

AGENDA

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



VENUE:

**Reception Room
Warrnambool Civic Centre
25 Liebig Street
Warrnambool**

COUNCILLORS

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

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

**Andrew Mason
CHIEF EXECUTIVE OFFICER**

AUDIO RECORDING OF COUNCIL MEETINGS

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 5 June 2023 and Additional Council Meeting held on 26 June 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. NEWS & SOCIAL MEDIA POLICY

DIRECTORATE: *Corporate Strategies*

PURPOSE:

This report provides information on the revised News and Social Media Policy.

EXECUTIVE SUMMARY

Council has a News and Social Media Policy to provide a consistent, coordinated approach to interacting with news and social media, ensuring Council's communications are accurate and professional.

Online and traditional news services, along with social media, provide opportunities for Council to engage with and inform the community about Council activities, programs, events, services and initiatives. Collectively they play a critical role in facilitating transparency, accountability and public trust.

Councillors and staff of Warrnambool City Council are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies. The revised News and Social Media Policy provides guidance for Councillors, staff, contractors and volunteers on the use of news and social media for the purposes of informing and engaging with the community about Council activities, responding to media inquiries and the personal use of social media where Warrnambool City Council is a topic of online discussion.

RECOMMENDATION

That Council released the revised News & Social Media Policy for public exhibition for a period of not less than 14 days.

BACKGROUND

In addition to the News and Social Media Policy, Warrnambool City Council's interactions with news media are influenced by the following key documents:

- the Local Government Act 2020;
- the Councillor Code of Conduct;
- the Staff Code of Conduct; and
- The Community Engagement Policy.

The Council documents which address communication and media protocols are designed to reflect the intent of the Local Government Act.

The Act states that the role of the Mayor includes being "the principal spokesperson for the Council" and to "lead engagement with the municipal community on the development of the Council Plan and perform civic and ceremonial duties on behalf of the Council." Each of these responsibilities may include a need to interact with the news media or to be represented in social media.

The Councillor Code of Conduct states that the Mayor is the spokesperson for Council where Council has an official position on a matter and where the matter is of a political, controversial or sensitive nature.

The Code of Conduct also states that the Chief Executive Officer is the official spokesperson for all operational matters including staffing and the structure of the organisation and on corporate issues relating to Council services and the day-to-day business of Council.

Other Councillors are free to discuss matters with the media however, in accordance with the Code of Conduct, Councillors expressing independent views through the media must make it clear that any comment is their personal view and does not represent the position of Council.

The Staff Code of Conduct reinforces the roles of the Mayor and Chief Executive Officer and spokespeople for the Council while also providing guidance on using social media.

ISSUES

Since the adoption of the existing News and Social Media Policy the Gender Equality Act and associated regulations have come into force. The council must now make a Gender Impact Assessment of many of its projects, policies and procedures. Given that the media content generated by Council can discuss or depict gender or gender issues, a Gender Impact Assessment was completed for this policy and procedures.

The Victorian Government also released its 11 Child Safe Standards that came into force on July 1, 2022. Council generates media content that features early childhood settings and has responsibilities to ensure that it meets the Child Safe Standards, which include “Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.”

FINANCIAL IMPACT

No additional costs will be incurred because of the News and Social Media Policy and Procedures.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

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

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

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

TIMING

The adoption of the revised News and Social Media Policy and Procedures ensures that the document is up to date following the introduction of the Gender Equality Act and Child Safe Standards.

COMMUNITY IMPACT / CONSULTATION

Council colleagues have been consulted in relation to the News and Social Media Policy. The policy has, to a significant extent, parameters which are set by over-arching legislation and documents – such as the Local Government Act, the Councillor and staff codes of conduct and are therefore not negotiable.

LEGAL RISK / IMPACT

N/A

OFFICERS' DECLARATION OF INTEREST

Nil.

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

That Council adopt the revised News and Social Media Policy.

ATTACHMENTS

1. Draft News and Social Media Policy 2023 (1) [7.1.1 - 13 pages]

7.2. COMMUNITY SATISFACTION SURVEY 2023

DIRECTORATE: *Corporate Strategies*

PURPOSE:

This report provides information on the results of the 2023 Local Government Community Satisfaction Survey.

EXECUTIVE SUMMARY

Sixty-six of 79 Victorian municipalities participated in the 2023 Local Government Community Satisfaction Survey undertaken by JWS Research on behalf of Local Government Victoria.

The annual survey is a measure of the community's perceptions of Council's performance. The survey outcomes are influenced not only by Council performance but frequently by political, planning and/or infrastructure issues topical at the time of the survey.

The survey covers a comprehensive range of Council services but focuses on eight key performances measures which are: overall performance, value for money, community consultation, making community decisions, sealed local roads, waste management, customer service and overall council direction.

This year's results saw satisfaction levels fall several points in each core measure. While the declines from the unusually high scores of 2022 were significant, the results were in most cases within about 10 per cent of regional and state averages.

Typically, survey results are strongly influenced by issues that are topical at around the time the survey is being conducted (January to March). Over that period this year Council was in the process of closing the South-West Victorian Livestock Exchange and investigating the viability of constructing a new art gallery building at Cannon Hill. Both of these issues were complex, emotive and attracted considerable media attention and generated significant debate on social media.

RECOMMENDATION

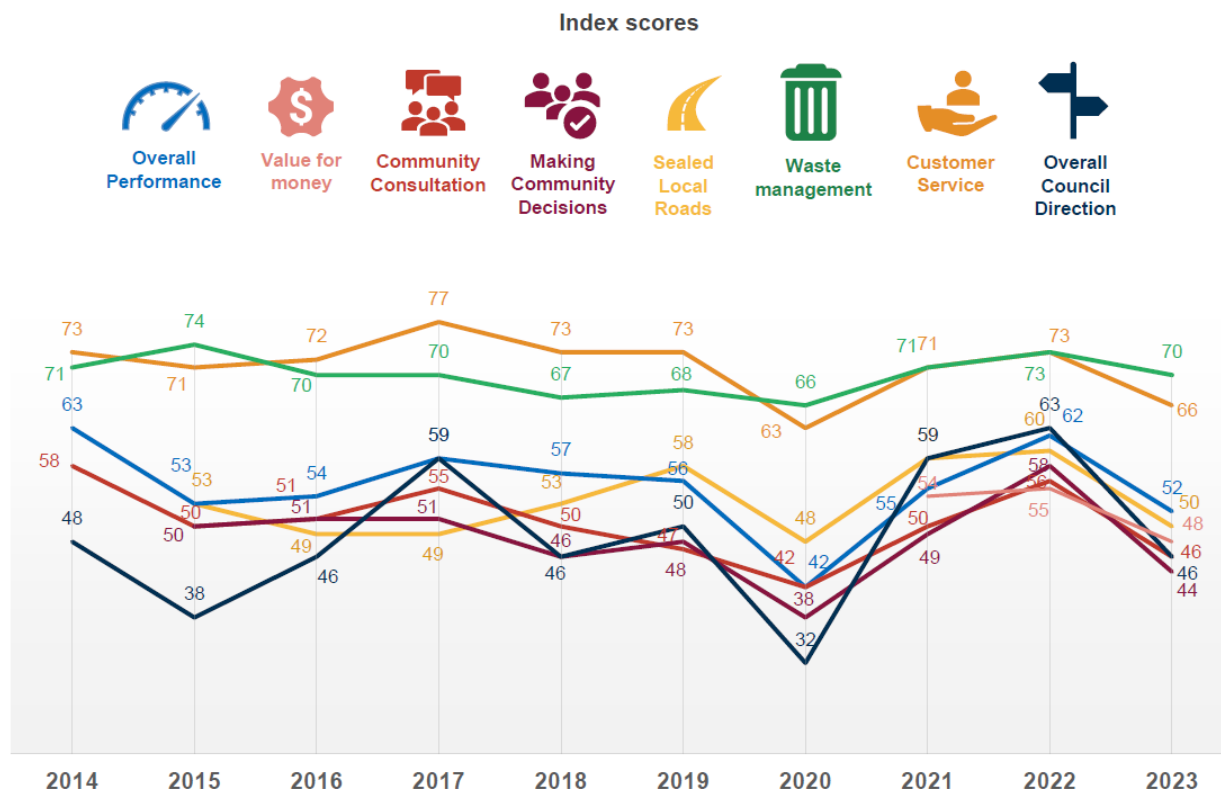
That Council notes the results of the 2023 Community Satisfaction Survey and makes the survey results available on Council's website.

BACKGROUND

Results in the Community Satisfaction Survey core measures are illustrated below. In percentage terms, declines were steepest in overall Council direction (27 per cent), community consultation (18 per cent), sealed local roads (17 per cent) and overall council performance (16 per cent).



Summary of core measures



Of note is that Council’s 2022 results showed high satisfaction levels compared to Victorian and regional Victorian averages. While some of the declines in 2023 have been severe, most results are reasonably close to statewide and regional averages. The figures in red show results more than five points below the state average, the figures in green indicate where Warrnambool results have exceeded the state average.

Core measure	Warrnambool 2023	Regional average 2023	Statewide average 2023
Overall performance	52	56	56
Value for money	48	50	49
Community consultation	46	50	52
Making community decisions	44	50	51
Sealed local roads	50	49	48
Waste management	70	67	66
Customer service	66	68	67
Overall Council direction	46	47	46

In addition to the core measures there are a number of other “non-core” measures assessed in the survey. Several of Warrnambool’s non-core measures were above the state average including waste management, art centres and libraries, appearance of public areas, emergency and disaster management, enforcement of local laws, business/community development/tourism, environmental sustainability, business and community development, population growth, traffic management, local streets and footpaths, planning and building permits,.

The survey provides insight into the demographic groups which are most or least satisfied with Council's performance. In terms of overall performance, the highest rating was received by those aged 65 years and over while the lowest rating was received by those aged 18 to 34 years.

Council received a high score for "arts centres and libraries" and this is likely to be a reflection of the new Library and Learning Centre which has been very well received by the community and which has won international architecture awards.

The three most preferred ways in which the community wants to hear from Council are via a newsletter received in the mail, a newsletter sent by email and social media. However there are significant differences between the over 50 and under 50 age groups. Those aged under 50 prefer to receive information via social media (33 per cent), a newsletter in the mail (27 per cent) or an emailed newsletter (19 per cent). Those aged over 50 prefer a newsletter in the mail (32 per cent), an emailed newsletter (25 per cent) or an advertisement in a local newspaper (16 per cent).

While there were declines in a number of measures, the results followed exceptionally positive results in 2022. Many results are now closer to state and regional averages.

ISSUES

Community consultation, financial management and decision-making processes were the three top areas in which respondents believed Council should improve its efforts.

Along with perceptions of importance, the survey asks respondents to indicate how important they believe each Council service/measure is. Ideally, the gap between importance and performance would be narrow.

The report noted that "Council performs significantly higher than the Statewide average in eight of 24 service areas evaluated."

However, "Areas for Council attention include making decisions in the interest of the community, consultation and engagement, lobbying and informing the community as these are interrelated service areas that perform significantly lower than both the Statewide and Regional Centres group averages."

FINANCIAL IMPACT

N/A

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

A number of the measures in the Community Satisfaction Survey are included in the Local Government Performance Reporting Framework and are also included in Council's Annual Report.

COMMUNITY IMPACT / CONSULTATION

Council has historically presented the Community Satisfaction Survey at an open meeting of Council and posted the full findings on its website.

LEGAL RISK / IMPACT

Nil.

OFFICERS' DECLARATION OF INTEREST

Nil.

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

The results of the survey show declines in a number of key measures and provide advice on areas in which Council can make efforts to improve results.

ATTACHMENTS

1. J 01207 CSS 2023 Warrnambool City Council Report [7.2.1 - 163 pages]

7.3. S11 INSTRUMENT OF APPOINTMENT & AUTHORISATION (ENVIRONMENTAL HEALTH OFFICERS)

DIRECTORATE: *Executive Services*

PURPOSE:

To appoint newly hired Environmental Health Officers as authorised officers for the purposes of all relevant legislation.

EXECUTIVE SUMMARY

This report seeks Council's endorsement for appointment of authorised officers under s 224 of the *Local Government Act 1989* through the attached updated Instrument of Authorisation and Appointment ('the instrument').

This request comes from recent staff changes in the Environmental Health team. By authorising the relevant officers to perform their duties under all applicable legislation, Council will ensure these new officers have the required authority to properly carry out their roles within Council's legislative requirements.

RECOMMENDATION

In the exercise of the powers conferred by s 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), Warrnambool City Council RESOLVES THAT -

- 1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.**
 - 2. The instrument comes into force immediately when the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
 - 3. The instrument be sealed.**
 - 4. Any previous S11 Instrument of Appointment and Authorisation (Environmental Health Officers) be revoked.**
-

BACKGROUND

Environmental Health Officers (EHOs) play a crucial role within Warrnambool City Council, working to ensure the protection and promotion of public health and environmental sustainability. These officers are responsible for enforcing and monitoring compliance with various laws, regulations, and standards related to environmental health. They conduct inspections, investigations, and assessments to identify potential health hazards, such as food safety risks, pollution, and unsanitary conditions.

EHOs collaborate with businesses, individuals, and community organizations to provide advice and guidance on health and safety measures, as well as to develop and implement strategies for managing environmental risks. They also play a pivotal role in responding to public health emergencies and outbreaks, conducting disease surveillance, and promoting community education and awareness programs. Through these efforts, EHOs contribute to safeguarding the well-being of the municipal community and maintaining a healthy and sustainable environment.

ISSUES

EHOs who are authorised under relevant legislation have a wide range of responsibilities and powers. They are permitted to conduct inspections and investigations to ensure compliance with health and safety regulations in various settings and have the authority to issue improvement notices or prohibition orders if they identify significant risks to public health or environmental hazards. They also have the power to collect samples, seize and detain unsafe products, and initiate legal proceedings if necessary. Additionally, EHOs have the mandate to provide education and guidance to businesses and the public regarding health and safety practices, as well as enforce legislation related to environmental protection, waste management, noise control, and other relevant areas.

To ensure that Council's EHOs have the proper authority to perform their functions they must be appropriately authorised by Council through an Instrument of Appointment and Authorisation. As Council is appointing officers to a statutory position, the authorisation is done by name rather than position title. There have been two new EHOs start with Council recently. These officers require authorisation through the endorsement of the attached instrument.

FINANCIAL IMPACT

Nil.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

5 An effective Council

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

5.4 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.

TIMING

N/A

COMMUNITY IMPACT/CONSULTATION

Nil.

LEGAL RISK/IMPACT

If EHOs are not appropriately authorised their ability to perform their functions is severely restricted.

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

Recent staffing changes necessitate Council's endorsement of the attached S11 Instrument of Appointment and Authorisation (Environmental Health Officers).

ATTACHMENTS

1. S11 Instrument of Appointment and Authorisation (Environmental Health Officers) [7.3.1 - 4 pages]

7.4. GYMNASTICS PROGRAM - TRANSFER OF BUSINESS

DIRECTORATE: *Community Development*

PURPOSE:

This report provides background on Council's gymnastics service and recommends an alternative service delivery option.

EXECUTIVE SUMMARY

Warrnambool Gymnastics is currently owned, operated and managed by Warrnambool City Council at a site in the showgrounds. The Springers Gymnastics Club is responsible for the competition arm of gymnastics. While these two bodies are technically separate, the operational reality is they are intertwined due to the heavy reliance on Council.

The ownership and management of a gymnastics service is not core business of local government. While the program has provided some revenue to Council in the past, this has not taken into account the real cost of administering the service and the return on investment. To grow the business would require significant additional Council investment, expertise and staff resources.

Springers Gymnastics have indicated in the past that they would prefer that Council was less involved in the operation of their sport and so Council officers have been consulting with the Warrnambool Springers Gymnastics Club to identify possible alternate models for the management and provision of gymnastics in Warrnambool.

As a result of this, the Warrnambool Springers Gymnastics Club wish to develop an alternate model of management and provision of gymnastics in Warrnambool and are requesting that Council transfer the Gymnastics business including the Centre (facility is leased from Showgrounds Committee of Management), equipment and gymnastics employees to the Club at the end of 2023.

RECOMMENDATION

That Council support the transition of business management and operations of the Gymnastic Program and the associated gymnastics assets, to the Warrnambool Springers Gymnastics Association from 1 January 2024, for a peppercorn fee of \$1.00 payable on invoice.

BACKGROUND

Operational management of the Gymnastics program at the former Queens Road Stadium by Council has been in place since May 2004, following the cessation of YMCA involvement in the facility and its programs. The Gymnastics program and Warrnambool Springers Gymnastics Club were relocated to the Gymnastics Centre at the Showgrounds in July 2008.

Warrnambool Springers Gymnastics Club is the only Gymnastics Victoria affiliated club in Warrnambool/Moyne. It has 230 registered gymnasts. An MOU has existed between the Springers Gymnastics Club and Council since 2005.

Warrnambool Gymnastics is currently owned, operated and managed by Warrnambool City Council at the site at the showgrounds. The Springers Gymnastics Club is responsible for the competition arm of gymnastics. While these two bodies are technically separate, the reality is they are intertwined due to the heavy reliance on Council. Springers Gymnastics have indicated in the past that they would prefer that Council was less involved in the operation of their sport.

The provision of a gymnastics program is not core business of local government. While the program has provided some revenue to Council in the past, this has not taken into account the real cost of administering the service and the return on investment. To grow the business would require significant additional investment, expertise, and staff resources.

ISSUES

In exploring how to exit from the business while ensuring that gymnastics as a sport would continue to be supported, three options were identified.

1. The committee directly take over the management and operations of the Centre.
2. The committee appoint a contract manager to run the Centre on their behalf.
3. Ownership and management of the Centre is transferred to a private enterprise.

Both the Springers Club and Council have informed the local gymnastics community that Council and Springers are planning for the future of the sport locally and will undertake a process to consider alternate models for the management and provision of gymnastics in Warrnambool.

a) Gymnastic Centre Employees

Under Council's Enterprise Agreement the employees of the Gymnastic Centre are covered by a Transmission of Business clause that requires that any new provider to make a sincere effort to employ current Gymnastics Centre staff.

Staff have been made aware of the Transmission of Business clause should a transition proceed and have been given regular updates as discussions with the Springers club have progressed. Staff are aware the Springers Club would like to take on the management and operation of the Gymnastics Centre, and that the Springers Club are seeking to take on the employment of coaching staff.

Council employees will continue to receive regular updates and be supported through the transition.

b) Club Consultation

Council officers have met with the committee of the Warrnambool Springers Gymnastics Club on several occasions and the Club has been supportive of assisting with the process. The Springers Club conducted a special meeting with their membership on 20 May (minutes attached) to decide if they would like to submit an expression of interest to Council in taking over the Management of the Gymnastics Centre.

The participating members voted to request that Council allow the club to take over the Gymnastics Centre and its programs. The Springers Club submitted a written request to Council following this decision (see attached).

It is considered best for the ongoing sustainability of the Gymnastics Centre and the growth and development of gymnastics as a sport that the local Gymnastics Club and community take a greater role in the development and provision of gymnastics.

c) Future Model

The Springers Club have indicated that they will engage a local sports program/facility manager who has previously served on the Springers Committee and is familiar with the sport of Gymnastics to assist the committee in establishing a new model for the management of the Gymnastics Centre. The Club feels this individual would bring the necessary resources, business and programming experience to successfully transition the Centre from Council including the ongoing management of the Gymnastics Coaching team. The Club believes by engaging a contracted professional to operate the Centre on the Club's behalf that the committee can continue to strategically drive Gymnastics in Warrnambool to increase activity and participation in the sport.

Conditions of Transfer

The Springers Club understand that they will be required to work within *transfer of business conditions* within Council's Enterprise Agreement to ensure that existing staff can opt to transfer to the new entity and retain their current conditions for a period of 12 months. There may be some staff who choose not to do so which will result in staff redundancy obligations for Council.

Under the MOU, the Gymnastics Centre equipment (some of which is now 18 years old) would become the property of the Club "*Council will be responsible for the maintenance and upgrading of program equipment. The equipment will always remain the property of the program provider.*" Much of the current equipment has been purchased outright by or with a contribution from the Club. The assets are of low value and cannot be repurposed.

The Club has requested that the transfer occur by the end of 2023 to allow the Club a fresh start in 2024.

FINANCIAL IMPACT

The current Council 2022-23 budget forecast for the Gymnastics Centre is as follows which does not include corporate overheads and other Council support:

Expenditure	\$247K
Income	\$233K

Two permanent and eight casual employees (an EFT of 2.29) would be impacted by the change of ownership. The estimate for program staff redundancies at the end of 2023 is outlined below. The balance of staff within the gymnastics program are employed on a casual basis. Should a current permanent employee not accept a comparable position with the new provider as part of the transfer of business a redundancy payment would not be required. This could be to the value of \$36,700.

There will likely be some legal costs required in formalising the transaction. It is proposed that the gymnastics equipment be transferred to the Springers Club at no cost as per the MOU.

Officers recommend Council continues to support the Gymnastics Club to establish itself during this transition period by continuing to pay the lease, electricity and rates contributions for 1 year at a cost of approximately \$25,000.

It is recommended that Council transfer the management and operation of the Gymnastics program to the Warrnambool Springers Gymnastics Club for a peppercorn cost of \$1.00.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

2022 Warrnambool City Council Enterprise Agreement.

TIMING

It is proposed that Council exit the management and operation of the Warrnambool Gymnastics Centre at the end of 2023 as per the Clubs request.

COMMUNITY IMPACT / CONSULTATION

It is expected that the same level of programing or greater will be offered and delivered to the local community including schools if the Springers Club were to take over the management of the Gymnastics Centre.

Part of the transition plan that would be developed with the Springers Club would be a public communications plan to inform the community and external stakeholders of the change and assure them of ongoing or improved access to gymnastics programs.

LEGAL RISK / IMPACT

N/A

OFFICERS' DECLARATION OF INTEREST

Nil

CONCLUSION

The Springers Gymnastics Club have indicated in the past that they would prefer that Council was less involved in the operation of their sport and so Council officers have been consulting with the Warrnambool Springers Gymnastics Club to identify possible alternate models for the management and provision of gymnastics in Warrnambool.

This process has identified an opportunity for Council to exit from the provision and management of Gymnastics services through the transfer of the Gymnastics Centre and business to the Warrnambool Springers Gymnastics Club at the end of 2023.

ATTACHMENTS

1. Meetings for Special Resolution Meeting 20 May [7.4.1 - 2 pages]
2. Letter [7.4.2 - 1 page]

7.5. JOINT RESEAL CONTRACT 2023/24 & 2024/25

DIRECTORATE: City Infrastructure

PURPOSE:

This report is to inform Council on the current status of the Joint Bitumen Sealing Program with Corangamite Shire Council (CSC) and seek approval for continuation of the current arrangement in 2023/2024 and 2024/2025.

EXECUTIVE SUMMARY

- Both Corangamite Shire Council (CSC) and Warrnambool City Council (Council) have programs to undertake bitumen sealing works each year, as part of our road asset management plans and annual road maintenance activities.
- Both CSC and Council's programs contain very similar scopes and are typically undertaken by specialist contractors. Accordingly, a collaborative approach to the procurement of these works provides a greater opportunity to achieve efficiencies through economies of scale.
- Council resolved on 6 September 2021 to enter into its sixth Infrastructure Contributions Agreement for 2021/2022 and 2022/2023 Bitumen sealing works with CSC.
- CSC entered into a contract with Boral Pty Ltd on behalf of Council to deliver sealing works for the 2021/22 and 2022/2023 financial years.
- It is proposed that a Bitumen Sealing Works Agreement is made with CSC, for the management and delivery of the 2023/2024 and 2024/2025 Bitumen Sealing Programs. The total value of a two-year resealing contract is estimated at \$1.5m.

RECOMMENDATION

- 1. That Warrnambool City Council enters into a Joint infrastructure Contributions Agreement with Corangamite Shire Council for the 2023/2024 & 2024/2025 bitumen sealing works.**
 - 2. That Corangamite Shire Council is appointed as an agent of Warrnambool City Council for the purpose of procuring the works under the 2023/2024 & 2024/2025 agreement.**
 - 3. That the Chief Executive Officer is delegated authority to sign and seal (execute) documents for the 2023/2024 and 2024/2025 bitumen sealing Joint infrastructure Agreement.**
 - 4. That the Chief Executive Officer is delegated authority to accept or reject the tender recommendations from Corangamite Shire Council for bitumen sealing works, following advice from the relevant officers.**
-

BACKGROUND

Bitumen sealing is an essential road maintenance activity that protects our road pavement and extends the life of our roads. The resealing of roads and streets is a planned renewal activity in our road management planning and is a significant investment by Council ensuring our road network remains safe and serviceable in the long term.

Council has previously entered into Infrastructure Contributions Agreements with CSC for bitumen sealing works, with the intent to achieve a best value benefit to each Council in the delivery of this service.

ISSUES

Council could conduct its own procurement process for the works as it did prior to the arrangement with CSC, however it is unlikely that any significant benefit or value for money would be achieved by reverting to this procurement option.

Whilst a direct (standalone) procurement method has previously provided a satisfactory outcome it had the following limitations:

- Council was unable to achieve the savings and efficiencies that a larger program of works can deliver;
- It duplicated tender and contract management process across both Councils;
- The same bitumen sealing contractors were tendering for each Council's contract.

Entering into a new joint agreement has the following benefits:

- Reduced costs in running a single tender process;
- Reduced administration costs, single contract Superintendent;
- Larger combined program of works and economies of scale, resulting in reduced resealing rates;

FINANCIAL IMPACT

While Council's 2023/24 budget is not yet finalised an allocation of \$770,000 is forecast to be provided for the services to be delivered under this contract which is consistent with previous years' allocations.

Note this cost does not include contract administration and pre-contract preparation works.

The joint arrangement provides cost savings to Council in the administration and management of the contract while the larger (joint) scope of works also provides economies of scale providing better value for money for both councils.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

Legislation Context

Local Government Act 2020

Council Policy Context

Council Procurement Policy 2020

Council Plan

4 A connected, inclusive place

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

5 An effective Council

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

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

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

TIMING

The awarding tender for the 2023/2024 & 2024/2025 Bitumen Sealing Program is proposed in September 2021 & 2022, where works are planned to be delivered in November and December 2021 & 2022.

COMMUNITY IMPACT/CONSULTATION

Officers from Council and CSC will regularly discuss and meet to review the specification, tender evaluation, and performance of the contract.

Under the contract, the contractor must provide affected properties a minimum of 24-hour notice of the works.

LEGAL RISK/IMPACT

During the contract there will be construction and financial risks associated with the works.

These will be managed via the specification within the contract where the contractor will be required to submit relevant documentation and insurances.

OFFICERS' DECLARATION OF INTEREST

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

CONCLUSION

That Council enters into a Joint Infrastructure Agreement with CSC for the 2023/2024 & 2024/2025 bitumen sealing works.

ATTACHMENTS

Nil

7.6. DP2023-0001 AMENDED DEVELOPMENT PLAN APPLICATION: 119 BRIDGE ROAD BUSHFIELD

DIRECTORATE: *City Growth*

PURPOSE:

This report considers the amended Woodford Heights Northern Development Plan submitted for 119 Bridge Road, Bushfield and recommends that Council approve the amended development plan as submitted.

EXECUTIVE SUMMARY

- Council has received an amended Development Plan (DP) prepared by Myers Planning & Associates for land at 119 Bridge Road, Bushfield (LOT 1 PS829725T).
- The plan changes some aspects of the existing Woodford Heights Estate Northern Development Plan that was approved at the October 2021 ordinary council meeting.
- Previously, the subject land identified on the plan with an area of 19.79 hectares only showed immediate development of 9.64 hectares within the Low Density Residential zone. The balance of the land (within both LDRZ and Rural Living Zone) was greyed out and designated as an 'area excluded from the development plan' with an example lot layout shown.
- The amended plan now under consideration now shifts the area excluded from the plan to only be land within the RLZ, and continues to show future open space assets and wetland drainage areas.
- The Development Plan as approved comprised twenty (20) lots with areas of no less than 4000m²; the amended plan now shows thirty (30) lots in a similar layout, serviced by a similar looping road, but with the re-positioning of some drainage assets
- The amended Development Plan was subject to internal and external referrals as required, and was placed on exhibition from 24 April 2023 for a non-statutory period of two (2) weeks where no submissions have been received.
- The amended Development Plan meets the requirements of the Development Plan overlay and relevant provisions of the Warrnambool Planning Scheme

RECOMMENDATION

That having considered all the matters normally required under Section 60 of the Act for planning applications, Council approve the amended development plan under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 on Title Plan 829725T at 119 Bridge Road, BUSHFIELD VIC 3280, which seeks to facilitate future low density residential development on the site.

BACKGROUND

The proposal seeks to approve an amended Development Plan for the address known as 119 Bridge Road in Bushfield that describes the development intent for a lower density residential subdivision south of Bridge Road. A plan was recently endorsed by Council which showed a similar layout, however the design has evolved over the course of implementation and civil engineering design.

Specifically, the former plan showed reserves for stormwater and open space within the Low Density Residential zone, whereas the amended plan seeks to revert all land within this zone for residential purposes, and continue to use land to the south for these infrastructure requirements. The proposed interface with Bridge Road and indeed the entire northern section of the development remains as previously approved.

Figure 1: Approved Plan versus proposed amended plan (source: approved DP and applicant submission)



The subject land is known as Lot 1 of PS829725T and is located on the south side of Bridge Road while sharing its western boundary with the road reserve known as Brodies Lane (currently an unmade track). The subject land has an area of 19.79 hectares and is split between the Low Density Residential and Rural Living zones, where no other overlays (other than the development plan) apply.

The amended plan continues to seek to develop the part of the land within the LDRZ for which the overall purpose is *'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'*.

The subject land is approximately 2.5km to the north of Warrnambool, and abuts Kiaman Close to the east (13 developed lots) and a rural property to the west on Brodies Lane. North of the subject land are rural residential lots and south of the site is land zoned for farming (FZ). The Woodford primary school is located near Jubilee Park approximately 800m west of the subject land.

ISSUES

Schedule 2 to the Development Plan overlay applies to all land zoned LDRZ including the part of the subject land on which the amended plan has been lodged. Schedule 2 provides the requirements for a Development Plan, where the amended plan needs to continue to meet the various requirements.

A parallel application has been lodged for subdivision, where the proposed plan shows 30 lots and a balance 'Lot A' of approximately 5 hectares according with the amended plan now being considered. A planning permit cannot be considered for subdivision until the amended development plan is approved.

As with the approved plan, the amended plan implies that if approved, an additional development plan will be required for land within the Rural Living zone. Indicative plans continue to show a wetland and retarding basin for stormwater, and open space and pedestrian linkages would be proposed at a later date.

FINANCIAL IMPACT

The costs associated with the assessment of the development plan and any subsequent reviews have been allowed for in the City Strategy and 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

Approval of the plan in line with recommendation is sought at the next available Council meeting.

COMMUNITY IMPACT / CONSULTATION

All documentation forming part of the amended plan has been subject to referral and non-statutory public exhibition for a period of two weeks, in accordance with Council's general policy to provide notice of development plans. While not a statutory requirement, exhibition of the amended plan contributes towards Council's decision making process by understanding local concerns. Although submissions were received in relation to the original approved plan, at the time of writing no submissions have been made in relation to the amended plan.

The amended plan was referred to the following external authorities:

- Wannon Water, Downer, Powercor, Department of Transport and Planning, Department of Energy Environment and Climate Action, Fire Rescue Victoria, Environmental Protection Agency.

Department of Transport and Planning

No objection in principle but required associated works in the form of a right turn and left turn lane from Bridge Road (a DTP managed road), and the prohibition of any direct vehicular access from any new lot directly onto Bridge Road. These considerations can be added as conditions to any future permit.

Environmental Protection Agency

No objection in principle, and re-confirmation that the amended plan does not alter the EPA's initial responses as provided with the original application.

Powercor

No objection and no comments.

Wannon Water

No objection was explicitly stated, but the following comments were provided:

Wannon Water recommends the following changes be adapted or considered by Council for the Woodford Heights development.

IWM and Water Sensitive Urban Design (WSUD)

- *The streetscape should incorporate WSUD to ensure run-off quality and quantity is at best practice. The current road section looks to provide traditional drainage with curb and channel, neglecting trees and grassed areas. An enhancement here would be to fit passive watering elements into the streetscape to allow stormwater to filter through the tree beds while still allowing excess to flow to the stormwater ponds. This approach may present a cost save in ongoing maintenance to the retention ponds through improved water quality.*
- *Water tanks should be considered in the modelling for flood impacts.*

Domestic Wastewater Management

- *Water saving appliances should be made mandatory for each house lot for permit conditions to be met.*
- *Each site is less than the recommended 10,000m² for low risk on-site wastewater management. The size of the lots constitutes a risk to on-site wastewater retention (EPA CoP 891.4) and coupled with poor soils requires secondary treatment. Historically, this has proven difficult to maintain as maintenance requirements and servicing contracts slip over time.*
- *Spray irrigation has been mentioned but should not be used, rather Wick trenches should be considered and the design loading rate for category 5b soils should not be exceeded. Alternatively subsurface irrigation, by methods approved by EPA CoP 891.4 and AS/NZS 1547 could be used.*
- *The location of the bores on site is a concern and breaches the buffer distance for primary treatment, this is a further risk as compliance needs to be maintained for functioning and reliable secondary treatment. Will there be more bores allowed within the estate?*
- *Septic tanks have been recommended to be 3,000l – with 750l of wastewater predicted per day, we believe this sizing should be increased.*
- *Council should consider the long-term impact of sodium in the effluent on the health of the soil and moreover, under EPA guidelines the cumulative impact of 30 septic systems in such a small area should be considered.*

Warrnambool 2040

- *Council should monitor for water quality impacts now and ongoing as well as throughout the construction period and after to determine erosion effects and human waste impact from the site. The sampling point should be downstream of the Sawpit Creek and Merri River confluence.*
- *There are no wildlife corridors or biodiversity links, this seems inconsistent with goal 13 'Natural Warrnambool' - Increased flora & fauna biodiversity. A focus on trees and biodiversity corridors and retention of native flora and fauna should be considered.*

The nature of the comments are clouded on account of detailed design progressing in line with the already approved planning permit. For the purposes of the amended development plan, it is sufficient to conclude that the referral authority presents a range of concepts that should be taken up by the developer, but that the layout of the development plan was always anticipated, and can be supported in this formalised fashion.

The amended plan was also internally referred to the following departments:

- City Infrastructure, City Sustainability, City Strategy, and Environmental Health.

Concerns were raised in relation to the original proposal, primarily by City Strategy and Environmental Health, questioning the suitability of the site to accommodate lots at the density and area proposed due to the cumulative impact of wastewater systems in the area.

Environmental Health

The following comments were provided:

- *The Environmental Health concerns have not changed from previous advice provided. Of particular concern is the number of systems proposed for the area and the fact that sustainable and suitable OWMS is critically based on effective and sustained servicing and maintenance of the system and high standards of on-going waste management.*
- *The amendment to the plan, places two blocks in the area of the current on site dam, this area was previously slated to be used as part of the drainage feature for the subdivision. Individual lot surface water drainage patterns will need to be assessed with the aim to reduce future cross-boundary discharge of effluent and inundation of land application areas and reserve areas which will affect the ability of the area to contain treated effluent onsite.*
- *It is expected that contouring of all the lots will be undertaken to assist in protecting land application areas from surface water runoff, in particular the new lots proposed in area of the current on-site dam.*

Again, the nature of the concerns brought forth from internal referrals reinforce previous views argued in relation to the original plan. While the amended plan does formalise a higher number of lots, the design requirements will continue to be addressed through the relevant processes, including the amending of associated planning permits should the amended development plan be supported.

ASSESSMENT SUMMARY

The amended development plan continues to propose lots with areas no less than 4000m², complying with the zone requirements and ensuring all wastewater can be treated and retained on site. All lots would continue to address the new internal road, with all traffic to enter and exit the site via the new access to Bridge Road. The amended plan continues to provide a landscaping theme, and building envelopes to provide for an appropriate built form outcome.

The approved plan was supported by a number of reports as follows:

- Engineering Services Report (SITEC)
- Land Capability Assessment (SITEC)
- Letter of advice (by Landtech)
- Stormwater Management Plan (SITEC)
- Infrastructure Layout Diagram (SITEC)
- Transport Impact Assessment Report (ESR)
- Cultural Heritage Management Plan (Urban Colours)
- Landscape Plan (SITEC)

Barring the Transport Impact Assessment which remains the same based on the same road layout, other reports have been updated to reflect the amended plan.

A complete re-assessment against the objectives of the development plan overlay has not been provided here, as the development plan has been relatively recently approved. The nature of the amendments have been described, where the 'new' lots have always been anticipated in previous iterations. The movement of associated infrastructure does require some design consideration, but given Council has already approved the overall concept, it is suggested that any required additional permit conditions can be added as necessary within the planning permit process.

LEGAL RISK / IMPACT

The Plan has been processed and assessed in accordance with the requirements of the Warrnambool Planning Scheme and *Planning and Environment Act 1987*. The applicant has avenue of appeal to VCAT for review should Council refuse endorsement of the Plan.

OFFICERS' DECLARATION OF INTEREST

Nil.

COLLABORATIVE PROCUREMENT

N/A

CONCLUSION

Council was presented with a similar range of concerns and opted to support the approval of the original development plan. Detailed design is ongoing, and amendments are required to the plan to accommodate the evolution of this design. An assessment against the original plan confirmed that the objectives of the overlay were being met, and that the general concept for this area could be supported. There are no new elements in the amended plan that present additional concerns, and while new referral responses will be reviewed by the applicant, any required changes can be implemented in future amendments to the planning permit. Accordingly, the amended development plan as submitted is recommended for approval.

ATTACHMENTS

1. 119 Bridge Rd Bushfield - Development Plan Applica [7.6.1 - 56 pages]

7.7. ADVISORY COMMITTEE REPORTS

PURPOSE

This report contains the record of one Advisory Committee meeting.

REPORT

- Warrnambool Airport Reference Group – 22 May 2023.

ATTACHMENTS

1. Warrnambool Airport Reference Group Minutes - 22 May 2023 [7.7.1 - 7 pages]
-

RECOMMENDATION

That the minutes of the Warrnambool Airport Reference Group meeting held on 22 May 2023 be 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 19 June 2023.
- Monday 26 June 2023.

ATTACHMENTS

1. Assembly of Councillors Record 19 June 2023 [7.8.1 - 2 pages]
2. Assembly of Councillors Record 26 June 2023 [7.8.2 - 2 pages]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 19 and 26 June 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 Ordinary Meeting which particularly relate to key social, economic and environmental issues of direct relevance to the Warrnambool community.

REPORT

Date	Location	Function
6 June 2023	Warrnambool	West Warrnambool Neighbourhood House.
7 June 2023	Warrnambool	Mayor - Commonwealth Games Legacy Document Launch. Mayor - South Warrnambool Flood Investigation Community Meeting.
13 – 16 June 2023	Canberra	Mayor & Chief Executive Officer - National General Assembly of Local Government.
16 June 2023	Canberra	Mayor - Australian Council of Local Government Forum.
16 June 2023	Warrnambool	Deputy Mayor – Sir John Eccles Tall Poppies Awards 2023.
19 June 2023	Warrnambool	Mayor & Chief Executive Officer - Early Childhood Reform Briefing with The Hon. Ingrid Stitt MP.
21 June 2023	Warrnambool	Mayor - Opening LGBTIQ+ Diversity & Inclusion Conference.
23 June 2023	Warrnambool	Mayor & Chief Executive Officer - South West Victoria Alliance Board Meeting. Mayor - The Warrnibald Prize Exhibition Launch. Mayor - Warrnambool & District Artists Society 28th Annual Awards Exhibition.
26 June 2023	Warrnambool	Mayor & Chief Executive Officer - Official Opening of Merri River Kayak Launch.

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