migration Update) <ul style="list-style-type: none"> Update on Skilled Migration across the region, including the Great South Coast Designated Area Migration Agreement that Warrnambool City Council administers on behalf of the six municipalities of the Great South Coast. 	Stephen Hoy			

	<ul style="list-style-type: none"> • DAMA currently offers 38 approved occupations with recent additions including Child Care Worker – Early Childhood (Pre-Primary School) Teacher Aged or Disabled Carers, Nursing Support Worker, Personal Care Assistant, Enrolled Nurse & Registered Nurse (Aged Care); • Engagement occurring with neighboring municipalities reported to understand scale and evidence base behind skills shortages in other occupations that might potentially be added to the DAMA occupation list. • Since DAMA program commenced in March 2019, 191 workers endorsed across 38 businesses in the Great South Coast region. • Members noted the status of the DAMA program and the good outcomes generated to date. 	
5.	<p>Business Leadership</p> <ul style="list-style-type: none"> • Discussion around building capacity and capability in the business / industry sector to take on leadership roles. • Future meetings to explore and report back on models of other regional cities that have business leadership groups; grant opportunities to support such initiatives; offer of support from the Small Business Commissioner and what this might look like, and a survey to businesses to understand the appetite to participate in business leadership programs. • A round of networking events is planned for 2022/23 which will assist engaging with interested businesses. Members noted this as an important initiative particularly post COVID restrictions where gatherings / meetings in person between our business and industry sectors was challenging. 	Chair / All
6.	<p>Economic Development/ Events Update</p> <ul style="list-style-type: none"> • Update provided on Events program activity over the summer period and through 2022. Members noted the positive feedback (via survey) received on the Beachfest Summer program over Dec 2021 and Jan 2022. • A number of events were also cancelled over the summer period due to COVID restrictions and challenges of running events during this period. 	Lauren Edney

	<ul style="list-style-type: none">• Round 2 of Activate Warrnambool will award grants totalling \$43,000 to support 9 events through the second half of 2022 with overarching objective of increasing visitation to Warrnambool; support new event creation and also creating a more diverse and inclusive calendar of events particularly through the winter and spring months in Warrnambool.• Members noted the success of the Warrnambool Racing Club May Racing Carnival and the level of vibrancy and economic activity such an event generates for the City.	
▪	Next Meeting – 12 August 2022	

7.8. INFORMAL MEETINGS OF COUNCIL REPORTS

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE

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

BACKGROUND INFORMATION

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

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

REPORT

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

1. Monday 9 May 2022 – refer **Attachment 1**
2. Wednesday 11 May 2022 – refer **Attachment 2**
3. Monday 16 May 2022 – refer **Attachment 3**
4. Monday 23 May 2022 – refer **Attachment 4**
5. Monday 30 May 2022- refer **Attachment 5**

ATTACHMENTS

1. Assembly of Councillors Record 9 May 2022 [7.8.1 - 1 page]
2. Assembly of Councillors Record 11 May 2022 [7.8.2 - 1 page]
3. Assembly of Councillors Record 16 May 2022 [7.8.3 - 1 page]
4. Assembly of Councillors Record 23 May 2022 [7.8.4 - 1 page]
5. Assembly of Councillors Record 30 May 2022 [7.8.5 - 2 pages]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 9, 11, 16, 23 and 30 May 2022 be received.

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	9 May 2022
Time Meeting Commenced:	3.05pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor/Chair Cr. O. Akoch Cr D. Arnott Cr. B. Blain Cr. A. Paspaliaris (arrived at 3:18pm) Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Andrew Paton, Director City Growth Jodie McNamara, Acting Director Community Development (Zoom) Julie Anderson, Manager Governance, Property, Projects & Legal Ashish Sitoula, Manager Strategic Community Planning & Policy (3:36pm – 3:55pm) David Harrington, Manager Financial Services (3:40pm -
Other persons present:	Anna Wilson, Delos Delta - Zoom Andrew ..., Delos Delta - Zoom
Apologies	Cr. M. Taylor
Matters Considered:	Warrnambool Digital Strategy (3:05pm – 3:32pm) Footpath and street furniture upgrades in Warrnambool CBD (3:32pm – 3:47pm) 2022-2023 Budget (3:47pm – 5:09pm) CONFIDENTIAL Livestock Exchange (5:42pm – 6:51pm) <i>This report has been declared Confidential under Sections 3(a) of the Local Government Act – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and 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>
Other Matters Considered	Items raised by Councillors and Officers (5:09pm – 5:42pm) <ul style="list-style-type: none"> - IDAHOBIT Day update provided (3:53pm – 3:55pm) - Australia Day Discussion (5:09pm – 5:22pm) - Joint Meeting with Moyne Agenda (5:23pm – 5:24pm) - Regional Tourism Board – Contribution and Upcoming Presentation (5:24pm – 5:42pm)
Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name:	
Meeting close time:	6:51pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal.

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	11 May 2022
Time Meeting Commenced:	5:43 pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr. O. Akoch Cr D. Arnott Cr R. Ziegeler (left at 6:30pm) Cr. A. Paspaliaris (entered 5:50pm)
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Andrew Paton, Director City Growth Julie Anderson, Manager Governance, Property, Projects & Legal Ashish Sitoula, Manager Strategic Community Planning & Policy David Harrington, Manager Financial Services Nick Higgins, Manager Communications Alison Kemp, Manager Recreation and Culture
Other persons present:	
Apologies	Cr. M. Taylor Cr. B. Blain Jodie McNamara, Acting Director Community Development
Matters Considered:	Welcome and acknowledgement of Country Presentation of Council Plan and Council Budget 2022/23: <ul style="list-style-type: none"> - Mayoral Introduction (5:44pm – 5:50pm) - CEO Introduction (5:50pm – 5:56pm) Highlights for City Infrastructure 2022/23 (5:56pm – 6:04pm) Highlights for City Growth 2022/23 (6:04pm – 6:15pm) Highlights for Community Development 2022/23 (6:15pm – 6:20pm) Highlights for Corporate Strategies 2022/23 (6:21pm – 6:25pm) Café Conversation Session – around the room (6:25pm – 7:15pm) Plenary and Questions
Other Matters Considered	
Councillor Conflicts of interest Disclosures:	Nil.
Councillor /officer Name:	Nil
Meeting close time:	8:00pmpm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal.

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	16 May 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr. O. Akoch Cr D. Arnott Cr B. Blain – Virtual via ZOOM Cr. A. Paspaliaris (entered the meeting at 3:13pm) Cr. M. Taylor Cr. R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer David Leahy, Director City Infrastructure Andrew Paton, Director City Growth Julie Anderson, Manager Governance, Property, Projects & Legal David Harrington, Manager Financial Services
Other persons present:	Liz Price, CEO, Great Ocean Road Tourism Jeremy Johnston, Chairman, Great Ocean Road Tourism Sam Lucas, Board Member, Great Ocean Road Tourism
Apologies	Peter Utri, Director Corporate Strategies Jodie McNamara, Acting Director Community Development
Matters Considered:	1. Great Ocean Road Regional Tourism (3:04pm – 4:14pm) 2. Great Ocean Road Regional Tourism Discussion (4:14pm – 4:37pm) 3. State Government COVID Safe Outdoor Activation Fund (4:37pm – 5:07pm) 4. 2022-2023 Budget (5:17pm – 5:30pm)
Other Matters Considered	Councillor and Officer Matters (5:07pm – 5:17pm) <ul style="list-style-type: none"> • Illegal fence matter • Wollaston Road upgraded • Itinerary for Councillor Tour on Wednesday • Merri Street Closure • Mayor thanked Ashish Sitoula staff for their contribution to the conversation café.
Councillor Conflicts of interest Disclosures: Nil	
Councillor /officer Name: Nil	
Meeting close time:	5:30 pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal.

Informal Meeting of Council Record

Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	23 May 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr. O. Akoch Cr D. Arnott Cr B. Blain Cr. A. Paspaliaris (entered at 3:33pm) Cr. R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Petr Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance, Property, Projects & Legal Ashish Sitoula, Manager Strategic Community Planning & Policy (3:52pm – 4:22pm) Sue Ryan, Manager Capacity Access & Inclusion (4:05pm – 4:22pm)
Other persons present:	Mandy Britt-Crowhurst, Childwise – Virtual (3:05pm – 3:47pm)
Apologies	Cr M. Taylor Andrew Paton, Director City Growth
Matters Considered:	<ol style="list-style-type: none"> 1. Child Safe Standards (3:05pm – 3:47pm) 2. Instrument of Appointment and Authorisation under the Planning & Environment Act 1987 (3:49pm – 3:50pm) 3. Register of Contractors supporting Building Maintenance & Construction Works (3:51pm – 3:58pm) 4. NAIDOC Week (3:58pm – 4:05pm) 5. Share the Load Laundry Project (4:05pm – 4:22pm) 6. Mayoral Diary Update (4:22pm – 4:22pm)
Other Matters Considered	Councillor and Officer Matters (4:22pm – 5:04pm) <ul style="list-style-type: none"> • Agenda for joint meeting with Moyne Shire Council. • Spring Street visit • Commonwealth Games • Christmas decorations – unable to take down due to contractor asset issue. • Bin locations in CBD • Library service • Regional Airport
Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name: Nil	
Meeting close time:	5:02 pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal.

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	30 May 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. V. Jellie, AM, Mayor Cr. O. Akoch Cr D. Arnott Cr B. Blain Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer (Zoom) Petr Utri, Director Corporate Strategies David Leahy, Director City Infrastructure Andrew Paton, Director City Growth Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance, Property, Projects & Legal David Harrington, Manager Financial Services Ali Kemp, Manager Recreation & Culture
Other persons present:	
Apologies	Nil
Matters Considered:	<ol style="list-style-type: none"> Overview of Recreation Facilities (3.00pm – 3:15pm) Submission to the 2022-2023 Draft Budget and Review of the Council Plan (3.15pm – 3.34pm) Public Interest Disclosure Procedure (3.34pm - 3.34pm) State of the Asset Report (3.35pm – 3.48pm) WCC Asset Plan FY 2022-32 (10 years) (3.49pm - 3.55pm) Economic Development & Tourism Advisory Committee meeting minutes – 20/5/2022 (3.55pm – 3.55pm) CONFIDENTIAL Jetty Flat Pavilion (3.56pm – 3.59pm) <i>This report has been declared Confidential under Section 3(g) of the Local Government Act – 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> CONFIDENTIAL Port of Warrnambool Dredging (3:59pm – 4.13pm) <i>This report has been declared Confidential under Section 3(g) of the Local Government Act – 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> April 2022 Monthly Finance Report (4.13pm – 4.45pm) Belfast Coastal Reserve Management Plan Review (4.45pm – 5.00pm)

Other Matters Considered	Councillor and Officer Matters (5:00pm – 6:15pm) <ul style="list-style-type: none"> • Saleyards Budget Allocation • Pine Tree on Nicholson Street • Lighting at the Warrnambool entry sign • Christmas Lights in CBD • Reconciliation week • Community Houses • AquaZone Feasibility • Spring Street Visit.
Councillor Conflicts of interest Disclosures:	
Councillor /officer Name: Nil	
Meeting close time:	6:16 pm
Record Completed by:	Julie Anderson Manager Governance, Property, Projects & Legal.

7.9. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE

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

REPORT

Date	Location	Function
4 May 2022	Warrnambool	Mayor – Riding for the Disabled event.
12 May 2022	Warrnambool	Mayor – Merrivale Primary School Leadership Day.
17 May 2022	Warrnambool	Mayor – IDAHOBIT Day flagraising ceremony. National Volunteers Week Opening.
26 May 2022	Warrnambool	Mayor - East Warrnambool Kindergarten Visit - Indigenous Language Program
	Warrnambool	Mayor – Official opening of Warrnambool Eisteddfod & Open Stage & Concert Bands events.
27 May 2022	Warrnambool	Mayor – National Reconciliation Week event.
28 May 2022	Warrnambool	Mayor – Warrnambool Basketball and Vic Country Squad presentations.

RECOMMENDATION

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

8. NOTICE OF MOTION

No Notices of Motion have been received,

9. GENERAL BUSINESS

10. URGENT BUSINESS

11. CLOSE OF MEETING