

AGENDA SCHEDULED MEETING

WARRNAMBOOL CITY COUNCIL – 5:45PM Monday 7 October

2024

VENUE:

Reception Room, 25 Liebig Street, Warrnambool

COUNCILLORS:

Cr. Ben Blain (Mayor)

Cr. Otha Akoch

Cr. Debbie Arnott

Cr. Vicki Jellie AM

Cr. Cr. Angie Paspaliaris

Cr. Max Taylor

Cr. Richard Ziegeler

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Andrew Mason

CHIEF EXECUTIVE OFFICER



WARRNAMBOOL
CITY COUNCIL

Video Recording of Council Meetings

All Open and Special Council Meetings will be video recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Video 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 videos will be retained for the term of the current Council, after which time the videos 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.

ORDER OF BUSINESS

Page No.

1. Opening Prayer & Original Custodians Statement.....	4
2. Apologies	4
3. Confirmation Of Minutes	4
4. Declaration By Councillors And Officers Of Any Conflict Of Interest In Any Item On The Agenda	4
5. Mayoral Presentation	5
6. Public Question Time	5
7. Reports.....	5
7.1. Presentation Of Annual Report 2023-2024	5
7.2. Middle Island Project Annual Report 2023-24	8
7.3. Advisory Committee Reports	12
7.4. Informal Meetings Of Council Reports	13
7.5. Mayoral & Chief Executive Officer Council Activities - Summary Report	14
8. Notice Of Motion	15
9. General Business.....	15
10. Urgent Business	15
11. Close Of Meeting	15

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 2 September 2024, 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. Presentation of Annual Report 2023-2024

This report is being considered during an election period. The recommended decision is not a prohibited decision in accordance with the meaning of Council's Election Period Policy.

AUTHOR : Mayor Cr Ben Blain

Purpose:

For the Council to present the 2023-2024 Annual Report to the community.

Executive Summary

The Local Government Act 2020 requires Council to release its Annual report for the previous financial year by 31 October. The Council Annual Report 2023-2024, a required document under the Local Government Act, describes a productive year for Warrnambool City Council.

Over 2023-2024 Council completed or commenced a number of significant projects:-

- The new accessible amenities block at McGennan was opened in October last year. It offers improved safety and space in a prominent foreshore location.
- A multi-sport half-court was built in Lake Pertobe further enhancing an outstanding recreational precinct.
- The first stage of the Brierly Recreation Reserve redevelopment has now been completed with very positive feedback from soccer and cricket clubs. Council is now focused on advocating for a sports and community hub.
- Following a review of aged and disability services, Council recommitted to and expanded its involvement in delivering a range of services that help people live independently at home and in the community.
- Council installed a new hockey pitch in partnership with the Warrnambool Hockey Club.
- Council completed important strategic planning work for key sites and assets including the former saleyards land along Caramut Road, Flagstaff Hill, AquaZone and the Warrnambool Art Gallery.
- Council is in a strong financial position. We are paying down debt to reduce interest payments and create capacity for future projects.
- Work to bridge the infrastructure renewal gap continued and over 2023-2024 Council invested \$10.7 million in renewal works.

- As part of the commitment to make the city more liveable and accessible Council continued to expand its footpath network around the city. In fact we have more paths, 382km, than roads, 351km.
- The Key Worker Accommodation and Affordable Housing Project proposed by Council has the potential to make progress into resolving the housing shortage in Warrnambool, which is limiting employers' capacity to recruit workers and putting rental prices out of reach of lower income workers.

Thank you to Council staff on the delivery of the actions described in our Council Plan.

Thank you to the Warrnambool community for engaging with Council and providing feedback on a range of plans and policies.

Thank you to my fellow Councillors for your efforts this financial year and on the first three years of this Council term during which we re-set the strategic direction for Council and the city.

RECOMMENDATION

That Council adopt the Warrnambool City Council 2023-2024 Annual Report.

Background

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

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

The Annual Report must contain:

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

Specifically, under section 100 of the Local government Act, the act requires a:-

"Meeting to consider annual report (1) For the purposes of section 18(1)(d)," and that

"the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public."

At its meeting on September 2, 2024, Council gave in-principle agreement for the financial and performance statements and governance information to be certified prior to the Annual Report being finalised for presenting to the community.

Financial Impact

The Annual Report describes Council's performance against the 2023-2024 Budget.

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.

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

Timing

Council is required to present the Annual Report before the end of October (within four months of the end of the financial year).

Community Impact / Consultation

The presentation of the Annual Report meets the requirement under the Local Government Act for the Mayor to report to the municipal community, at least once a year, on the implementation of the Council Plan.

Legal Risk / Impact

The presentation of the Annual Report is a legal requirement.

Officers' Declaration of Interest

Nil.

Collaborative Procurement

N/A.

Conclusion

Council is in a position to present to the community the Annual Report for the 2023-2024 financial year.

ATTACHMENTS

1. 2751 2024 Annual Report [7.1.1 - 151 pages]

7.2. Middle Island Project Annual Report 2023-24

This report is being considered during an election period. The recommended decision is not a prohibited decision in accordance with the meaning of Council's Election Period Policy.

DIRECTORATE : City Infrastructure

Purpose:

This report is provided for information on the Middle Island Project Annual Report 2023-24.

Executive Summary

- The Middle Island Project is a wildlife conservation project to help protect the colony of Little Penguins on Middle Island.
- This report provides an annual update on the project's implementation and outlines the Middle Island Project Season Report 2023-2024's outcomes.
- The highlights of the season include continued effectiveness of the Maremma guardian dogs protecting the Little Penguins and ongoing interest and participation in the education program.
- Challenges during the season include the health of the Maremma guardian dogs as they age, weather and tide conditions which impacted safe crossing to the island and limited the ability to undertake monitoring to estimate the population.

RECOMMENDATION

That the Middle Island Project Annual Report 2023-24 be received.

Background

The Middle Island Project (the Project) has contributed to the conservation of the Middle Island Little Penguin colony for nineteen years.

The project's innovative use of Maremma guardian dogs to protect Little Penguins in a world-first conservation project of this kind, is now known as 'The Warrnambool Method' of wildlife conservation. By controlling fox predation on Middle Island, the project saw the recovery of the Little Penguin colony to over 200 individuals in the 2016-17 breeding season and continues to assist with this recovery.

Warrnambool City Council (Council) oversees the Project, with the Warrnambool Coastcare Landcare Network (WCLN) undertaking monitoring of the Little Penguin colony, Deakin University contributing to research and the Warrnambool Field Naturalists Club. The Department of Energy, Environment and Climate Action (DEECA) and Parks Victoria, also provide support and advice for project delivery via the Middle Island Project Committee. These organisations come together with major sponsors Petstock Warrnambool and The Vet Group to ensure the ongoing success of the Project.

The project's education program has become a focus in the past two years, particularly ways to grow the program and hence associated funds raised through it. This has become increasingly important as costs to run the program (primarily care and training of the Maremma guardian dogs as well as staff wages) have increased over the same time period.

Middle Island Project Season Report 2023 – 2024

The Middle Island Project Season Report outlines the key achievements and challenges during the 2023-2024 Little penguin breeding season - **refer to Attachment 1.**

The Project Highlights for 2023-24 include:

- No evidence of foxes on Middle Island during the season
- On-going interest in the Penguin Protectors Warrnambool - Education Experience and the Flagstaff Hill Maritime Museum & Village - Education Program
- Continued sponsorship by major sponsors PetStock and the Vet Group
- Local businesses and the wider community continue to support the Project
- Correspondence from interstate and overseas grows
- Renewed Ethics Approval for Penguin Monitoring

Key Penguin Statistics:

- Limited arrival counts undertaken outside of prime breeding times counted less than ten Little Penguins
- Limited counts don't form a reliable estimate of the population size
- Short-tailed Shearwater's continue to nest on Middle Island during their migration
- Breeding surveys weren't completed due to difficulties obtaining ethics approval
- Marine and Coastal Consent Act (MACA) permits have been submitted for acoustic surveying and other new surveying methods
- 83 volunteer hours from WCLN volunteers have been spent on the project this season

Project Challenges:

- As the Maremma guardian dogs age their health concerns increase
- Damage to infrastructure on Middle Island caused an unsafe workplace for unsupervised dog activity
- Island accessibility limited as dependent on favorable weather and tide conditions

Issues

Weather conditions have hampered the ability to house the Maremma Dogs on the island over the past two seasons and have made access for maintenance activities difficult also.

Financial Impact

The Middle Island Project requires resourcing to implement. This includes staffing to care for and train the Maremma guardian dogs and deliver tours and the education program. The tourism and education program and donations are the main sources of revenue for the project. Project oversight, coordination and administration support is accommodated within the City Sustainability budget.

Legislation / Policy / Council Plan Context

1 A healthy community

1.6 Community learning pathways: Council will support and encourage lifelong learning that helps build community resilience and preparedness for change.

2 A Sustainable environment

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

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

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

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

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.

Timing

This report covers the 2023 – 2024 Little penguin breeding season.

Community Impact / Consultation

The community has a strong connection to Middle Island and the Maremma guardian dogs that protect the Little Penguin population. As a result of the success of 'The Warrnambool Method' and the promotion it has given Warrnambool, protecting the Little Penguin colony has an economic value through its ability to provide a tourism experience. The Little penguin colony on Middle Island provides an opportunity to contribute to research undertakings and is a valuable tool for teaching the next generation about wildlife conservation.

The Middle Island Project continues to strive to positively contribute to the conservation of the Middle Island Little penguin colony. The ongoing success of the project is in large due to the collaborative efforts of Warrnambool City Council, stakeholders, sponsors and the local community who continue to come together in support of 'The Warrnambool Method' of wildlife conservation.

Legal Risk / Impact

The Middle Island Project continues to implement the 'Warrnambool Method' which has proven successful in protecting the colony of Little Penguins. Predation by foxes continues to be a significant threat to the Little Penguin colony on Middle Island.

The fox control program alone would not be sufficient to deter the foxes from Middle Island or eliminate the fox population, however, is an effective measure to reduce the population and provide a multifaceted and coordinated year-round approach to the protection of the Little Penguin.

Officers' Declaration of Interest

No Officer involved in the Middle Island Project has declared interest.

Conclusion

The Middle Island Project has been a long-running and successful program that has a strong link to the community. The use of Maremma guardian dogs to protect the Little penguin colony of Middle Island is now widely recognised as an innovative world-first in wildlife conservation. The ongoing long-term monitoring of the Little penguin colony and biodiversity of Middle Island is important to continue to guide conservation efforts into the future. The Middle Island Project Annual Report 2023-24 provides an opportunity to reflect on the key achievements and challenges and adapt implementation of the project across the Little penguin breeding season and prepare for the upcoming season.

ATTACHMENTS

1. Middle Island Project Season Report 2023 24 [7.2.1 - 14 pages]

7.3. Advisory Committee Reports

This report is being considered during an election period. The recommended decision is not a prohibited decision in accordance with the meaning of Council's Election Period Policy.

Purpose

This report contains the record of the Warrnambool Airport Reference Group meeting held on 5 August 2024 and the Economic Development & Tourism Advisory Committee meeting held on 6 September 2024.

Report

1. Warrnambool Airport Reference Group Meeting – 5 August 2024 – refer **Attachment 1**.
2. Economic Development & Tourism Advisory Committee – 6 September 2024 – refer **Attachment 2**.

ATTACHMENTS

1. Minutes WARG 5 August 2024 [**7.3.1** - 7 pages]
2. Economic Development and Tourism Advisory Committee Minutes - 6 September 2024 [**7.3.2** - 6 pages]

RECOMMENDATION

1. That the record of the Warrnambool Airport Reference Group meeting held on 5 August 2024 be received, noting Item 5, commentary on Strategy and Development Plan, Item 10, commentary on AirBP Fuel Facility and Item 13, commentary on Leases.
 2. That the Economic Development & Tourism Advisory Committee meeting held on 6 September 2024, be received.
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7.4. Informal Meetings of Council Reports

This report is being considered during an election period. The recommended decision is not a prohibited decision in accordance with the meaning of Council's Election Period Policy.

Purpose

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

Background Information

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

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

Report

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

1. Monday, 9 September 2024 – refer **Attachment 1**.
2. Monday 16 September 2024 – refer **Attachment 2**.
3. Monday 30 September 2024 – refer **Attachment 3**.

ATTACHMENTS

1. Assembly of Councillors Record 9 September 2024 [7.4.1 - 2 pages]
2. Assembly of Councillors Record 16 September 2024 [7.4.2 - 1 page]
3. Assembly of Councillors Record 30 September 2024 [7.4.3 - 1 page]

RECOMMENDATION

That the record of the Informal Meetings of Council held on 9, 16 and 30 September 2024, be received.

7.5. Mayoral & Chief Executive Officer Council Activities - Summary Report

This report is being considered during an election period. The recommended decision is not a prohibited decision in accordance with the meaning of Council's Election Period Policy.

Purpose

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

Report

Date	Location	Function
5 September 2024	Warrnambool	Mayor - Minister Dimopoulos, Minister for Tourism, Sport and Major Events visit to Warrnambool Art Gallery.
11 September 2024	Warrnambool	Mayor and Chief Executive officer – Attended launch of Talent Beyond Boundaries program.
	Warrnambool	Mayor – Attended Student Leaders Congress Celebration night.
14 September 2024	Warrnambool	Mayor and Chief Executive Officer - Attended Triple J One Night Stand.
26 September 2024	Portland	Mayor and Chief Executive Officer – Attended Southern Ocean offshore wind industry announcement by Minister for Climate Change and Energy, Hon. Chris Bowen.
1 October 2024	Warrnambool	Mayor and Chief Executive Officer – Attended opening of Hycel Technology Hub at Deakin Warrnambool.

RECOMMENDATION

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

8. Notice of Motion

No Notices of Motion Have Been Received.

9. General Business

10. Urgent Business

11. Close of Meeting