

AGENDA

SCHEDULED COUNCIL MEETING

WARRNAMBOOL CITY COUNCIL

5:45 PM - MONDAY 5 SEPTEMBER 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

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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, present and emerging.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

3.1. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 1 August 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. AMENDMENT TO GOVERNANCE RULES - CONDUCT OF VIRTUAL COUNCIL MEETINGS

DIRECTORATE : Executive Services

PURPOSE:

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

EXECUTIVE SUMMARY

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

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

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

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

RECOMMENDATION

That Council:

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

BACKGROUND

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

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

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

- Outline the conduct of holding meetings by electronic means of communication (both Council and delegated committees).

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

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

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

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

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

ISSUES

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

Definitions

- a) Council Meeting
- b) Committee meeting

Meeting preparation

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

General Conduct of meetings

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

Conduct of debate

- a) Motions and amendments
- b) Voting

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

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

- Either, attendance in person by a member of the public, or a meeting that is broadcasted live on the Internet site of the Council

- A recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- Any other prescribed means of meeting

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

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

TIMING

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

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

COMMUNITY IMPACT / CONSULTATION

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

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

LEGAL RISK / IMPACT

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

OFFICERS' DECLARATION OF INTEREST

No officer conflict declared.

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

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

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

ATTACHMENTS

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

7.2. FINANCIAL STATEMENTS PERFORMANCE STATEMENT 2021-2022

DIRECTORATE : Corporate Strategies

PURPOSE:

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

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

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

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

EXECUTIVE SUMMARY

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

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

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

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

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

The Annual Report must contain:

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

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

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

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

RECOMMENDATION

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

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

ATTACHMENTS

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

7.3. WARRNAMBOOL PLANNING SCHEME AMENDMENT C205WARR NORTH WARRNAMBOOL FLOOD CONTROLS

DIRECTORATE : City Growth

PURPOSE:

This report considers the report of the Independent Panel received for Amendment C205warr (North Warrnambool Flood Controls) to the Warrnambool Planning Scheme. This report recommends that Council adopt the Amendment in the manner recommended by the Panel, and submit the adopted amendment to the Minister for Planning for approval.

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider the report of the Independent Panel which considered submissions in relation to Amendment C205warr (North Warrnambool Flood Controls) to the Warrnambool Planning Scheme, and to make a decision whether or not to adopt the Amendment in the manner recommended by the Independent Panel.
- The Panel Report was received by Council on 7 July 2022 and released to the public on 21 July 2022. A copy of the Panel Report is included as **Attachment 1**.
- Amendment C205warr to the Warrnambool Planning Scheme, as exhibited, proposed to introduce and/or revise flood controls in relation to 400 properties (approximately) in the Merri River and Russells Creek catchments in North Warrnambool. These controls were proposed to apply to land identified by Glenelg Hopkins Catchment Management Authority (CMA) and Council as being liable to inundation from an open watercourse, during severe storm event (1 per cent Annual Exceedance Probability (AEP) flood event).
- The Amendment was exhibited for six weeks from 23 September 2021 to 12 November 2021. A total of 21 submissions were received.
- In relation to its consideration of submissions to Amendment C205warr, at its meeting of 7 February 2022, Council resolved to endorse the officers response to each submission, and to refer those submissions to an Independent Panel for its consideration.
- The report of the Independent Panel recommends that Amendment C205warr to the Warrnambool Planning Scheme be adopted subject to mapping changes that had already been agreed upon by Council and the CMA through the Panel process. The Panel agreed with the CMA and Council's position that the Amendment is strategically justified, based on sound modelling of flood events, and has been translated appropriately into flood controls.
- Pursuant to Section 27(1) of the Planning and Environment Act 1987, Council must consider the Panel's report before deciding whether or not to adopt the Amendment (with or without changes).
- It is recommended that Council accept the Panel recommendations and adopt Amendment C205warr, subject to the changes recommended in the Panel report.

RECOMMENDATION

That Council:

1. **Consider the Panel report for Amendment C205warr to the Warrnambool Planning Scheme in accordance with section 27(1) of the *Planning and Environment Act 1987*, and adopts the Panel's recommendations.**
 2. **Adopts Amendment C205warr to the Warrnambool Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*, incorporating the changes to Amendment C205warr recommended by the Panel.**
 3. **Submits Amendment C205warr to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
 4. **Notifies all submitters to Amendment C205warr of Council's decision.**
-

BACKGROUND

Overview of the Amendment

Amendment C205warr to the Warrnambool Planning Scheme

The Amendment proposes to introduce/or revise the application of flood controls (Urban Flood Zone (UFZ), Floodway Overlay (FO), and Land Subject to Inundation Overlay (LSIO)) within parts of the Merri River and Russells Creek catchments in North Warrnambool as identified by Council and Glenelg Hopkins Catchment Management Authority (CMA) as being liable to flooding during a 1 in 100 year storm event (1% Annual Exceedance Probability (AEP) flood event^[1]), as indicated on the map below.

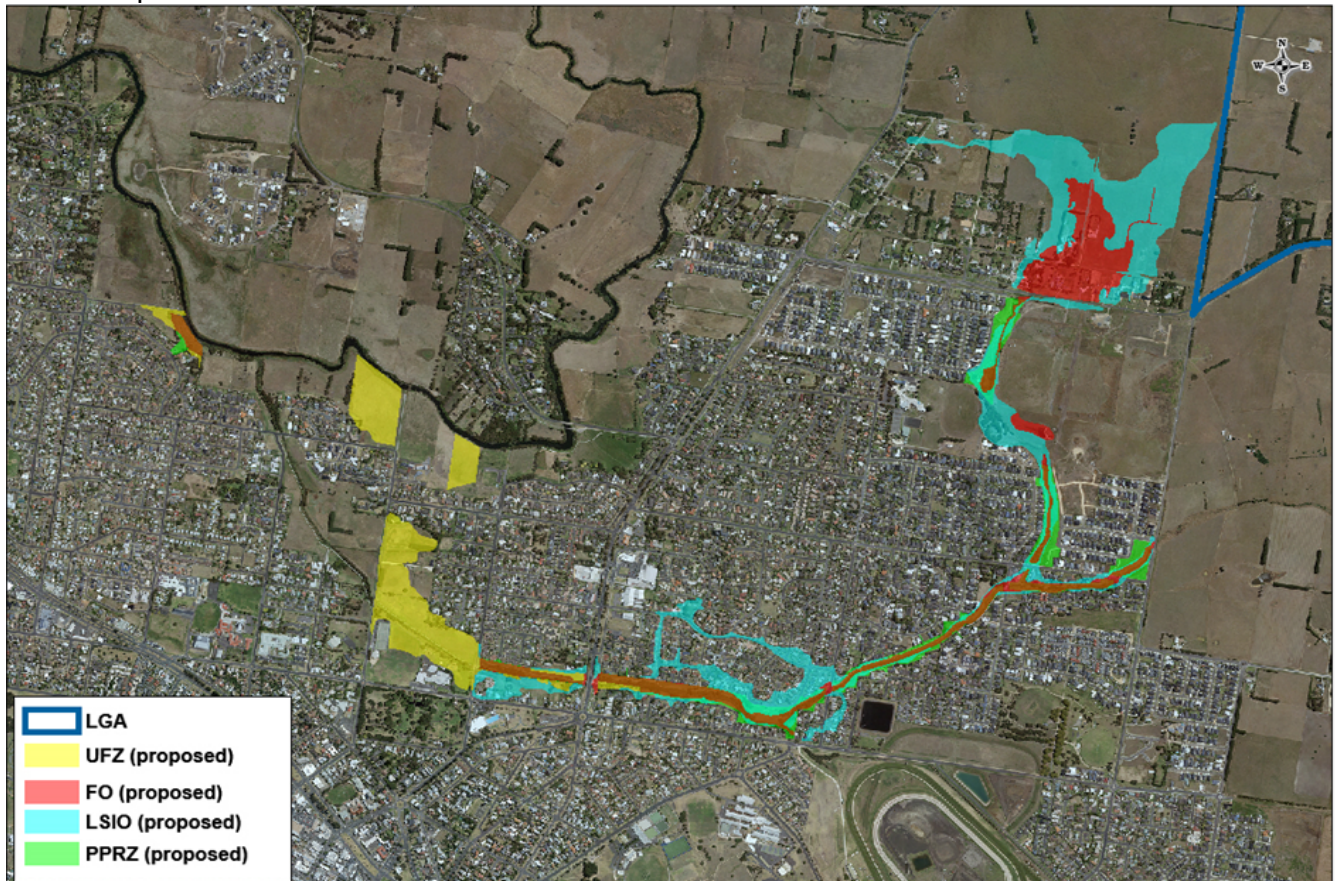


Figure 1: Merri River and Russells Creek catchments proposed rezoning and overlays

More specifically the Amendment seeks to:

- Apply the Urban Floodway Zone (**UFZ**) or Floodway Overlay (**FO**) to areas identified as high hazard flood risk which have the greatest risk and frequency of being flooded.
- Apply the Land Subject to Inundation Overlay (**LSIO**) to areas identified as low hazard flood risk during a 1 in 100 year storm event (1% AEP flood event).
- Amend the Schedule to Clause 72.08 to include Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010) as a Background Document.

In a number of areas, the application of the extent of the UFZ has been reduced and replaced with the Public Park and Recreation Zone (**PPRZ**) or General Residential Zone (**GRZ**), as appropriate.

A number of areas have also had the LSIO removed or reduced.

Planning Controls applicable to the Amendment

The relevant planning controls applicable to the Amendment as shown in Figure 1 are described in **Table 1** below.

Planning Control	Purposes
Urban Floodway Zone (UFZ)	<ul style="list-style-type: none"> To identify waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding. To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
Public Park and Recreation Zone (PPRZ)	<ul style="list-style-type: none"> To recognise areas for public recreation and open space. To protect and conserve areas of significance where appropriate.
Floodway Overlay (FO)	<ul style="list-style-type: none"> To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding. To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting. To ensure that development maintains or improves river and wetland health, waterway protection and floodplain health.
Land Subject to Inundation Overlay (LSIO)	<ul style="list-style-type: none"> To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. To ensure that development maintains or improves river and wetland health, waterway protection and floodplain health.

Table 1 Relevant Planning Controls and their Description

Why is the Amendment Required?

The Amendment represents a significant correction to the flood controls that are currently applied to North Warrnambool in the Warrnambool Planning Scheme.

There are significant areas of land currently covered by a flood control that will have that control removed through the proposed Amendment. This is a direct result of the Planning Scheme's existing flood controls being based largely on a study from 1997 (*Warrnambool Land Liable to Flooding Report, 1997*). Conversely there is land that will be covered by a flood control for the first time (e.g., North Wangoom Road area).

Vast changes to the North Warrnambool area have occurred in recent decades. Development has occurred within the northeast growth corridor and a major flood mitigation project has been constructed in the Mortlake Road/Garden Street precinct along Russells Creek. The changes across the subject area are significant and considered a 'resetting' of the framework for flood controls.

Table 2 below seeks to quantify the changes in the context of the timeframe in which the change has occurred.

Criteria	UFZ	PPRZ	LSIO	FO	Comment
Number of Current Properties	59	5	259	0	The majority of properties currently within an LSIO coverage, about the Mortlake Road area.
Number of Properties Proposed	30	20	269	49	A significant number of properties will now be zoned PPRZ or GRZ as a result of a reduction in flood hazard – and a preference for PPRZ in public open space areas. The increase in properties with an LSIO is largely due to the inclusion of flood affected properties that currently have no controls in the North Wangoom and Whites Road areas.
Area of Current Coverage (ha)	39	1.6	20	0	
Area of Proposed Coverage (ha)	13	19	43	20	The increase in LSIO areas can be attributed to new areas such as North Wangoom Road which currently do not have any flood controls.

Table 2 Key Statistics for the Amendment

A range of flood investigations have been undertaken for the North Warrnambool area since 2003. Flood investigations for an area with significant flood risk, such as the Russells Creek floodplain are ongoing and responsive to technological improvements and changes in the landscape (resulting from urbanisation including construction of roads, retention basins, etc), and will continue to occur over time.

It is important however that the flood controls are updated in the Planning Scheme concurrently with the best available flood information. Parts of the Warrnambool Planning Scheme (including the Russell Creek area) are currently based on the outdated *Warrnambool Land Liable to Flooding Report (1997)*.

The most recent flood study, the *Russell Creek Flood Mitigation – As Constructed Flood Modelling Project* (Water Technology 2017) was in response to the flood mitigation works installed along Russell Creek in 2016. The works consisted of four constructed flood walls and two new 2.4 x 3.6m box culverts under Mortlake Road, refer **Figure 2, 3 and 4**.



Figure 2. Location of the constructed flood walls. (Source; Water Technology 2017).



Figure 3. Constructed flood walls. (Source; Water Technology 2017).



Figure 4. Constructed culverts under Mortlake Road. (Source; Water Technology 2017).

The constructed mitigation works were designed to maintain the public open space provided by the Russell creek corridor and reduce privacy issues that could arise out of public access to a raised embankment abutting private property. Maintaining pedestrian access to the creek corridor over and around these walls was an important design consideration. These access points can be rapidly closed off in the event of major flood.

The constructed mitigation works were also designed to provide a significant benefit to properties within the floodplain. The benefits are summarised in **Table 3**.

Condition	Pre-Mitigation	Post-Mitigation	Benefit	Comment
Average Annual Damages	\$491,783	\$69,571	\$422,212	
Properties Flooded Above Floor	146	14	132	The 1% AEP flood event has reduced the number of properties expected to be flooded above floor from 146 to 14. Whilst 14 properties are still shown to be flooded above floor, a number of these properties are shown to be flooded by relatively shallow depths. All of the properties shown to be flooded above floor following the mitigation works had previously been identified at being at risk from above floor flooding during the 1% AEP flood events. The depth of above floor flooding has reduced for all but 1 of the 14 properties. The average depth of above floor flooding has reduced by 100mm. The locations of the above floor flooded properties are focused on three areas Wangoom Road, Whites Road and within the breakout area around Moonah Drive.

Properties Flooded Below Floor	234	205	29	
Area of Proposed Coverage (ha)	13	19	43	

Table 3. Benefit estimates from the mitigation works for a 1% AEP design flood

It should be noted that Table 3 refers to the benefits from the design 1% AEP flood. This is the probability or risk of a flood of a given size occurring or being exceeded in every given year. It is a very large flood and is used as the minimum design standard for new development in Victoria. The reduction in flood level is translated into a reduction in flood extents for a wide area (refer **Figure 5**).

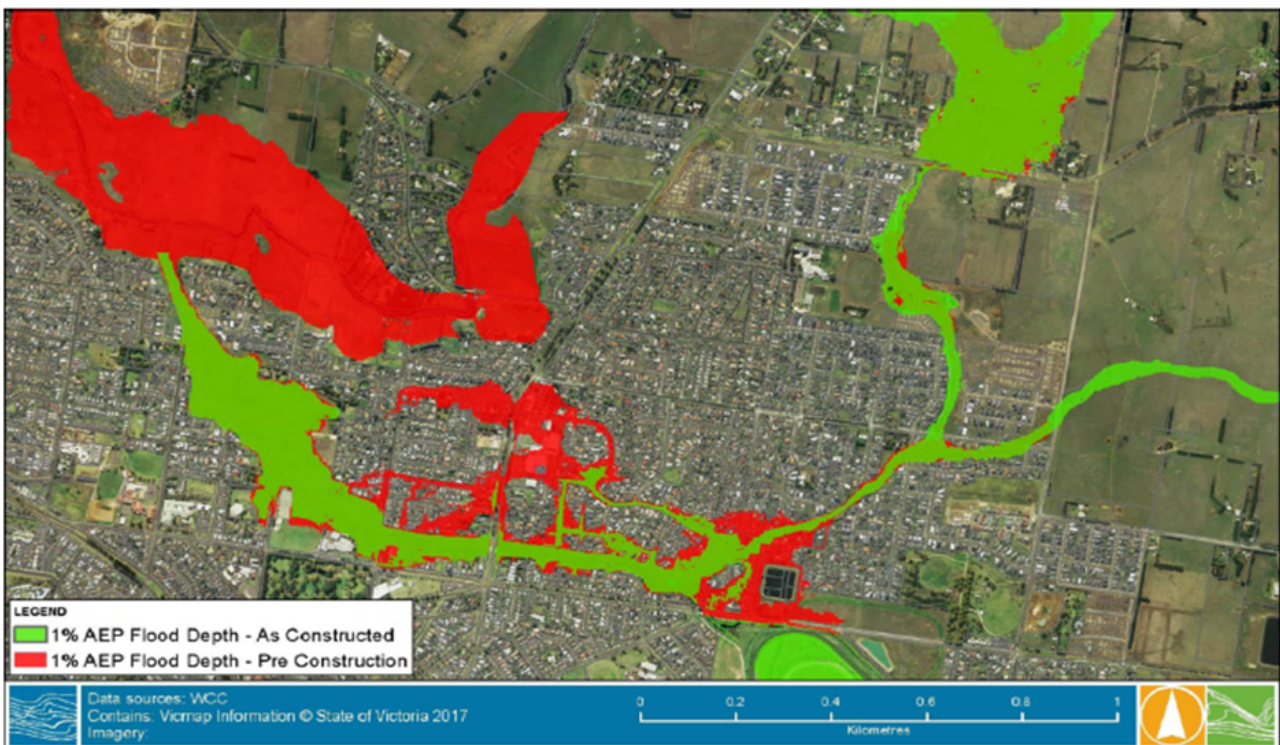


Figure 5. Comparison of pre and post mitigation works

The pre-mitigation flood extent (Figure 5 - red) is based on the design 1% AEP flood extent from the 'Floodplain Management Plan; Implementation Works' project (Cardno 2010). This modelling was based upon the floodplain of the day which did not include any of the mitigation infrastructure. The modelling representing the current day 1% AEP design flood extent is represented in Figure 5 – green.

Authorisation & Exhibition of the Amendment

The request for Authorisation to prepare the Amendment was submitted to the Department of Environment, Land, Water and Planning (DELWP) on 12 July 2021. The Amendment was authorised on 3 August 2021, subject to minor administrative corrections.

The Amendment was exhibited for six (6) weeks from 23 September 2021 to 12 November 2021 in accordance with relevant requirements of the *Planning and Environment Act 1987*. A total of 21 submissions were received.

Council considered the 21 submissions received to the Amendment on 7 February 2022 and resolved as follows:

1. Receives and considers all submissions made to Amendment C205warr to the Warrnambool Planning Scheme, including the two late submissions.

2. Requests that the Minister for Planning appoint an Independent Planning Panel to review the submissions received to Amendment C205warr, in accordance with Part 8 of the Planning and Environment Act, 1987.
3. Refers all submissions to the Independent Planning Panel to be appointed by the Minister for Planning.
4. Endorses the officer response to issues raised by submissions outlined in Attachments 3, 4, 5 & 6 as the basis for Council's submission to the Independent Planning Panel.
5. Note other actions outside of the Amendment that relate to possible mitigation/improvement outlined in Attachment 4.
6. Writes to all submitters, informing them of Council's decision.
- 7.

^[1] Annual Exceedance Probability refers to the probability or risk of a flood of a given size occurring or being exceeded in any given year. It is the largest flood that could conceivably occur at a particular location. The 1% AEP design flood is the industry standard for planning purposes.

ISSUES

Planning Panel

Following Council consideration of submissions, the Minister for Planning appointed a two (2) person Independent Planning Panel. The role of the Planning Panel is to conduct a public hearing, consider all unresolved submissions, review the strategic merit of Amendment C205warr and provide a report to the Minister for Planning and Council detailing their findings and recommendations. Prior to the Hearing all submitters were invited to provide further written and verbal presentations to the Panel as part of proceedings.

A Directions Hearing was conducted 8 March 2022. At the Directions Hearing, the Panel instructed Council to convene discussions with those submitters who intend to present at the Panel Hearing to explain the background to the Amendment including the methodology for the flood studies, to discuss the matters in dispute and to explain the effect of proposed Overlays on individual properties. The purpose was to assist submitters with their presentations at the Hearing.

The Panel Hearing was held on 26 April 2022. The Directions hearing and the Panel hearing were held online via videoconferencing. Council officers represented Council and called expert evidence from Tim Morrison of Catchment Simulation Solutions Pty Ltd who had also undertaken a peer review of the flood modelling and mapping and response to each of the submissions. Nine (9) submitters, including the CMA were heard by the Panel. The Panel undertook a rigorous and thorough discussion with all submitters and Council. In particular, the Panel's cross examination of Council's expert witness provided an intense scrutiny of the flood modelling and the issues raised by the submitters.

Planning Panel Report

The Panel Report was received by Council on 7 July 2022 and released to the public on 21 July 2022 and is included as **Attachment 1** to this report.

The Panel found that the Amendment is strategically justified and will implement the Planning Policy Framework and Municipal Planning Strategy which both support the introduction of flood provisions to assist in the protection of life, property, community infrastructure and the environment from the hazards associated with floods.

The Panel found that the Amendment is based on sound modelling of flood extents which have been appropriately translated into zones and overlays.

The Panel's findings and recommendations align and support the evidence base of the flood modelling, translating the modelling into appropriate planning controls, and responding to and assessing submissions. The Panel recommends that Amendment C205warr is adopted as exhibited, subject to minor changes.

Based on the reasons set out in its report, the Panel makes the following recommendations in relation to the balance of the Amendment:

1. Delete the Land Subject to Inundation Overlay from the 43 'minor incursion' sites listed in Appendix D of this Report.
2. Reduce the extent of land at 20 (16) Botanic Road, Warrnambool included in the Land Subject to Inundation Overlay in accordance with 'updated mapping' shown in Figure 4 of this Report.
3. Rezone part of the land at 120 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 5 of this Report.
4. Rezone part of the land at 138 Bromfield Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 6 of this Report.
5. Rezone part of the land at 2-18 Daltons Road, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 in accordance with 'updated mapping' shown in Figure 7 of this Report.
6. Rezone part of the land at 32 Dooley Street, Warrnambool from Urban Floodway Zone to General Residential Zone Schedule 1 and apply the Floodway Overlay to land as shown on updated zone mapping and the updated overlay mapping in Figure 8 of this Report.
7. Amend the Schedule to Clause 74.02 (Further Strategic Work) to include the following:
 - a. Prepare Local Floodplain Development Plans to provide a performance-based approach for decision making that reflects local issues and best practice, including flood risk assessment, in floodplain management.
 - b. Prepare Schedules to the Floodway Overlay and Land Subject to Inundation Overlay to introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth.

The Panel findings and recommendations are discussed in more detail below.

Modelling and mapping

The Panel has addressed the issue of whether the flood modelling undertaken was suitable for the purposes of applying the proposed planning controls.

The Panel heard expert evidence from Tim Morrison of Catchment Simulation Solutions that the flood models were developed using industry standard software packages. Further, a detailed peer review of the flood models and approaches was undertaken by the DELWP anonymous review panel at several stages. While some limitations of the flood modelling were identified by Mr Morrison, appropriate alternative assessments were undertaken that confirmed the results.

The Panel was satisfied the modelling approach undertaken by Council and the CMA has been undertaken accurately and is fit for purpose of applying the proposed zones and overlays, subject to site specific changes discussed later in the report.

More particularly:

“The Panel has given significant weight to the evidence of Mr Morrison that the modelling has been undertaken accurately and that outputs have been appropriately translated into flood controls. Where limitations of the modelling have been identified by Mr Morrison, the Panel notes that alternative calibration methods have been applied to provide confidence that the modelling is sufficiently accurate to inform the planning controls proposed.”

Lived Experience

A number of submissions to the Amendment claimed properties have not experienced flooding in the past (within the past 5 to 60 years) and therefore should not be subject to flood controls.

The Panel heard from Council and the CMA that the past lived experiences outlined in submissions only includes smaller floods that are not comparable to the modelled 1 per cent AEP. This was supported by expert evidence from Catchment Simulation Solutions, noting the 1 per cent AEP was unlikely to have been experienced by the local community within the Merri River or Russell Creek catchment.

The Panel agreed with Council and the CMA and concluded the recent lived experiences of flooding are not comparable to the modelled 1 per cent AEP that has informed the Amendment.

More particularly:

“The Panel accepts that advice of the GHCMA that flood events in the Merri River and Russells Creek catchments in 2020 and 2021 are not comparable to the scale of event (1 per cent AEP) the Amendment is planning for. The Panel agrees with Mr Morrison’s evidence that flood controls should not be based on the observations and experience of residents, notwithstanding they can be valuable inputs into the modelling.”

Mitigation Works

The Panel has considered the matter of whether the Amendment should be delayed until flood mitigation works have been implemented.

The Panel heard from Council and the CMA that flood mitigation works/improvements across the entire Warrnambool catchment area would cost the community millions of dollars and can only be undertaken incrementally over a period of many years. In accordance with legislation, Council and the CMA work collaboratively on opportunities to reduce the impact of flooding throughout the municipality, with highest priority given to areas that pose high risk to public safety.

The recent flood mitigation works undertaken by Council in North Warrnambool (Russell Creek catchment) has reduced the number of above flooded properties from 146 to 14 properties. This is a significant achievement. The locations of the above floor flooded properties are focused on three areas including north of Wangoom Road (6 properties), Whites Road (4 properties) and within the breakout area around Moonah Street (4 properties).

At this current stage, Council and the CMA submitted to the Panel the most practical and economical solution to manage flood prone land in north Warrnambool is to manage new development to reduce the impact of possible flooding by requiring planning permission for certain buildings and works on properties that are subject to flooding (e.g. raise floor levels of new buildings), and to utilise a capital works program.

The Panel agreed with Council and the CMA that the Amendment should progress based on the current flood modelling. If further strategic work or on-ground mitigations are carried out in the future, the approved flood provisions can be reviewed and revised as necessary.

More particularly, the Panel concluded:

“Progress of the Amendment should not be delayed based on uncommitted opportunities to mitigate flood risk.”

Site Specific Submissions

The Panel considered whether it was appropriate to amend the proposed flood controls for the following submitter properties:

- 20 (16) Botanic Road, Warrnambool
- 120 Bromfield Street, Warrnambool
- 138 Bromfield Street, Warrnambool
- 2-18 Daltons Road, Warrnambool
- 32 Dooley Street, Warrnambool
- Wangoom Road, Ian Road, and Wiggs Lane
- 133-135 Whites Road, Warrnambool

The Panel accepted the position of Council and the CMA in relation to the flood mapping and extent of the proposed overlays on all properties, noting minor site-specific mapping revisions to the modelled flood extents were supported where detailed survey data was provided by submitters, and the flood modelling is not compromised.

Further details in relation to the Panel findings and recommendations, including officer response are provided below.

20 (16) Botanic Road

The submitter made a request to Council and the CMA to repeal all of the UFZ from 20 Botanic Road, based on lived experience.

The exhibited Amendment proposes to repeal around 4,000 square metres of the UFZ from the property and rezone to General Residential Zone (GRZ), and apply LSIO. Around 787 square metres or around 7% of the property would remain in the UFZ.

The request was not supported by the CMA and Council. The officer recommendation at the 7 February 2022 meeting was that no further repeal the UFZ will be supported. The Panel agreed with Council's position.

During the Panel process, the submitter provided Council and the CMA with detailed survey data, and requested a reconsideration of the LSIO for the site. Council and the CMA subsequently agreed to revised mapping showing a further (albeit very minor) reduction in the extent of the property included in the LSIO.

Council and the CMA advised the Panel that it supported this change.

The Panel accepted that revision of the LSIO extents for the property has been informed by survey data and is appropriate. The Panel did not support any additional changes to the UFZ to the extents requested by the submitter.

The Panel recommended the LSIO be amended as shown in Figure 4 of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council. This change is minor.

120 Bromfield Street

The submitter made a request to Council and the CMA that the UFZ be partially repealed (approximately 33 square metres) on 120 Bromfield Street in light of supplied survey data.

The exhibited Amendment proposed to repeal approximately 421m² of land from the Urban Floodway Zone. The submitter's request was for an extra 33m² to this area based on supplied survey data.

The request was supported by the CMA and Council. The officer recommendation at the 7 February 2022 meeting was to partially repeal the UFZ on the site to align with on ground survey provided by the submitter.

Council advised the Panel that it supported this change and requested it be included as part of the Amendment.

The Panel accepted that the revision of the flood extents for the property has been informed by further survey data and supported the change.

The Panel recommended the UFZ be amended in relation to 120 Bromfield Street as shown in Figure 5 of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council. This change is minor.

138 Bromfield Street & 2-18 Daltons Road

Submitters made a request to Council and the CMA to have the UFZ at 138 Bromfield Street and 2-18 Daltons Road partially repealed as part of Amendment C205warr based on earthworks (cut and fill scenarios) that had already been carried out on the sites via approved planning permits.

The requests were supported by the CMA and Council. The officer recommendation at the 7 February 2022 meeting was to partially repeal the UFZ and replace with the General Residential Zone (GRZ).

Council advised the Panel that it supported this change and requested it be included as part of the Amendment.

The Panel accepted that the earthworks at the properties had reduced the modelled 1 per cent AEP flood extent below the threshold for inclusion in the UFZ. The Panel agreed with Council, the CMA, and submitters that it is appropriate to reduce the extent of land in the UFZ where the flood risk no longer exists.

The Panel recommended the UFZ be amended in relation to 138 Bromfield Street and 2-18 Daltons Road as shown in figures 6 and 7 (respectively) of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to these submissions be adopted by Council. These changes are minor, and in accordance with approved planning permits for earthworks, and revised flood risk modelling.

32 Dooley Street

The submitter made a request to Council and the CMA to have the UFZ partially repealed and replaced with the General Residential Zone (GRZ). This would make the zoning regime applied to 32 Dooley Street consistent with neighbouring properties to the east (26-30 Dooley Street).

The CMA noted the land had been subject to earthworks (fill) that had been undertaken without the appropriate planning approvals. The CMA did not support the introduction of fill in this location. The CMA supported the partial repeal of the UFZ and introduction of the Floodway Overlay (FO) in its place if earthworks were undertaken to remove the illegal fill to the satisfaction of the CMA. The FO would need to be introduced to enable the construction of a dwelling encroaching onto the 1%AEP floodplain provided the portion within the floodplain is appropriately designed to allow through flow (i.e., stumps and bearers).

The officer recommendation at the 7 February 2022 meeting was that the request could be supported, subject to completion of the above works.

Prior to the Panel Hearing, the property owner undertook the required earthworks and provided a feature survey to Council and the CMA. The CMA assessed the changes and advised Council that the earthworks had been completed to the required standard.

Council advised the Panel that it supported this change and requested it be included as part of the Amendment, noting the change was minor and would enable the land to be developed in a manner that is consistent with neighbouring properties to the east. The FO will ensure any house constructed will appropriately respond to flood risk.

The Panel agreed with Council and the CMA that flood mapping for the site can be revised based on the updated assessment of flood risk.

The Panel recommended the UFZ be amended and apply the FO in relation to 32 Dooley Street as shown in Figure 8 of the Panel Report.

Officer response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council. This change is minor.

Wangoom Road, Ian Road, and Wiggs Lane

The Panel considered several submissions focused on the application of flood controls on Rural Living and Farming Zone properties at Wangoom Road, Ian Road and Wiggs Lane.

The exhibited Amendment proposes to apply the FO and LSIO to a number of properties in this area.

Council officers met with submitters in accordance with the Panel directions. A significant issue for the submitters was the size of the Wangoom Road culverts. Many considered investment in improved infrastructure would mitigate, or at least lessen, the flood risk.

Council relied upon its response to submissions as endorsed by Council at the 7 February 2022 meeting, and provided the following supplementary information to the Panel in relation to drainage and flooding mitigation in the north Warrnambool area:

"Land to the north of Wangoom Road essentially forms a large informal flood detention basin that is constrained by the Wangoom Road embankment, with the existing two culverts (900 by 900 millimetre box culverts) limiting the peak flow rate, while anecdotally flooding is exacerbated with the culverts being blocked at times. This then leads to surcharging of the creek and flooding of properties (being encumbered by the 1% AEP flood extent)."

Council has undertaken a range of investigations to improve flood mitigation for land north of Wangoom Road. In 2006, GHD examined culvert upgrades, however as described in Connell Wagner (2008), even larger upgrade options considered flood overlays would still need to be created.

Engeny (2016) is the latest study undertaken by Council to examine the culvert issue. This work noted increasing the culvert capacity was unfeasible as it may increase flooding further downstream in the Russell Creek catchment.

The Engeny (2016) study examined other options to mitigate flooding in the area, including a large retarding basin (estimated to require 6 hectares of land) and a high flow diversion channel. While the study did not look at any option in great detail, it estimated that the two options would cost \$4.5 million and \$2 million respectively, and would require significant land acquisition (excluded from the estimated cost).

The study noted that both options presented a level of risk to community. For instance, the large retarding basin could present a significant risk in relation to its size and depth, should the embankment structure fail. While a high flow diversion channel may impact on environmental management objectives downstream in the Russell Creek catchment.

The above timeline shows that Council has been active in looking for solutions for land north of Wangoom Road. At this stage, it is not feasible for Council to implement these mitigation options given there are only 6 properties with above floor flooding that are likely to benefit from these options and the high cost of any solution, excluding land acquisition. Any potential future flood mitigation needs to be undertaken via large scale development of the area.

Council undertook extensive community consultation in 2017 to 2018 to ascertain landowner expectations and aspirations for the area, noting land to the north of Wangoom Road is identified in local strategies as a possible residential growth area. The consultation found little to no support for further residential development in the area, with the community expressing that they currently value the larger rural lots, landscape character and amenity of the area.

At this stage, the lack of community support would be a major constraint to large scale development of the area, particularly in relation to mitigating flooding.

Expert evidence by Mr Tim Morrison noted improving flow of water in this location would likely transfer the problem downstream to other areas which are more urbanised.

The Panel concluded that the Amendment is appropriate as it applies to land in Wangoom Road, Wiggs Lane and Ian Road area.

More particularly:

Submissions present an accurate picture of flooding that occurs from time to time in this area. While the Panel understands the anxiety of submitters, it accepts that a decision about works is one for Council. The Panel also notes Mr Morrison's evidence that improving the flow of water in one location may transfer a problem downstream to another location.

The measure for this Amendment is whether the modelling accurately identifies the extent of affected land within the 1% AEP, such that the controls are effective in protecting life, land and property. The Panel is satisfied that is the case.

The Panel recommended no changes to the Amendment in relation to Wangoom Road, Ian Road, and Wiggs Lane submissions.

133-135 Whites Road, Warrnambool

The Panel considered whether the flood modelling is accurate for the Whites Road area and at the Wares Road Bridge.

The exhibited amendment proposes to apply the LSIO and FO to Whites Road properties adjoining Russells Creek. In most instances, the FO only affects small parts or sections of properties. The LSIO covers larger portions of properties.

The submitter questioned the accuracy of the flood extent based on studies previously adopted by Warrnambool City Council (pre 2000 and 2007) and lived experience, and sought exclusion from the flood controls pending further review of the model.

Council relied upon its response to the submission as endorsed by Council at the 7 February 2022 meeting. In this instance, the introduction of flood risk planning controls is based on current risk. The Whites Road area is considered subject to flooding due to high quality flood intelligence obtained through two dimensional flood modelling techniques. This was not available for this area of Warrnambool during the previous flood investigations for the area.

Council's expert witness, Mr Tim Morrison, noted the flood controls proposed to Whites Road properties are not onerous (primarily LSIO) and are readily developable in the future by the current and future owners. Mr Morrison further advised that delaying implementation of flood controls would be against the principles of floodplain management to protect life and property.

The Panel considered whether the modelling accurately identifies the extent of affected land within the 1 % AEP, and whether the controls are effective in protecting life, land and property, and concluded that it is satisfied that is the case.

The Panel was satisfied the Amendment is appropriate as it applies to land on Whites Road area and made no recommendation for changes.

Additional changes to non-submitter properties – Minor Incursions

Council and the CMA recommended the LSIO be modified to remove minor incursions where select properties (total of 43 properties) on the flood fringe would have less than 30 square metres or 6 percent of the site area included in the LSIO. For these properties, it was determined the LSIO would serve no useful purpose and would generate unnecessary planning permit requirements.

Council advised the Panel that it supported these changes and requested they be included as part of the Amendment.

The Panel supported the systematic process by Council and the CMA in refining the extent of flood controls and recommended that it is appropriate to exclude the minor incursions from the LSIO as shown in Appendix D of the Panel Report.

Officer response

It is recommended that Council supports the Panel's recommendations in relation to minor incursion sites, with respect to non-submitter properties – Minor incursions.

Glenelg Hopkins CMA - Local Floodplain Development Plan and Schedules to the FO & LSIO

It is important to note that the Glenelg Hopkins CMA, as the floodplain management authority for the region, provided full support to the flood modelling and its translation into planning controls at the Panel Hearing.

The CMA did submit that the Amendment would have benefited from inclusion of a Local Floodplain Development Plan and Schedules to the FO & LSIO to streamline the consideration of future planning permit applications. This is more of an administrative matter.

The officer recommendation at the 7 February 2022 meeting was to support this request in part. More particularly, it was recommended this work be prepared for the whole municipality at once, rather than prepared and introduced for this small catchment only.

The Panel supported this approach and supported identifying this work as further strategic work in the Schedule to Clause 72.04 of the planning scheme.

More particularly, the Panel recommends:

Amend the Schedule to Clause 74.02 (Further Strategic Work) to include the following:

a) Prepare Local Floodplain Development Plans to provide a performance-based approach for decision making that reflects local issues and best practice, including flood risk assessment, in floodplain management.

b) Prepare Schedules to the Floodway Overlay and Land Subject to Inundation Overlay to introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth.

Officer Response

It is recommended that the Panel's recommendation in relation to this submission be adopted by Council.

Officer Recommendation - Adoption of the Amendment

Pursuant to section 27 of the *Planning and Environment Act 1987*, Council must consider the Independent Panel report before deciding whether or not to adopt the Amendment (with or without changes).

It is recommended that Council accept the Panel findings and recommendations and adopt Amendment C205warr, subject to the changes recommended in the Panel Report.

The Panel Report is a validation of Council's strategic work and thoroughness of its strategic processes. It recognises and acknowledges the depth of work and robustness that has been applied from the flood modelling and mapping planning process through to the preparation of the Planning Scheme Amendment.

Until now Council has relied on outdated and patchy information to support planning decisions in the North Warrnambool area. The Amendment is a significant reset to planning controls in the Merri River and Russell's Creek catchment that will support protecting life, land and property.

Municipal Planning Strategy

The Amendment is supported by relevant clauses in the Municipal Planning Strategy, which are outlined below.

Clause 02.03-3 Environmental risks and amenity (Floodplain management) acknowledges that large expanses of land are prone to flooding from the Merri River and Russells Creek. The relevant strategic directions include:

- Protecting floodplains from development that would detrimentally impact their function.
- Protecting life, property and community infrastructure from flood events.

The Amendment supports and implements the strategic directions of the Municipal Planning Strategy by implementing flood controls based on current and updated flood modelling.

Planning Policy Framework

The Amendment is supported by relevant clauses in the Planning Policy Framework, which are outlined below.

Clause 11 Settlement – identifies that planning for settlements must have regard to health, wellbeing and safety. Clause 11.01-1S identifies that investment and growth is to be focussed in major regional cities, including Warrnambool.

The Amendment supports these objectives by documenting the extent of flooding and the degree of risk from its impacts by using the UFZ and FO for areas of high hazard, and LSIO for areas of lower hazard. Applying the most accurate flood data also ensures that developable land is maximised, thereby enabling infill residential growth to occur in areas that are not subject to inundation.

Clause 11.03-2S Growth Areas – requires planning to respond to climate change and increase environmental sustainability.

The Amendment implements this clause by introducing updated planning controls that will ensure new development and works respond appropriately to flood risk.

Clause 13 Environmental Risks and Amenity – identifies that planning should strengthen the resilience and safety of communities, and should identify, prevent and minimise the risk of harm to the environment, human health and amenity by applying effective controls to prevent or mitigate significant impacts.

The Amendment responds to this clause by applying appropriate flood controls to recognise and mitigate risk associated with flooding and by ensuring new development and works respond appropriately to environmental risks (e.g. river health) associated with flooding.

Clause 13.01-1S Natural Hazards and Climate Change – identifies the need for adaptation response strategies for existing settlements in risk areas to accommodate change over time.

The Amendment responds to this clause by providing more accurate information to guide development and works to respond appropriately to flood risk.

Clause 13.03-1S Floodplain Management – identifies that planning is to assist the protection of:

- Life, property and community infrastructure from flood hazard
- The natural flood carrying capacity of rivers, streams and floodways
- The flood storage function of floodplains and waterways
- Floodplain areas of environmental significance or of importance to river health.

The Amendment supports these objectives by improving the mapping of flood extents and hazard associated with the floodplains of Russell Creek and Merri River in North Warrnambool.

Clause 13.03-1L Merri River and Russells Creek floodplains – contains the objective that the integrity of the Merri River and Russells Creek floodplains is to be maintained. The clause further identifies that planning is to discourage the filling of land that is subject to flooding; avoid development that will have an adverse downstream impact in terms of flooding and water quality; and ensure that when drainage and flood protection works are inadequate that habitable buildings are protected from flooding.

The Amendment responds to this clause by ensuring that land use and development is directed to locations with no or minor flood risks and carried out in ways that minimises its vulnerability to the threat of flood.

Clause 14.02-1S Catchment planning and management - seeks to assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment. The relevant strategies of this clause are to:

- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments,
- Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
- Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.
- Ensure planning is coordinated with the activities of catchment management authorities.

The Amendment supports this clause by providing revised planning controls relating to the identification and ongoing protection of the floodplain from inappropriate development, including potential for impacts on catchments. The introduction of new controls will align Council's decision making with the information available from GHCMA.

Clause 14.02-2S Water quality - seeks to protect water quality. The strategies to achieve this objective include discouraging incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

The Amendment supports the objective and strategies of this clause by setting out revised planning controls for the floodplain areas, based on most recent flood data and best practice measures for flood affected areas. This will ensure incompatible land uses are not located in floodplain areas, and will reduce impacts on downstream water quality.

Other Planning Strategies

Warrnambool City-Wide Housing Strategy 2013

Council adopted the Warrnambool City-Wide Housing Strategy in December 2013.

The Housing Strategy establishes a 20-year housing growth framework for the municipality to ensure clear policy direction about where residential development will be focused and where it will be limited, in order to meet the changing needs of the municipality.

The plan notes that flooding is a significant constraint on development of Warrnambool, and makes the following relevant comments:

"Development within areas of high flood hazard must be avoided (zoned Urban Floodway Zone (UFZ) or included in Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO))."

The objectives of the Amendment are considered to be in line with the strategy.

Victorian Floodplain Management Strategy

The Victorian Floodplain Management Strategy is listed as a policy guideline under Clause 13.02-1 and the latest version was released by the State Government in 2016. It provides state-wide policy direction for managing floodplains and minimising flood risks in cities, towns, regional areas and rural communities, including guidance on riverine flooding, flash flooding and coastal flooding.

The Strategy includes in Policy 13a that:

The 1% Annual Exceedance Probability flood will remain the design flood event for the land use planning and building system in Victoria.

One of the policy foundations of the Strategy includes avoiding or minimising future risks and endorsing land use planning controls to manage the potential growth in flood risk. In this regard, the Strategy promotes increasing the land use planning coverage for areas in the 1% Annual Exceedance Probability (AEP).

The objectives of the Amendment are considered to be in line with the strategy.

Community Impact

Existing houses or buildings will not retrospectively be required to obtain planning permit approval (only new development will require a planning permit where planning permit exemptions are not met).

The proposed flooding overlays only affect small parts or sections of properties in most instances, and therefore new development will only need a planning permit if it is located within the overlay itself (where planning permit exemptions are not met).

The identification of properties within overland flow paths can also enable community education and communications to be better directed, to enable residents to best prepare for flood events.

The Amendment will remove flood controls from properties no longer subject to flood risk and result in a net increase of approximately 6.3 hectares of General Residential Zone (GRZ), including:

- 4.5 hectares (approximately) available for infill residential development, in areas including Membery Way, Daltons Road, Donovans Road, Bromfield Street and Botanic Road (possible yield of 54 dwellings, subject to further investigation)
- 1.8 hectares (approximately) available for St Joseph's Primary School.

Sustainability Impact

The Amendment is likely to have positive social and economic effects. Benefits include better management of land liable to flooding and reduced incidence of flood damage to habitable floor areas over time.

By more accurately identifying land within the UFZ, FO and LSIO, the Amendment will assist Council to provide timely and more accurate advice when new development is proposed on land that is potentially subject to inundation.

Increasing the awareness of flood potential and thereby minimising the potential impacts of flooding will also have public safety benefits.

The economic impact of flooding on individuals and communities will be minimised through reduced flood risk. Design requirements arising from the application of the FO and LSIO may result in some increase in development costs. However, having access to information early in the planning phase will allow appropriate, cost effective strategies to be implemented by developers.

After re-development of a site, costs associated with future flood damage should be reduced. This benefit would be specific to individual properties.

FINANCIAL IMPACT

The planning scheme amendment process results in costs to Council at different stages of the process. Significant investment, both financially and through internal resourcing, has been made to the planning scheme amendment process. Amendment costs are categorised below.

Preparation of the Amendment

Council received \$30,000 funding from DELWP to engage a consultant to refine the flood controls based on the Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010), and to prepare the amendment documentation.

Exhibition

There were costs associated with the Exhibition of the Amendment, including officer time, the placement of notices in the government gazette, the Warrnambool Standard, and mail out to affected land owners, ministers and authorities. In collaboration with Council's communications department and the GHCMA, a multi-page fact sheet was developed for direct mail to owners and occupiers of all affected properties.

Council officers had either email discussion, telephone discussion or zoom meetings with many landowners during the exhibition of the Amendment.

Submissions

Following receipt of submissions, officers of Council and GHCMA undertook a rigorous review of all submissions received in relation to the Amendment. Council engaged expert assistance from Catchment Simulation Solutions at a cost of \$11,440.

Planning Panel

Council will cover the costs for the Panel Hearing, including the presentation of expert evidence by Council's expert witness, Mr Tim Morrison, which cost \$7,040. Planning Panel fees have so far cost Council approximately \$14,000 with the final invoice yet to be received. Officer time and resources in preparing for, and presenting to the Panel was also extensive.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

2 A Sustainable environment

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

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

2.4 Water resource management: Council will promote and encourage awareness of sustainable practices in our work and in the community, including water resource management.

4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

5 An effective Council

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


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

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

TIMING

The Amendment timeline is depicted in the table 4 below.

Table 4 Amendment Timeline

Steps	Status
<i>Council seeks Ministerial authorisation to prepare the Amendment</i>	Completed 12 July 2021
<i>Public exhibition of the Amendment</i>	Completed 23 September to 12 November, 2021
<i>Submissions received and considered; Council requests an independent panel to consider submission if required</i>	Completed 7 February 2022
<i>Panel Hearing & Panel Report</i>	Completed 26 April 2022 Received 7 July 2022
<i>Council considers the recommendations of the Panel, and decides whether to adopt or abandon the Amendment</i>	5 September 2022 (Current stage) 
<i>If adopted, send to the Minister for Planning for approval and gazettal</i>	Within 10 business days of adoption

In accordance with Ministerial Direction 15, Council has 40 business days from the date it receives the Panel report to make a decision on the Amendment. The Panel Report was received on 7 July 2022, therefore Council is required to make a decision by Thursday 1 September 2022. Council officers sought an exemption to this requirement from the Minister so as to align with Council's meeting cycle.

Once Council adopts the Amendment, Council must submit the amendment to the Minister for Planning within 10 business days of the date the amendment was adopted.

COMMUNITY IMPACT / CONSULTATION

Pursuant to Section 19 of the *Planning and Environment Act 1987*, the Amendment was publicly exhibited for a six week period from 23 September 2021 to 12 November 2021.

Letters were sent to individual landowners (over 400) affected by the amendment, including a fact sheet to assist with informing the community about what the amendment is about, what it does, and how to make a submission.

Notice of the Amendment was provided to government agencies and Prescribed Government Ministers. The amendment documentation was also available on Council's website, and available for feedback on Your Say Warrnambool.

Submitters were given the opportunity to attend the public Planning Panel hearing and present before the Panel. Of the 21 submissions received, 9 submitters presented before the Panel.

LEGAL RISK / IMPACT

The Amendment has been assessed against all relevant requirements of the Planning Scheme and the *Planning and Environment Act 1987*, including all relevant Ministerial Directions and Practice Notes.

Managing flood risk through Planning Schemes is a local government responsibility. The Warrnambool Planning Scheme should be a robust document that correctly identifies known flood risk and provides clear guidance and transparency on potential uses and development of land. Where mapping doesn't exist or is outdated, the Planning Scheme should be amended. The Victoria Floodplain Management Strategy 2016 states that "LGAs (Councils) are accountable for ensuring that their Planning Schemes correctly identify the areas at risk of a 1 per cent AEP (1 in 100 year) flood, and that they contain the appropriate objectives and strategies to guide decisions in exercising land use controls in regard to flooding."

The Amendment is required to update the overlay maps and amend the associated ordinance that controls buildings and works to ensure development within the floodplain is appropriately managed.

Managing development through accurate and effective planning schemes is considered the most cost-effective method of managing flood risk and avoiding future flood damages and can promote faster recovery from major floods (e.g. because house floor levels were set above the flood levels). The Amendment updates mapping in the north Warrnambool area using information developed from the Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010). It also removes significant expanses of flood controls in urban areas in north Warrnambool where additional new mapping produced by the Amendment shows these maps to be clearly wrong (therefore not requiring individuals to obtain permits where flooding is not a risk).

From a consultation perspective, the amendment process is heavily prescribed in legislation and provides transparency and meaningful opportunities for community input, and an independent process for submitters to be heard. This explicitly defines the scope of community engagement activities and therefore manages any risks associated with community concerns of bias or unfairness.

Council has an obligation to identify flood risk by including flood prone land in the Planning Scheme. In the absence of flood control controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development without the appropriate flood controls in place, there is a risk that Council may grant approval without due consideration of flood risk.

The risk of litigation is high if Council is aware of flood affected areas and does not implement this information into the planning scheme and apply the appropriate planning controls.

OFFICERS' DECLARATION OF INTEREST

None declared.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

Floodplain management is an iterative process requiring regular updates not only to our understanding of flood behaviour, but how land use and development should be controlled to reflect flood risk. The Amendment implements the objectives of planning in Victoria to provide for a pleasant, efficient and safe working, living, and recreational environment by:

- Providing for the fair, orderly, economic and sustainable use, and development of land
- Recognising those areas which are at risk of flooding in the city
- Applying appropriate planning controls to those areas in order to protect life and property
- Applying planning controls to high risk areas

The Amendment will implement the objectives of planning in Victoria by providing for planning zone and overlay controls that ensure that floodplain management issues are considered during the planning process.

Specifically, the Amendment directly supports the objectives of Clause 13.03-1S Floodplain Management, and Clause 13.03-1L Merri River and Russells Creek floodplains.

The Amendment will assist landowners in understanding potential hazards and guide development on their land. It will also assist Council and the CMA in making more informed and effective decisions on development of land affected by flooding.

The Amendment has undergone a transparent and fair process and provided all submitters the opportunity to be heard and submissions considered by an independent planning panel process, in accordance with the requirements of the *Planning and Environment Act 1987*.

It is recommended that Council endorse the Panel recommendations and adopt Amendment C205warr, subject to the changes recommended in the Panel report.

ATTACHMENTS

1. Warrnambool C 205 warr Panel Report [7.3.1 - 44 pages]

7.4. AMENDED DEVELOPMENT PLAN DP2022-0004 - 15 DALES ROAD

DIRECTORATE : City Growth

PURPOSE:

This report considers an amendment to the North East Warrnambool Growth Area Development Plan in relation to Development Area D, submitted specifically for 15 Dales Road, and recommends that Council endorse the amended Development Plan as submitted.

EXECUTIVE SUMMARY

Council has received an application to amend a Development Plan (DP) prepared by Myers Planning Group for land at 15 Dales Road (LOT 1 PS334785) on the North East side of the intersection of Dales Road and Aberline Road. The site has an area of approximately 9400m² (0.9 hectares) and is within the North East Warrnambool Structure Plan area and General Residential Zone (GR1Z), which would typically anticipate residential use and development.

The Development Plan as submitted comprises:

- A nominated residential parcel comprising ~4,694 square metres to be set aside as a medium density development site,
- A nominated education development parcel comprising ~4,729 square metres to be set aside as a childcare and early learning centre,
- Streetscape improvements to Aberline Road, including widening of the Aberline Road road reserve and incorporation of on-street car parking,
- Streetscape improvements to the Dales Road road reserve, including improved footpath connections,
- Pedestrian infrastructure improvements including a link between the Aberline Road and Road pedestrian networks.

A request for additional information was made 6 December 2021 and a response received 1 April 2022, including the submission of a marginally revised report (V2.1, 1 April 2022). Based on requests for additional information, V2.2 (July 2022) has now been submitted and is currently the plan being considered. This plan includes granular detail of the intended residential development on the eastern portion of the lot.

The amended Development Plan continues to fall short of meeting some of the Development Plan Overlay requirements, but given the requirements can be satisfied at subdivision stage, it is appropriate to endorse, and pass full assessment to the planning permit stage.

RECOMMENDATION

That Council approve V2.2 of the Dales Road Development Plan as submitted on 20 July 2022.

BACKGROUND

The subject land is located on the northeast corner of Dales and Aberline Roads. The subject site contains approximately 9400m² (0.9ha) and is currently vacant. It is adjoined north, east and south by residential development of varying densities. The Brierly Reserve is located immediately to the west. Anchor point village and the future urban growth area – East Aberline Precinct Structure Plan are further north. Gateway Plaza is approximately 640 metres to the southwest. A bus stop is located immediately outside the site on Dales Road. The subject land is approximately 3km to the northeast of central Warrnambool, is zoned General Residential 1 (GRZ1), and is covered by the

Development Plan Overlay Schedule 7. The land is located within the northeast growth area and is included in the North East Warrnambool Structure Plan.

A previous proposal for seventy-four (74) units on the site was considered by Council on 2 December 2019 and refused. An additional proposal involving thirty-six (36) lots ranging in size from 138m² to 381m² and supporting a mix of one bed, two bed, single and double storey dwellings was considered by Council in August of 2021 and supported.

ISSUES

Schedule 7 to the Development Plan Overlay contains the requirements for a Development Plan (DP). The DP and accompanying reports were submitted on 4 November 2021, and since amended twice. The DP in its current form continues to propose splitting the area in half, where the western portion would be used for an education/community facility, and where the intent has been declared that a child care centre will be developed. This side would include frontages of approximately 65 metres and 59 metres to Dales Road and Aberline Road respectively, a building footprint of approximately 1,465 square metres with a direct interface with adjoining development to the north and the Dales Road road reserve to the south, and space provided for twenty-nine off-street car parking spaces.

The plan shows streetscape improvements on Aberline Road which include a pedestrian footpath, eight (8) public on-street car parks, and associated landscaping areas interfacing with the Dales Road road reserve. The residential development area proposes approximately 4,694 square metres and a frontage to Dales Road of approximately 73 metres. Where previous versions failed to show a specific layout for lots, the plan now shows a variety of two-storey townhouse forms following a typology of 'medium density residential'. Specifically, 15 townhouses are proposed, along with one single detached two-storey townhouse designated as affordable housing. Townhouses are aligned along a central accessway which includes a central landscaping strip, provided as common property. Lot sizes are proposed to vary between 190 and 250 square metres.

The community / education sub-precinct and residential sub-precincts are proposed to be delivered in separate stages. The childcare and early learning centre is expected to be delivered as part of the first stage, with further detailed planning required prior to the proposed residential development. Infrastructure works planned for Aberline Road would be undertaken at the time the community / education sub-precinct is developed whereas infrastructure works planned for Dales Road would be undertaken at the time the residential sub-precinct is developed.

The main issue continues to be whether the proposed child care centre is a use that should be supported, given that it was not identified in the Structure Plan, and is a departure from what was likely intended to be residential development.

FINANCIAL IMPACT

Costs associated with the review and assessment of the Development Plan has been included in the 2021/2022 City Strategy and Development Budget.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

TIMING

Approval of a development plan is not required within a specific statutory timeframe. The amended proposal was submitted in July 2022.

COMMUNITY IMPACT / CONSULTATION

All documentation forming part of V2.1 of the Development Plan (DP) has been subject to referral and a period of non-statutory public exhibition for a duration of two weeks, in accordance with Council's policy to provide non-statutory notice of development plans. No submissions were received in response to that process. V2.2 of the Plan was not re-advertised.

Responses from external referral authorities have not been received as at the time of writing, however given that responses/consent were provided for previous versions of the plan, it is assumed any comments received can be communicated to the applicant throughout the process.

The amended plan was referred to Council's Infrastructure department, who confirmed that the layout was suitable and offered no objection.

The original response from City Strategy suggests that the proposed DP does not align with the structure plan, in that the structure plan did/does not promote the concept of a 'mixed-used precinct', nor promote the concept of education and community uses in this location. The response therefore indicates general consent for the medium density residential component, but seeks for the applicant to provide further justification for why the intended uses are appropriate. The amended plan was re-referred to Strategy, and a further response confirmed that the position of not supporting the child care centre use was sustained.

Undoubtedly, the intention of the original Structure Plan was clear in its determination that land was intended for residential use, where no community facilities were identified within the study area, and none proposed. The applicant has identified the justification however, in that the context from 2008 until today has changed, and the demonstrated need for child care facilities has reached a level not foreseen at the time of drafting the original plan. Similarly, the original structure plan identifies that the provision of "conventional residential density" lots be achieved, where the passage of time has also modified what conventional residential density represents. Consequently, the adaptation of "conventional" lots to medium density, in correlation with the designation of part of the land for other uses, is simply a method of adapting what was intended in the original study to modern needs. Interestingly, the East Warrnambool Neighbourhood Plan 2005-2010 conducted in the same timeframe as the structure plan, identified the lack of neighbourhood facilities and the need for well planned development with community facilities as key issues.

In summary, despite the queries provided by referrals as to whether the use is appropriate, the DP as submitted is an acceptable response to the Development Plan Overlay and as a concept for this area.

LEGAL RISK / IMPACT

Assessed in line with the Warrnambool Planning Scheme and the Planning and Environment Act 1987.

OFFICERS' DECLARATION OF INTEREST

None.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

An assessment of the Plan in relation to the requirements of Development Plan Overlay – Schedule 7 is provided as an attachment. The assessment concludes that the submitted Development Plan in its current level of detail fails to provide sufficient information to confirm that all requirements are met; however, it is posited that the shortcomings are reasonable in their context, and that further details can be provided at time of subdivision.

The North East Warrnambool Structure Plan has an overall density target of 15 dwellings per hectare (DPH). The proposed Plan indicates medium density housing on the land where the calculation could be derived one of two ways. With 16 dwellings on land totaling 4694m², commensurate density is 34 DPH. When taking into consideration that the entire subject site is 9400m² and developed on one half with a single building, a DPH of 17 could be argued. Either way, the land bordered by Dales, Aberline, Boiling Down and Gateway Roads has an area of approximately 20.2ha and currently consists of 226 dwellings/lots. The current average is 11.4 dph and with the inclusion of the presumed number of additional lots the average would remain below 15 dph across this section of the structure plan. The underlying zone (General Residential 1) seeks to 'encourage a diversity of housing types' that 'respects the neighbourhood character'. Additionally, If the DP is approved a future planning application would require Council to have greater consideration to matters raised in the submission as part of a ResCode assessment.

The role of the Development Plan is to provide direction on the form and layout of future development of the land. The proposed Plan in its most recent form provides direction about the future form of development on the land, and if Council supports the education use as an acknowledged but suitable departure from the Structure Plan, then the DP in its current format is acceptable. A planning application will be required if the DP is approved and this will allow Council to assess the proposal against the relevant provisions of the Warrnambool Planning Scheme.

ATTACHMENTS

1. D P 2022-0004 - Assessment against DPO - 15 Dales Road V 2.2 [7.4.1 - 6 pages]
2. 15 Dales Rd - Development Plan - Version 2 [7.4.2 - 26 pages]
3. 15 Dales Rd - Town Planning Drawings (Appendix D) [7.4.3 - 6 pages]

7.5. DRAFT ALBERT PARK REVEGETATION PLAN

DIRECTORATE : City Growth

PURPOSE:

This report outlines the draft Albert Park Revegetation Plan and recommends that it is released for community consultation.

EXECUTIVE SUMMARY

- The draft Albert Park Revegetation Plan provides guidance on areas suitable for revegetation, taking into consideration all users of the park, and makes recommendations for planting within these areas.
- The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreational outcomes for park users.
- The draft Albert Park Revegetation Plan draws on existing strategies, frameworks and policies relating to revegetation and 'greening' of Warrnambool, a site analysis and discussion with stakeholders.
- The draft plan has been developed in collaboration with Council staff and key stakeholders and is ready to be released for public comment.
- The community, interested parties and key stakeholders will have the opportunity to provide comment on the draft plan, this feedback will inform the final Albert Park Revegetation Plan.

RECOMMENDATION

That Council approve the release of the draft Albert Park Revegetation Plan for community consultation.

BACKGROUND

The Albert Park Precinct is approximately 57 hectares of public land located one kilometre north-east of the Warrnambool town centre. The Precinct includes Warrnambool College, Wannon Water facilities, Grieve Street Park, Warrnambool Community Gardens, Warrnambool Japanese Garden and the Albert Park Reserve.

Albert Park Reserve makes up approximately 41 hectares of the Precinct and contains facilities for a range of sporting groups and clubs. Facilities within the Reserve include the RW Mack Oval, Reid Oval, Walter Oval, Warrnambool Hockey Fields, City Memorial Bowls Club and infrastructure for the Warrnambool Pony Club. The location of Albert Park is shown in Figure 1.



Figure 1. Albert Park Site Location.

In 2019, the Albert Park Integrated Water Management Plan was prepared. This Plan identified a range of improvements for Albert Park, including increasing native vegetation within the park and possible future biodiversity link (biolink) between the park and Russells Creek. The benefits of increasing native vegetation with the park include:

- Increase cooling
- Mitigate the urban heat island effect
- Improve amenity
- Improve air quality
- Provide refuge for wildlife to move safely within an urban environment
- Create wildlife habitat, and
- Intercept stormwater runoff

The Integrated Water Management Plan plan highlighted increasing vegetation in the following areas:

- East of Mack Oval
- At the corner of Grafton Road and Cramer Street, as Warrnambool College has expressed interest in increasing vegetation in this area.
- The middle of Albert Park, creating a link from the existing established vegetation and the native kangaroo grass closer to Russells Creek.

The Albert Park Revegetation Plan draws on existing strategies, frameworks and policies relating to revegetation and 'greening' of Warrnambool, a site analysis and discussion with stakeholders.

Relevant plans, policies, strategies and frameworks applicable to landscaping and revegetation of Albert Park include:

- Warrnambool Planning Scheme, Warrnambool City Council
- Warrnambool Council Plan 2021-2025, Warrnambool City Council
- Warrnambool Open Space Strategy 2014, Warrnambool City Council
- Green Warrnambool 2018, Warrnambool City Council
- Warrnambool City Council Revegetation Policy and Guidelines 2021, and
- Albert Park Integrated Water Management Plan 2019, Warrnambool City Council

ISSUES

The purpose of the Albert Park Revegetation Plan is to define areas suitable for revegetation, taking into consideration all users of the park, and make recommendations for planting within these areas. The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreation outcomes for park users.

Through discussion with stakeholders, it was suggested that this site would present an excellent opportunity to provide habitat that focusses on bird and insect pollinators, including larvae. Pollinators have not been a key focus of many revegetation projects in this area.

The objectives of revegetating areas of Albert Park are to:

- Increase biodiversity through the planting of native plant species.
- Create an ecosystem that supports the establishment of pollinator species, particularly focusing on pollinator species for insects.
- Incorporate a range of local indigenous species, including from the local ecological vegetation class.
- Assist in achieving goals for Warrnambool 2040, Green Warrnambool and other adopted plans.
- Ensure safety of park users, by maintaining passive surveillance and providing adequate clearance alongside the path network.

The Albert Park Revegetation Plan is provided at **Attachment 2.4.1**. This plan identifies areas for future planting and the recommended vegetation categories.

FINANCIAL IMPACT

The Revegetation Plan is intended to be implemented over a number of years. The timing for delivery of revegetation works may be dependent on:

- Council priorities and budget allocations.
- Availability of funding programs and grant opportunities.
- Community support and involvement from community groups.
- Timing of park projects, such as the construction of integrated water management infrastructure, including wetland and raingarden.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

1.2 Engage with the Aboriginal community: Council will pursue improved partnerships and meaningful engagement with Aboriginal people to grow opportunities and better outcomes for Aboriginal people.

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

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

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

2 A Sustainable environment

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

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

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

2.4 Water resource management: Council will promote and encourage awareness of sustainable practices in our work and in the community, including water resource management.

2.6 Awareness and celebration: Council will foster community awareness and recognition of the benefits of positive outcomes for Warrnambool's environment

4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

5 An effective Council

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

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

TIMING

It is anticipated that the draft Albert Park Revegetation Plan will be released for public comment in September 2022.

Following the period for public comment, submissions in response to the draft Albert Park Revegetation Plan will be assessed and any necessary amendments will be made to the plan. The revised plan will be presented to a future council meeting in October/November 2022.

COMMUNITY IMPACT / CONSULTATION

The draft plan has been developed in collaboration with Council staff and key stakeholders and is ready to be released for public comment.

The community, interested parties and key stakeholders will have the opportunity to provide comment on the draft plan, this feedback will inform the final Albert Park Revegetation Plan.

The release of the draft Albert Park Revegetation Plan for community consultation is the next stage in the consultation process. The plan will be released on Councils Your Say website and notification will be included in the newspaper and social media. Key stakeholders will be notified of the release of the draft plan.

LEGAL RISK / IMPACT

The preparation of the Albert Park Revegetation Plan provides guidance and strategic direction to Council and the community on suitable areas for revegetation within the site and as such minimises risk and improves environmental outcomes.

OFFICERS' DECLARATION OF INTEREST

None.

CONCLUSION

The draft Albert Park Revegetation Plan provides guidance on areas suitable for revegetation, taking into consideration all users of the park, and makes recommendations for planting within these areas. The Plan seeks to provide improved ecological outcomes for the park and maintain and enhance social and recreational outcomes for park users.

It is proposed that the draft Albert Park Revegetation Plan will be released for public comment to provide the opportunity for the community and interested parties to make submissions and provide feedback on the plan.

ATTACHMENTS

1. Draft Albert Park Revegetation Plan [7.5.1 - 39 pages]

7.6. MIDDLE ISLAND SEASON REPORT 2021-2022

DIRECTORATE : City Growth

PURPOSE:

The purpose of this report is to provide an annual update to Council on the implementation of the Middle Island Project.

EXECUTIVE SUMMARY

- The Middle Island Project is a wildlife conservation project to help protect the colony of Little Penguins on Middle Island.
- This report provides an annual update on the implementation of the project and outlines the outcomes of the Middle Island Project Season Report 2021-2022.
- The highlights of the season include continued effectiveness of the Maremma dogs protecting the penguins and ongoing interest and participation in education talks and programs.
- Challenges during the season include the covid pandemic impacting the education program and the volunteer penguin monitoring program. While tide conditions and weather impacted safe crossing to the island.

RECOMMENDATION

That Council receive the Middle Island Project Season Report 2021-2022.

BACKGROUND

The Middle Island Little Penguin Project (the Project) is a wildlife conservation project to help protect a colony of Little Penguins (*Eudyptula minor*) living on Middle Island.

The Project commenced in 2006 after reports that the penguin numbers in the colony had dropped considerably, to less than 10 from an estimate of around 800 in 2000. The cause of the decline was attributed principally to fox predation and human impact of trampling burrows.

The project is based on the use of Maremma dogs to guard and protect the penguins known as the 'Warrnambool method'. The Maremma dogs were trained and placed on the Island to deter predators, such as foxes, from coming to the Island and killing the penguins.

A review of The Middle Island Project was undertaken and in September 2020 Council endorsed continuation of the project under the conservation management model – being the use of conventional conservation techniques (vegetation controls and predator controls) to protect biodiversity values supplemented with the use of Maremma dogs to specifically protect the penguin colony.

ISSUES

Middle Island Project 2021-2022 Season Report

The Middle Island Project Season Report outlines the key achievements and challenges during the 2021-2022 Little Penguin breeding season - **refer to Attachment 1.**

The Project highlights for the 2021-2022 season include

- No evidence of foxes on the island while the dogs have been there

- Running educational talks with the Penguin Protectors Warrnambool talks proving popular engaging over 1800 individuals throughout the season
- Development of fundraising merchandise to raise funds for the Project
- Volunteers undertaking penguin handling training at Phillip Island
- Continued media interest in the Project
- Sponsorship by major sponsors PETstock and the Vet Group

The Project challenges of the 2021-2022 season include

- Covid-19 continued to be a challenge for the Project, impacting Penguin Protectors Warrnambool talks during the Summer holidays and ability to undertake penguin monitoring
- Difficulty in safely crossing to Middle Island due to poor weather and tide conditions which impacted penguin monitoring and ability to have dogs on the island
- A small short-tailed shearwater kill (twenty individuals) following a period of time the island was inaccessible to the dogs at the beginning of the season.
- Dogs were able to be put back on shortly after and no further kills were observed.
- Sadly, Tula was euthanised in October 2021

In terms of the Little Penguin population, the Warrnambool Coastcare Landcare Network volunteers conduct penguin arrival counts to estimate the size of the breeding population and surveys to monitor reproductive success.

The ongoing implications of the Covid-19 pandemic combined with difficulty in safely crossing to Middle Island significantly reduced the ability of WCLN volunteers to monitor the Little Penguin population during the 2021- 2022 breeding season. Two penguin arrival counts and four breeding surveys were conducted. Four and three penguins were observed during arrival counts. Due to the poor conditions limiting monitoring ability, it is possible some penguin activity went undetected this season. Hence, population estimates from observations this season are unlikely to be accurate.

FINANCIAL IMPACT

The Middle Island Project requires resourcing to implement and includes staffing to care for and train the Maremma Dogs. The Education Program and donations are the main contributors to funding the Project.

Project coordination and administration support is accommodated within the City Sustainability budget.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

2 A Sustainable environment

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

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

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

2.6 Awareness and celebration: Council will foster community awareness and recognition of the benefits of positive outcomes for Warrnambool's environment

5 An effective Council

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

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

5.4 High-performance culture: Council will foster an organisational culture to support engaged, committed and high-performing staff for the effective delivery of Council's services and programs.

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

TIMING

Routine.

COMMUNITY IMPACT / CONSULTATION

Interest in the Maremma dogs and their role on Middle Island continues to attract significant media interest locally and internationally.

The death of long-serving Tula in late 2021 prompted an outpouring of emotion from many people with an interest in the project. The online event on November 5, 2021, to celebrate Tula and acknowledge her contribution to the Middle Island Project and wildlife conservation was well received and drew a substantial audience

LEGAL RISK / IMPACT

The Middle Island Project continues to implement the 'Warrnambool Method' which has proven successful in protecting the colony of little penguins. Predation by foxes continues to be a significant threat to the Little Penguin colony on Middle Island. The fox control program had mixed results for the 2021-2022 season. Baiting was undertaken between Pickering Point and the western edge of Shelley Beach in October and November 2021. Seven bait stations were used during October and November 2021 with baits being taken from two of these. One station was vandalised during the program with the marker post being removed. Active dens in the Thunder Point area were fumigated during this time.

While the Maremma dogs have been on the island there has been no evidence of foxes. There was one fox kill observed in mid-October prior to the dog's arrival for the season. There were no penguins killed but approximately 20 shearwaters were killed the previous night and up to 2 nights prior. Once the dogs were able to access the island, there were no further fox kills observed, highlighting the importance of having the dogs on the island to protect the Little Penguins and other seabird diversity on Middle Island.

OFFICERS' DECLARATION OF INTEREST

None.

CONCLUSION

The Middle Island Project has been a long running and successful program for the protection of the Little Penguin by the Maremma Guardian Dogs. The ongoing long-term monitoring of the Little Penguin colony and biodiversity of Middle Island is important to continue to guide conservation efforts into the future.

ATTACHMENTS

1. The Middle Island Project Season Report 2021-2022 [7.6.1 - 10 pages]

7.7. AWARD OF CONTRACT 2022026 - REGISTER OF CONTRACTORS SUPPORTING CIVIL INFRASTRUCTURE -

DIRECTORATE : City Infrastructure

PURPOSE:

This report provides information on the award of Contract 2020026 Register of Contractors Supporting Civil Infrastructure.

EXECUTIVE SUMMARY

- A public tender was advertised on Saturday 18 June 2022 inviting tender submissions from suitably qualified and experienced contractors to join the 'Panel Contract'.
- Close of tenders was 2:00pm Friday 8 July 2022.
- The proposed period of this Panel Contract is in two periods:
 - a) Period 1 - from acceptance of Tender in September until 30 June 2024 (2 years)
 - b) Period 2 – from 1 July 2024 until 30 June 2025 (1 year optional extension).
- This Panel Contract comprises largely of local Suppliers and Contractors, demonstrating the expertise of Warrnambool's local civil infrastructure market.

RECOMMENDATION

That Council:

- 1) Award Contract No. 2020026 Register of Contractors Supporting Civil Infrastructure to the Tenderers in the list attached to this Report, under an individual Deed of Standing Offer for their nominated separable portion of work.**
- 2) Authorise the Chief Executive Officer to sign, seal and vary the Deed of Standing Offer as required.**

BACKGROUND

This contract is a Schedule of Rates Contract under a Deed of Standing Offer for works, commonly referred to as a Panel Contract.

The Panel Contract is comprised of 17 Separable Portions of works that support civil infrastructure across Council's capital and maintenance projects and programs.

FINANCIAL IMPACT

The previous Panel Contract for civil infrastructure commenced in November 2019. Under this Contract, across all separable portions, Council expends between \$5million and \$7million per annum.

The award of these Deeds under the Panel Contract has no initial financial impact. The ongoing award of individual works is performed under Council's Purchase Orders or Proforma Orders, and is in accordance with Council's Procurement Policy.

The cumulative expenditure for works awarded is under Council's approved capital and maintenance budgets for each financial year.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report responds to the following Council Plan initiatives:

1 A healthy community

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

2 A Sustainable environment

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

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

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

3 A strong economy

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

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

4 A connected, inclusive place

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

5 An effective Council

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

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

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

TIMING

The contract is initially for a two (2) year term, and may be extended by Council:

1. Commencing from contract award in July 2022;
2. Ending 30 June 2024;
3. Optional extension if approved by Council, for a further 12 months ending 30 June 2025.

COMMUNITY IMPACT / CONSULTATION

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

ISSUES

Separable Portion 9 – Supply of Precast Pipes & Pits, and Separable Portion 17 – Supply Concrete, did not receive any tender submissions.

LEGAL RISK / IMPACT

Procurement processes are occurring in line with the approved contract specific procurement plan and Council's Procurement Framework.

OFFICERS' DECLARATION OF INTEREST

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

ATTACHMENTS

Nil

7.8. SMALL INFRASTRUCTURE FUND PROJECTS

DIRECTORATE : City Infrastructure

PURPOSE:

This report is provided to inform Councillors and seek approval for the provision of funds to several community groups under the Small Infrastructure program.

EXECUTIVE SUMMARY

The management of the Small Infrastructure Fund is currently under review by the City Infrastructure staff, with a view to having a report presented on a revised operating model presented to a Council Informal Meeting in September 2022.

Prior to the review process of the fund commencing, several applications for funding have been received and copies of the applications are attached. The two new applications are from the Dennington Bowls Club and the Warrnambool Dog Training School. Both applications have suitably addressed the criteria in their applications.

RECOMMENDATION

- 1. That Council allocate \$45,000 from the Small Infrastructure Fund to the Dennington Bowls Club to enable the construction of a shelter over a new barbecue area and to light the car park area at the club.**
 - 2. That Council allocates \$39,000 to the Warrnambool Dog Training Club as a contribution towards the construction of a storage facility at the Harris Street Reserve site.**
-

BACKGROUND

The management of the Small Infrastructure Fund program was transferred to the City Infrastructure directorate in May 2022. Following this, a commitment was made to review the procedures associated with the program and report to Council on the outcome of the review.

In order to undertake the review, it was decided to suspend the application process for a brief period, until the new processes were agreed to. Prior to suspending the application process, two applications were received.

Background information on the two applications is as follows;

Dennington Bowls Club

The club has completed a masterplan for their site which is comprised of a list of items that they wish to improve over a 3 to 4-year period. They also have an ambition for the club to act as a community gathering point for Dennington, rather than have a single use as a Bowls Club. To date this approach has been quite successful with several other local groups utilizing the facilities regularly.

Following the installation of a large built-in barbecue adjacent to one of the greens, the club wishes to install a shelter over the barbecue to protect it from the elements and enable year-round use by the club and the Dennington community. The application is seeking assistance with the installation of the shelter and a concrete slab to surround the barbecue. Quotes have been received for the shelter and City Infrastructure staff have met with committee members to discuss the best way to undertake the project.

The second part of the project is to provide suitable lighting to an unsealed car park adjacent to the clubrooms to improve patron safety when exiting the site at night. Currently the only lighting that is provided to the car park is via two, domestic style spotlights that only provide light to the area directly beneath them. To improve this, the club is looking to have up to 4 street light style lights to ensure that vehicle and pedestrian movements are undertaken in a safer environment.

It is estimated that the contribution required by Council is \$45,000 and City Infrastructure staff are prepared to assist with the project management, particularly for the lighting project, to ensure that it meets the standards expected for infrastructure on Council land.

Warrnambool Dog Training Club

The Warrnambool Dog Training Club operates at the Harris Street Reserve and is limited for storage space. The current storage facility is ageing and considered to have a low amenity value for the site. It also has issues with accessibility, which creates a manual handling issue for the members.

With a total project cost of \$59,000, the club is prepared to provide \$12,000 as a cash contribution and provide at least \$12,000 of in-kind support to the project.

The application has addressed all of the essential criteria and the officers are satisfied that the project should receive the requested funding via the Small Infrastructure Fund.

ISSUES

The timing of the works can be problematic due to delays currently being experienced in the building sector, due to material supply shortages.

FINANCIAL IMPACT

To fund the two most recent applications, Council would be agreeing to release \$84,000 from the Small Infrastructure Fund.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

4 A connected, inclusive place

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

TIMING

The projects listed in this report are all looking to commence by the end of this calendar year.

COMMUNITY IMPACT / CONSULTATION

Staff have met with the Dennington Bowls Club group and will endeavor to meet with the other applicant prior to any works commencing.

LEGAL RISK / IMPACT

Appropriate building approvals will be required for the two building projects at the Dennington Bowls Club and Harris Street Reserve, respectively.

OFFICERS' DECLARATION OF INTEREST

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

COLLABORATIVE PROCUREMENT

Not applicable

CONCLUSION

The Small Infrastructure Fund enables various groups operating on Council managed land or in Council owned facilities, to upgrade the sites to improve amenity values, make the sites safer and increase utilization.

The most recent applications to the fund, both fulfill the above intention of the fund. They have also addressed the selection criteria and are prepared to work with the Council project team to implement the works at their sites.

ATTACHMENTS

1. WDTC shed quote [7.8.1 - 8 pages]
2. Shed application supporting document [7.8.2 - 4 pages]
3. SIF Application Form [7.8.3 - 2 pages]
4. Dennington quotes [7.8.4 - 5 pages]
5. Dennington application [7.8.5 - 6 pages]

7.9. ADVISORY COMMITTEE & REFERENCE GROUP REPORTS

DIRECTORATE : City Growth & City Infrastructure

PURPOSE

This report contains the record of three Advisory Committee meetings & one Reference Group meeting.

REPORT

1. Community & International Relations Advisory Committee – 2 August 2022 – refer **Attachment 1**.
2. Planning Advisory Committee – 9 August 2022– refer **Attachment 2**
3. Economic Development & Tourism Advisory Committee – 12 August 2022 – refer **Attachment 3**.
4. Warrnambool Regional Airport Reference Group – 15 August 2022 – refer **Attachment 4**.

ATTACHMENTS

1. 220802 CIRAC Meeting Minutes [**7.9.1** - 2 pages]
2. Planning Advisory Committee Minutes - 9 August 2022 [**7.9.2** - 2 pages]
3. Minutes EDTAC 12 August 2022 [**7.9.3** - 3 pages]
4. Minutes WARG 15 August 2022 2 (1) [**7.9.4** - 10 pages]

RECOMMENDATION

That the records of the Community & International Relations Advisory Committee held on 2 August 2022, the Planning Advisory Committee held on 9 August 2022, the Economic Development & Tourism Advisory Committee held on 12 August 2022 and the Warrnambool Regional Airport Reference Group meeting held on 15 August 2022, be received.

7.10. INFORMAL MEETINGS OF COUNCIL REPORTS

DIRECTORATE : Executive Services

PURPOSE

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

BACKGROUND INFORMATION

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

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

REPORT

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

1. Monday 8 August 2022 – refer **Attachment 1**.
2. Monday 15 August 2022 – refer **Attachment 2**.
3. Monday 15 August 2022 – refer **Attachment 3**.
4. Monday 22 August 2022 – refer **Attachment 4**.
5. Monday 29 August 2022 – refer **Attachment 5**.

ATTACHMENTS

1. Assembly of Councillors Record 8 August 2022 [7.10.1 - 1 page]
2. Assembly of Councillors Record 15 August 2022 [7.10.2 - 2 pages]
3. Assembly of Councillors Record 15 August 2022 No 2 [7.10.3 - 1 page]
4. Assembly of Councillors Record 22 August 2022 [7.10.4 - 2 pages]
5. Assembly of Councillors Record 29 August 2022 [7.10.5 - 2 pages]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 8, 15, 22 and 29 August 2022, be received.

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

DIRECTORATE : Executive Services

PURPOSE

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

REPORT

Date	Location	Function
3 August 2022	Warrnambool	Chief Executive Officer – Presented to the Club Connect event held at Reid Oval.
4 August 2022	Melbourne	Mayor & Chief Executive Officer - Regional Cities Victoria Annual Networking Function at Parliament House, Melbourne
5 August 2022	Melbourne	Mayor & Chief Executive Officer - Regional Cities Victoria Annual Forum
6 August 2022	Warrnambool	Mayor - Opening of Warrnambool Indoor Bowls 2022 Open Fours Tournament
	Warrnambool	Mayor - 80th Anniversary of the Kokoda Campaign ceremony
9 August 2022	Warrnambool	Mayor – Anglicare Annual General Meeting.
10 August 2022	Warrnambool	Mayor – St Pius School – <i>How a Council Works</i> information session
	Warrnambool	Mayor – Williamson Program – Leadership Event
12 August 2022	Warrnambool	Mayor - Kings College Founders Day Assembly
18 August 2022	Warrnambool	Cr Blain represented the Mayor at the Victoria Police Medal & Award Ceremony for Western Region Division 2
	Warrnambool	Cr Taylor represented the Mayor at the Vietnam Veterans Commemoration Ceremony also attended by the Chief Executive Officer
20 August 2022	Warrnambool	Mayor – Volunteer Expo and Launch of Volunteer Strategic Plan
24 August 2022	Warrnambool	Mayor – South Warrnambool Kindergarten Book Week
25 August 2022	Melbourne	Mayor & Chief Executive Officer – Victoria 2026 Commonwealth Games Partner Forum
	Warrnambool	Mayor & Chief Executive Officer – Legacy Victoria Veteran Family Services Regional Launch

26 August 2022	Hamilton	Mayor & Chief Executive Officer – SouthWest Victoria Alliance Board Meeting
	Hamilton	Mayor – MAV Rural Southwest Regional Meeting
31 August 2022	Melbourne	Mayor & Chief Executive Officer – SouthWest Victoria Alliance Victorian Parliamentary Delegation
31 August 2022	Warrnambool	Cr Debbie Arnott represented the Mayor at the Father of Year presentations

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. RESOLUTION TO CLOSE MEETING

RECOMMENDATION

That in accordance with Section 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public.

12. SECTION 66 (IN-CAMERA)

12.1. MINUTES IN-CAMERA MEETING OF COUNCIL 6 DECEMBER 2021

12.2. AUDIT & RISK ADVISORY COMMITTEE MINUTES

12.3. CHIEF EXECUTIVE EMPLOYMENT MATTERS ADVISORY COMMITTEE MINUTES

13. RESOLUTION TO RE-OPEN MEETING

RECOMMENDATION

That the meeting be re-opened to members of the public.

14. CLOSE OF MEETING