

AGENDA

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



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

**ANDREW MASON
CHIEF EXECUTIVE OFFICER**

AUDIO RECORDING OF COUNCIL MEETINGS

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

BEHAVIOUR AT COUNCIL MEETINGS

Thank you all for coming – we really appreciate you being here. These meetings are the place where, we as Councillors, make decisions on a broad range of matters. These can vary greatly in subject, significance and the level of interest or involvement the community has. As part of making these decisions, we are presented with comprehensive information that helps us to form our position – you will find this in the agenda. It should also be remembered that the Council meeting is a “meeting of the Council that is open to the public”, not a “public meeting with the Council.”

Each Council is required to have Governance Rules that pertains to meeting procedures. Warrnambool City Council has followed best practice in this regard and its Governance Rules provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council's Governance Rules can be obtained online at

www.warrnambool.vic.gov.au. We thank you in anticipation of your co-operation in this matter.

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1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 6 March 2023, 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. LOCAL GOVERNMENT INSPECTORATE LETTER

DIRECTORATE : Executive Services

AUTHOR : Andrew Mason

PURPOSE:

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

EXECUTIVE SUMMARY

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

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

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

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

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

RECOMMENDATION

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

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

FINANCIAL IMPACT

N/A.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

Not Applicable

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

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

ATTACHMENTS

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

7.2. APPOINTMENT OF AUDIT AND RISK COMMITTEE CHAIRPERSON

DIRECTORATE : Corporate Strategies

PURPOSE:

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

That Kevin Leddin be appointed as the chairperson of the Warrnambool City Council 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 (which was filled via appointment in March) and for the role of the chairperson.

ISSUES

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

FINANCIAL IMPACT

No Financial impact as committee member remuneration is budgeted.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

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

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

TIMING

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

OFFICERS' DECLARATION OF INTEREST

No conflict of interest declared

CONCLUSION

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

ATTACHMENTS

Nil

7.3. CONTRACT EXTENSION - MEALS ON WHEELS SERVICE

DIRECTORATE : Community Development

PURPOSE:

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

EXECUTIVE SUMMARY

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

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

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

RECOMMENDATION

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

FINANCIAL IMPACT

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

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

OFFICERS' DECLARATION OF INTEREST

There is no conflict of interest.

CONCLUSION

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

ATTACHMENTS

Nil

7.4. ADVISORY COMMITTEE REPORTS

DIRECTORATE : CITY GROWTH

PURPOSE

This report contains the record of one Reference Group Meeting.

REPORT

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

ATTACHMENTS

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

RECOMMENDATION

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

7.5. INFORMAL MEETINGS OF COUNCIL REPORTS

DIRECTORATE : EXECUTIVE SERVICES

PURPOSE

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

BACKGROUND INFORMATION

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

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

REPORT

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

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

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

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

ATTACHMENTS

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

RECOMMENDATION

That the record of the Informal Meetings of Council held on 14, 21 and 28 March 2023, be received.

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

PURPOSE

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

REPORT

| DATE | LOCATION | FUNCTION |
|---------------|-----------------|--|
| 7 March 2023 | Warrnambool | Mayor & Chief Executive Officer - Launch of Ideas Place for 2023. |
| 8 March 2023 | Warrnambool | Mayor - International Women's Day Reception. |
| 9 March 2023 | Warrnambool | Mayor - South West TAFE Graduation Awards Ceremony. |
| 10 March 2023 | Warrnambool | Mayor & Chief Executive Officer - Official opening of Surf Life Saving Victoria – 2023 Victorian Junior Championships. |
| 13 March 2023 | Warrnambool | Mayor - Warrnambool Lawn Tennis Club Men's & Women's Open Singles Championships. |
| 15 March 2023 | Warrnambool | Mayor & Chief Executive Officer - 2023 Deakin Medical School Welcome Reception. |
| 17 March 2023 | Warrnambool | Mayor - the Embroiderers Guild, Victoria South Western Branch official opening of exhibition – <i>Art Through the Eye of the Needle</i> . |
| 18 March 2023 | Warrnambool | Mayor - Warrnambool Racing Club 150 th Anniversary function. |
| 22 March 2023 | Warrnambool | Mayor & Chief Executive Officer - Changchun, China 10 Year Anniversary ceremony. |
| 24 March 2023 | Warrnambool | Mayor & Chief Executive Officer - TAB May Racing Carnival launch. |
| | Warrnambool | Deputy Mayor & Chief Executive Officer – Brauerander Park Regional Athletics Complex official opening of new drainage system. |
| 26 March 2023 | Allansford | Mayor - Warrnambool & District Historical Vehicle Club Inc 50 year celebration. |
| | Warrnambool | Mayor - Screening of movie "Living" & presentation on the Royal Commission into defence and veterans suicide by Defence and Veterans Legal Service |
| 29 March 2023 | Warrnambool | Mayor & Chief Executive Officer – South West Community Sports Awards. |
| 30 March 2023 | Warrnambool | Mayor – Breaking the Barriers – celebrating women of Warrnambool event. |

RECOMMENDATION

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

8. NOTICE OF MOTION

No Notices of Motion have been received.

9. GENERAL BUSINESS

10. URGENT BUSINESS

11. CLOSE OF MEETING