

AGENDA

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

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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 1 May 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. WARRNAMBOOL ART GALLERY BUSINESS CASE

DIRECTORATE: Community Development

PURPOSE:

This report provides a summary of the findings from the Business Case for a new Warrnambool Art Gallery at Cannon Hill, and recommends next steps to progressing the planning process for a new Warrnambool Art Gallery.

EXECUTIVE SUMMARY

The purpose of preparing a Business Case for a new Warrnambool Art Gallery was to determine the viability and costs of construction, and to establish if there was a compelling case for investment.

The Business Case for a new Warrnambool Art Gallery on Cannon Hill determined that the cost of construction could be in the vicinity of \$70 million and that while a new iconic Regional gallery as a landmark destination will likely contribute to the economic growth of Warrnambool and the region through increased visitation, expenditure, and additional jobs, the development would not provide a positive return on investment.

The Business Case findings suggest that while the Cannon Hill option would no doubt provide a stunning location, designing to meet the brief results in a costly option and a Cost Benefit Ratio of slightly below one, meaning each dollar invested generates under one dollar in benefits.

Due to the significant site constraints and the costs associated with construction; and the marginal rate of return on investment, it is not recommended that Council progress further investigation for a new gallery located at Cannon Hill.

Any future application to State Government Treasury for investment in a new Art Gallery will require that a second site option be explored. The 2021 Feasibility Study identified the existing Liebig Street site as also a suitable location; and a preliminary Business Case to include high-level concept designs and costings for the Liebig St location has been quoted as \$65,000 (if undertaken in the short term), it is recommended that the opportunity to develop a Preliminary Business Case for the existing Liebig Street site, with its many benefits, be explored at a more economical cost.

If delayed and a new procurement process commences later the cost could be upward of \$200,000 and it is not unusual for several options to be explored through a Feasibility or Business Case process in the planning for significant community infrastructure projects.

RECOMMENDATION

That Council:

- 1. Receives the Business Case for a new regional Art Gallery located at Cannon Hill but does not proceed with further exploration of the Cannon Hill site due to the significant costs associated with construction and recurrent costs; and the marginal rate of return on investment.**
 - 2. Allocates \$65,000-00 to complete a Business Case for the existing Liebig Street site in the 2023-24 Annual Budget.**
-

BACKGROUND

The potential of the Warrnambool Art Gallery as a cultural tourism destination is constrained by its building, which limits operational flexibility and the opportunity to present larger exhibitions and provide social and engaging spaces for activity. Demand cannot be met for more interactive experiences, larger exhibitions, functions, and events. The building does not provide sufficient storage for an expanded collection, safe loading of touring exhibitions or sufficient administration space. The Gallery is the primary substantial visual art institution in Southwest Victoria. The size of the current facility is not in step with the catchment area (approx. 120,000 people) which could be capitalised on with a stronger and expanded facility and offering.

In 2021 a feasibility study was completed to identify the need, functionality and spatial composition required of a new Gallery. It found that a new expanded, contemporary Gallery on the Cannon Hill site could be a major visitor drawcard and a stimulus for economic investment in the region, and position Warrnambool City as a regional destination for cultural tourism and that an expanded Maar Nation Gallery could provide a link to the Tower Hill and Budj Bim cultural trail.

Council received funding through the Regional Development Victoria Investment Fast Track Fund (IFFF) to develop a business case for a new Warrnambool Art Gallery on Cannon Hill.

Consultants RP Infrastructure were engaged to develop the Business Case.

Key deliverables of the Business Case

Research

- a. Investment Logic Map that reflects Victorian government standards
- b. Economic Contribution Study (ECS). Detailed analysis that provides an understanding of how the project impacts the wider community.
- c. Research:
 - Regional, State, and International examples of socio-economic benefits and costs of major cultural facilities and global development trends.
 - Cultural tourism visitation analysis.
 - Partnership and development options.
 - Issues and risks.
 - Current research in the field of arts-led economic recovery.
- d. High level operating assumptions and visitation forecasts.

Analysis and Recommendations

- a. Architect developed concept designs
 - a site plan showing location of building(s) and carpark
 - a floorplan of building spatial layout
 - concept design imagery of building exterior and surround
 - present a breakdown of floorplan in square meters for costing in table format
- b. High level cost assumptions & development costs, to include:
 - land, services / infrastructure
 - building construction / fit out
- c. High level operational financial forecasts and determine feasibility.
- d. Forecast economic impacts:
 - Direct and indirect employment
 - Cost Benefit Analysis
- e. Risk analysis and mitigation

Key design criteria

The architects were requested to explore the potential of the site and provide an architectural concept that:

- Ensures maximum retention of access to views and open space
- Includes both short and long-term parking

- Retains the footpath to Pertobe Rd
- Encapsulates Eastern Maar connection to country
- Enhances the open space to the north of the train line
- Considers connection between Flagstaff Hill

SUMMARY OF FINDINGS

The Draft Preliminary Business Case finds that while the Cannon Hill option would no doubt provide a stunning location, it is a costly option resulting in a relatively low increase in visitor numbers. The low benefit to cost ratio could present a challenge in pursuing State or Federal Government funding.

Benefits

The Business Case outlines the benefits of a new Warrnambool Art Gallery at Cannon Hill as:

- increase visitation to Warrnambool by increasing the critical mass of tourist attractions around Cannon Hill, Flagstaff Hill, Warrnambool CBD, and Lake Pertobe;
- capitalise on the natural beauty of the vistas from the top of the hill;
- provide an iconic architectural landmark that celebrates the cultural richness of the collections, the connection to the land (on Country), the local history and creativity of visual art in all its forms;
- deliver broader programs for the Southwest region that engages with all communities;
- place for local artists to work, promote local creative industries and display the work produced;
- provide greater accessibility to the collections of Warrnambool Art Gallery and those of other lending institutions;
- contribute to ongoing Aboriginal reconciliation as a place for and collection, stories, and shared learning; and
- meet the demand for quality food and beverage opportunities that support and add value to the core visitor experience.

Visitation and cost benefit

Visitation is a key metric for the economic impact of a new art gallery. The base case of visitors to the existing Warrnambool Art Gallery is an average of 55,100 visitors each year. The forecast estimated for the first year of operation of a new Warrnambool Art Gallery at Cannon Hill is 72,580 visitors. Assuming a modest, locally based flow of visitors and an increasing awareness of the new facility among regional and metropolitan visitors, this estimate grows to 116,000 in Year 5. Achievement of these visitation numbers is reliant upon Warrnambool Art Gallery being a landmark facility which captures the breathtaking views, delivers programs which invite participation from the wider Victorian, national, and international community, and delivers quality food and beverage experiences.

A Cost Benefit Analysis (CBA) has been used in conjunction with the Economic Impact Assessment to analyse the financial and economic impact of a new Warrnambool Art Gallery. The Economic Contribution Study is included in **Appendix 4**. The findings suggest that the development of a new gallery on Cannon Hill has a Cost Benefit Ratio that is slightly below one, meaning each dollar invested is generating under one dollar in benefits. This result is based on visitor spending only and would be improved if construction and operational costs could be reduced through more detailed planning.

Concept design

FJMT Architects have conducted site analysis and massing study for Cannon Hill. The functional layout has two levels, ground level sunken into Cannon Hill and Level 1 with smaller footprint above level. Both levels would adopt the same approach to either make a physical or visual connection with the outside.

- To either side of the vertical circulation between the levels, the functional requirement is for three core zones
- Inclusion of Maar Nation gallery and associated amenities

- Flexible galleries to present in isolation or combined for special touring shows. This same zone extends to offering family/learning environments for local community engagement.
- Back of house storage and curation spaces, still allowing an element of connection for guests to witness safe handling of artefacts, and view items not currently exhibited.

The arrival to Cannon Hill will retain the perception of a 'hill-like cliff edge' and the ability to walk over a semi submerged soft landscaped section of the gallery roof top, thereby retaining a key vantage point for Warrnambool and those entering from the North. These same vistas across the coastline would be brought inside the main foyer and draw visitors towards an internal observation deck. Those arriving for the adjoining function/bar area would experience an alternative perspective before dining. These vistas have been captured and illustrated by FJMT within the **Cannon Hill Massing Study – Appendix 5**.

Construction cost

The capital cost for the investment in a new Warrnambool Art Gallery is estimated to be between \$63 million and \$73 million excluding escalation and GST. The **Cost Estimate** is provided in **Appendix 3**.

It is important to note that these figures are preliminary estimates only, and geotechnical investigations and more design work would be required to get a more accurate cost estimate. The estimate is also based on current costing and given the high escalation in construction costs; the final construction cost could be significantly higher. An escalation scale is provided in Table 14, Page 48 of the Draft report. The scale and design of the concept building in the Business Case can also be adjusted to fit future investment.

The Business Case recommends that Council:

- Commence formal discussions with the Department of Transport and Planning to confirm that Cannon Hill can be developed for this purpose.
- Undertake site investigations to determine soil conditions, contamination, cultural heritage issues and site infrastructure capacity be undertaken, if this is the preferred site.
- Explore benefits, costs, and designs for a new gallery at the existing Liebig Street site would provide comparative data to inform decision making and community engagement.

ISSUES

Due to the significant site constraints and the costs associated with construction and recurrent operational costs; and the marginal rate of return on investment, it is not recommended that Council progress further investigation for a new gallery located at Cannon Hill. The low benefit to cost ratio could also present a challenge in pursuing State or Federal Government funding.

An application to State Government Treasury for investment in a new Art Gallery will require that a Business Case presents a second option. Officers are recommending that options for a redeveloped gallery on the Liebig Street site be explored.

The existing site on the corner of Liebig and Timor Streets is Council owned and includes the Civic Green. It is envisaged that this process would preserve and further enhance the functionality of the Civic Green.

Considerations:

- The location is within the Civic and Cultural precinct adjacent to the Lighthouse Theatre, Warrnambool Library and SW TAFE.
- Walkability from accommodation and proximity to restaurants and cafes.
- The Gallery will need to close during construction.
- A new Regional Gallery in the CBD could be an iconic building that reflects the City's long history of innovation and creativity.
- The Business Case would be an opportunity to explore how a new gallery that attracts an increase in visitors will look and function in the CBD.

The proposed key design criteria for the Liebig Street site would be:

- Must retain and enhance the Civic Green space
- The same functional brief will be used, including improved collection storage, and loading and expanded Maar Nation Gallery, but might be scaled back in size due to site or budget constraints.
- Gallery flexibility and adaptability
- Strong Audio-Visual capability
- Environmentally Sustainable Design
- Regional gallery standard HVAC, lighting, and storage
- Sensitive to the surrounding heritage infrastructure i.e., Timor St restaurant building and sandstone walls
- Improved street presence and
- Consideration to improving connectivity to and around the surrounding businesses
- Tourist bus drop off

Outcome remains the same

“A new iconic Regional facility and tourist destination, delivering exemplary creative, cultural and education experiences.”

While retaining and redeveloping the existing building might seem like a more economical option, the 2020 Feasibility Study stated that:

“Following the investigation, it was concluded that adapting the building reduced functionality, overall lower building quality and reduced flexibility and so was evaluated as inadequate for achieving the future vision for the Warrnambool Art Gallery. Adapting the building is considered a very poor option...” (p.38)

Early advice from the sub-contractor Architects regarding this option is that:

- The existing building will need significant refurbishment as the structure/shell does not meet the Functional Brief for floor to ceiling height and structural load capacity.
- Upgrade would be suitable if the 'bones' of the building were compatible to the design requirements in spatial or 3D dimensional capacities, which is not the case.
- Gallery sizes are too small and insufficiently serviced with mechanical and electrical infrastructure to accommodate the range of work desired for exhibition
- Environmentally Sustainable Design can be enhanced in new development
- Latent conditions – with refurbishments of buildings constructed 30-40 years ago there are hazardous materials and structural/services issues which also need to be understood as potential risks or latent conditions on existing buildings issues will not become apparent until during construction as demolition and alterations works get underway. Risk allocations/Contingencies need to be allowed for this type of scenario which are difficult to scope and cost effectively.
- Project timelines – often refurbishments compared to greenfield developments (given some of the topics raised above) run slower

It is therefore recommended that if Council supports the recommendation to explore the potential of the existing site for a new Gallery, the architects be given the scope to imagine a completely new build that will meet the functional brief and enhance the CBD.

The exploration of the Liebig Street site would be developed as a Preliminary Business Plan to include:

- Needs and Benefits Analysis
- Case for Change

- Investment Logic Map
- Functional Brief
- Architectural massing study
- High level concept designs that explore the potential for the site to meet the functional brief.
- High level construction costs
- Economic contribution study based on new construction cost
- Risk register

It will not include:

- A revised visitation analysis
- Delivery program
- Operational and lifecycle benchmarking report

It is not unusual for several options to be explored through a Feasibility or Business Case process in the planning for significant community infrastructure projects.

FINANCIAL IMPACT

An amendment to the Business Case to include high-level concept designs and costings for the Liebig St location has been quoted as \$65,000 (if undertaken in the short term). If delayed and a new procurement process commences later the cost could be upward of \$200,000. Council would need to determine if a new facility or an upgraded facility is the subject of the Liebig Street business case.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

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

1.5 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

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

4 A connected, inclusive place

4.1 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

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

TIMING

Concept designs and costings for a new gallery on the existing Liebig Street site can be completed in the later part of 2023. Alternatively, further planning work can be undertaken in future years.

COMMUNITY IMPACT / CONSULTATION

If Council does not support the recommendation not to progress the Business Case at Cannon Hill, then a comprehensive deliberative community engagement process should be undertaken before progressing further.

The functional brief for a new Gallery has been developed in consultation with gallery staff, key stakeholders and community during the Feasibility Study process and further refined during the Canon Hill Business Case process.

LEGAL RISK / IMPACT

Nil

OFFICERS' DECLARATION OF INTEREST

Nil

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

The Business Case for a new Warrnambool Art Gallery on Cannon Hill was funded through Regional Development Victoria Investment Fast Track Fund (IFFF). The project presented a unique opportunity to explore the viability and cost benefits of an iconic tourist destination. While a compelling case for significant investment on this site has not been identified, any future application to State Government Treasury for investment in a new Art Gallery will require that the Business Plan includes a second option. Council now has the opportunity to augment the work done to date with the exploration of the viability and costs of a redeveloped gallery on the existing Liebig Street site at a reduced cost.

A new regional Art Gallery will:

- Reposition Warrnambool as a Regional Centre in the Southwest
- Build on its reputation as a progressive City
- Capitalise on the opportunities that a contemporary, state-of-the-art Gallery can deliver in terms of visitor attractor and support for the regions Arts industries and economy
- Improve livability
- Benefit from the social, emotional and well-being that the Arts provide.

ATTACHMENTS

1. 230531 Warrnambool Art Gallery Business Case - Cannon Hill FINAL [7.1.1 - 283 pages]

7.2. REVISED COUNCIL PLAN 2021-2025 AND DRAFT BUDGET 2023-2024 SUBMISSIONS

DIRECTORATE: Corporate Strategies

PURPOSE:

To present the submissions received from the community in response to Council's draft Council Plan 2021-2025 (2023 revision) and draft Budget 2023-2024.

EXECUTIVE SUMMARY

At its 1 May 2023, meeting Council approved the release of the draft Council Plan 2021-2025 (2023 revision) and Draft Budget 2023-2024 for community feedback in line with Council's Community Engagement Policy which requires Council to engage with the community "when council is setting its strategic direction".

Following the release of the documents Council received several submissions from community members. These included one submission on the draft Council Plan and 11 related to the draft Budget.

All those making submissions are invited to speak in support of their feedback at a meeting of Council.

Six members of the community indicated they wished to speak to Council in support of their submissions. They are:

- Diana Young
- Rosalie Meadows
- Helen Browne
- Laxon Fowler
- John Finnerty
- Suzie Wellens

It is proposed that the submissions, including verbal presentations, be noted by Council at this meeting, after which Council will consider the issues raised in detail before final revisions, if any are made to the Council Plan and draft Budget.

Final drafts of the Budget and Council Plan are to be considered for adoption at a meeting of Council scheduled for 26 June 2023.

RECOMMENDATION

That Council note the submissions received from the community in relation to the revised Council Plan 2021-2025 and Draft Budget 2023-2024.

BACKGROUND

Council Plan

Council is required under Section 90 of the Act to prepare and approve a four-year Council Plan by 31 October following a general election.

The Council Plan is the feature document in Council's suite of strategic planning documents, formulated to guide the work for which Council has responsibility.

Although it is a four-year plan, it is reviewed annually to ensure it is relevant, has responded to significant events and/or remains aligned with the community wishes.

Council's vision for Warrnambool expressed in the Council Plan is for Warrnambool to be "A thriving city at the heart of coast and country."

The Council Plan supports the visions from the long-term community plan, Warrnambool 2040.

The Community Vision, Warrnambool 2040, was developed over two years and involved thousands of Warrnambool residents and numerous clubs, groups, schools, businesses and community organisations who shared their 'Wishes for Warrnambool' and their aspirations for the future of the city.

The plan is owned by the community and the W2040 network partners which include Warrnambool City Council. The goals in Warrnambool 2040 include:

People: in 2040 Warrnambool will be a city where all people thrive.

Environment: in 2040 Warrnambool will be most sustainable regional city in Australia.

Place: in 2040 Warrnambool will be Australia's most liveable regional city.

Economy: in 2040 Warrnambool will be Australia's most resilient and thriving regional economy.

The draft Council Plan also lists key activities and initiatives to deliver on the five objectives described in the Plan. These actions and initiatives demonstrate to the community important areas of effort in the delivery of the plan's key objectives.

These objectives are:

1. A HEALTHY COMMUNITY: To be a healthy, inclusive, and thriving community with equitable access to services, cultural opportunities and recreational activities.

2. A SUSTAINABLE ENVIRONMENT: To protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.

3. A STRONG ECONOMY: Support a resilient local and self-sustaining regional economy that encourages economic growth and provides increased employment opportunities attracting ongoing investment.

4. A CONNECTED, INCLUSIVE PLACE: Provide quality places that all people value and want to live, work, play and learn in.

5. AN EFFECTIVE COUNCIL: To be recognised as a collaborative Council and a high-performing organisation that enables positive outcomes for Warrnambool's community, environment and economy and Victoria's South West.

At the 1 May meeting Council approved the release of the Draft Council Plan 2021-2025 (2023 revision) for public comment.

The following submission was received.

Submission to revised Council Plan

Loss of native habitat

Whilst present the environmental effort seems to be very flimsy and lacking detail. What is strikingly noticeable having returned to Warrnambool after 40 years of living away is the loss of natural habitat and vegetation, in particular native trees!

Our street doesn't even have trees on nature strips! Areas such as Albert Park (noted it has been flagged), along the Merri River and in particular St James Park (my relatives original farm) remains untouched and would be great areas to invest in native plantations and the development of a nature reserve.

Warrnambool Council does not appear to have a commitment to native flora and fauna, which is very disappointing in light of climate change etc.

Draft Budget 2023-2024

Preparation of the Annual Budget is a major responsibility of Council and carried out in accordance with Section 94 of the Local Government Act 2020.

The Council Plan influences the allocation of resources in the Draft Budget and at its May 1 meeting Council approved the release of the Draft Budget 2023-2024 for public comment.

The following submissions were received.

Submissions to the Draft Budget 2023-2024

Footpath, McMeekin Rd

Please use some of the budgeted money to create either a foot path or terrain like the rail trail along McMeekin Rd from the traffic lights down to meet up with Merrivale Dr around the dangerous corner.

The Merrivale community would really appreciate it a lot.

Reduce subsidy for some services, increase allocations for paths, roads, waste

It's alarming to see so many aspects of the council budget in Deficit. In the current financial climate I would like to see the budget increased to areas such as footpaths, roads, waste collection (the essential council services) and the budget decreased on our biggest services which continue to lose money year after year such as Saleyards, Art Gallery, Flagstaff Hill etc.

I believe these services can be supported by the private sector and council funds better used.

Accessible infrastructure

I would like to know the budget figure for Accessible Parking Renewal. For 2022-2023 the budget figure was \$30,000, but there appears to be no allocation in the current draft budget. I also wish to know what amount and the locations where renewal was done in 2022-2023. In the two years prior to 2022-2023, \$30,000 was budgeted for each year, but nothing at all was spent. In the feedback I lodged last year, I asked that in light of the lack of upgrades, that \$60,000 be budgeted for 2022-2023.

Also, at the request of a couple of your engineering staff, I asked that an audit of Council's accessible parks be carried out, but I received no answer to my submission. The budget figure was not increased and no-one can tell me if the audit was done. The council has many off-street and on-street accessible parks which do not conform to the current Australian Standards.

They are badly in need of upgrading, when is this going to be done?

What infrastructure is to be built under the \$62,000 (including a \$10,000 grant) under the heading "Accessible Infrastructure Program" on page 47 of the Draft Budget?

What is the \$10,000 grant for and where is it from?

West Warrnambool Neighbourhood House

NOTE: This is an excerpt, the full submission is attached.

We fully support the allocation of \$0.5 million in the 2023 budget for this project (the West Warrnambool Neighbourhood House).

The WWNH's strategic plan aligns with the Warrnambool City Council's goals, emphasizing community engagement, social connection, capacity building, and partnerships. The construction of a new building in the heart of West Warrnambool will enable the WWNH to develop programs, provide meeting spaces, life skills training, social opportunities, and equitable access for all. We appreciate the Warrnambool City Council's commitment to an inclusive community and urge prompt action in implementing this project. The residents of West Warrnambool face significant challenges and limited support networks.

A dedicated permanent Neighbourhood House will bring positive change to the lives of West Warrnambool residents.

No rate increase

Warrnambool City Council have projected a Budget surplus of \$1.629 million on the 30th. June 2023, with inflation now on the way down how can a 3.5% increase be justified?

If Council can make their way through a year of 7% plus inflation with a rate increase of 1.75% and produce a budget surplus, why

do we need an increase of 3.5% for the coming year? Council is not affected by all areas of inflation with the main increases over

the last 12 months being, Medical and Hospital up 4.2%, Tertiary education up 9.7%, Gas and other household fuels up 14.3% and

Domestic holiday travel and accommodation up 4.7% A great portion of these increases are making life very difficult for many

members of our community, our homeless numbers are increasing, and care agencies are seeing an unprecedented need for their

service and are struggling to cope financially as they don't have a bottomless pit. Some Warrnambool residents are having to

make the decision between eating and heating, others have cut their meals back to two a day. Now is the time for the

Warrnambool City Councillors to show some compassion and reject the rate increase.

No rate increase

I am just an ordinary citizen and doesn't understand much with lot of issues in the budget. I felt council just like to get think too

complicated for people like me to understand anyway.

One thing that I am very much against is INCREASING THE RATES. The rates payer association had been fighting against this

issue from the last batch of councilors. But unfortunately, even if people had successfully change the entire mob of councilors.
Still same. Increasing the rate is still on the table and still making people life harder.
Please note - don't want to waste time to speak for no one listens anyway.

Budget and priorities

a. The projected budget surplus in the WCC draft budget is \$1.629 million. As inflation has risen, and the costs of both renting and purchasing a home have had large increases the burden on households in the WCC area to service their rates and taxes in addition to cost of living is taking a toll on all households. In this environment, the WCC still proposes to raise the rates 3.5%. For this next budget period, it is within the council's capacity to review this rate rise; consider the financial stress at this time on the ratepayers and residents within the WCC and remove the increase, or rework the budget to reduce this increase. This budget does not explain to the ratepayers the WCC's NEED for an increase of this magnitude. Your consideration of this increase is requested.

b. The proposed development of the Cannon Hill site to install an art gallery on that site was not a mandate that the current councillors took to the last election. There has been a number of opportunities for the WCC to hear the dissent of the ratepayers and residents to that proposal. In the event the business case for this proposal is not accepted, and a majority of the ratepayers accept an art gallery development is needed, where will the money for the next business case be funded from, as this current business case has been funded in part from council funds? Another business case for an art gallery development/redevelopment surely cannot be proposed by WCC to come from council (ratepayer) funds?

c. Flagstaff Hill. Continuing to run at a loss. Almost a million dollars projected in this budget. This on top of a projected operating cost of 2.8 million. To continue to operate this location at a loss, and expect the ratepayers to pay a proposed 3.5% increase in their rates is very poor, if not negligent management of ratepayer funds. What is Councils financial plan to turn the Flagstaff Hill debacle around to at least be cost neutral? Better still to become an income generating asset to the ratepayers?

d. Proposed West Warrnambool Community House. Undoubtedly long overdue. To the residents in the Pecten Avenue/Caroline Cres location that may be proposed to host that house, there has been no consultation, including the benefits and drawbacks that that location may incur. The refurbished playground is now used frequently and by many. Including the grassed areas used by children running and rolling down the grassed hilly area. It is a valued asset in this neighbourhood.

In relation to the proposed Community House: Is this a demountable or a permanent building? Where in this site will it be located? What planning is in place to maintain a maximum open ground area around the playground? What security is proposed for both the users of this Community House, and the children/families using the playground? Does the proposed \$500,000 budgeted provide for the construction and maintenance of the house? Who will staff the house, and pay for that staffing? Will it have a user pays structure as do all council assets wishing to be accessed by non commercial community groups and individuals?

No rate increase, budget priorities

1. I object to the budget rates increase of 3.5% - the maximum hike permitted by the cap, rather than aiming to manage within a minimum rate increase. This is not, per the included messaging, "responsible and conservative with a focus on looking after our current assets" "Maintaining the assets we have" "Careful and responsible budgeting" nor "Mindful of the cost of living pressures." It is simply and cynically the maximum permitted "rate increase of 3.5 per cent," per "the rate cap announced by the Victorian Government."

This is clearly not to compensate for inflation - it is merely license to take and spend the maximum allowed of other peoples' money.

This approach cannot in any way be considered responsible fiscal management.

2. The statement commencing "The Comprehensive Income Statement surplus does not indicate Council has spare money to spend .." is not explicit and helpful - how much is actually spare, and need not be spent in the 23/24 year?

3. What is Council's plan to reduce the relentlessly accelerating losses from the Flagstaff Hill facility?

4. Why is an increase sought for Festivals and Events? Why not, in a time of Cost-of-Living crisis, restrain such spending to previous budget numbers.

5. A West Warrnambool Neighbourhood House (\$500,000) is mentioned - what is the scope of this facility? Why is it needed? Where is it to be located? I cannot accept a substantial provision when so little detail is attached. NB - are the currently-underway Pecten Ave road-crossing works connected to this 'initiative'? If so, then it's very clear that the plans are fully advanced, and ought to have been released for public comment.

6. Mention is made of long-term future development for the Art Gallery. Given the widespread public and ratepayers objection to the Cannon Hill Art Gallery business case for a grandiose expansion, what will be proposed in its stead, for a responsibly conceived and sustainable Art Gallery at a widely acceptable location?

7. Learning from the Art Gallery experience, what is proposed for the AquaZone and Saleyards redevelopments - are public and ratepayers' submissions being called for before an expensive and 'too specific' study is initiated.

Aquazone user fees

I would like to know the specific factors that are leading to AquaZones aquatic entrance and membership fees being higher, in some cases over 20% more, than other similar regional facilities.

Adult Swim. AquaZone \$7.30, Hamilton \$7.20, Portland \$6.20 and Ballarat \$6.80

Child Swim. AquaZone \$5.40, Hamilton \$4.50, Portland \$4.10 and Ballarat \$4.20

Family Swim. AquaZone \$21.90, Hamilton \$19.50, Portland \$16.40 and Ballarat \$17.80

Adult Swim Direct Debit. AquaZone \$72.50, Hamilton \$69.00, Portland \$45.93 and Ballarat \$61.75

Child Swim Direct Debit. AquaZone \$50.25, Hamilton \$41.00, Portland \$31.85 and Ballarat \$36.18

I would like to know the specific drivers that have led to these fees and not a broad-brush statement that fees are under review or a new strategy is being developed.

It is worth noting that whilst AquaZone's fees are the most expensive in South West Victoria, in many facilities the entry fees quoted above are inclusive of facilities such as spas, saunas and steam rooms that AquaZone does not provide, making the current fee structure even more perplexing.

Extend outdoor 50m pool season

The Warrnambool Swim Club would like to know why an outdoor pool season that caters for its swimmers to compete in a 50m pool leading up to the national championships has not been included in the 2023/24 budget.

The club understands that options were given to WCC to extend the season that were rejected. Warrnambool swimmers are at a significant disadvantage to other competitors with this decision.

The club requests that Council include a season from Monday 30th Oct – Sunday 7th April. This would allow swimmers to compete in a 50m facility leading up to National championships beginning in early/mid-April.

Endorsement of inclusion for West Warrnambool Neighbourhood House in Draft Budget

NOTE: this is an excerpt, the full submission is attached.

Having reviewed the Draft 23/24 budget, the community members of the West Warrnambool Neighbourhood House (WWNH) Reference Group, would like to congratulate council for the inclusion of the proposed WWNH design and construction. The current programmes delivered by the incredibly passionate and dedicated Coordinator Jill Bourke are hugely successful even without a current home.

While the community has 'made-do' for a while now, the current arrangement is not sustainable and doesn't provide for the full range of programmes that the community needs.

While this submission does not speak for any other organisations, we are confident to also have the support of our many partner organisations including Warrnambool & District Food share, Department of Families Fairness and Housing Victoria, Local Schools and charitable organisations.

The Reference Group is ready and dedicated to support Warrnambool City Council and other partners to ensure the success of this transformative project and the ongoing success of the WWNH.

FINANCIAL IMPACT

The Draft 2023-2024 Budget describes the allocation of resources required to deliver on the activities and initiatives contained in the Council Plan.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

Section 90 of the Local Government Act (2020) instructs Council to prepare and adopt a Council Plan for a period of at least four financial years after a general election.

TIMING

Council is on schedule to consider final drafts of the Council Plan 2021-2025 (revised 2023) and Budget 2023-2024 by June 30 in accordance with the requirements of the Local Government Act (2020).

COMMUNITY IMPACT/CONSULTATION

Council undertook an extensive community engagement effort in 2021 as part of the development of the four-year Council Plan.

In recent weeks Council has sought the community's involvement in the annual review of the Council Plan and the 2023- 2024 Budget.

This has included calling for online and written submissions.

Those making written submissions also have the opportunity to speak at a Council meeting in support of their submissions.

LEGAL RISK/IMPACT

N/A

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

The review of submissions is an important step in the community engagement process for these key strategic Council documents.

ATTACHMENTS

1. Council Plan Submission 2023 [7.2.1 - 1 page]
2. Budget Submissions 2023 [7.2.2 - 21 pages]

7.3. PROPOSED DELIBERATIVE ENGAGEMENT FOR WEST WARRNAMBOOL NEIGHBOURHOOD HOUSE CONCEPT

DIRECTORATE: Community Development

PURPOSE:

This report provides an update on the proposed process, timelines and the deliberative engagement approach for the West Warrnambool community for the proposed development and construction of a West Warrnambool Neighbourhood House facility at Pecten Avenue Park in 2023/24.

EXECUTIVE SUMMARY

West Warrnambool Neighbourhood House (WWNH) was founded in March 2019 with the aim to support socially and economically disadvantaged community members of West Warrnambool. The program is funded by the Victorian State Government Department of Families, Fairness and Housing (DFFH), formerly known as Department of Health and Human Services (DHHS). The Victorian State Government has committed to funding neighbourhood houses through ongoing recurrent funding.

The current DFFH Service Agreement outlines that Council is obligated to deliver 25 program hours per week with an additional 25 hours per week for community lead activities totaling 50 hours per week.

To ensure optimisation of the program, the service needs to be physically located in West Warrnambool to ensure accessibility and targeted programs are delivered locally. Council owns a limited number of properties in West Warrnambool, with the original funding proposal committing the Council-owned property at 21 Beamish Street Warrnambool to be used as the venue for the neighbourhood house for a period of 5 years. The intention of utilising Beamish Street was to co-locate both the Council's kindergarten services and the neighbourhood house program.

Following an initial period of co-location of services, Council has recognised that the model of delivery including a kindergarten and neighbourhood house colocated within the same facility is not ideal and poses risks due to the diversity of programs typically offered through a neighbourhood house. Both the kindergarten and neighbourhood house programming are compromised due to the space available, nature of services delivered and user-groups safety.

Officers have undertaken research to identify a potential location and model for a proposed neighbourhood house. One option is the installation of a portable structure at the Pecten Avenue Park which would operate as the West Warrnambool Neighbourhood House. This option would further activate the park without infringing on the amount of open space required within the neighbourhood. This installation will merge with the existing playground and footpath upgrades currently completed at the park and will further improve all abilities access to maximise areas of the park.

Preliminary concept and site layout for the construction of the proposed Neighbourhood House is attached to assist with understanding of the functions, spatial layout and proximity of the structure in the Park.

Preliminary costings discussed with a local builder of portable structures indicate that a 6-star energy rating complaint structure, wholly operating on solar power will be approximately \$275,000.

The proposed project has been phased across 2 stages. **Note: this is a preliminary model and community engagement will inform the final design.**

Stage 1: Total Cost Estimate - Up to \$50,000

June 2023 – September 2023, Community Engagement: Designs/plans developed and deliberative engagement with West Warrnambool community.

Stage 2: Total Cost Estimate - \$461,300

2023/2024 - Construction: Based on feedback from deliberative engagement and Council endorsement of the 2023/24 budget, Project includes:

Site set out, landscaping, portable structures installed and footpath construction connecting existing playground to portable structures and a 3-metre wide path to link the new construction to the west side of Carolyn Crescent.

Further additions/inclusions will be evaluated based on community feedback, and where relevant, submitted for State and Commonwealth Government grants following Council endorsement.

Detailed specifications and costings will be developed after community feedback and preliminary endorsement from Council. Post-endorsement, deliberative engagement with the neighbouring community will be pursued and feedback brought to Council for final approval.

RECOMMENDATION

That Council,

- 1. Endorses the commencement of the design of a temporary West Warrnambool Neighbourhood House and commencement of deliberative engagement with the community using existing 2022/2023 budget.**
- 2. Considers the feedback from the engagement process and if endorsed, supports the construction of the West Warrnambool Neighbourhood House at the Pecten Avenue Park, informed by the deliberative engagement outcomes with the West Warrnambool Community.**
- 3. Notes the allocation of \$500,000 in the draft budget for Financial Year 2023-24 for construction of the temporary West Warrnambool Neighbourhood House comprising of site set out, landscaping, neighbourhood house installation (two portable structures), and footpath construction.**
- 4. Receives a project report from officers, post construction including any additional works and correlating external grant funding strategies, if applicable.**

BACKGROUND

Neighbourhood houses are described as the heart of communities. They bring people together to connect, learn and contribute to their local community through social, educational, recreational and support activities which address inequities influencing the Social Determinants of Health. The World Health Organisation groups the following social determinants which can influence health equity in positive and negative ways: income and social protection, education, unemployment and job security, food insecurity, non-discrimination, housing and basic amenity - to name a few.

Neighbourhood houses are inclusive community-based organisations that welcome people of all ages, abilities, genders, social and economic status by creating opportunities for people to enrich their lives through connections they might not otherwise make. The purpose of a neighbourhood house is to be responsive and flexible to community needs and ensure diverse service provision, program and activity delivery. Neighbourhood houses have a positive impact on the mental and physical health of people who access and participate in the service.

Neighbourhood houses assist in combating social isolation and loneliness by being accessible, non-threatening and offering inclusive spaces. They provide the opportunity for people to socialise, learn from each other, and support each other. Many neighbourhood houses are also involved in community partnerships with other local service providers, small businesses, and community groups

to maximise their impact and form stronger connections and referral processes within the local community.

Need for a West Warrnambool Neighbourhood House – Demographic Context:

Using ABS 2016 data, demographic analysis of West Warrnambool in comparison to Warrnambool as a whole had revealed that West Warrnambool had a higher proportion of older adults 55yrs+; a higher proportion of recent arrivals from overseas (29% arrived in last 5 years); a similar proportion of lone person households (29%); a higher proportion of single parent households (13.6%); a higher proportion households with low incomes (35%); a higher proportion of social housing properties (7.1%) and lower rates of volunteerism (20.4%).

Work, Education, Qualifications:

- 48.6% of West Warrnambool residents have no qualifications.
- 35% of West Warrnambool residents have completed year 12
- Higher Youth Unemployment rate: 13.5% compared to Warrnambool 11%
- Higher Unemployment rate: 7% - compared to Warrnambool 5.3%
- Lower Volunteerism: 20.4% - compared to Warrnambool 24.6%
- Higher rate of Disengaged Youth: 10.2% - compared to Warrnambool 8%

Disadvantage:

- 35.1% of households are in the lowest 25% of income earners in the City, having a household income of less than \$740 per week.

This was the demographic context that was recognised by the Victorian State Government when approving the funding for the neighbourhood house program. The context has not significantly changed.

Identified needs of the West Warrnambool community

In its fourth year of operation, the WWNH has successfully engaged many families and individuals from the local area, including people living south of the highway, Merrivale and Dennington. Many of the attendees are socially and economically disadvantaged and are often referred to WWNH programs by external service providers. WWNH offers these community members safe and welcoming opportunities to socialise, learn new skills and to belong. Current programs attract families from multicultural backgrounds as well as local First Nations families, senior citizens, sole parents and families with special needs. The WWNH has continued to actively align its delivery to the organisational values of the Warrnambool City Council.

WWNH is facing significant barriers and challenges in addressing community needs due to the lack of dedicated premises. Some of the challenges and key risks are the following:

- Limited operating hours
- Limited opportunities to welcome spontaneous visits and enquiries
- Difficulty delivering consistent place-based activities
- No access to notice board or advertising during kindergarten hours or after hours
- Kindergarten aesthetics are not gender or age appropriate for most adults, including youth and impact the tone/atmosphere of the programming
- Very limited storage space for NH resources
- Sharing of some resources is not an option
- Child safe issues (photographs, names, family pictures)
- Inappropriate toilet facility for: disability and elderly access; and co-location of adult services with children services
- Excessive manual labour and time delays – due to daily set up and pack down requirements as programming changes throughout the day

The following sites have previously been evaluated for the location of the WWNH, without success:

1. Beamish Street Kindergarten – required to operate as a kindergarten, inadequate service space and high risk
2. Mahogany Kindergarten – inappropriate for use as it is contained within school premises
3. Milk Bar on Morris Road – extensive works required to meet accessibility requirements and high rental
4. Commercial warehouse on Raglan Parade – high rental and limited parking
5. Old Collegians Football and Netball Club – not endorsed by the Club Committee
6. Dennington Football and Netball Club – not easily accessible for West Warrnambool residents
7. Matron Swinton Childcare Centre – inappropriate to be co-located at a childcare centre
8. Department of Education site on Hyland Street – utilised as a Men’s Shed
9. Dennington Community Hall - not easily accessible for West Warrnambool residents, issues with asbestos.

Proposed WWNH location:

In the absence of appropriate Council-owned community infrastructure in West Warrnambool and the lack of leasable private property or capacity to co-locate with another allied service, an option to develop a portion of open space at Pecten Avenue Park is proposed for community engagement, as the potential site for the WWNH to operate through installation of semi-permanent, transportable structure with accessible timber decking and ramp.

The installation of the Neighbourhood House is expected to significantly activate the park, contributing to the linkages of open spaces in the municipality, with a link to the planned Platypus Park upgrades in the future, in line with the South of Merri Precinct Plan. The addition of the Neighbourhood House in the park will have very little impact on the overall open space available in the area, and will in fact have a net positive impact of place activation.

Council is only providing the building and recurrent maintenance costs for a period of time. The service delivery from the neighbourhood house will be funded by the State Government. Over time, Council will seek to make the neighbourhood house independent of Council with its own committee of Management which is a successful and common business model for neighbourhood houses used nationally. This will allow for the neighbourhood house to operate more independently and also access different resource/grant/funding sources.

ISSUES

The Department of Families, Fairness and Housing has reiterated that the current delivery configuration is temporary and does not meet the requirements of the program and that the program is required to have a dedicated location in the target area. Non-compliance can result in cessation of the program, decrease in social determinants and risk to Council reputation.

FINANCIAL IMPACT

Stage 1 of the project will be funded through existing 2022-2023 budget allocation; and Stage 2 of the project will be funded through Council allocation of \$500,000 in the 2023-2024 annual budget. Any additional services added to the facility in the future will depend on emerging community needs and will be pursued through grants from Federal and State governments.

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.

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

4 A connected, inclusive place

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

TIMING

Post endorsement, deliberative engagement with the community will ensue with the commencement of detailed designs and concepts in June 2023. A final report to Council with feedback from the deliberative engagement will be presented to Council in September/October 2023 for endorsement.

COMMUNITY IMPACT / CONSULTATION

A comprehensive deliberative community engagement process will be implemented to support the project.

LEGAL RISK / IMPACT

The Department of Families, Fairness and Housing has reiterated that the current delivery configuration does not meet the requirements of the program and that the program is required to have a dedicated location in the target area. Non-compliance can result in cessation of the program altogether and risk to Council reputation.

OFFICERS' DECLARATION OF INTEREST

There are no conflicts of interest.

CONCLUSION

The WWNH was established through a detailed evaluation of the specific needs of the West Warrnambool community and a dedicated location for WWNH is required to ensure programing and delivery meets the needs and demands of the West Warrnambool community. The proposed location and design merges well with the existing upgrades of the playground and the footpaths and supports the enhanced activation of the Pecten Avenue Park.

ATTACHMENTS

1. Concept B Area Overview [7.3.1 - 1 page]

7.4. PLANNING APPLICATION PP2022-0258 - 45 JAMIESON STREET WARRNAMBOOL

DIRECTORATE: City Growth

PURPOSE:

This report provides a summary of the planning assessment that has led to the recommendation below. Based on the number of objections received, the decision is to be made at a Council meeting.

EXECUTIVE SUMMARY

Council has received an application to subdivide the land known as 45 Jamieson Street, Warrnambool into two (2) lots.

The application triggers a planning permit under the General Residential Zone – Schedule 1 and Heritage Overlay – Schedule HO317 (Jamieson Street precinct) for the subdivision of land.

The application was subject to internal referrals, and was also subject to public notice in line with the statutory requirement. As a result of the public notice, eight objections were received where grounds were primarily in opposition to the proposal not meeting the planning scheme requirements for subdivision in this particular heritage precinct.

Identical grounds of objection have been submitted on behalf of seven objectors. These grounds in combination with the eighth objection have been assessed in relation to the relevant provisions of the Warrnambool Planning Scheme. The officer's report concludes that the proposal adheres to these provisions, the proposed subdivision is reasonable in its context, and will not cause undue detriment to surrounding properties.

Throughout the referral process the application has gained support from Council's Heritage Advisor and also Council's Infrastructure Department with conditions to be included in the permit, should a permit be granted.

If the application is supported, a Notice of Decision would be required as all 8 objections have been sustained.

RECOMMENDATION

That council having caused notice of Planning Application No. PP2022-0258 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to approve the application for a planning permit under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 4 SEC 30A CA PSH WAN TSH WARR, 45 Jamieson St WARRNAMBOOL VIC 3280, for the Two (2) Lot Subdivision in accordance with the endorsed plans, subject to the following conditions:

- 1. Prior to certification of the plan of subdivision, an amended plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A restriction on the plan of subdivision detailing that a minimum garden area of at least 25 per cent is to be provided for proposed Lot 1 only of the subdivision.****
- 2. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**

3. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
4. **All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
5. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Stormwater Management Plan

6. **Before Certification of the Plan of Subdivision or the commencement of any construction (whichever occurs first) a detailed Stormwater Management Plan is to be submitted to and endorsed by the Responsible Authority. The stormwater works must be designed in accordance with the current Responsible Authority's Design Guidelines, the endorsed application plans and must include:**
 - a. **Identification of any existing drainage on the site.**
 - b. **Details of how the works on the land are to be drained and/or retarded.**
 - c. **Computations in support of the proposed drainage.**
 - d. **A proposed Legal Point of Discharge for each lot.**
 - e. **an underground drainage system to convey minor flows (as defined by the IDM) to the Legal Point of Discharge or retention system for the development;**
 - f. **Details of how the storm water discharge from the development will be limited such that post development flows up to the 20% AEP do not exceed pre development flows;**
 - g. **Evidence that storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within lots without causing damage or nuisance to adjoining property.**
 - h. **Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways in accordance with Clause 56.07-4 of the Planning Scheme;**
 - i. **Construction Plans**

Stormwater Works

7. **The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance for the subdivision.**

Car Parking & Common Property Areas

8. **Before the issue of a Statement of Compliance for the subdivision, the internal / common property traffic and parking areas must be constructed to the satisfaction of the Responsible Authority, and must:**
 - a) **Be in accordance with endorsed plans**
 - b) **Be in accordance with Australian Standards/ Victorian Planning Provisions**
 - c) **Be finished with an all-weather sealed surface**
 - d) **Be drained**
 - e) **Include appropriate signage, lighting and line marking**
 - f) **Include appropriate loading facilities for the development**
 - g) **Include vehicle crossings and required traffic management works**
 - h) **Provide for vehicles to enter and exit the development / common property in a forwards direction.**

Areas designated for car parking on the endorsed plan are to be kept free and clear for that purpose.

9. **The owner of the land must enter into an agreement with:**
 - a) **A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) **A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband network will not be provided by optical fibre.**

10. **Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
 - a) **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) **A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

11. **This permit will expire if:**
 - a. **any plan of subdivision for any stage of the subdivision is not certified within two (2) years of the date of this permit; or**

 - b. **the registration of the subdivision is not completed within five (5) years of the date that the plan of subdivision is certified.**

The Responsible Authority may extend the time if a request is made in writing in accordance with section 69 of the Planning and Environment Act 1987.

BACKGROUND

The proposal is seeking permission to subdivide the land into two (2) lots, where the proposed layout would result in a lot containing an existing dwelling, and a smaller lot at the rear of the site.

Lot 1 is proposed at 345m² and will be a battle-axe style lot located at the rear of the site. Lot 2 measures approximately 500m² and is located within the front portion of the lot. This lot contains the existing dwelling which is noted as a contributory item under the heritage precinct.

Vehicular access to the property is currently provided from Jamieson Street via a concrete crossover and bitumen driveway located on the southwestern side of the dwelling. The existing driveway is proposed as a common property area measuring approximately 158m² and to be used by both proposed lots.

The site also contains two older outbuildings which are proposed to be demolished to accommodate the subdivision. Demolition of the two outbuildings requires planning consideration under the overlay, where the proposal has gained heritage support throughout the referral process. It has been assessed that the outbuildings hold no heritage significance relating to the site.

The proposal plan of subdivision can be referenced in the Officer's report attached.

ISSUES

As a result of public notice eight objections were received, where grounds were primarily in opposition to the proposal not meeting the planning scheme requirements for subdivision in this particular Heritage Precinct of Warrnambool.

The grounds of objection are summarised as follows:

- The Garden area requirements as stated under 32.08-3 of the General Residential Zone have not been adequately addressed.
- Clause 56 has not been adequately addressed, also stating the applicant doesn't possess the requisite skills to address Clause 56 appropriately.
- Failure to address the Decision guidelines at 32.08-13 including the failure to address clause 56, the pattern of subdivision and its effect on the spacing of buildings, which is not possible to address without the provision of a concurrent buildings and works permit.
- An unacceptable response to the neighbourhood character of the area.
- The application fails to address the relevant heritage considerations of the proposal.
- The proposal does not conserve and protect the significant streetscape of Jamieson Street or Cockman Street, referring to the contributory grading of the site under the Jamieson Street Heritage Precinct.
- It is submitted that the proposal provides an unacceptable response to the heritage guidelines as it upsets the heritage pattern of the street and will impact on the established garden setting that is currently afforded to the contributory dwelling of 45 Jamieson St.

In summary, seven objectors recommended the application be refused as it does not represent a proper, orderly and acceptable planning outcome. The eighth objector seeks to ensure their common boundary fencing is not damaged as a result of the subdivision being approved.

ASSESSMENT

While the subdivision pattern along Jamieson Street appears not to have altered for some time, each new application must be assessed on its merits, where subdivision under the relevant planning controls is not prohibited. There are relatively few lots located on the northern side of Jamieson Street which could be further developed, where the prevailing character is of open space behind dwellings which are located toward the front half of the property. Subsequently, infill opportunities in this area are limited to the style and nature of the current proposal.

Rectilinear shaped allotments do form part of the Jamieson Street Precinct's history, however the precinct also includes a number of irregular-shaped and smaller lots. These are primarily located along the northern side of Jamieson Street at the western and eastern ends of the street, adjoining Cockman Street. In short, the divergence from an entirely rectilinear/grid layout is in some ways established. The benefits of a rectilinear allotment for the subject site will not be compromised inasmuch as the street view will remain the same, and future development of a dwelling will also need to accord with the design guidance of the overlay by virtue of a planning application being required.

Infill development has occurred at 35 Jamieson Street where a three-unit development has been established with a relatively high site coverage. The adjacent property at 47 Jamieson Street contains a large outbuilding which also results in high site coverage. The open garden setting which has been identified by objectors is therefore in some ways aspirational, and has not led to a strict adherence to the maintenance of open spaces in all occasions.

The battle-axe style lot proposed for the subdivision will not look out of place from spatial or oblique views. Further, views directly from Jamieson Street to the subject site will result in the new lot having limited visibility from the street due to the configuration of the lots. In addition, the block slopes from east to west with an approximate fall in the ground level of two metres from Jamieson Street. Any development that would occur on the battle-axe lot will likely be screened from the view of Jamieson Street itself, thereby protecting the streetscape view.

FINANCIAL IMPACT

The assessment of this planning application has been factored into the existing City Strategy & Development budget.

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

TIMING

The statutory timeframes have already been exceeded. A decision is sought at the next available Council meeting.

COMMUNITY IMPACT / CONSULTATION

In line with Council's instrument of delegation, as a result of having seven or more objections the application is to be determined at a Council meeting. Consequently, a Councillor consultation meeting was held at Council offices 26 April 2023, where a quorum of Councillors were in attendance, along with Council officers, objectors, and the applicant.

The applicant was afforded the opportunity to provide a written response to objections, which was then circulated to all parties. It is noted that no objectors opted to withdraw their submissions resulting from this response.

LEGAL RISK / IMPACT

The application has been assessed in line with requirements of the Planning and Environment Act 1987. The decision is not exempt from third party review.

OFFICERS' DECLARATION OF INTEREST

No conflict declared.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

The objectors' main grounds relate to the unknown nature of the type of development that may occur once subdivision is approved. In other words, there would be a higher level of comfort had the proposal included development so that neighbouring properties could be afforded an understanding of specific built form impact(s). Council officers generally share this view, and frequently attempt to consult with applicants on the merits of including development and subdivision within the same application. However, Council's role in this instance is to assess the merits of the proposal as it is presented and as it relates to the Warrnambool Planning Scheme. As subdivision is not prohibited in this instance, the assessment turns to whether the subdivision meets the provisions of the Scheme. Accordingly, it has been assessed that the application would result in an outcome that respects the character of the area, and that future development could be designed on the proposed lot that does not detract from the heritage characteristics of the area. As the specific elements of that development are not being assessed at this time, and will be subject to a further planning application at the appropriate time, the recommendation above has been made.

ATTACHMENTS

1. PP2022 0258 Delegate Report 45 Jamieson Street [7.4.1 - 23 pages]
2. Planning Clause 56 Report Rescode Assessment P [7.4.2 - 6 pages]
3. 45 Jamieson - Site context and design response (Su [7.4.3 - 3 pages]
4. 45 Jamieson - Proposed Plan for Endorsement [7.4.4 - 1 page]

7.5. DELEGATIONS & AUTHORISATIONS POLICY

DIRECTORATE: Executive Services

PURPOSE:

This report seeks Council's approval of the attached Delegations and Authorisations Policy

EXECUTIVE SUMMARY

An internal audit into the adequacy of Council's policies and procedures regarding delegated powers was completed in August 2022. The audit resulted in a number of recommendations and findings for Council, including the absence of a formal policy or guidance framework.

The Delegations and Authorisations policy before Council for consideration intends to provide a framework around the delegation of Council power and the appointment of officers to statutory positions. It also intends to address the requirements of other outstanding recommendations from the audit.

RECOMMENDATION

That Council adopts the Delegations and Authorisations Policy 2023.

BACKGROUND

Council as a statutory entity is bestowed with a number of powers, duties, responsibilities, and functions under legislation. Council can only wield these powers through a resolution of Council at a meeting of Council. In order to ensure efficiency and effective functioning, many of these powers need to be delegated as a matter of practical necessity. This devolution of power and authority downwards is affected by the creation and endorsement of Instruments of Delegation and Instruments of Appointment and Authorisation.

Delegation

The *Local Government Act 2020* makes express provision for the appointment of delegates to act on behalf of councils. Section 11 gives Council the authority to delegate any power, duty or function to the CEO or the members of a delegated committee.

Delegations are made by Council resolution, evidenced in an instrument of delegation and remain effective until revoked. When a council delegates a power, duty or function to a member of staff or to a Committee, the decision of the delegate is deemed to be a decision of the council.

Section 47 allows the CEO to delegate any power, duty or function to a member of Council staff. By instrument of delegation, the CEO delegates to various members of staff certain powers, duties and responsibilities in order to fulfil the responsibilities of the day-to-day management of Council's operations.

Appointment of Authorised Officers

Under section 224 of the *Local Government Act 1989*, Council may appoint any person other than a Councillor to be an Authorised Officer for the purposes of the administration and enforcement of any Acts, regulations or local laws which relate to the functions and powers of the council.

Council must maintain a register that shows the names of all people appointed as Authorised Officers. Persons appointed or authorised by a council are acting as holders of statutory powers – they are not acting on behalf of the council. Their powers and responsibilities are different to the powers and responsibilities of the council.

ISSUES

Council's internal auditors completed a delegations audit on the practices of Council regarding the appropriateness of its policies, procedures, and practices surrounding the delegation of Council power.

The objectives of that audit were:

1. Review the adequacy of policies and procedures to ensure compliance with delegated powers.
2. Review the completeness of Instruments of Delegations (IOD's).
3. Identify the processes for temporary and acting position in the management of delegations.
4. Review that management reporting is undertaken regarding delegations.
5. Review the level of training and education provided in relation to the management of assigned delegations.
6. Review operation of compliance and enforcement functions by Authorised Officers.

A key issue identified by the audit was a general lack of formal policies and/or procedures for identifying and allocating responsibilities for legislative compliance. This absence of a framework increases reliance on the expertise and diligence of staff and the risk of departure from established practices in the event of staff turnover or other disruption to work practices. A Delegations and Authorisations Policy seeks to provide a framework to the areas of delegation and authorisation to begin to address this issue. This policy will be the basis for process change and amendments to current procedures to ensure best practice and legislative compliance in this area.

In addition to reviewing the adequacy of policies and procedures, the audit recommended strengthening and reviews in other areas. These include:

- Review the completeness of instruments of delegations
- Identify the processes for temporary and acting position in the management of delegations
- Review the level of training and education provided in relation to the management of assigned delegations
- Review operation of compliance and enforcement functions by Authorised Officers

The policy seeks to address a number of outstanding audit recommendations across these areas.

The policy also addresses the issue of appointment of an Acting CEO and defining which staff members are capable of accepting CEO delegations as recommended by the Local Government Inspectorate.

FINANCIAL IMPACT

There are no financial or resource implications associated with this decision.

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

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

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

COMMUNITY IMPACT / CONSULTATION

This draft policy was presented to Executive Management Team for feedback on 23 May 2023 and discussed with Councillors at an informal meeting of Council on 29 May 2023.

An assessment against Council's Community Engagement Policy and IAP2 approach was undertaken and the recommended level of consultation is inform.

LEGAL RISK / IMPACT

There is significant legal and compliance risk to Council if appropriate processes to manage delegations and authorisations are not in place. An officer carrying out an act without appropriate authority or power will render the act ineffective and may expose Council to litigation. An effective policy framework serves to mitigate this risk.

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

The Delegations and Authorisations Policy has been drafted in response to an internal audit and seeks to provide a framework around the delegation of Council power and the appointment of officers to statutory positions. It also intends to address the requirements of other outstanding recommendations from the audit.

ATTACHMENTS

1. Delegations & Authorisations Policy [7.5.1 - 10 pages]

7.6. AWARD OF CONTRACT 2023046 - JAPAN STREET LOWER CATCHMENT DRAINAGE UPGRADE

DIRECTORATE: City Infrastructure

PURPOSE:

This report provides information on the award of Contract No. 2023046 – Japan Street Lower Catchment Drainage Upgrade.

EXECUTIVE SUMMARY

- A public tender was advertised on Thursday 6 April 2023 inviting tender submissions from suitably qualified and experienced contractors to undertake the construction of drainage infrastructure in and around Japan Street.
- Close of tenders was 2:00pm 5 May 2023, although many companies downloaded the tender documents through the online portal, only one submission was received. The submission was from Duggan Civil Pty Ltd.
- The submission received has been assessed by the tender assessment panel.
- The price received was in the budget range and what was originally estimated.
- Officers' recommendation is to proceed with the tender offer provided by Duggan Civil Pty Ltd for the tendered amount of \$851,798.00 excluding GST.

RECOMMENDATIONS

1. **Award Contract No. 2023046 – Japan Street Lower Catchment Drainage Upgrade to Duggan Civil Pty Ltd for the tendered amount of \$851,798.00 (excl. GST), with a total delegated award value of \$936,977.80 (incl. GST).**
2. **Authorise Council Officers to deliver the Japan Street Lower Catchment Drainage Upgrade in accordance with the contract under the financial delegations detailed within the Procurement Policy.**
3. **Accept Schedule 2D Daywork Rates offered to undertake any extra works over and above the lump sum price if required, provided that additional works can be accommodated within the Project budget.**
4. **Authorise the CEO to sign, seal and vary the contract as required.**

BACKGROUND

The drainage issues present within the Japan Street area are not recent developments with history showing events as frequent as every two years (50% Annual Exceedance Probability (AEP)) having resulted in damages to the Japan Street residences but also the neighbouring caravan park.

The preceding report by Water Technology, “Proof of Concept Report – Warrnambool Drainage Study Investigation” (2019), highlighted the issues present due to the centralised outfall of the catchment. The central Japan Street Tunnel is the sole point of discharge and, as each report has shown, the demand of Warrnambool has outgrown the 19th century asset. Recommendations of this report included the pit extension to the stormwater pump unit present at 55 Japan Street (Wannon Water Facility) along with cell construction to retain stormwater from the system.

The cell implementation would consist of a two cell structures within Japan Street, between Koroit Street and Barkly Street and achieve a volume capacity of over 900,000 litres of stormwater. The three pits within the caravan park and two within neighbouring Council properties would fast-track the floodwater entering the system via the stormwater pump, removing it from its above ground presence.

The proposal to implement cell technology, as recently used successfully within Gibson Street, and additional drainage infrastructure will alleviate the more frequent flooding events. The report

concludes that if effectively implemented, the proposal will result in level reduction of over 100mm for both biennial (50% AEP) and one in five-year (20% AEP) rainfall events.

ISSUES

The purpose of entering this construction contract is to appoint a suitable contractor to deliver the associated works to the best standard in a safe, timely and efficient manner while minimising the risks to Council.

FINANCIAL IMPACT

Council has previously committed the \$850,000 received from the Australian Governments 'Local Roads and Community Infrastructure Program' Phase 3 for FY22/23. In addition to the Federal funding, Council has contributed \$400,000 of the drainage capital fund for the project.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

2 A Sustainable environment

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

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

5 An effective Council

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

TIMING

Contract Award	06 June 2023
Practical Completion	27 October 2023
Defects Liability	12 Months

COMMUNITY IMPACT / CONSULTATION

Consultation took place during the design development with the caravan park management around timing, effectiveness of works, future works and business impacts. This has highlighted an optimum construction period of July which is achievable.

Consultation with the broader Japan Street and surrounding community will be carried out in line with the Japan Street Lower Catchment Drainage Upgrade Communication and Engagement Plan.

LEGAL RISK / IMPACT

A key legal risk is the committed federal funding for drainage works within the Japan Street Catchment. Should Council not proceed with the implementation of these works there is an increased chance this money would need to be returned.

OFFICERS' DECLARATION OF INTEREST

No interests were declared.

CONCLUSION

A full procurement process has been undertaken, with one submission received. After completion of an assessment of the submission by the tender evaluation panel, it is determined that the tender represents best value for Council, and it is recommended that Council award the contract to Duggan Civil Pty Ltd.

ATTACHMENTS

1. 2023046 - Japan St Lower Catchment Drainage Upgrade - Aerial Sheet [7.6.1 - 1 page]

7.7. ADVISORY COMMITTEE REPORTS

DIRECTORATE: Executive Services

PURPOSE

This report contains the record of one Advisory Committee meeting.

EXECUTIVE SUMMARY

- Environment & Sustainability Advisory Committee – 13 April 2023.

ATTACHMENTS

1. Environment & Sustainability Advisory Committee Minutes - 13 April 2023 [7.7.1 - 7 pages]
-

RECOMMENDATION

That the minutes of the Environment & Sustainability Advisory Committee meeting held on 13 April 2023 received.

7.8. INFORMAL MEETINGS OF COUNCIL REPORTS

DIRECTORATE: Executive Services

PURPOSE

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

BACKGROUND INFORMATION

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

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

REPORT

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

- Monday 8 May 2023.
- Monday 15 May 2023.
- Monday 22 May 2023.
- Monday 29 May 2023.

ATTACHMENTS

1. Assembly of Councillors Record 8 May 2023 [7.8.1 - 1 page]
2. Assembly of Councillors Record 15 May 2023 [7.8.2 - 2 pages]
3. Assembly of Councillors Record 22 May 2023 [7.8.3 - 2 pages]
4. Assembly of Councillors Record 29 May 2023 [7.8.4 - 2 pages]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 8, 15, 22 and 29 May 2023 be received.

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

DIRECTORATE: Executive Services

PURPOSE

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

REPORT

Date	Location	Function
3 May 2023	Warrnambool	Deputy Mayor – Warrnambool Greyhound Racing Club Warrnambool Cup 2023.
4 May 2023	Warrnambool	Mayor & Chief Executive Officer – TAB Warrnambool May Racing Carnival Official Committee function.
8 May 2023	Warrnambool	Mayor & Chief Executive Officer - dKin Difference Event, Deakin University.
10 May 2023	Warrnambool	Mayor – Emmanuel College Science Precinct Official Opening and Blessing.
10 May 2023	Warrnambool	Mayor & Chief Executive Officer – Installation of Home is Where the Art is Community Artwork & Wombat Crossing at Pecten Avenue Playground.
14 May 2023	Warrnambool	Mayor – Opening of the 2023 City of Warrnambool Eisteddfod and Senior Vocal/Aria section.
17 May 2023	Warrnambool	Mayor & Chief Executive Officer – IDAHOBIT Day flag raising.
18 May 2023	Warrnambool	Mayor – Attended the Cost of Living Forum.
18 May 2023	Warrnambool	Cr Zeigler – Represented the Mayor at the National Volunteer Week event.
19 May 2023	Melbourne	Mayor & Chief Executive Officer – MAV State Council Meeting.
25 May 2023	Warrnambool	Chief Executive Officer – Health in a Changing Climate Forum.

RECOMMENDATION

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

8. NOTICE OF MOTION

Nil

9. GENERAL BUSINESS

10. URGENT BUSINESS

11. CLOSE OF MEETING