

AGENDA

SCHEDULED COUNCIL MEETING

WARRNAMBOOL CITY COUNCIL

5:45 PM - MONDAY 7 NOVEMBER 2022



VENUE:

**Lighthouse Theatre Studio
Timor Street
Warrnambool**

COUNCILLORS

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

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

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

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 3 October 2022 and the Minutes of the Scheduled (Annual) Meeting of Council held on 24 October 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. PETITIONS AND JOINT LETTERS

6.1. PETITION TO KEEP & UPGRADE THE WARRNAMBOOL SALEYARDS (SWVLX) AT ITS CURRENT LOCATION IN WARRNAMBOOL

Written and electronic petitions have been received with 1,500 combined signatures lodged by the Warrnambool Stock Agents Inc *to keep and upgrade the Warrnambool Saleyards (SWVLX) at its current location in Warrnambool.*

In accordance with Clause 25 of the Governance Rules pertaining to Petitions and Joint Letters, the only motions that may be considered for any petitions are:-

- (a) that the petition be received;
- (b) that the petition be referred to the Chief Executive Officer for consideration and response; or
- (c) that the petition be referred to the Chief Executive Officer for an Officer Report to a future Council Meeting.

However, Clause 25(9) of the Governance Rules states that:-

If the petition relates to any item already on the Agenda for the Council Meeting at which the petition is submitted, the matter may be dealt with in conjunction with that Agenda item.

RECOMMENDATION

That in accordance with the Governance Rules, the petition lodged *to keep and upgrade the Warrnambool Saleyards (SWVLX) at its current location in Warrnambool* be considered in conjunction with Item 8.1 in the Scheduled Council Meeting agenda for Monday 7 November 2022.

7. PUBLIC QUESTION TIME

8. REPORTS

8.1. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE FUTURE OPERATIONS CONSIDERATION

DIRECTORATE : Corporate Strategies

PURPOSE:

To consider the future of operations at the Southwest Victorian Livestock Exchange (SWVLX).

EXECUTIVE SUMMARY

At its 1 August 2022 Ordinary Council Meeting, Council voted against accepting a tender for a \$5.6 million upgrade of the South-West Victorian Livestock Exchange (SWVLX). Council instead adopted an alternative motion which included consulting with the community about the future of the saleyards.

The motion adopted was:

“That the Council commence a stakeholder and community engagement exercise based on the implications of not committing to the upgrade works and the questions raised by the financial commitments required relating to the longer term financial viability of the operation.”

The decision not to invest at that meeting intimated that the future operations of the SWVLX required review, as the perceived financial risk in continuing to operate the facility was outweighing the social and broader economic benefits of operating the SWVLX. It is acknowledged remedial works are required to satisfy the safe and effective operation of the SWVLX in the immediate, mid and longer term.

On 5 September 2022 Ordinary Council Meeting, Council resolved:

That Council:

1. *Note the recommendation of the Audit and Risk Committee regarding the 2021/22 Financial Statements and Performance Statement; and*
2. *Note the recommendation of the Audit and Risk Committee regarding the South West Victorian Livestock Exchange financials audit; and*
3. *Approve an assessment be undertaken on the operations of the South-West Victorian Livestock Exchange by an independent external consultant and/or auditor for the period between July 1st 2017 and present day with the following objectives:*
 - a. *Accuracy and Completeness of Net Surplus Reporting*
Council wishes to investigate a full commercial modelling of the saleyards.
 - b. *Delegation of Authority and Procurement Compliance*
Ensure that any procurement for the defined period falls in line with Council's procurement policy and obligations under the Local Government Act 2020;
 - c. *BDO Report Scope*
Assess the scope of works request made to BDO by council in relation to the creation of the BDO analysis on the SWVLX and any supporting information provided to BDO by Council to assist them in developing the report; and provide information about the methodology used to ascertain the assumptions on the future stock turnover numbers;
4. *Require that the assessment be completed and available to council before the 7 November 2022 Council Meeting, and the full report and any recommendations be presented to Audit and Risk Committee at the next available meeting after the assessment is completed;*

5. *Request the assessment be managed by the Governance Officer to provide assurance that of independence of the assessment; and*
6. *On passing of this motion, it is deemed not to be confidential.*

Council has subsequently undertaken several significant research pieces in the ensuing months including:

1. a comprehensive independent and financial assessment and modelling report;
2. an economic impact assessment of the SWVLX operations;
3. a preliminary alternative land use assessment of the SWVLX site and surrounding buffer areas; and
4. an extensive community consultation process through a survey and focus group discussions and thematic analysis of the information.

Following on from the survey, a series of listening posts were organised with different community stakeholders from the South West to discuss directly with Councillors the decision of Council to not invest in the upgrade of the SWVLX and the implications of that.

Each of these reports support, Council's differing perspectives in the future of the SWLSX being:

1. as a responsible authority for land use planning;
2. as a business owner and investor; and
3. as a facilitator of economic development.

These are each considered below and in further detail in the attached reports. For completeness, it is noted that resolution *3b. Delegation of Authority and Procurement Compliance* is not addressed in this report. The report pertaining to this is not directly relevant to the proposed recommendations and it will be considered separately by Council at a future date.

RECOMMENDATION

1. **That Council cease to operate the South-West Victorian Livestock Exchange as a selling yards by 30 of June 2023.**
 2. **That Council acknowledges employees engaged and involved at the South-West Victorian Livestock Exchange and thanks them for their continuing work and commitment to the provision of that service.**
 3. **That Council acknowledges the dedicated support from the agents associated with the yards and the loyal producers over the years of operation.**
 4. **That Council continue to engage with employees working at the South-West Victorian Livestock Exchange to ensure Council can minimise the impact, previous uncertainty and ultimate outcome of this decision on those employees.**
 5. **That Council authorises the CEO to proceed with the required perimeter fencing and associated works required in response to the WorkSafe improvement notice which was issued in March 2022.**
 6. **That Council commissions a future strategic land use plan for the site and adjacent buffer zone landholdings.**
 7. **That Council authorises the CEO to utilise the CEO delegations to reallocate budgeted funds from the refurbishment of the saleyards to fund the future strategic land use plan (including associated community consultation) for the site. This reallocation and strategic plan should also include consideration of the truck wash service and effluent dump, and site rehabilitation and associated costs. Further, any unallocated funds from the refurbishment be returned to Council's unallocated reserves for future budget considerations as part of the annual budgeting process.**
-

BACKGROUND

Local Government has provided and managed saleyards in Warrnambool since 1883. In 1970, the saleyards moved from Raglan Parade to the present site in Caramut Road, where it occupies 7.88 hectares of land bordered by Caramut, Coghlans and Rooneys Roads.

The SWVLX has provided an important stock trading hub for local producers and buyers for over 52 years at Caramut Road. This regional selling centre has transitioned from both a sheep and cattle selling centre to a specialist cattle selling centre.

At its peak, the SWVLX had a throughput of over 100,000 head of cattle and ranked in the top five selling centres in Victoria for cattle for many years. Industry trends have seen a significant shift to alternative selling methods, with direct sales to processors, online at farm auctions and new direct competitors in the market.

The SWVLX had also been seen as an important driver in the local agribusiness supplier economy, with many material-selling facilities establishing nearby. Likewise, the yards fulfilled a social cohesion role for many of the primary producers who use the selling days to meet people at the yards and in the city.

The SWVLX has suffered from intermittent investment in the physical capital of the facility for an extended period that has reflected a conflicted view as to the future of the yards at the site. Despite the machinations surrounding the future of the SWVLX, they have continued to be supported by a loyal group of local producers and buyers.

The decision point for Council to consider the future of the SWVLX was accelerated by the failure of the buyer walkway system at the yards, subsequent review of the built infrastructure and recommendation flowing from that review as to the required rectification and upgrade works to make the yards a competitive regional selling centre.

While the Warrnambool economy has continued to see growth, since the decision not to proceed with the roof and rectification works, the throughput of cattle at the SWVLX has reduced by over 20% on the same corresponding period year-on-year.

ISSUES

Economic impact of the SWVLX

The SWVLX is a driver of business, employment and trade of the Warrnambool regional economy. There is a clear argument for Council to consider the provision of saleyards as a service because, like any other business, there is significant value to the community as a whole and the business generates employment to local communities.

The SWVLX was once a significant enabler in Warrnambool's primary production supply chain, contributing directly and indirectly to the local, regional, and state economy and drawing regional, state and interstate traders. When evaluated by a consultancy (AEC Group) in 2008, the indicative combined loss to the Warrnambool LGA economy if the Saleyard were to close and make way for a new centralised and privately owned facility was \$13.7 million in gross output.

Council recently commissioned an updated study to be undertaken by the same consultancy group (AEC Group) to determine the current economic contribution the SWVLX makes to the Warrnambool regional economy on an annual basis, and the change in economic activity that would occur if the SWVLX was not in operation.

The full report of the 2022 AEC Group Economic Impact Assessment is shown in the **Attachment 10**.

Key findings of the 2022 AEC Group Economic Impact Assessment were:

- the SWVLX is estimated to contribute \$10.4 million in business revenues (output) for the Warrnambool LGA, generating \$5.4 million in Gross Regional Product (**GRP**) and supporting 56.0 FTEs, which pay \$3.6 million (included in the \$10.4 million) in wages and salaries in 2021-22 (directly and indirectly).
- The economic activity supported by the SWVLX in 2021-22 represents 75.9% of activity supported by the Saleyard in 2007-08.
- For relativity, jobs supported by the SWVLX represents 0.31% of total jobs in Warrnambool LGA and GRP supported represents 0.22% of total GRP in the LGA.
- Visitors to the SWVLX value the social and mental health benefits associated with meeting on sales days.

The Australian Livestock Markets Association (ALMA) is the national industry body for saleyard owners and operators in Australia. ALMA commissioned a research project investigating the social value of saleyards to rural communities. The full report is shown in the **Attachment 8**.

Preliminary alternative land use assessment at SWVLX

A preliminary assessment has been undertaken of alternative land uses of the existing SWVLX site and surrounding buffer areas. This assessment is high level only and any alternative land uses would be the subject of more detailed studies and further consultation if required. The consultant's report is shown in full by way of **Attachment 7**.

In considering the alternative land use options, the site would need to be rezoned from PUZ6, which facilitates the use and development of the land for Local Government purposes, to another zone. The assessment outlines three potential land use options for the site and the surrounding non-urban land based on the surrounding zones within the existing urban areas.

- Residential zone purposes across a Net Developable Area (NDA) of 66.8 hectares, which based on a rate of 16 dwellings per hectare, results in up to an estimated 1,070 residential lots which could be developed in the precinct. Based on 2021 land valuation reports prepared in February 2021, this would value the land at an estimated \$13.4 million.
- Mixed zone purposes being a combination of Residential and Industrial/Commercial across a Net Developable Area (NDA) of 66.8 hectares, with a 9.1 hectare industrial/commercial area and a 57.7 hectare residential area. Based on a rate of 16 dwellings per hectare, results in up to an estimated 923 residential lots which could be developed in the precinct. Based on 2021 land valuation reports prepared in February 2021, this would value the land at an estimated \$17.5 million.
- Mixed zone purposes but with an increase in the amount of land to be rezoned for Industrial/Commercial zone purposes. Across a Net Developable Area (NDA) of 66.8 hectares, with a 25.8 hectare industrial/commercial area and a 41.0 hectare residential area would result in up to an estimated 656 residential lots which could be developed in the precinct. Based on 2021 land valuation reports prepared in February 2021, this would value the land at an estimated \$25 million.

The appropriateness of the land use options is dependent on the existing industrial land uses within proximity to the SWVLX site and any amenity buffers that may encroach into the land to be rezoned. Further investigation would be required to determine whether the existing industrial land uses have associated amenity buffers and what those buffers may be.

As part of any potential rezoning of the SWVLX site and surrounding non-urban land, investigations would need to be undertaken to determine that there are no contamination issues from the existing saleyards and surrounding rural land uses that could impact on future sensitive land uses within the precinct. The assessment recommends that, should further investigations proceed, a Preliminary Site Risk Assessment (PSRA) be completed for the site as part of any rezoning, to determine the extent, if any, of existing site contamination and whether an Environmental Audit Overlay should be applied.

FINANCIAL IMPACT

A report completing a financial review and modelling on the SWVLX has been presented to Council. This report was completed by a highly qualified and experienced independent consultant and is attached – refer **Attachment 9**.

The review was completed to determine whether the proposed capital expenditure is commercially viable. The capital expenditure comprises two components being:

- new capital expenditure of between \$4.487 and \$5.667 million, the majority of which will be expended on providing a roof over the saleyards and repairs to the gantries; and
- maintenance capital expenditure of \$4.040 million over the next 20 years of which \$3.880 million is required in the next 8 years.

The report outlines that the SWVLX sales numbers have been in decline over a number of years, with annual sales over the last two years being less than 62,000 head. Consequently, the report indicates that the SWVLX must rely on a significant boost in sales (throughput numbers) for the capital works to be commercially worthwhile.

That financial assessment presented a Net Present Value (**NPV**) Analysis, which is the most common approach to determining whether a business or investment is commercially profitable. Other approaches which provide insight and may support NPV analysis are accounting profits (in this case operating profits) and payback period. In the November 2021 review commissioned by Council, BDO consulting firm utilised payback period which was appropriate given that Council requested an analysis as to whether the SWVLX would return sufficient cash flows to repay the investment over a maximum 20 years.

The NVP analysis was undertaken utilising three rates of return being full commercial (9.72%), a semi-commercial rate (8.85%) and Council's borrowing rate (5.00%).

The outcome under all scenarios was that there is Net Present Cost ranging from \$5.966 million to \$9.780 million.

The sales throughput required to achieve a commercial outcome was also considered. The outcomes ranged from sales of 205,145 head (from 2028-29 onwards) for a full commercial return for new capital expenditure of \$5.667 million to 112,760 head for a Council cost of debt and new capital expenditure of \$4.487 million.

The impact on operating profits was analysed as it is important for a local government to understand the impacts on its financial accounts. New capital expenditure of \$5.667 million and maintenance capital expenditure of \$4.040 million were used for this analysis. The average annual SWVLX operating loss over the 20 year period was \$1.182 million when 5.00% interest is charged. This falls to an average loss of \$0.673 million when no interest is charged. The report indicates that to break even from an accounting perspective, sales throughput would have to increase by over 50,000 annually on 2021-22 sales of 61,582 head.

Payback periods were also reviewed, with the inclusion of the forecast maintenance capital expenditure of \$4.040 million which had not previously been included due to not having had the Asset Management Plan information available at that time. When utilising the throughput numbers used in the BDO report, with the addition of the maintenance capital expenditure, the report found that under no scenario would the funding be paid back within the 20 year window. Borrowings outstanding at the end of 20 years would range from \$3.955 million (87,289 head throughput and new capital expenditure of \$4.487 million) to \$14.824 million (66,688 head throughput and new capital works of \$5.667 million). The borrowings increase as there is insufficient operating cash flow before interest to cover interest costs.

The commercial and financial analysis undertaken as part of the independent review indicates that it is very unlikely that there is any scenario under which the SWVLX would be financially sustainable and will almost definitely result in a cost to Council.

Council separately notes that the financial results in relation to the SWVLX for the last five years indicate that the SWVLX, on average, has been operating in a deficit position. That is, expenditure (including depreciation) is higher than revenue. Over the last five years, Council has invested \$1.34m in capital works at the yards, mainly related to roof construction (\$0.65m), rectification works (\$0.28m), and walkways (\$0.22m).

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

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

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

5.5 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

This decision will provide guidance to Council staff in the operation of the SWVLX and should be considered a priority to ensure future compliance with WorkSafe requirements and the wellbeing of employees, agents, livestock producers and the broader SWVLX community.

COMMUNITY IMPACT/CONSULTATION

Following the 1 August motion, an online and hard copy survey was developed that sought to identify the various cohorts of the SWVLX stakeholders and their views on future of the yards, including the impact of a potential closure of the facility.

The survey drew 775 responses and identified the following stakeholder cohorts:

- Residents in close proximity to the yards (within 1km)
- Resident of Warrnambool
- Stock agent
- Livestock producer
- Agribusiness operator

- General retailer
- Business operator based at the yards
- Livestock transport operator
- Business operator in Warrnambool
- Other respondents not classified elsewhere

Respondents could choose more than one option where appropriate e.g. they could be a Warrnambool resident and a livestock producer.

The survey also provided scope for respondents to describe in some detail the potential impact of a saleyards closure and to make suggestions to Council as to how that impact could be mitigated.

The survey invited respondents to participate in focus groups where participants would have an opportunity to expand on their written views and where Councillors could ask questions.

Nine focus group sessions were arranged and attended by about 60 individuals although some individuals attended multiple sessions. Council also received a special presentation from the Warrnambool Livestock Agents Association and by the operators of the Western Victorian Livestock Association (the Mortlake saleyards).

A number of letters on the issue were also sent to Council. The content of these letters was added to the survey and forms part of the overall qualitative analysis of the survey responses.

The survey raw data is attached along with a breakdown of each stakeholder cohort – refer **Attachment 3**.

Key issues raised during the consultation period included the following:

Issue	Council response/options
The saleyards make money therefore they should not close.	The financial operations of the saleyards are detailed in a report by Neil Castles – Attachment 9 .
The saleyards are an important social connector and play a role in mental health and wellbeing.	This was acknowledged in a recent study, <i>Social Value of Saleyards</i> , by the Australian Livestock Markets Association – Attachment 8 .
They are the only saleyards where calves can be sold.	Market forces may provide alternative selling methods should the saleyards close.
Closing the yards would be a blow to the tradition of agriculture in the region; agriculture provided the foundations on which Warrnambool was built.	Council acknowledges the long history of agriculture and the saleyards in Warrnambool.
The Warrnambool yards provide better returns for farmers.	Council is focused on the overall economic outcome.
An investment in infrastructure at the yards would see higher numbers of cattle and buyers returning to Warrnambool.	Business/commercial forecasts in the Neil Castles financial assessment- Attachment 9 .

Issue	Council response/options
The economy would suffer if the yards were closed; money would flow out of the city and the region.	As above.
Jobs would be lost with the closure of the yards.	Council acknowledges that jobs would be lost with the closure of the yards. Council's intention is to produce a future fund use plan for the site which may identify economic activity in the medium and long-term resulting in potential job creation.
Producers and agents will experience a direct loss of income if the yards were to close.	Council acknowledges that producers and agents will lose income derived through the Warrnambool saleyards. Council has been advised a number of agents and producers are now using the Mortlake saleyards in addition, or as an alternative to, the Warrnambool saleyards.
The closure of the yards will impact adversely on other businesses in Warrnambool.	This has been addressed in the AEC economic impact report – refer Attachment 10 .
Transport operators will not be able to transport animals as efficiently to other saleyards if the Warrnambool facility closed.	Council acknowledges that the closure of the yards may mean some cattle are transported further than previously. Some producers may consider alternative selling methods.
The truck wash should be kept open or there would not be truck washing facilities in Warrnambool.	The operation of the truck wash would be reviewed separately from the saleyards.
Council could face a class action by those affected by a closure.	Council has not received any formal indication that this is proposed. Council is not aware of a precedent for this action where other municipalities have chosen to close saleyards.
Council spends money on other services that don't make a return such as the Warrnambool Art Gallery, AquaZone and Flagstaff Hill Maritime Village.	Council exists to provide services that contribute to the health and wellbeing of the community and/or to boost the economy, including the visitor economy. Council places an emphasis on providing services and support not offered by the private sector.
A levy was established to pay for maintenance of the yards.	No separate levy was ever established. The current and past pricing – including increases to user fees - reflects market forces and standards.
The saleyards are noisy.	A buffer zone exists in accordance with EPA regulations for the current saleyards site.

Issue	Council response/options
The saleyards pose a safety risk e.g. escaping cattle.	Council continually reviews its operations to ensure the safety of those on site and in the vicinity of the yards.
The residential expansion of Warrnambool means the yards are no longer appropriately sited.	A buffer zone exists in accordance with EPA regulations for the current saleyards site.

LEGAL RISK/IMPACT

The SWVLX operations are a specialised industry which create significant responsibility for Council to consider the associated risks including:

- significant commercial risk of over investment in a facility with a limited life span and does not gain expected returns;
- increasing environmental compliance and control costs;
- increased OH&S compliance and risk;
- imminent legal risks if the decision not to invest in the facility and to also keep it operating is made;
- reputational and financial risk if it invests in the facility and the desired returns are not achieved;
- greater emphasis on quality and export control provisions;
- increased emphasis on lifetime traceability of cattle and application of computerised management systems for cattle movement through the yards;
- increased understanding and technology to support animal welfare;
- reputational risk if does not invest in the facility sufficiently and it fails commercially;
- significant rising materials cost pressures on the future development projects for example, development of the roof; and
- a volatile cost of funding environment and borrowing rates are rising significantly any delay on a decision puts the cost of money estimates at risk.

OFFICERS' DECLARATION OF INTEREST

No officer has a declared interest in this item

ATTACHMENTS

1. Report Community Consultation SWVLX Qualitative Analysis 24 Oct 2 [8.1.1 - 15 pages]
2. SWVLX individual survey responses identities redacted [8.1.2 - 100 pages]
3. Saleyards focus groups summary of feedback [8.1.3 - 8 pages]
4. Letter from Australian Livestock and Property Owners Association [8.1.4 - 5 pages]
5. Letter from Western Victoria Livestock Exchange [8.1.5 - 9 pages]
6. Text of presentation by the Warrnambool Livestock Agents Association [8.1.6 - 4 pages]
7. Land Use Options Review Report With Appendices-20221020 [8.1.7 - 52 pages]
8. Social Value of Saleyards 2022 [8.1.8 - 100 pages]
9. SWVLX - Report to Council 28 October 2022 - Independent Financial Assessment and Modelling [8.1.9 - 20 pages]
10. 2022 Warrnambool Saleyard EIA Final [8.1.10 - 26 pages]

8.2. SCHEDULED COUNCIL MEETING DATES 2023

DIRECTORATE : Executive Services

PURPOSE:

The purpose of this report is for Council's consideration and adoption of the Scheduled Council Meeting dates for 2023.

EXECUTIVE SUMMARY

Under Council's Governance Rules, Council is required to fix the dates, times and places of all Scheduled Council Meetings for the following 12 months at the first Council meeting following the Annual (Statutory) Meeting of Council.

The proposed Scheduled Council Meeting dates for the period February 2023 – December 2023 is contained within the recommendation.

RECOMMENDATION

That Council adopt the following Scheduled Council Meeting dates for 2023:-

- **Monday 6 February 2023**
- **Monday 6 March 2023**
- **Monday 3 April 2023**
- **Monday 1 May 2023**
- **Monday 5 June 2023**
- **Monday 3 July 2023**
- **Monday 7 August 2023**
- **Monday 4 September 2023**
- **Monday 2 October 2023**
- **Monday 23 October 2023 – Annual Meeting**
- **Monday 6 November 2023**
- **Monday 4 December 2023**

BACKGROUND

Council is required to fix the dates, times and places of all Scheduled Council Meetings for the following 2 months at the first Scheduled Council Meeting following the Annual (Statutory) Meeting of Council with the dates, times and places of all Scheduled Council Meetings to be made available to the public.

Public notice of all Scheduled Council Meetings will be provided in accordance with Council's Governance Rules and will be displayed on Council's website.

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

TIMING

To be adopted at the first Scheduled Council Meeting following the Annual (Statutory) Meeting of Council.

ATTACHMENTS

Nil

8.3. APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER AND CHAIRPERSON

DIRECTORATE : Corporate Strategies

PURPOSE:

The purpose of this report is to recommend the appointment of a new independent member to Council's Audit and Risk Committee to fill an existing vacancy, and to appoint a new Committee chairperson.

EXECUTIVE SUMMARY

- The Audit and Risk Committee (the Committee) is an independent advisory committee established under section 54 of the Local Government Act 2020.
- A vacancy for an independent committee member recently opened due to the resignation of a previous member.
- The charter for the Audit and Risk Committee states that Council must appoint independent members to the Committee and must appoint the chairperson.
- An expression of interest for the vacant position was recently conducted, including advertising in local media and on Council's website.
- Candidates were reviewed and interviewed, and this recommendation is based on assessment of their skills, experience, and expertise.

RECOMMENDATION

1. **That Richard Ainio be appointed as an independent member of Council's Audit and Risk Committee for a four-year term starting November 2022, with full voting rights for the upcoming Committee meeting on 15 November 2022.**
 2. **That Donna Porritt be appointed as the chairperson of the Audit and Risk Committee.**
-

BACKGROUND

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

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

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

The Committee is made up of 3 independent members and 2 Councillors. The previous chairperson resigned from the Committee recently. This created a vacancy for an independent committee member and for the role of the chairperson.

ISSUES

An expression of interest (EOI) process for the vacant position has been conducted including advertisements in the Warrnambool Standard and on Council's website.

Applications were reviewed based on the specialist skills, experience and expertise of the applicants.

Consideration was also given to ensure that the applicants would contribute to the ideal balance of skills, experience and background for the Committee.

A panel consisting of the acting Audit & Risk Committee chairperson, the Manager of Financial Services, and Manager Governance interviewed the applicants to gain an understanding of their suitability to add value to the Committee.

Based on the review and interviews, it was determined that Richard Ainio be recommended to the independent Audit & Risk Committee member positions. The new member would be eligible to attend the 15th of November 2021 committee meeting with full voting rights.

It is recommended that Donna Porritt be appointed as chairperson of the Audit and Risk Committee. Donna was appointed acting chairperson at the most recent committee meeting and is comfortable with continuing with this role.

FINANCIAL IMPACT

No Financial impact as committee member remuneration is budgeted.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

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

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

TIMING

The next Committee meeting is on Tuesday, 15 November, 2022

OFFICERS' DECLARATION OF INTEREST

No conflicts of interest declared.

CONCLUSION

It is recommended that Richard Ainio be appointed to Council's Audit and Risk Committee as an independent member, and that Donna Porritt be appointed as chairperson of the Audit and Risk Committee.

ATTACHMENTS

Nil

8.4. ACTIVITIES & INITIATIVES 2022-2023: JULY - SEPTEMBER (QUARTER 1)

DIRECTORATE: Corporate Strategies

PURPOSE:

This report provides information on the progress in achieving the Activities & Initiatives (A&I's) set down for 2022-2023 as part of the Council Plan and Budget process. This report provides Council and the community with an update in the progress of actions across Councils' functional areas.

EXECUTIVE SUMMARY

This report reflects on the progress and achievements of a broad range of Activities & Initiatives set out in the Council Plan and Budget for the financial year 2022 –2023.

The A&I's give a brief insight to the extensive range of works services and projects undertaken by the organisation for the community.

The A&I's underpin activities Council undertakes to work toward the vision 2021 - 2025 of “*A thriving city at the heart of coast and country*”.

The 5 key objectives that support this vision are:

- 1. A healthy community**
We will be a healthy, inclusive and thriving community with equitable access to services, cultural opportunities and recreational activities.
- 2. A sustainable environment**
We will protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.
- 3. A strong economy**
We will support a resilient local and self-sustaining regional economy that encourages economic growth and provides increased employment opportunities that attract ongoing investment.
- 4. A connected, inclusive place**
We will provide high quality places that people value and want to live, work, play and learn in.
- 5. An effective Council**
We will be recognised as a collaborative Council and a high-performing organisation that enables positive outcomes for Warrnambool's community, environment and economy and for Victoria's Southwest.

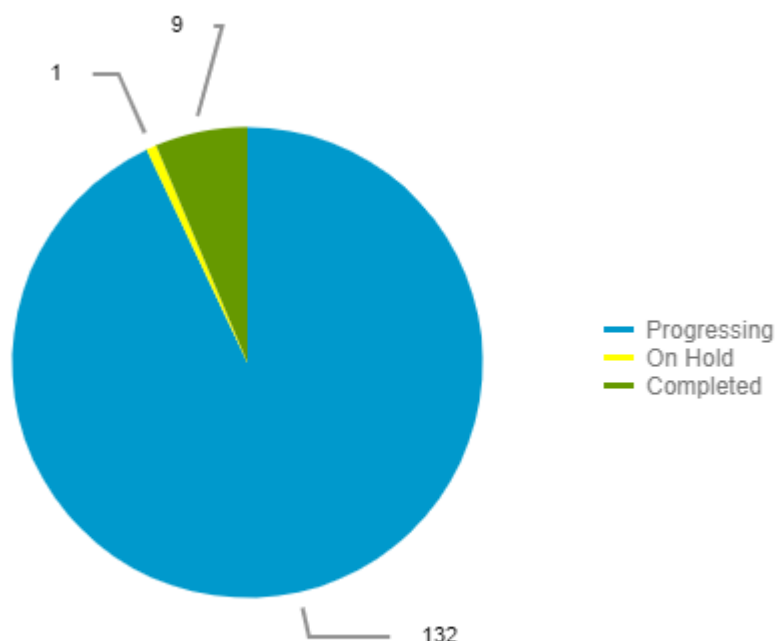
RECOMMENDATION

That the Activities & Initiatives 2022 – 2023: July – September (Quarter 1), be received.

BACKGROUND

The Warrnambool City Council Plan 2021 – 2025 (2022 revision) is the key planning and strategic document of the Council and details the strategic objectives for its community over a 4-year period.

Council is required to set down the A&I's on an annual basis that are to be funded and demonstrate how these actions will contribute to achieving the strategic objectives specified in the Council Plan and Budget.



ATTACHMENTS

1. Activities & Initiatives 2022-2023: July - September (Q1) [8.4.1 - 36 pages]

8.5. QUARTERLY FINANCIAL REPORT - JULY TO SEPTEMBER 2022

DIRECTORATE : Corporate Strategies

PURPOSE:

The purpose of this report is to present to Council the Financial performance for the 3 months ended 30 September 2022.

EXECUTIVE SUMMARY

- This Quarterly Financial Report compares actual financial results to budget for the 3 months from 1 July 2022 to 30 September 2022.
- The report sets out the financial results for Council's recurrent (day-to-day) operations, projects, capital works, rates, and borrowings.
- Overall the monthly actual results indicate a favourable financial position of \$0.86m compared to the year-to-date budget
- This report meets the requirements of section 97 of the *Local Government Act 2020* to present a quarterly financial report to Council at a public meeting that compares actual and budgeted results to date.

RECOMMENDATION

That the Quarterly Financial Report for the period July to September 2022 be received.

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. Quarterly Finance Report July- September 2022 [**8.5.1** - 11 pages]

8.6. WARRNAMBOOL RESIDENTIAL LAND SUPPLY AND DEMAND ASSESSMENT 2022

DIRECTORATE : City Growth

PURPOSE:

This report provides information on the Warrnambool Residential Land Supply and Demand Assessment (October 2022) and recommends that the report be endorsed.

EXECUTIVE SUMMARY

- The Warrnambool City-Wide Housing Strategy 2013 recommends that Council monitor residential land supply across Warrnambool on an annual basis;
- Council has undertaken an annual audit of residential land supply from 2016 to 2021 to monitor future demand levels. The most recent audit estimated there was sufficient land stocks to satisfy 22.7 years of demand across Warrnambool.
- On 26 July 2022, the Australian Bureau of Statistics (**ABS**) updated its estimated resident populations for regions and local government areas in Australia. The updates use the results of the 2021 census and cover each year from 2017 to 2021, thereby superseding previously published population estimates that were based on the 2016 census. The new ABS data will have implications on Council's strategic planning and forecasting for residential growth, as they do after every census.
- Spatial Economics Pty Ltd were commissioned to undertake an independent and robust residential land supply and demand assessment with the new data that can be used to update existing residential land supply, as well as making predications for future demand levels. This includes the supply, demand, sales pricing, and analyses of historical and current residential development in Warrnambool.
- The Spatial Economics Pty Ltd work presents three projected demand scenarios based on the most recently available evidence. It estimates that based on the identified supply and demand scenarios, there are sufficient land stocks to satisfy **23 to over 25 years** of demand across Warrnambool. In addition, there are sufficient unzoned residential land stocks to satisfy an additional **25 plus** years of demand for all three demand scenarios.
- Housing affordability and maintaining adequate stocks of diverse housing supply are challenging issues across Regional Victoria and the nation that need innovative solutions. It is also recognised that different problems are likely to require different solutions whether it be crisis housing, social housing, affordable rentals, affordable mortgage properties or an increase in density levels. It is important to note that the Land Supply and Demand Assessment investigates residential land supply only and does not explore issues around housing typologies.
- It is recommended that Council receive and endorse the Spatial Economics Pty Ltd work, known as **Warrnambool Residential Land Supply and Demand Assessment (October 2022)**.

RECOMMENDATION

That Council endorse the Warrnambool Residential Supply and Demand Assessment (October 2022).

BACKGROUND

The Warrnambool City-Wide Housing Strategy 2013 recommends that Council monitor residential land supply across Warrnambool on an annual basis. This is critically important in assisting Council:

- Maintaining an adequate supply of residential land across Warrnambool in response to actual land consumption and demand. The Planning Scheme directs that **15 years'** worth of land should be zoned to ensure sufficient land is available for development. This helps to maintain housing affordability, encourage diversity in dwelling types, and facilitate job creation in the region.
- Linking land use with infrastructure and service planning and provision;
- Taking early action to address potential land supply shortfalls and infrastructure constraints; and
- Contributing to the containment of public sector costs by the planned, coordinated provision of infrastructure to service the staged release of land for development.

Council has undertaken an annual audit of residential land supply from 2015 to 2021 to monitor future demand levels. The most recent audit estimated there was sufficient land stocks to satisfy 22.7 years of demand across Warrnambool.

On 26th July 2022, the Australian Bureau of Statistics (**ABS**) updated its estimated resident populations for regions and local government areas in Australia. The updates use the results of the 2021 census and cover each year from 2017 to 2021, thereby superseding previously published population estimates that were based on the 2016 census. The new ABS data will have implications on Council's strategic planning and forecasting for residential growth, as they do after every census.

Spatial Economics Pty Ltd were commissioned to undertake an independent and robust residential land supply and demand assessment with the new data that can be used to update existing residential land supply, as well as making predications for future demand levels. This includes the supply, demand, sales pricing, and analyses of historical and current residential development in Warrnambool.

The methodology used by Spatial Economics Pty Ltd to undertake the project is consistent with other State Government methodologies around Australia, including the Victorian State Government's Regional Urban Development Program.

ISSUES

The main findings of the Warrnambool Residential Land Supply and Demand Assessment are summarised below:

1. Population growth for Warrnambool has been modest – an average annualised growth of 0.7% from 2016 to 2021 or **235 persons per annum**. From 2016 to 2021, population growth within Warrnambool has been composed of:
 - 225 persons via natural increase (births minus deaths)
 - a loss of 185 persons from migration within Australia; and
 - 899 persons from overseas migration.
2. In 2021, it is estimated that there were **15,099 private residential dwellings** across the municipal area of Warrnambool. This represents an average annual growth in dwellings of 203, or an **average annual increase of 1.4% as measured from 2016**.

3. Over the last five years, residential lot construction activity (subdivision) has averaged **213 per annum**. In 2021/22 there was a total of 290 new residential lots constructed.
4. Based on the identified supply and three projected demand scenarios,^[1] it is estimated there are sufficient land stocks to satisfy **23 to over 25 years** of demand across Warrnambool. In addition, there are sufficient unzoned residential land stocks to satisfy an additional **25 plus** years of demand for all three demand scenarios.

The Warrnambool Residential Land Supply and Demand Assessment essentially concludes there is no imbalance of supply and demand across Warrnambool. It is observed that the current outcomes of residential development in Warrnambool is resulting in competitive outcomes, specifically: 1) diverse land products; 2) diverse locations of development; 3) affordable land prices; and 4) meeting underlying household demand.

Key recommendations of the Warrnambool Residential Land Supply and Demand Assessment are:

1. Recognise that uncertainty regarding future population growth rates make it prudent not to rely on a single growth forecast for the purpose of planning for future housing needs.
2. Adopt a scenario-based approach to residential planning (i.e. plan on the basis of multiple growth scenarios and have planning in place to cope with the full range of growth rates set out in these scenarios).
3. Monitor and review actual residential development trends on at least an annual basis using the methodology set out in this report.
4. Plan on the basis of maintaining at least a **15-year zoned** greenfield residential land stock. Given the recommended scenario-based approach this means putting in place forward planning to enable Council to quickly rezone land to maintain an adequate land supply even under a high growth scenario.
5. Adopt a clear strategy to achieve its goal of encouraging greater urban consolidation and housing diversity while also protecting the amenity and character.
6. Organising regular (at least annual) discussion forums with key stakeholders on housing and development needs and steps that Council can take to facilitate ongoing investment in housing and economic development.

The findings of the Warrnambool Residential Land Supply and Demand Assessment are likely to inform the timing of future unzoned residential projects. In particular, the Victorian Planning Authority, in conjunction with Council, is preparing the East Aberline Precinct Structure Plan (EAPSP) with the Council, which will provide an additional 4,000-5,000 new homes built. Council will need to ensure the timing of the (EAPSP) and any future rezoning is consistent with the 15 year bench mark in the Planning Scheme, and does not cause an excess supply and demand imbalance.

^[1] Scenario 1 – the Victorian Government’s official population projections ‘Victoria in Future 2019’, which sets out population, household and dwelling growth projections to 2036 for all regions and local government areas in Victoria. Scenario 2 – Increased and sustained population growth. This assumes a sustained population growth rate of 1.0% per annum and core demographic assumptions.

Scenario 3 – Trend Housing Growth. Is not a demographically driven scenario, rather it assumes the recent (2016 to 2021) dwelling requirements of 1.4% per annum will continue.

FINANCIAL IMPACT

There are no costs associated with receiving and endorsing the Warrnambool Residential Land Supply and Demand Assessment.

The cost of engaging Spatial Economics Pty Ltd to prepare the Warrnambool Residential Land Supply and Demand Assessment amounted to \$25,000, and this amount is accommodated within the City Strategy & Development budget. There are no further costs associated with this project.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

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

5.8 Regional role and relationships: Council will acknowledge Warrnambool's capability as the regional centre of southwest Victoria through appropriate leadership, advocacy and partnerships that enable greater opportunity for the region

TIMING

Routine.

COMMUNITY IMPACT / CONSULTATION

Throughout the course of the project, consultation with key stakeholders was undertaken to ensure robust outcomes could be achieved. The following agencies/stakeholders were consulted with:

- Wannon Water (water and wastewater authority) for the purpose of identifying any infrastructure provision issues/constraints as well as any planned delivery of major infrastructure;
- Local planning/engineering consultants and developers for the purpose of inputting potential development sites, yields and likely development timing; and
- Warrnambool City Council planning and engineering representatives for the purpose of reviewing and inputting potential development sites, site-specific issues, yields and likely development timing. In addition, to provide strategic land use planning advice pertaining to specific local planning policies, objectives and issues.

LEGAL RISK / IMPACT

There are no legal or statutory implications associated with receiving and endorsing the Warrnambool Residential Land Supply and Demand Assessment.

OFFICERS' DECLARATION OF INTEREST

None declared

COLLABORATIVE PROCUREMENT

Not relevant.

CONCLUSION

The assessment of residential land supply and demand is critically important in assisting Council to maintain adequate supply of residential land across Warrnambool. The Warrnambool Residential Land Supply and Demand Assessment observes that there is an adequate provision of zoned residential land to meet projected demand rates across Warrnambool.

The report will be placed on Council's website, consistent with the Land Supply reports from previous years. A letter will be sent to key stakeholders advising them that the project has been completed and where the final report can be viewed.

ATTACHMENTS

1. Residential Land Supply Assessment Final V 1.1 **[8.6.1 - 58 pages]**

8.7. GREAT OCEAN ROAD REGIONAL TOURISM LTD FUNDING AGREEMENT RENEWAL

DIRECTORATE : CITY GROWTH

PURPOSE:

This report recommends Warrnambool City Council enter into a Memorandum of Understanding with Great Ocean Road Regional Tourism Limited to renew its financial membership over the three year period ending 30 June 2025.

EXECUTIVE SUMMARY

- In 2013 Warrnambool City Council ('Council') supported the establishment of the Great Ocean Road Regional Tourism Board (GORRTB). GORRTB was established to lead the development, marketing, advocacy and management of tourism for the Great Ocean Road region. It takes in the geographical area from Torquay to the South Australian border, including the local government areas of Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne, and Glenelg.
- Regional Tourism Boards are now in place across other regions of Victoria – Grampians, Murray, Alpine and High Country, Gippsland, and Daylesford-Macedon.
- The GORRT Strategic Plan 2022-2025 – refer **Attachment 2** details key achievements over the past five years, visitation data and the key strategic priorities to be implemented over the next three years.
- GORRTB are seeking Council's commitment to a three year funding commitment. The other five Local Government partners have committed to the three year commitment.
- The proposed Memorandum of Understanding between GORRT Limited and the six municipalities is attached – refer **Attachment 1**. Council's financial commitment in 2022/23 will be \$152,665 (GST excl). The contribution in 2023/24 and 2024/25 will be the 2022/23 amount indexed at the lesser of CPI or the prescribed Local Government rate cap.
- GORRTB have indicated that a review of the funding methodology will be undertaken in July 2024, one year in advance of the completion of this funding cycle.
- In terms of reporting and accountability, GORRT will present to Council an annual business plan, provide six monthly progress reports and audited financial statements, and provide Council with statistical reports relating to the performance of the Visitor Economy
- Council has an extensive work program scheduled that will require GORRT leadership, advocacy and partnership over coming years, including a reimagined future direction for Flagstaff Hill Maritime Village precinct, Warrnambool Art Gallery future development plans, a new Destination Action Plan for Warrnambool and a new Economic Development Strategy.

RECOMMENDATION

That Council enter into a Memorandum of Understanding with Great Ocean Road Regional Tourism Ltd to renew its financial membership over the three year period ending 30 June 2025.

FINANCIAL IMPACT

Provision has been made in the 2022/23 budget for financial support towards GORRT Limited as per the Memorandum of Understanding.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

1 A healthy community

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

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.

1.5 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.

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.

3.4 Workforce capability: Council will foster the development of a workforce capable of supporting the needs of the local and regional economy

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.

5.7 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 agreement between Council and GORRT Limited will cover the three year period ending 30th June 2025.

OFFICERS' DECLARATION OF INTEREST

Council is represented on the GORRT Board by Director City Growth.

CONCLUSION

That Council enter into a Memorandum of Understanding with Great Ocean Road Regional Tourism Ltd to renew its financial membership over the three year period ending 30 June 2025.

ATTACHMENTS

1. 22 25 WCC GORRT Partnership MOU [8.7.1 - 8 pages]
2. 22 25 STRATEGIC BUSINESS PLAN [8.7.2 - 21 pages]

8.8. SMALL INFRASTRUCTURE FUND - BASKETBALL COURT

DIRECTORATE : Infrastructure Services

PURPOSE:

The purpose of this report is to consider proposed locations for a new outdoor basketball court.

EXECUTIVE SUMMARY

In accordance with a previously passed resolution of Council, Councillors have requested that a basketball court be considered within the Foreshore precinct.

Officers have considered the suitability of a number of locations, including undertaking site inspections, and have reviewed current masterplans, precinct plans, and other strategic documents to help inform options presented in this report.

Collaboration between the Recreation and Culture Department and multiple teams within the City Infrastructure Directorate has informed this report.

This report is now presented to Council for information prior to officers developing a project plan and undertaking relevant consultation and seeking necessary approvals.

RECOMMENDATION

That Council support the progression of a project for a proposed multi-purpose court at the site identified near the Lawn Tennis Club and Mini Golf in the Lake Pertobe Precinct.

BACKGROUND

On 7 September 2020, a report was presented to Council recommending:

That Council include the proposed basketball court in the foreshore precinct plan and continue discussions with DELWP around planning permissions.

The request for a basketball court in the precinct has since been raised by the new Council.

In order to ensure a suitable location was established, officers have inspected potential sites and considered relevant factors such as:

- Hole in one competition;
- High traffic areas;
- Like activities being grouped together; and
- Masterplans and precinct plans developed with input from the community;

and, have undertaken some initial consultation with relevant recreation user groups and stakeholders.

A priority location near the skatepark adjacent to the Lady Bay Resort was proposed early in the investigation process. A basketball court in this location would group activities that would draw similar demographics to one main area, however, a couple of challenges have presented themselves in this location including:

- Drainage – the proposed area is low-lying and holds water through winter which may impact on the viability and long-term suitability of a court in this area.

- The Hole in One competition – this competition has become a staple of the Warrnambool summer. Officers have found it difficult to situate a basketball court that wouldn't be compromised during the Hole in One. This would leave the court unusable over the summer period when the Hole in One is set up which would coincide with what would be anticipated to be a high use period of the year.
- precinct planning – To inform the preferred activities and use of the Foreshore area, a precinct plan would outline community expectation for the preferred use of this area. Although Council are working to have a precinct plan developed for the foreshore, there hasn't yet been comprehensive community consultation been done in regard to the area and any competing priorities that may exist.

In finding other viable options, officers reviewed other locations which may prove more suitable. It was determined that a half-court located near the mini golf would offer a good all year-round option. This location was supported by relevant stakeholders, and there was strong support for a multi-use court as this provided a wider range of user groups and increased the target audience, improving the overall use and outcomes of the facility.

There are a number of options available for inclusion on the multi-use court such as (see **Attachment 1**):

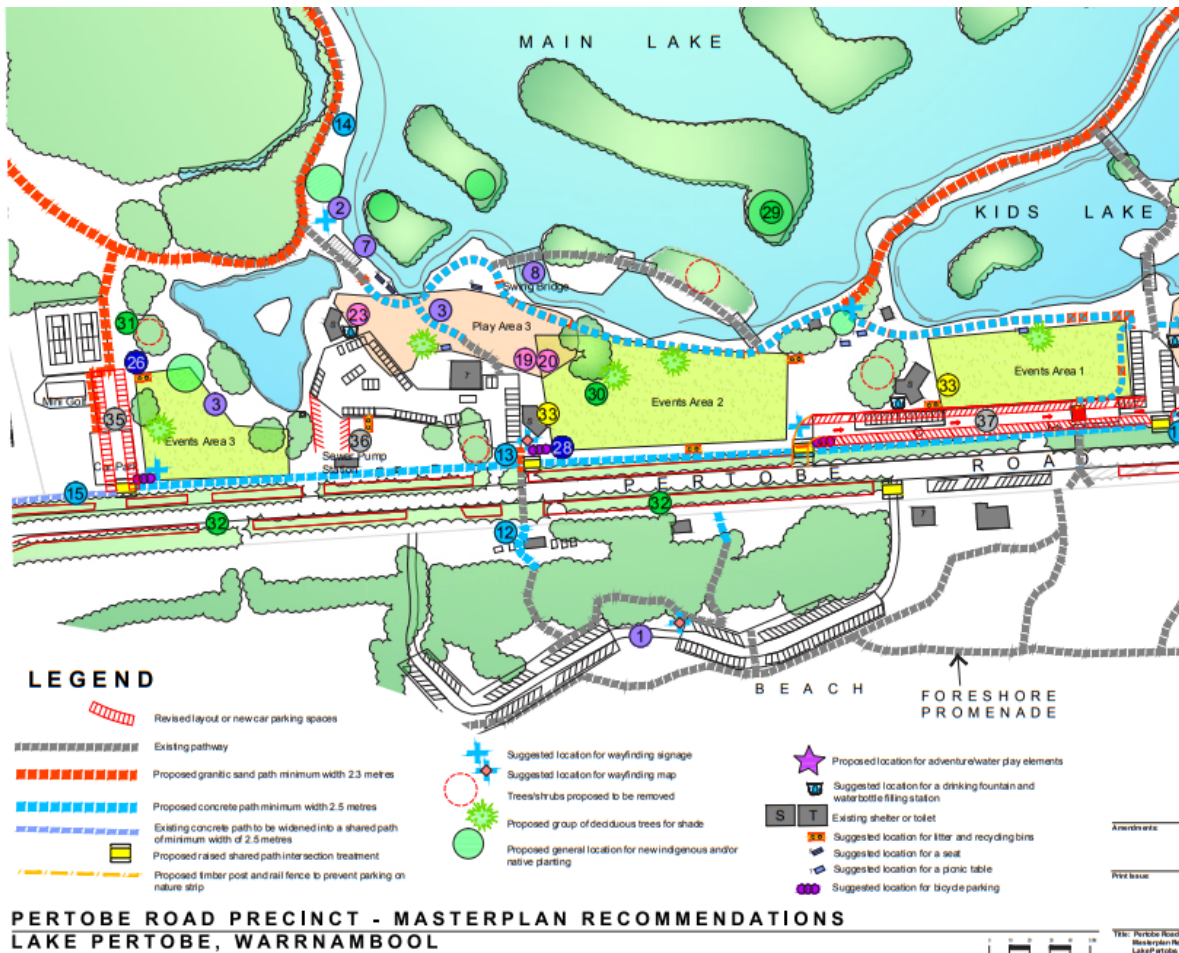
- Pickleball
- Half-court basketball
- Netball
- Four Square
- Ladder Runs
- Hopscotch

LOCATION

The proposed location near the mini golf was also identified as part of the Lake Pertobe Masterplan as the preferred location for a half-court basketball court.

6.6. Recreation and Social Use		
6.6.1.	Construct a half-court basketball and/or other active recreation infrastructure (eg netball/soccer/table tennis facilities) to encourage young people and adults to participate in casual sport.	Medium

Extract – Lake Pertobe Masterplan



Item 26 on the plan calls for Council to construct a half-court basketball court and / or other active recreation infrastructure to encourage young people and adults to participate in casual sport.



This option would bring together similar activities in the precinct as the court would be located near a cricket pitch, tennis courts, the BMX track and the mini golf. It would not impact on any current activities undertaken in the area and the natural earth mounds that separate the area from the southern carpark/playground area provide both a natural barrier for wayward balls, and potential spectator seating.



It is worth noting that the fresh markets are held to the south of the proposed location, however, this activity should not significantly impact on the use of the court. A process of stakeholder engagement with the surrounding businesses, clubs and the operators of the fresh markets will be undertaken as this project progresses.

Initial consultation with relevant potential user groups has been undertaken by the Recreation and Culture Team (see CONSULTATION below). Further engagement may be undertaken as part of the design scoping exercise, following obtaining in-principal support from relevant agencies (see ISSUES below)

Alignment to Strategic Plans

Active Victoria – A Strategic Framework for sport and active recreation in Victoria 2017 – 2024 prioritises:

- Broader more inclusive participation
- Flexible options and choice for participants
- Multi-use of current, upgrade and new infrastructure
- Young people aged 12 – 17 years
- Women and girls.

The Health Status and Sport Participation Report provides a summary of various health indicators and comparisons between LGAs, State and regional averages.

The report identified that while Warrnambool did have higher than average rates of participation in organised sport (pre-covid), it has lower rates of participation in non-organised physical activity. Equitable access to multi-purpose assets is key to facilitating and promoting non-structured and informal physical activity.

Council's Active Warrnambool Strategy 2019 – 2030

The aims of the Strategy include:

- Increased participation for everyone
- Increased participation and opportunities for females
- Maximised and best use facilities, places and spaces
- Improved connectivity between recreational spaces

While the plan states that there is currently a surplus of 8 basketball courts to meet demand, this includes ten school-based courts which although are available for hire are not equitably accessible. The Lake Pertobe area is one of the most highly activated spaces in the City and a multi-purpose court on this site would meet many of the aims of the Active Warrnambool Plan.

ISSUES

The previously identified location near the skatepark faces challenges due to competition with other activities (Hole in One) currently undertaken in that area. Consideration was given to alternative configurations and reviewing the possibility of those activities co-existing within the same footprint, but ultimately it was decided that both would either be too compromised, or one would be sacrificed in favour of the other if to be located in the available area near the skatepark.

Other available open space in the Foreshore precinct would need to take into consideration future use and development in the area and competition with other activities. The basketball court project would also be subjected to a MACA consent process given the proximity to the coast if a location in the foreshore area were to be selected, which would not be the case if the court was to be located in the Lake Pertobe area or elsewhere away from the coastline.

The proposed location near the mini golf will require consultation and consent/approval from the following organisations:

- DELWP – Land owner consent due to the project ‘breaking ground’ and undertaking construction on Crown Land.
- Wannon Water – there are mains pipes underlying the proposed location of the court. This will require a permit from Wannon Water to allow the construction over the easement.
- Planning – there may need to be the removal of a tree to accommodate the court, which will require planning permission.

FINANCIAL IMPACT

A financial allocation through the Small Infrastructure Fund has not yet been made for the proposed basketball court.

A quotation on the cost for a multi-use half-court set up will be sought as part of the project planning, and a report detailing the cost will be brought back to Council for approval.

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.

TIMING

Nil.

COMMUNITY IMPACT / CONSULTATION

Pickleball Association

- There is demand from people wanting to 'have a hit' outside in Warrnambool.
- A court surface that is not rough or slippery
- Could there be an adjoining wall to hit the ball against if on your own or warming up?

Basketball Association

- Any additional options for practice and play is supported
- There is not demand for a full-sized outdoor court
- A larger half court space with multiple rings is just as likely to be used for clinics of basketball events outdoors. As long as there is a reasonable amount of room, drills can be conducted across any space, it is the number of rings that enable larger numbers of participants.
- A paved/surface area beyond the half court could be used by scorers and player benches when playing competition 3 on 3.
- A preferred surface would be the plastic style pavers (FIBA approved) rather than concrete.
- Women and girl's participation in basketball has increased significantly and this is a key priority area for Warrnambool Basketball Incorporated.
- WBI would consider activating the court for additional training and social activity on occasion.

Council's Recreation Team

Recommend that that the facility is designed for casual recreational use rather than for structured competition and that it includes:

- A half court with multiple hoops
- Additional markings to facilitate other activities such as handball, pickleball, hopscotch, beep testing
- Nearby shade protection
- Physical accessibility
- Ensure easy access of emergency vehicles if required.
- Security lighting
- Somewhere to sit nearby to rest or supervise

The recommendation is supported as:

- The high level of use will contribute towards the passive surveillance of the area.
- The highly visible location reduces anti-social behavior.
- The facility can be utilised for holiday programmes and semi-structured activity.
- A court that enables 3x3, individual, all-abilities access will maximise the use of the site
- It would add further to the appeal of the area as a destination
- Provides additional activity options, particularly for young people, during seasonal peaks.

LEGAL RISK / IMPACT

Legal risk will be considered and managed throughout this process including community consultation, procurement and development.

OFFICERS' DECLARATION OF INTEREST

Nil.

COLLABORATIVE PROCUREMENT

Council will continue to consider collaboration as this project progresses where the opportunities arise.

CONCLUSION

Councillors have requested officers provide a report regarding the installation of a basketball court in the Foreshore Precinct. As Council do not currently have a Foreshore Precinct Plan, a suitable location has been difficult to identify. Officers have looked at several options and are recommending a location and court size that aligns with the Lake Pertobe Precinct Plan as well as other relevant strategic plans. Council officers will progress to a project planning phase post which will include:

- Seeking in-principal support from relevant agencies/organisations
- Undertaking engagement with any directly and indirectly affected parties
- Obtaining designs for the court
- Costing the works
- Seeking approval of Small Infrastructure Fund funding for the project
- Completing the works.

ATTACHMENTS

1. Outdoor multisport court and line marking options - PDF [8.8.1 - 4 pages]

8.9. ADVISORY COMMITTEE REPORTS

DIRECTORATE : Executive Services

PURPOSE

This report contains the record of one Reference Group meeting.

REPORT

1. Cycling Reference Group – 24 August 2022 – refer **Attachment 1**.

ATTACHMENTS

1. Cycling Reference Group Minutes 24 August 2022 [**8.9.1** - 26 pages]

RECOMMENDATION

That the record of the Cycling Reference Group meeting held on 24 August 2022 be received.

8.10. 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:-

- Monday 10 October 2022 – refer **Attachment 1**
- Monday 17 October 2022 – refer **Attachment 2**
- Monday 24 October 2022 – refer **Attachment 3**
- Monday 31 October 2022 – refer **Attachment 4**

ATTACHMENTS

1. Assembly of Councillors Record 10 October 2022 [8.10.1 - 1 page]
2. Assembly of Councillors Record 17 October 2022 [8.10.2 - 1 page]
3. Assembly of Councillors Record 24 October 2022 [8.10.3 - 1 page]
4. Assembly of Councillors Record 31 October 2022 [8.10.4 - 2 pages]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 10, 17, 24 and 31 October 2022 be received.

8.11. 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
5 October 2022	Warrnambool	Mayor – Brauer College John King Awards.
6 October 2022	Virtual	Chief Executive Officer - Great South Coast Regional Partnership Meeting.
9 October 2022	Warrnambool	Mayor – 16 th Hillman National Rally presentations.
13 October 2022	Melbourne	Mayor & Deputy Mayor – Municipal Association of Victoria Annual Conference.
19 October 2022	Warrnambool	Mayor – Miura, Japan 30 th Sister City Anniversary via ZOOM.
20 October 2022	Virtual	Mayor – Regional Cities Victoria meeting.
22 October 2022	Warrnambool	Mayor & Chief Executive Officer – Official Opening of Warrnambool Library & Learning Centre.
25 October 2022	Warrnambool	Mayor – opening address - “Understanding Addition” WRAD community support event.
26 October 2022	Warrnambool	Mayor & Chief Executive Officer – Meeting with Victorian 2026 Commonwealth Games Organising Committee.
	Warrnambool	Chief Executive Officer – Warrnambool Standard 150 th Anniversary function.
28 October 2022	Warrnambool	Mayor, Chief Executive Officer & Cr Blain – State Government \$1 million funding announcement for the first stage of the Brierly Reserve upgrade.
29 October 2022	Warrnambool	Mayor – Official opening of 167 th Annual Warrnambool Show.
2 November 2022	Warrnambool	Deputy Mayor – Friends of Gallipoli function.

RECOMMENDATION

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

9. NOTICE OF MOTION

No Notices of Motion have been received.

10. GENERAL BUSINESS

11. URGENT BUSINESS

12. CLOSE OF MEETING