

# AGENDA SCHEDULED MEETING

WARRNAMBOOL CITY COUNCIL – 5:45PM

Monday 3 February 2025

## VENUE:

Reception Room, 25 Liebig Street, Warrnambool

## COUNCILLORS:

Cr. Ben Blain (Mayor)

Cr. Debbie Arnott

Cr. Willy Benter

Cr. Billy Edis

Cr. Vicki Jellie AM

Cr. Matthew Walsh

Cr. Richard Ziegeler

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Andrew Mason  
CHIEF EXECUTIVE OFFICER



WARRNAMBOOL  
CITY COUNCIL



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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](http://www.warrnambool.vic.gov.au). We thank you in anticipation of your co-operation in this matter.

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### 1. Opening Prayer

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

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#### RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 2 December 2024, be confirmed.

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### 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 Foreshore Strategic Framework Plan

**DIRECTORATE :** City Growth

#### Purpose:

*This report provides information on the Warrnambool Foreshore Strategic Framework Plan, and recommends adoption of the plan, and consent to request authorisation from the Minister for Planning to prepare an associated planning scheme amendment.*

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#### Executive Summary

- Council engaged REALM studios Pty Ltd in September 2023 to prepare the Warrnambool Foreshore Strategic Framework Plan (WFSFP).
- The WFSFP provides a planning framework for the Warrnambool foreshore area, bringing together previous planning projects and providing an integrated vision for the precinct. The WFSFP will help inform long term strategic planning objectives and funding priorities.
- The land in the Study area is Crown Land and Council is the appointed Committee of Management.
- The plan was informed by a multi-stage community and stakeholder consultation process, existing conditions analysis, and issues and opportunities assessment.
- The WFSFP will assist Council to make informed decisions in-line with State Government legislation, and State/Local Government policy, strategy and plans for any future works or land use activities.
- All stages are now complete, and the Draft Warrnambool Foreshore Strategic Framework Plan was issued for review and feedback from the Project Working Group (PWG), Stakeholder Reference Group (SRG) and the Project Reference Group (PRG) including Eastern Maar, DEECA and GORCAPA.
- The draft plan was released for public consultation, with a combination of online responses and written feedback received. A detailed response to the issues raised by submitters is attached.
- Realm Studios presented the Final draft Framework Plan to Councillors at a briefing in September 2024. The recommendations have not yet been taken to an ordinary meeting. The plan continues to be recommended for adoption.
- Recommendation is also made for Council to request authorisation from the Minister for Planning to prepare an associated planning scheme amendment, and once authorisation is received, to prepare and exhibit the amendment. The purpose of the planning scheme amendment is to introduce key principles from the plan into the planning scheme.

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## RECOMMENDATION

### That Council

1. Adopt the Warrnambool Foreshore Strategic Framework Plan.
  2. Pursuant to Section 8A of the Planning and Environment Act 1987, request authorisation from the Minister for Planning to prepare a planning scheme amendment to introduce relevant key principles from the Warrnambool Foreshore Strategic Framework Plan into the Warrnambool Planning Scheme.
  3. Following authorisation from the Minister for Planning in accordance with Section 9 of the Planning and Environment Act, prepare and exhibit an amendment to the Warrnambool Planning Scheme to introduce relevant key principles from the Warrnambool Foreshore Strategic Framework Plan into the planning scheme.
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## Background

Realm Studios were appointed in September 2023 to prepare the Warrnambool Foreshore Strategic Framework Plan (WFSFP).

The Foreshore precinct sits to the south of Warrnambool's Central Business district, bordering the Lady Bay and southern ocean, between the outlet of the Merri River at Stingray Bay to the west, and the Flume access point off Merri Street to the east. It is bordered by Pertobe Road to the north.



Council officers have received the plan, and now submit for review and adoption the final Warrnambool Foreshore Strategic Framework Plan - Refer to **Attachment 1 WFFP – Final Plan**.



The creation of this plan follows on from the previous Stages as follows:

1. Project Inception,
2. Stage 2. Research and Analysis report and
3. Stage 3. Issues and Opportunities for the Warrnambool Foreshore Strategic Framework Plan. (previously reported to EMT & Informal Council in March 2024)
4. Stage 4 – Draft Conceptual Design Report (previously reported to EMT & Informal Council in April 2024)
5. Stage 5 - Draft Warrnambool Framework Plan
6. Stage 6 - Final Plan and Council endorsement

## Issues

The WFSFP aims to provide guidance on the future development of the Foreshore and is based on extensive public consultation conducted through all stages of the project.

Consultation has included engagement with government agencies such as the Department of Environment, Energy, and Climate Action (DEECA) and the Great Ocean Road Coast and Parks Authority (GORCAPA), traditional owners Eastern Maar, commercial operators such as the Pavilion, surf schools, Deep Blue Hot Springs, sporting groups such as the yacht club and the fishing club, the Coast Guard, the horse training industry, the SLSC and the broader community.

The WFSFP provides a comprehensive vision for the revitalization and sustainable development of the foreshore area. The plan outlines a series of key moves and strategic interventions to be implemented over three phases spanning from 2025 to 2040 and beyond prepared in response to input from stakeholders, community, government agencies and council.

The WFSFP has sought to provide a balanced approach to competing interests on the future use and development of the foreshore.

DEECA has a statutory obligation to ensure that the objectives of the *Marine and Coastal Act 2018* (MACA) are met in light of proposed works on the foreshore and to be satisfied that meaningful engagement occurs with Eastern Maar. DEECA are also the landowners of the Foreshore (being Crown Land) and are significant stakeholders in this area's development.

Eastern Maar seeks to ensure that, amongst other things, traditional owners have input into the future direction of the foreshore area.

The horse training industry seeks to protect their contractual right to train in Lady Bay whilst DEECA, Eastern Maar and some community members do not support this use on the foreshore.

The Surf Life Saving Club (SLSC) seek to expand the existing surf club building and car park area however government agencies such as DEECA and the GORCAPA question whether this can be supported on land protected by the MACA.

Commercial operators within the Foreshore area encourage greater access to their businesses whilst users of the foreshore, including the Coast Guard, the Yacht Club, the fishing club and the community also seek enhanced access to facilities and car parking.

## Key changes to the final draft of the WFSFP

The final draft seeks to balance the various views raised in consultation as well as provide an implementation plan designed to assist in the revitalization of the foreshore. To achieve this the final draft provides for:

1. Greater detail as to the requirements of the *Marine and Coastal Act 2018*, the *Marine and Coastal Policy* and the *Marine and Coastal Strategy*.

The WFSFP is a strategic document. As such, it lacks the detail required to obtain consent under the *Marine and Coastal Act 2018*. The WFSFP will, however, assist Council to prepare a *Coastal and Marine Management Plan* (CMMP) which is required as part of the permit application process under the *Marine and Coastal Act 2018*.

2. The following six key moves designed to revitalize the foreshore between 2025 and 2040 and beyond as captured in community feedback:
  - vegetation management
  - surf lifesaving club redevelopment
  - village green development
  - elevated boardwalk system
  - sea bath construction
  - harbour precinct redevelopment

It should be noted that the ocean pool concept has been removed from the plan in response to concerns raised from both Eastern Maar and DEECA.

3. Works associated with each of the above moves is detailed in the action plans identified for each phase of the strategy.

The action plans provide a prescriptive list of tasks generally prepared in response to community expectations and aspirations. As previously detailed, such works will require permission under the *Marine and Coastal Act 2018* and action on these works will be dependent on government funding.

4. An implementation strategy to guide all projects within the foreshore including early engagement with Eastern Maar on tangible and intangible heritage values.

The plan also recognizes the need to respond to current and future climate conditions.

5. The recommendation that a planning scheme amendment be undertaken to provide statutory support for the WFSFP.

This will require the inclusion of a new local policy at Clause 12.02 Warrnambool Foreshore that will include the key principles of the strategic plan. The purpose of this provision is to establish a policy framework to guide future use and development within the Foreshore. The WFSFP will be a reference document to this provision.



6. The plan will inform the preparation of a *Coastal and Marine Management Plan* (CMMP).

The CMMP will be required to obtain consent under the Marine and Coastal Act 2018 for works proposed under the WFSFP.

In summary, the plan involves a number of key moves:

1. Vegetation Management: Staged approach to improve biodiversity, enhance views, and increase safety.
2. Surf Life Saving Club Redevelopment: Integrate with the proposed 'Village Green' to create a community hub.
3. Village Green Development: Establish a flexible community space at the heart of the foreshore.
4. Elevated Boardwalk System: Improve views, safety, and protect underlying vegetation.
5. Seabath Construction: Provide protected swimming access in the longer term.
6. Harbour Precinct Redevelopment: Transform the area into a highly used activity node.

Strategic Timeframe:

- Phase 1 (2025-2030): Focus on essential upgrades, vegetation management, and planning for the Village Green.
- Phase 2 (2030-2035): Develop recreational offerings, planning and design of the seabath, and expand biodiversity corridors.
- Phase 3 (2040 and beyond): Extend the raised boardwalk, implement seabath, and further develop the harbour area.

It is crucial to note that all projects and interventions proposed in this Framework Plan will require consent under the Marine and Coastal Act 2018, VIC (MACA) from the Department of Energy, Environment and Climate Action (DEECA). This includes, but is not limited to, vegetation management activities, construction of new structures such as the boardwalk and seabath, and redevelopment of existing facilities like the Surf Life Saving Club and harbour precinct. Each project will need to undergo individual assessment and approval processes to ensure compliance with coastal management policies and environmental regulations.

It was also highlighted in late consultation with Better Boating Victoria that some work is already underway or completed in the harbour district as anticipated by the *Harbour Master Plan 2018*. As such, the document was updated to confirm that work is anticipated to continue in future stages, but is contingent on approvals mentioned above, as well as securing appropriate funding.

The successful implementation of this Framework Plan depends on close collaboration between Warrnambool City Council, state government agencies, community stakeholders, and the Eastern Maar Traditional Owners.

### Financial Impact

Budget for the development of the WFSFP was set aside in the City Strategy & Development budget for 2024/25.

Implementation of many of the key moves within the plan will require State Government funding as the foreshore is Crown Land.

## Legislation / Policy / Council Plan Context

### 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

### 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.

## Timing

The project is complete, and adopting the recommendation contained in the report would see the framework in place and next phases in the Planning Scheme Amendment commenced.

## Community Impact / Consultation

Community engagement has been undertaken in accordance with Council's Community Engagement Policy and IAP2 approach, with particular emphasis on collaboration with community and stakeholders, as follows:

- Online Community Survey, Face-to-face workshop meetings with Stakeholders and Community, Walk on Country with Eastern Maar.
- Engagement opportunities for the PWG, PRG, SRG and broader community have been undertaken during Stages 2, 3, 4 and 5 of the project.
- Further consultation with the broader community was undertaken during Stage 5 – Draft Plan. Online Community Survey, Face-to-face workshop meetings with Stakeholders, Community and Eastern Maar.

Key changes to the WFSFP in response to agency and community feedback have been detailed above.

Council and Realm Studios have compiled detailed responses to the feedback received from the WFSFP – draft plan. **Refer to attachments 2, 3, 4 and 5.**

## Legal Risk / Impact

Project management processes are in place to minimise any risk.

## Officers' Declaration of Interest

None declared.



## Collaborative Procurement

Not applicable.

## Conclusion

The Warrnambool Foreshore Strategic Framework Plan has been guided by the relevant legislation, policy, and strategy and planning requirements and informed by results obtained by the engagement activities, the Issues and Opportunities, Conceptual Options reports and outcomes derived from feedback gathered on the draft plan. It aims to guide the future development of this area to improve the amenity and environmental performance, whilst also providing benefits to multiple user groups.

It is recommended that the final plan be adopted by Council.

## ATTACHMENTS

1. Warrnambool Foreshore Framework Plan final Feb 25 [7.1.1 - 124 pages]
2. Draft Plan Feedback Responses - Realm Studios [7.1.2 - 6 pages]
3. Consolidated Feedback - Draft Plan - WCC response [7.1.3 - 12 pages]
4. Online Community Feedback - WCC response [7.1.4 - 6 pages]
5. Realm - Novo Planning response to GORCAPA [7.1.5 - 2 pages]

## 7.2. Green Warrnambool Strategy 2024 Update

**DIRECTORATE :** City Infrastructure

**Purpose:**

*To provide an update on the Green Warrnambool Strategy implementation and progress towards the 2026 and 2040 goals.*

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### Executive Summary

- The Green Warrnambool Strategy consists of six pillars (Zero, Adaptable, Wise, Natural, Blue and Green) that outlines how council will achieve its vision of being the most environmentally sustainable regional city in Australia by 2040.
- This report provides an update on each action and goal of Green Warrnambool outlined under immediate actions, 2026 goals and 2040 goals.
- A status is given for each action and goal such as
  - Unlikely to be achieved
  - In review
  - In progress
  - 2026 goal reached
  - To be started
  - Now standard practice
  - Completed
- City Sustainability and Compliance staff continue to work with internal and external stakeholders, as well as the community, to complete the strategic goals.

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### RECOMMENDATION

That Council notes the progress of the implementation of the Green Warrnambool strategy.

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### Background

Green Warrnambool is a strategic document adopted by Council in 2018 and outlines how council will achieve its vision of being the most environmentally sustainable regional city in Australia by 2040. The strategy is linked to Councils 2040 Community Plan and consists of six pillars.

**Zero Warrnambool** – outlines how Council and community will reduce their greenhouse gas (GHG) emissions. The targets being that council operations will be zero GHG emissions by 2026 and the whole municipality will be zero GHG emissions by 2040.

**Adaptable Warrnambool** – outlines how Council and the community will prepare for the effects of climate change and become resilient to a changing climate into the future.

**Wise Warrnambool** – outlines how Council and the community will minimise waste going to landfill and participate in a circular economy.

**Natural Warrnambool** – outlines how Council and the community will improve biodiversity corridors across the municipality, improve native flora and fauna habitat and reduce the impact of invasive plants and animals across the municipality.

**Blue Warrnambool** – outlines how Council and the community will incorporate integrated water management into new and old developments, treat storm water before it enters waterways and improve the conditions of the Hopkins and Merri Rivers.

**Green Warrnambool** – outlines how Council and the community will secure local food supplies and improve the city's urban forest.

Each pillar is broken into sections which separate immediate goals, goals to achieve by 2026 and goals to achieve by 2040. There is also a section on how the community can contribute to achieving each goal.

The goals set out in the strategy are the focus of staff in the Sustainability and Compliance branch, but all areas of Council can work towards achieving Green Warrnambool goals and a number of opportunities to collaborate with other areas have been established to deliver programs such as the Youth Engagement team (Green Futures Now Program), the Warrnambool Library (Green Warrnambool Series) and Parks, Gardens & Environment Team (Staff Plant a Tree Day and School Plant a Tree Program).

The Green Warrnambool Report 2024 provides an update on the implementation status of goals and actions. **Refer to attachment 1.4.1.** Actions in Review refer to the need to reassess the plan or program listed as they are no longer operating or functioning.

Out of the **51 Immediate Actions for Council**, 30 are in progress, 1 is completed, 1 aligns with 2026 goal being unlikely to be achieved in time, 4 align with 2026 goal being achieved, 4 are to be started, 4 are in review and 7 align with now being standard practice.

Out of the **52 goals to be achieved by 2026**, 32 are in progress, 1 goal is unlikely to be achieved on time, 4 goals have been achieved, 5 are to be started, 3 are in review and 7 align with now being standard practice.

Out of the **41 goals to be achieved by 2040**, 24 are in progress, 1 aligns with 2026 goal being unlikely to be achieved in time, 4 align with 2026 goal being achieved, 3 are still to be started, 2 are in review and 7 align with now being standard practice.

Highlights from each pillar include:

#### **Zero Warrnambool**

- 70% of council's electricity is purchased through renewable energy sources.
- Council's fleet vehicles consist of two electric vehicles and 20 Hybrid vehicles.
- Public and Council use EV Charging Stations installed.
- The Principal Pedestrian Network is active and Principal Bicycle Network is in draft form.
- 19% of residential properties have solar PV systems.
- Staff capacity building underway for future neighborhood battery project.



**Adaptable Warrnambool**

- The Sustainable Council Buildings Policy and Guidelines have been adopted.
- East of Aberline Growth Area Precinct provides opportunities to implement a Zero Net Carbon Housing Development.
- Viaduct Road Rock Revetment – Coastal Processes Study and Adaptation Plan completed.
- Warrnambool Coastal Adaptation project is underway.
- Growing Green Rooms project underway.
- Extreme Heat Vulnerability Project complete.
- Member of the Barwon South West Climate Alliance.

**Wise Warrnambool**

- FOGO is a part of the four-bin system.
- Container Deposit Scheme implemented.
- Integrated Water Management Plans for Albert Park and Lake Pertobe.
- Three Australian Materials Recovery Facilities (MIRF's) are currently being used to assist with 2026 goal of increasing diversion from landfill to 80%.
- The Municipal Depot is working towards recovering and re-using 95% of Street Sweeper and Jet Vac Truck waste. Currently the practices enable a small percentage of the product gathered by the two units to be re-used and the investigations are aiming to provide a much higher percentage.

**Naturally Warrnambool**

- Warrnambool's Gardens for Wildlife program implemented.
- Supporting community groups such as Warrnambool Coastcare Landcare Network (and affiliated groups), Making a Difference (MAD) for the Merri, Warrnambool Field Naturalists Club and Australian Plants Society Warrnambool & District.
- Review of the Revegetation Policy and Guidelines.
- The Warrnambool Invasive Plant and Animal Framework has been adopted.
- The Warrnambool Fox Action Plan – Coastal Reserves 2019 continues to be implemented.
- Moyjil Advisory Group supports the management of the site under the Ongoing Protection Declaration and discussions with Eastern Maar Aboriginal Corporation on project collaboration is ongoing.

**Blue Warrnambool**

- Council participant in the Great South Coast Integrated Water Management (IWM) Forum.
- South of Merri Open Space Precinct Plan completed.
- IWM and Water Sensitive Urban Design are incorporated into planning for urban developments.
- Council has partnered with the Glenelg Hopkins Catchment Management Authority on the 'Rivers of Warrnambool' Flagship Project.

**Green Warrnambool**

- Warrnambool Plant Selector Tool implemented.
- Nature Strip Landscape Policy and Guidelines adopted.
- Albert Park Revegetation Plan adopted.
- South of the Merri Landscape Guidelines prepared.
- Archie Graham Community Centre projects such as 'Food Cubes' and 'Fresh Produce Exchange' implemented.

## Issues

Some goals yet to be started include; developing a closed loop economy framework, piloting a neighborhood battery project and implementation of a Cultural Landscapes and Heritage Landscape Plan.

Many goals set out in the strategy require external funding and collaboration and partnerships with other agencies or community groups.

Although progress towards completing most goals in the strategy has started, some goals will require more specialist work and financial contributions if they are to be achieved. Council has been able to reduce its net Green House Gas (GHG) emissions from 2012 levels and continues to explore ways to reach zero net GHG emissions. It is, however, unlikely this can be achieved by 2026 without changing current practices. Council may need to look at offsetting their remaining GHG emissions instead of reducing them to achieve the 2026 goal. Further detail on this goal and the progress of the Smart Buildings Program will be provided to the Executive Management Team and Council.

## Financial Impact

The review of implementation has been undertaken within the Sustainability & Compliance budget.

## Legislation / Policy / Council Plan Context

### 1 A healthy community

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

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

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

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

2.5 Waste minimisation: Council will pursue programs to minimise waste throughout the community, industry and promote the benefits of reduction, re-use and recycling of materials.

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

#### 4 A connected, inclusive place

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

#### 5 An effective Council

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

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

#### Timing

Implementation of the goals of the Green Warrnambool Strategy will continue to be worked towards with priorities set annually and dependent on available resources.

#### Community Impact / Consultation

The update on the implementation of the Green Warrnambool strategy will be published and available on Council's website.

#### Legal Risk / Impact

Council is legislatively required to undertake several measures to improve the environment, adapt to climate change, reduce waste and control invasive plants and animals.

The Green Warrnambool strategy is a key strategic document which guides the implementation of programs and initiatives to create an environmentally sustainable and resilient community.

#### Officers' Declaration of Interest

None

#### Conclusion

The update on implementation of the Green Warrnambool strategy provides an overview of the implementation and progress that is underway to achieve the goals and aspirations adopted by Council and the Community.

#### ATTACHMENTS

1. 3754 Sustainability & Environment Reporting - Green Warrnambool [7.2.1 - 12 pages]



### 7.3. Promotional Roundabout Banner Policy Review

**DIRECTORATE :** City Growth

**Purpose:**

*This report provides information on the review and changes to the Promotional Roundabout Banner Policy.*

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#### Executive Summary

The Promotional Roundabout Banner Policy is framed to allow Warrnambool City Council (WCC) directorates, community groups and organisations located in the Warrnambool Municipality and to promote their events through the display of appropriate advertising at specific roundabout locations, WCC is the single permitting authority.

The review and recommended changes to the policy include:

1. There are now 7 roundabouts available where previously there were 10. As poles were replaced at three roundabouts, they are not identical structures allowing banners to be fixed to them.
2. A maximum of 28 banners can now be displayed where previously it was 40.
3. **New inclusion:** (6a) Note: in times where there are spaces available WCC will install banners which promote Warrnambool and will endeavour to keep all banner spaces utilised. This may include promoting 'I am Warrnambool' or 'What's on in Warrnambool' as examples to direct visitors and locals to sites where all events are listed. More generic promotional material for the city may also be utilised. These banners will be the first removed when an event is to be promoted and may be kept in place for longer than the maximum 2 weeks outlined above to ensure banner spaces are fully utilised.
4. **New inclusion:** (7) Confirmation is subject to availability.
5. **Removed:** Banners not collected within two weeks will be destroyed.
6. **New inclusion:** Banner advertising is to be prioritised to the promotion of events approved by the WCC Events & Promotion Team. In instances where banner spaces are empty/available and not booked for use please refer to No. 6 in General Information for WCC allowable use.

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#### RECOMMENDATION

That Council adopt the *Promotional Roundabout Banner Policy* and it be made publicly available to user groups and placed on the WCC website.

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#### Background

The Events and Promotion team are responsible for the Promotional Roundabout Banner Policy and the coordination of requests for banners to be installed.

## Issues

None

## Financial Impact

None.

Note: User groups are charged a \$90 fee for the installation and removal of the banners. A fee was introduced a few years ago as when it was free many bookings were not taken up by groups.

## Legislation / Policy / Council Plan Context

### **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.

## Community Impact / Consultation

The changes to the policy will be made available to groups requesting banners to be installed and be placed on the WCC website.

## Legal Risk / Impact

The policy considers other WCC policies around appropriate advertising content and usage.

## Officers' Declaration of Interest

There is no conflict of interest from Council Officers

## Collaborative Procurement

N/A

## Conclusion

For the changes to the Promotional Roundabout Banner Policy to be adopted, implemented and made publicly available.

## ATTACHMENTS

1. Promotional Roundabout Banner Policy [7.3.1 - 1 page]

## 7.4. S5 Instrument Of Delegation - Council To The Chief Executive Officer

### *DIRECTORATE : EXECUTIVE SERVICES*

#### Purpose:

*This report seeks a resolution to delegate powers to the Chief Executive Officer contained in the attached instrument*

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#### Executive Summary

This report seeks Council's resolution to delegate powers, duties, and functions to the Chief Executive Officer (CEO) as outlined in the attached Instrument of Delegation. Delegation of authority is essential for the efficient operation of Council, ensuring timely and lawful decision-making processes. The proposed Instrument of Delegation incorporates minor administrative updates. Proper delegation mitigates legal risks and ensures compliance with the *Local Government Act 2020*.

The Instrument of Delegation has been reviewed and updated in consultation with Council officers and legal advisors, aligning with sector-wide practices and statutory requirements.

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#### RECOMMENDATION

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Warrnambool City Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
  2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
  3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
  4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- 

#### Background

The Local Government Act 2020 (the Act) provides for the delegation of Council's powers, duties and functions under that Act or any other Act.

The current delegation to the Chief Executive Officer was made by Council on 6 March 2023.



## Issues

Delegation of powers in local government is essential to enable day-to-day decisions to be made and actioned in a timely manner.

Council as a legal entity can only act in one of two ways, by resolution of Council or through others acting on its behalf. Where Council chooses to act through others, this is formalised with an Instrument of Delegation. The Instrument of Delegation to the CEO is a crucial document that allows the organisation to perform its day-to-day duties.

It is important to ensure that Council has properly delegated powers, duties, and functions in order to avoid any issues arising regarding the legality of a decision or an action purportedly made or taken on behalf of the Council. Re-making the instrument of delegation to the Chief Executive Officer addresses this risk.

The Instrument of Delegation is based on model templates provided and regularly updated by Council's lawyers. This format of delegations is used extensively by Councils across the local government sector. It is largely unchanged from the previous instrument, with only slight administrative and formatting changes being made.

## Financial Impact

The Instrument also contains the Chief Executive Officer's financial delegation, which is proposed to remain unchanged at \$400,000 (excluding GST). There are exceptions to this amount for specific instances contained within the delegation, such as the payment of insurance premiums.

Expenditure higher than this amount will need to be approved by resolution of Council.

## 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

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

## Timing

The Act requires that Council must review all delegations made under the Act within the period of 12 months after a general election.

## Community Impact / Consultation

The instrument of delegation is a statutory document under the Act and is based on information supplied by Council's solicitors. The attached Instrument has been prepared in consultation with relevant Council officers.

### Legal Risk / Impact

Proper delegation of Council power provides protection to Council against decisions being made by staff in their day-to-day operations being found to be unlawful.

### Officers' Declaration of Interest

Nil.

### Collaborative Procurement

N/A.

### Conclusion

The delegation of powers to the Chief Executive Officer is a fundamental governance process enabling the effective and lawful functioning of Council. The proposed Instrument of Delegation ensures compliance with the Act and aligns with best practices in the local government sector. Adoption of this updated instrument will reinforce Council's commitment to good governance and operational efficiency.

### ATTACHMENTS

1. S5 Instrument of Delegation Council to CEO [7.4.1 - 4 pages]

## 7.5. S11a Instrument Of Appointment And Authorisation (Planning And Environment Act 1987)

*DIRECTORATE : Executive Services*

### Purpose:

*This report seeks Council's endorsement of an updated S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).*

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### Executive Summary

The purpose of this report is to seek Council's endorsement for appointment of authorised officers under the *Planning and Environment Act 1987* through the updated Instrument of Authorisation and Appointment ('the instrument'). This is the result of recent personnel changes.

By authorising the relevant officers to perform their duties under the *Planning and Environment Act 1987*, Council will ensure these officers have the required authority to carry out their roles within legislated requirements.

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### RECOMMENDATION

Council resolves that:

1. The persons referred to in the instrument attached be appointed and authorised as set out in the instrument.
  2. The instrument comes into force immediately upon the common seal of Council being affixed to the instrument and remains in force until Council determines to vary or revoke it.
  3. The Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) dated 3 February 2024 be revoked.
  4. The common seal of Council be affixed to the Instrument.
- 

### Issues

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. Under section 147(4) of the *Planning and Environment Act 1987* (Vic) - appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. Under section 313 of the *Local Government Act 2020* (Vic) authorisation generally to institute proceedings for offences against the Act and/or any regulations.



If officers are not appropriately authorised, they will not have the legal authority to perform key aspects of their role which would result in a lack of enforcement across the City. If officers act without the correct authority, actions can also be challenged and invalidated on that basis, and the officers may be personally liable.

The attached instrument has been reviewed and updated to reflect recent staff changes and authorises the following officers:

Bronwyn Mellor  
Hannah Carswell  
Julie McLean  
Matthew Cross  
Morteza Mirgholami  
Nicholas Legoe  
Peter Reid  
Rob Wandell  
Srimali Mellawa

### 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

5.6 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

Not endorsing the updated instrument will limit the authorisations and authority of selected officers. Additionally, if officers act without the correct authority, actions can also be challenged and invalidated on that basis, and the officers may be personally liable.

## Officers' Declaration Of Interest

Nil.

## Collaborative Procurement

N/A.

## Conclusion

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure these officers have the required authority to carry out their roles within legislated requirements.

## ATTACHMENTS

1. S11A Instrument of Appointment and Authorisation Planning and Env (1) [7.5.1 - 2 pages]

## 7.6. Quarterly Financial Report - October To December 2024

**DIRECTORATE :** Corporate Strategies

### Purpose:

*The purpose of this report is to present the October to December 2024 Quarterly Financial Report to Council.*

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### Executive Summary

- The Quarterly Financial Report compares actual financial results to budget and forecast for the three months from 1 October 2024 to 30 December 2024 (refer attachment).
- The report sets out the financial results for Council's recurrent (day-to-day) operations, projects, capital works, rates, and borrowings.
- The report also recommends that Council reallocate the 2024-25 budget allocation from the Walter Oval Clubrooms project to the Friendly Societies Park project and include an allocation for the Walter Oval Clubrooms project in the 2025-26 budget.
- An updated forecast was prepared in December resulting in a full year forecasted cash deficit position of (\$0.2m). The net impact was a marginal movement to Council's budgeted position. The updated forecast shows that Council remains in a sound financial position.
- Under section 97(3) of the Local Government Act 2020, The CEO is required to make a statement in the second quarterly statement of the year as to whether a revised budget is required.
  - A revised budget for 2024-25 is not required.
- The report meets the requirements of section 97 of the *Local Government Act 2020* to present a quarterly financial report to Council at a public meeting that compares actual results against budget.

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### RECOMMENDATION

That the Quarterly Financial Report October to December 2024 be received.

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### Background

Section 97 of the *Local Government Act 2020* stipulates:

1. As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.
2. A quarterly budget report must include—
  - a. comparison of the actual and budgeted results to date; and
  - b. an explanation of any material variations; and
  - c. any other matters prescribed by the regulations.

3. In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

The October to December 2024 Quarterly Financial Report has been prepared and meets the requirements of the act.

The October to December 2024 Quarterly Financial Report shows an unfavourable year to date cash position of (\$0.2) million. This is mainly related to timing of income versus expenditure in capital projects.

Council's net underlying surplus (on the Comprehensive Income Statement) is in line with the forecast year to date. The Income statement is prepared in line with Australian Accounting Standards (as required by the Act), and, per the standards, include some non-cash items (such as land contributions and depreciation), whilst excluding some cash items (such as capital works).

Council's cash position remains sound, with \$51.5m held in investments at the end of the quarter. These funds are held for the delivery of Council's Infrastructure program, delivery of services, Development Contribution Plans and statutory requirements and do not represent discretionary holdings. Council generally receives a large portion of its income at the start of the financial year (such as grants) and will use these funds throughout the rest of the year as it delivers services and projects.

### Financial Impact

Council's current financial position remains sound and generally in line with budget expectations.

### Legislation / Policy / Council Plan Context

#### **5 An effective Council**

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

### Timing

This quarterly report is provided in line with the timing requirements of the *Local Government Act 2020*.

### Community Impact / Consultation

This report is provided to inform Council and the community on the organisation's financial position as required by the *Local Government Act 2020*.

### Conclusion

The Quarterly Financial Report October to December 2024 is presented to Council in line with the requirements of the *Local Government Act 2020*. Council remains in a sound financial position.

### ATTACHMENTS

1. Quarterly Finance Report - October to December 2024 [7.6.1 - 15 pages]



## 7.7. ALGA & Mav Motions

### *DIRECTORATE : EXECUTIVE SERVICES*

#### Purpose:

*For Council to consider motions for submission to the Australian Local Government Association National General Assembly and the Municipal Association of Victoria State Council.*

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#### Executive Summary

Warrnambool City Council is preparing for active participation in two key forums in 2025: the Australian Local Government Association National General Assembly (NGA) and the Municipal Association of Victoria (MAV) State Council. These forums provide platforms to influence state and national agendas on issues critical to the community. The NGA, themed "National Priorities Need Local Solutions," will be held in Canberra from 24-27 June 2025, with motion submissions due by 31 March 2025. The MAV State Council will meet in Melbourne on 16 May 2025, with its submission deadline to be announced.

Two motions proposed for the NGA to address issues relating to the clean energy transition. Motion 1 advocates for the establishment of a uniform Community Benefit Fund to ensure consistent and equitable support for communities hosting renewable energy projects. Motion 2 proposes expanding the "Future Made in Australia" plan to incentivise regional living and training, fostering economic and social growth in communities hosting renewable energy infrastructure.

Three motions are proposed for the MAV state Council relating to issues surrounding flooding. These call for certainty from the Minister in relation to appropriate sea level rise projections used in flood studies, improvements to the associated planning processes, and greater state funding for mitigation infrastructure.

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#### RECOMMENDATION

#### That Council:

1. Submit the following motions to the Australian Local Government Association 2025 National General Assembly:
  - a) *This National General Assembly calls on the Australian Government to establish a uniform Community Benefit Fund in each Australian municipality that hosts or directly supports large scale energy projects, to be administered by Local Government, and with mandatory contributions made by each developer; and*
  - b) *This National General Assembly calls on the Australian Government to expand the skills and training aspects of its 'Future Made in Australia' plan to better support workers who are willing to learn and live in the same region that they work.*
2. Submit the following motions to the May 2024 meeting of the Municipal Association of Victoria State Council:

- a) *That the MAV seek a commitment from the Minister for Planning to update State guidance, including through Clause 13.01-2S, on appropriate planning for sea level rise at a consistent and agreed level;*
  - b) *That the MAV call on the State Government to further streamline the planning scheme amendment pathway via the flood-related amendments Standing Advisory Committee, or other process reform measures; and*
  - c) *That the MAV call on the State Government to establish and expand dedicated funding streams for flood mitigation works, ensuring local governments have the resources to implement critical infrastructure projects that reduce flood risk and protect communities.*
- 

## Background

The Australian Local Government Association National General Assembly (NGA) will be held in Canberra from 24-27 June 2025. The theme of the 2025 National General Assembly is 'National Priorities Need Local Solutions'.

Motions can be submitted to the NGA for debate by the Assembly with Motions due by Tuesday 31 March 2025.

The Municipal Association of Victoria's (MAV) State Council meets at least twice a year to make decisions about the organisation and to consider motions submitted by member Councils. These submissions usually call on the Victorian Government to act to address a concern.

The next meeting of the MAV State Council will be held at the Melbourne Town Hall, Swanston Street Melbourne on Friday 16 May 2025.

By participating in the ALGA NGA and the MAV State Council, Warrnambool City Council can contribute to public debate on matters that are of importance to our community and will advance Council's strategic objectives, but whose responsibility lay with different tiers of government.

## Issues

Many issues are impacting our community that require action from Federal or State governments. Some key issues, such as roads and housing, will likely have many municipalities submitting motions calling for greater action and Warrnambool City Council can support these motions where appropriate. However, this report suggests motions that – while still having national or state significance – are tailored to issues more unique to Warrnambool.

## ALGA

It is proposed that the following motions and rationale be submitted to the upcoming Australian Local Government Association National General Assembly:

## **Motion 1 – Uniform Community Benefit Funds**

### **Category**

Climate Change and Renewable Energy

### **Motion Subject**

This National General Assembly calls on the Australian Government to establish a uniform Community Benefit Fund in each Australian municipality that hosts or directly supports large scale energy projects, to be administered by Local Government, and with mandatory contributions made by each developer.

### **National Objective**

As the NGA 2025 Discussion paper states –

*‘The rapid increase in renewable energy projects in regions across Australia is resulting in uneven and inconsistent community benefits being offered and delivered to communities. It is also placing significant pressure on local governments to plan, negotiate and secure an enduring constructive legacy associated with renewable energy projects.’*

*Local governments are the only local democratic institution in a position to convene local interests and broker long term social and economic benefits from renewables projects, and should be recognised and supported for their role in maintaining social license for renewables projects.’*

The absence of a uniform framework has resulted in varying standards and practices for community benefits across municipalities. A standardised national policy, tailored to local needs, would address this issue by creating a consistent and transparent approach that ensures fairness and certainty for all communities hosting or supporting large-scale energy projects while also enabling coordination across municipalities to reflect the broader regional impacts of energy developments. Such a scheme would hand control of how community benefits are realised to the communities themselves.

### **Summary of Key Arguments**

Communities that host energy projects often bear the brunt of environmental, visual, or social impacts. This is recognised by governments and developers alike and is sometimes offset through community benefit programs.

There are currently no universal, federally mandated community benefit programs for renewable energy projects. Instead, the Federal Guidelines on Community Engagement and Benefits for Electricity Transmission Projects policies encourage developers to engage meaningfully with local communities and suggests dedicated community benefits programs as ‘one way’ that projects can ‘deliver meaningful benefits to communities’.

States have varying frameworks and policies that encourage or require energy projects to implement community benefit initiatives. Some, for example, incorporate community benefit considerations into their planning approval process.

This disparate approach is resulting in uneven and inconsistent levels of community benefit, depending on the specific state and local policies, the level of organisation and unrest amongst its community members, the effectiveness of local government to advocate for and broker satisfactory benefits, and the generosity and approach of the developer. Not only does this lead to inequitable outcomes, but it creates pressure and complexity for both developers and governments alike.

A uniform Energy Community Benefit Fund regime would ensure all communities hosting large-scale energy projects receive consistent and proportionate support and would greatly simplify community benefits, reducing disparities that may arise under the current, varied approaches.

The structure of such a fund should also acknowledge that while renewable energy infrastructure is often located in rural municipalities, the impact and economic activity generated by these projects extend beyond municipal boundaries. Regional cities serve as essential hubs for employment, services, and infrastructure that directly support the success of renewable energy projects. These centers accommodate workers, facilitate supply chains, and provide critical social and economic infrastructure that enables energy projects to function. Accordingly, the Community Benefit Fund should be structured in a way that recognizes and resources the broader regional footprint of these projects.

The scheme could require that all developers contribute a certain amount to the fund per megawatt hour generated inside the given municipality, as well as recognition for regional cities hosting workforce and training facilities. There could also be comparable arrangements for transmission projects. This fund would be administered by local government, but decision making could incorporate other community members and organisations, potentially through a delegated committee to select initiatives. The Federal Government could determine criteria or conditions for the use of the funds but should entrust specific decision making to the communities themselves.

Local governments are uniquely positioned to administer such a fund due to their close connection to the communities they serve. As the level of government most directly engaged with residents, councils have a deep understanding of their communities' needs, priorities, and aspirations. This proximity enables them to ensure that funds are allocated to projects and initiatives that deliver the greatest impact, addressing local challenges and opportunities in a targeted and effective manner.

This approach would improve public perception of any energy project, demonstrating a commitment to fairness and local empowerment. Involving community members and organisations in decision-making—through delegated committees or similar structures—would further strengthen buy-in and social license for renewable developments.

A standardised and locally administered framework would streamline processes for developers, ensuring predictable and equitable outcomes while fostering goodwill between developers, councils, and host communities. This collaborative approach is essential to securing long-term support for Australia's renewable energy transition.

### ***Motion 2 – 'Future Made in Australia' to better support local communities***

#### **Category**

Climate Change and Renewable Energy



## Motion Subject

This National General Assembly calls on the Australian Government to expand the skills and training aspects of its 'Future Made in Australia' plan to better support workers who are willing to learn and live in the same region that they work.

## National Objective

Renewable energy transition impacts all Australians, with significant infrastructure being developed in regional communities across the country. Ensuring that these communities benefit economically and socially from hosting clean energy projects is vital for maintaining equity, fairness, and public support for Australia's energy ambitions. Without targeted policies to encourage workers to live and train locally, many regional areas risk missing out on the economic opportunities promised by this transition, leading to social disparities and resentment.

Local governments are on the frontline of managing the economic and social impacts of renewable energy projects. Their unique perspective ensures this motion will highlight practical, community-focused solutions to a challenge that affects municipalities nationwide. By adopting a unified national approach, Australia can avoid a fragmented system where the communities that consume the majority of the energy and industrial outputs do not also receive all the economic and social benefits at the expense of the regions that host renewable energy infrastructure.

Ensuring that the renewable energy transition is fair, inclusive, and sustainable for all is crucial to fostering stronger regional economies and create enduring social and economic legacies from renewable energy infrastructure development.

## Summary of Key Arguments

The Federal Government recently legislated its 'Future Made in Australia' plan with the passage of the Future Made in Australia Bill 2024.

This plan is designed for Australia to capture the opportunities presented to it by the global renewable energy transition. It establishes a \$22.7 billion fund to invest in skills and training, renewable energy, industrial processes and products, natural resources and minerals, and innovation and technology.

Specific measures announced to date regarding skills and training include the 'New Energy Apprenticeships Program' which offers support payments of up to \$10,000 to those undertaking an apprenticeship in the clean energy sector, the 'Building Women's Careers Program' which is a grant program to improve women's access to employment in male-dominate industries, and Fee-Free TAFE for clean energy courses.

These are valuable initiatives to prepare and upskill Australians for the clean energy industry, however there are currently no programs that encourage the workers who will take up these initiatives to actually live and study in the communities that host the renewable energy projects. The absence of such incentives risks creating a similar 'fly in fly out' culture that permeates the mining and fossil fuel industries presently.

The finite nature of fossil fuel reserves and the extreme remoteness experienced in mines necessitates such a culture in these industries, but clean energy will be much closer to established communities and renewable projects can theoretically stay in place indefinitely. This means that workers should be encouraged to live where they work so that communities can maximise the economic and social benefits of hosting clean energy infrastructure.

Encouraging workers to live, study, and work in the regions that host renewable energy projects is essential for fostering vibrant and sustainable local economies. Communities hosting renewable energy infrastructure often bear the brunt of environmental, visual, and social impacts, and it is only fair that they receive tangible, lasting benefits in return. A workforce that is embedded in these communities contributes not only through their labor but also by supporting local businesses, schools, and services, creating a ripple effect of economic and social growth.

Expanding the skills and training aspects of the "Future Made in Australia" plan to include targeted incentives for regional living would help address this issue. Programs such as relocation grants, regional training hubs, or housing support could attract and retain skilled workers in host communities. These measures would foster a sense of pride and ownership among workers and residents alike, which can improve community sentiment toward renewable energy developments.

Embedding skills and training initiatives within regional communities ensures that workers have firsthand experience of the local context in which they operate. This alignment can lead to stronger collaboration between workers, local governments, and developers, as well as better alignment of training programs with the unique needs and opportunities of each region. By prioritising regional living and learning, the Federal Government can help transform renewable energy projects into true community assets, building stronger, more connected regions and ensuring a just transition to a clean energy future.

## MAV

It is proposed that the following motions and rationale be submitted to the upcoming Municipal Association of Victoria State Council:

### ***Motion 1 – Clear guidance on appropriate planning for sea level rises***

#### **Motion Text**

That the MAV seek a commitment from the Minister for Planning to update State guidance, including through Clause 13.01-2S, on appropriate planning for sea level rise at a consistent and agreed level

#### **Rationale for Motion**

Accurate and consistent planning for sea level rise is essential for protecting communities, infrastructure, and the environment. Currently, Clause 13.01-2S of the Victorian Planning Provisions mandates planning for a minimum sea level rise of 0.8 metres by 2100. However, recent State Government decisions, including Amendment C69 in Moyne Shire, indicate a shift towards adopting a 1.2m benchmark based on contemporary scientific evidence and local conditions. Here, Moyne Shire Council and the GHCMMA advocated for sea level rise of 1.2m over 0.8m because of global projections and local conditions, despite the reasonably consistent application of policy for 0.8m across the State. Although the Panel concluded that 0.8m was the appropriate measure, the

Minister's recommendation was to revert to 1.2m as originally recommended. The move to a more consistent application of 1.2m has equally been signalled via an action in the *Marine and Coastal Strategy 2022*.

The inconsistency between the Minister's actions and Clause 13.01-2S creates uncertainty for councils attempting to implement climate-responsive flood planning. Without clear, state-wide guidance, councils risk protracted planning disputes, delays in planning scheme amendments, and potential challenges at Planning Panels.

A definitive State Government position would ensure councils can apply evidence-based flood planning with confidence. It would also streamline the amendment process, reducing the administrative burden on local governments and the need for case-by-case Ministerial interventions.

The MAV should advocate for a commitment from the Minister for Planning to update Clause 13.01-2S and other relevant planning instruments to give our communities certainty. This will provide clarity for councils, developers, and communities, ensuring Victoria's planning system remains fit for purpose.

### ***Motion 2 – Streamlining flood-related planning scheme amendment pathways***

#### **Motion Text**

That the MAV call on the State Government to further streamline the planning scheme amendment pathway via the flood-related amendments Standing Advisory Committee, or other process reform measures.

#### **Rationale for Motion**

The process for amending planning schemes to incorporate flood studies is complex and time-consuming. Recognising this, the Department of Transport and Planning (DTP) established the Flood-Related Amendments Standing Advisory Committee (SAC) to provide expert guidance related to the implementation of flood studies and associated draft planning scheme amendments.

However, it is unclear whether the SAC format is meant to continue past the funding agreement, and whether further process reform is intended.

To ensure ongoing efficiency, SAC should be maintained and strengthened, with an expanded role that streamlines the amendment process and reduces administrative burdens on councils. A more standardized approach to flood-related amendments would improve consistency across municipalities, allowing for faster implementation while maintaining technical accuracy.

SAC should take on the responsibility of reviewing and validating flood studies, a task that currently falls to individual councils, which often leads to delays and inconsistencies. By assuming responsibility for resolving public submissions and disputes, the SAC could act as a mediator, addressing concerns early in the process and reducing bottlenecks in decision-making. Granting the SAC approval authority for specific categories of amendments, particularly those aligning with existing state policies, would further reduce delays by limiting the need for ministerial intervention.

A centralised system for tracking flood-related amendments would improve transparency and accountability, while direct liaison with Catchment Management Authorities would ensure a coordinated and expert-led assessment of flood risks.

### ***Motion 3 – State funding for flood mitigation works***

#### **Motion Text**

That the MAV call on the State Government to establish and expand dedicated funding streams for flood mitigation works, ensuring local governments have the resources to implement critical infrastructure projects that reduce flood risk and protect communities.

#### **Rationale for Motion**

Flooding poses a significant and increasing risk to Victorian communities, exacerbated by climate change, urban expansion, and aging infrastructure. While local governments play a crucial role in flood risk management, they often lack the necessary financial resources to implement mitigation works, such as levees, drainage upgrades, stormwater retention basins, and riverbank stabilisation.

Existing funding mechanisms, including grants and ad hoc programs, are often competitive, unpredictable, and insufficient to meet the growing need for flood mitigation investment. Councils must balance these critical infrastructure needs against competing priorities, leading to delays in essential projects that could significantly reduce flood impacts.

A dedicated and expanded flood mitigation funding program would ensure councils can proactively implement necessary works to protect communities, infrastructure, and local economies. This funding should be flexible, allowing for both large-scale regional projects and smaller, targeted local solutions, and should be designed to support councils with limited financial capacity.

By advocating for increased investment in flood mitigation works, the MAV can help ensure that councils have the resources needed to strengthen Victoria's resilience to flooding events.

#### **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.

### **3 A strong economy**

3.2 Emerging industries: Council will encourage emerging industry sectors that contribute to Warrnambool's economic growth and diversity.

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

### **5 An effective Council**

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

5.7 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 NGA will be held in Canberra from 24-27 June 2025. Motions can be submitted to the NGA for debate by the Assembly with Motions due by Tuesday 31 March 2025.

The MAV State Council will be held in Melbourne on 16 May 2025. Motions must be submitted by 17 March 2025.

### Conclusion

Participation in the NGA and MAV State Council presents an opportunity for Warrnambool City Council to advocate for policies that address local challenges.

The proposed motions for the NGA call for better outcomes for communities impacted by renewable energy projects by promoting a uniform Community Benefit Fund and advocating for regional workforce incentives.

The proposed motions for the MAV State Council seek to improve flood resilience through clearer state guidance on sea level rise planning, streamlined flood-related planning processes, and increased state funding for critical flood mitigation infrastructure.

Participating in these forums will ensure that Warrnambool's strategic objectives are amplified at higher levels of government and positions Warrnambool as a leader in addressing the social and economic impacts of Australia's clean energy transition.

### ATTACHMENTS

Nil



## 7.8. Planning Application - PP20001-0100.01 - 1/37 Caroville Drive

*DIRECTORATE : City Growth*

### Purpose:

*This report summarises the planning assessment that provides a recommendation to issue a notice of decision indicating intent to issue an amended permit to allow the construction of eight additional units on the land known as 37 Caroville Drive, Warrnambool.*

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### Executive Summary

- Council has received an application to amend planning permit PP2001-0100 for the construction of eight additional units on the vacant portion of the land which fronts Baker Grove.
- The site has been developed with 48 units as allowed by the current permit with the use aligning with the definition of a Residential Village.
- The site is located within the General Residential Zone 1 and covered by no overlays.
- Under Section 72 of the Planning and Environment Act, the use and current development on the land is not being reassessed as part of this amendment application.
- The application was subject to public notice with eight (8) objections received. Grounds of the objections generally related to traffic and parking issues within Caroville Drive.
- The application, including the grounds for objection, have been assessed against the relevant provisions of the Warrnambool Planning Scheme and on balance the amended permit application warrants support, where the Officer's recommendation is that a Notice of Decision be issued subject to conditions.
- New conditions have been included in the amended permit to address the functionality and operational nature of the new development, and it is considered the new conditions also address and mitigate the concerns of the objectors.
- Existing condition 2 of the permit required the payment of a bond to council associated with the development/establishment of the car park and landscaping associated with the original development. As these works have been carried out as required the condition is no longer relevant and is therefore recommended to be deleted from the permit. A note would be included on the permit saying the condition was deleted as the requirement had been satisfied.

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### RECOMMENDATION

That Council having caused notice of Planning Application No. PP2001-0100.01 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to determine to issue a Notice of Decision to Grant an Amended Planning Permit for PP2001-0100.01 under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 PS 446592 PSH WAN TSH WARR, 1/37 Caroville Drive, WARRNAMBOOL VIC 3280, for the use and development of 56 single storey units, a managers residence and communal facilities as per the endorsed plans, subject to the following conditions:

1. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Deleted.
3. Prior to the occupation of the units those areas indicated as open space on the endorsed plan must be landscaped and thereafter maintained to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the approved units, all access ways and car parking areas must be sealed and drained to a legal point of discharge to the satisfaction of the Responsible Authority. The vehicular crossover must be constructed in accordance with Council's specification and a vehicular crossing permit must be obtained from the relevant Council Officer.
5. Prior to the commencement of any buildings and works on the land, a schedule of all external materials and finishes shall be submitted to the Responsible Authority and when endorsed shall form part of this permit. The schedule shall show the materials, colors, finish of all external walls, roofs, fascias, doors, fencing and paving (including car park surfacing), all to the satisfaction of the Responsible Authority
6. Before the use and / or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimension and two copies must be provided. The plans must show:-
  - a. Proposed landscaping details, including all surface treatments, the botanical name, height and width at maturity, and location of all vegetation to be used.
  - b. Location and detail of any fencing.
  - c. Drainage details, showing that no storm water, sullage, sewerage or polluted drainage shall drain or discharge from the land to adjoining properties.
  - d. The vehicular entry from Caroville Drive must be widened from 4.2 to 5.5 metres.
7. Receptacles for the collection of mail and garbage must be provided to the satisfaction of the Responsible Authority.
8. New Condition

The loading and unloading of goods from vehicles associated with any deliveries etc to the portion of the site accessed from Baker Grove must only be carried out on the land, to the satisfaction of the responsible authority.
9. New Condition

Waste management and collection associated with the units accessed from Baker Grove must be carried out to the satisfaction of the responsible authority.
10. New Condition

Noise must not be emitted from the portion of the site consisting of the eight units accessing Baker Grove in prohibited times as defined in the *Environment Protection Regulations 2021*. The prohibited time for intercom devices are between the hours of:

  - Monday to Thursday – 10pm – 7am;
  - Friday – 11pm – 7am;
  - Saturday and public holidays – 11pm – 9am;
  - Sunday – 10pm – 9am;

to the satisfaction of the Responsible Authority.

Noise emitted from the intercom device must not exceed +5 dB from the background noise when measured from any noise sensitive residential areas nearby, in accordance with the *Environment Protection Regulations 2021* and to the satisfaction of the responsible authority.

11. This permit will expire if one of the following circumstances applies:-

- a. The development and use is not started within two years of the date of this permit.
- b. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

12. New Condition

This permit as it relates to development (buildings and works) permitted by the amendment will expire if one of the following circumstances applies:

- b) The development permitted by the amendment is not started within 2 years of the issued date of the amended permit PP2001-0100.01.
- b) The development permitted by the amendment is not completed within 4 years of the issued date of the amended permit PP2001-0100.01.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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## Background

The site is an irregular shape and has access to both Caroville Drive and Baker Grove. The portion of the site accessed via Caroville Drive has been developed with 48 residential units, a manager's residence and communal facilities as permitted by approved planning permit PP2001-0100. The developed portion of the land currently includes 21 vehicle parking spaces which are accessed via Caroville Drive.





Image 1: Aerial image of subject site and adjoining properties. Source: [www.nearmap.com](http://www.nearmap.com)

The previously endorsed plans identify the area which is the subject of the amendment as being for 'future development' however no other description or details were included at the time to describe intended timing or intent. No previous amendment applications have been received in relation to this area.

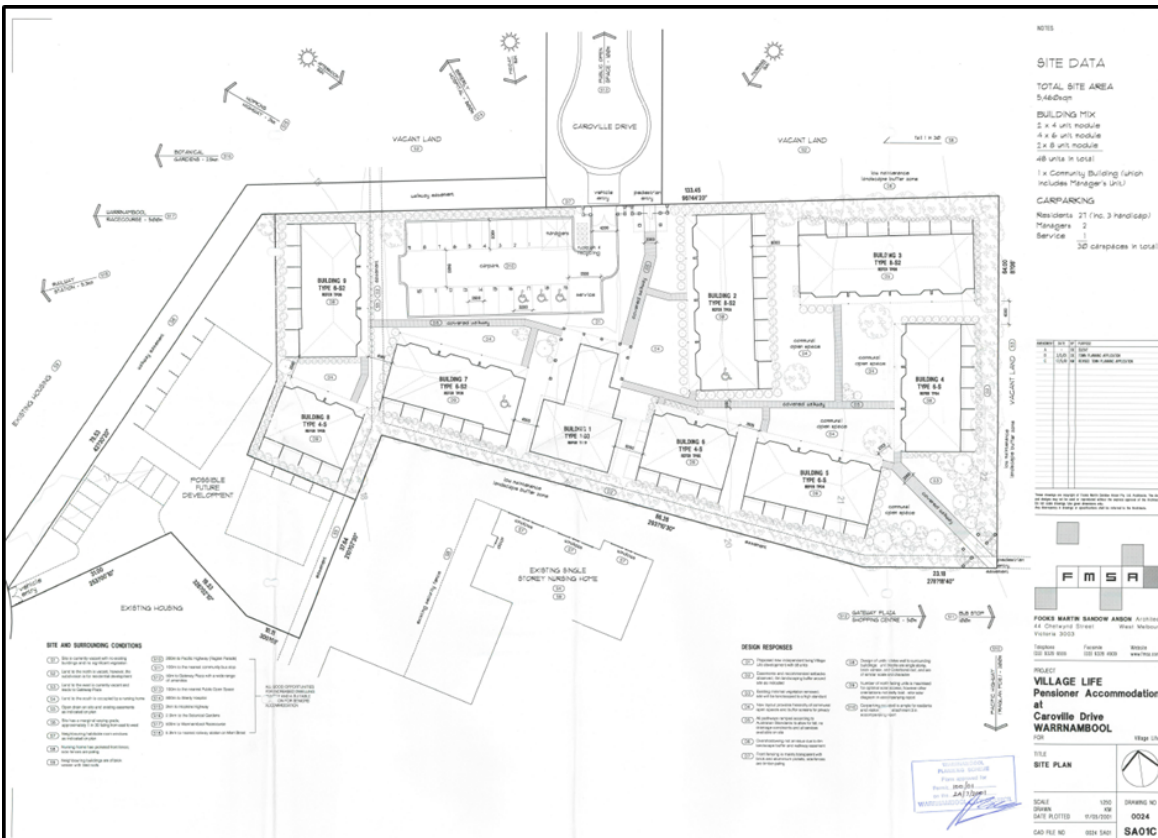


Image 2: Current endorsed Site Plan. Source: [Council records](#).

The proposal seeks to construct an additional 8 single storey units on the vacant portion of the site which has access to Baker Grove. Additional details regarding the proposed amendment are as follows:

- Each unit will be provided with a single car garage with two additional parking spaces provided for visitors.
- Vehicle access will be via Baker Grove. Vehicle access from the new units to Caroville Drive is not possible from the new development site.
- Pedestrian access through the site will be formalised via dedicated paths through areas of landscaping or line marking on the access way and connect to the existing facility.
- Areas of landscaping are provided throughout the new development area.



Image 3: Proposed Site Expansion Plan. Source: Applicants submission



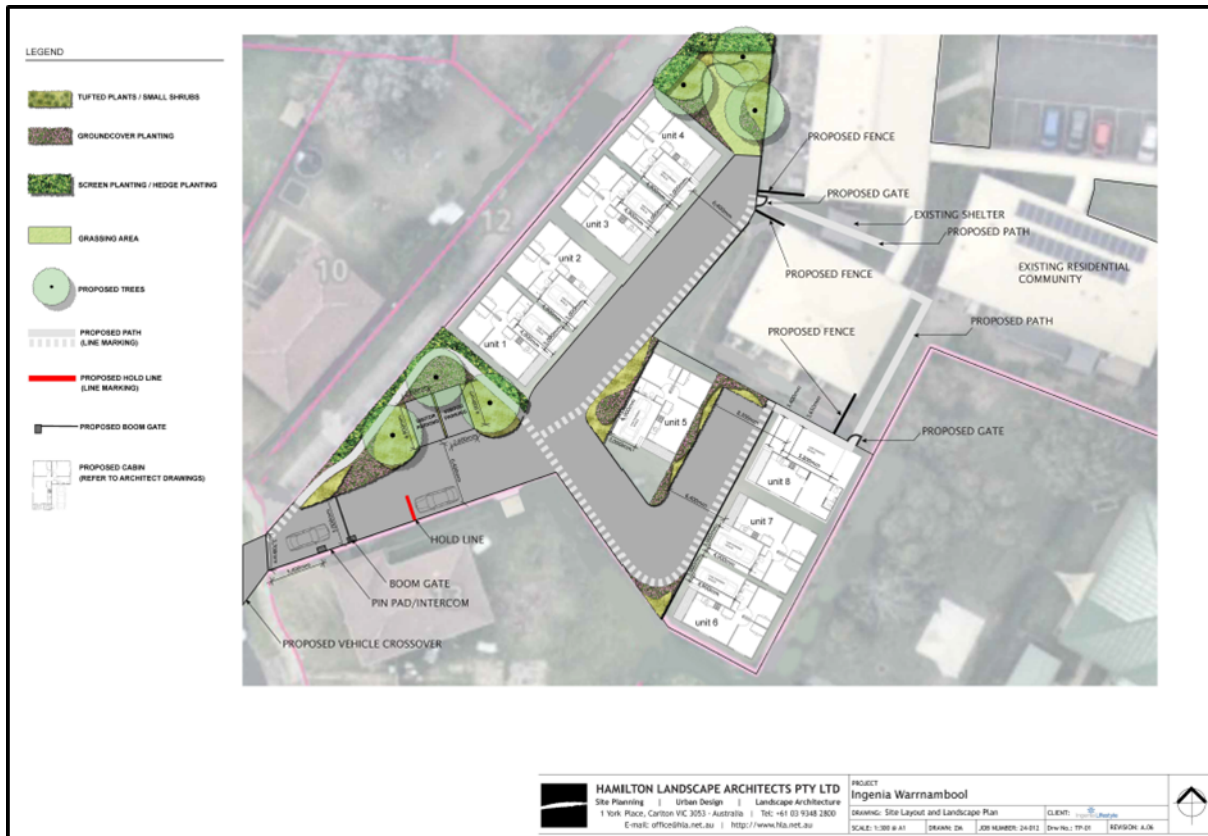


Image 4: Proposed Site Plan & Landscape Plan. Source: Applicants submission

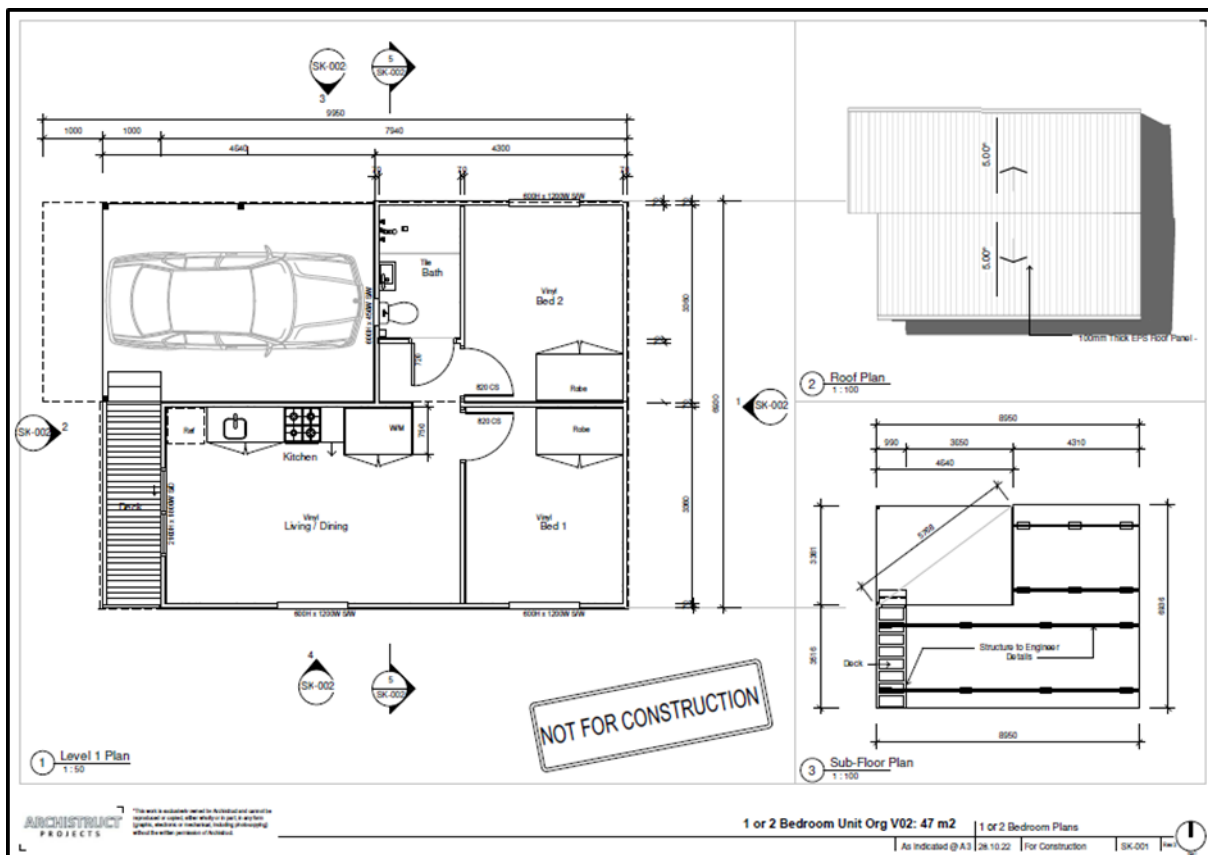
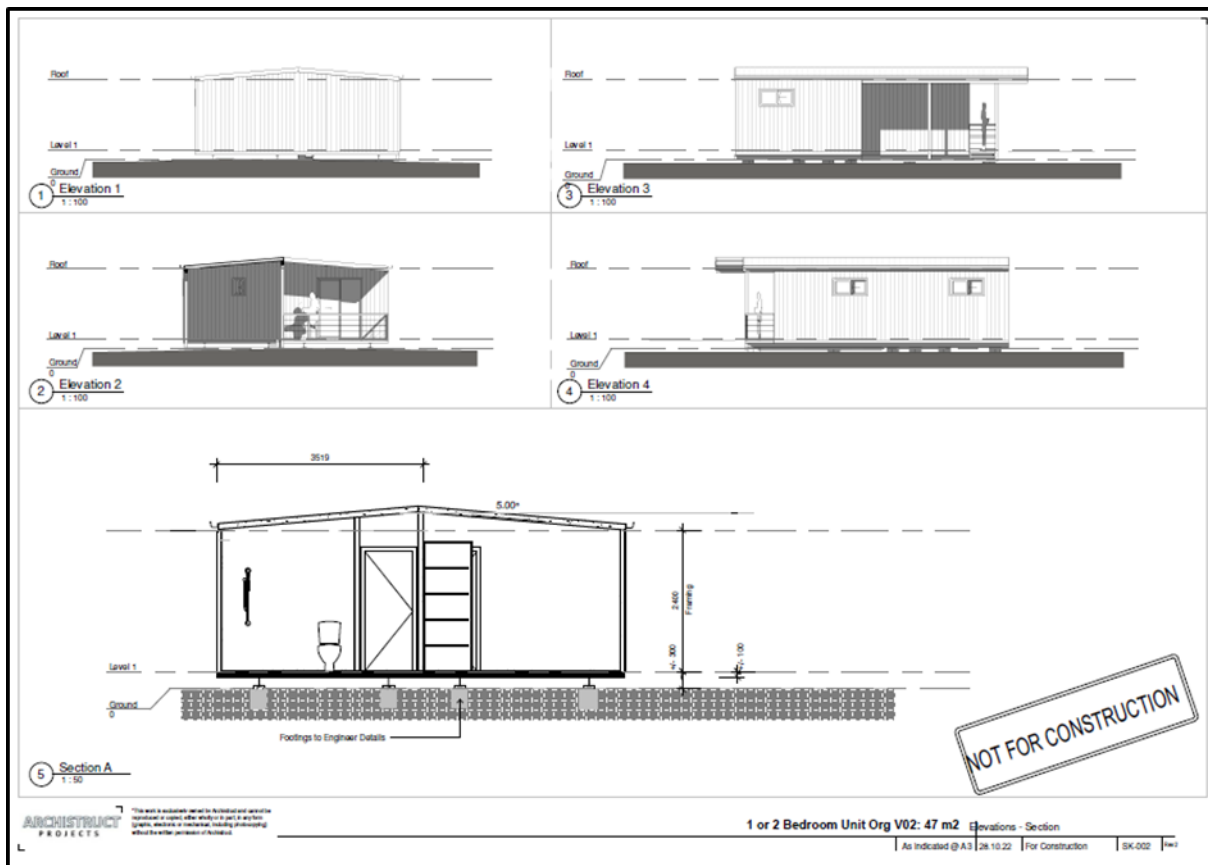


Image 5: Proposed Unit Floor Plan. Source: Applicants submission



**Image 6:** Proposed Unit Elevations. Source: Applicants submission

The application documents are attached (see **Attachment 2**).

**Attachment 3** is a further response from the applicant received following the Hearing of Submissions meeting that was held in December. The response outlines some internal management arrangements which have either been covered by permit conditions, or are outside the scope of the amendment to the permit currently under consideration.

## Issues

As a result of public notice eight objections were received. Seven of the objections had the same theme with the key areas of concern being:

- The development does not currently meet car parking requirements as per the planning scheme with 48 units and only 21 car parking spaces.
- Increasing to 58 units with only 31 spaces continues to not meet the planning scheme requirements.
- Loading/deliveries are meant to occur on the site and this does not occur.
- Many residents may have two cars which cannot all be housed onsite.
- Currently all visitors to the site park on Caroville Drive making it difficult to access driveways, garbage collection or to mow lawns.

The additional objection raised concerns in relation to the boom gate/intercom at the Baker Grove entry/exit.

What is important to note here is that as this is a planning permit amendment application only the items associated with the amendment sought, or their relationship with the original approval, are being re-examined. Section 73(2) of the Planning and Environment Act specifies that any added conditions resulting from an amendment must relate to the amendment to the permit (and not the previous approval). The existing use and development on the land is lawful and does not in and of itself form part of the assessment of this application. The existing number of car parking spaces for the existing development has been already deemed appropriate in its original context, and the current assessment is limited to the marginal impact of additional development.

A planning assessment has been carried out evaluating the proposal against the relevant provisions and policies within the Warrnambool Planning Scheme as well as the grounds raised by objectors where it has been concluded that on balance the permit amendment application should be supported subject to any newly recommended conditions.

A copy of the delegate report has been included as an attachment (**Attachment 1**) to this report, however, the following summary is provided in relation to the key issues:

- In this instance the amendment seeks to construct an additional eight two bedroom units within an established residential village which if approved will increase the availability of retirement type accommodation within the municipality providing increased options for older people to downsize which in turn increases the availability of larger homes within the supply pool. This is consistent with the policy direction including within Clause 02.03 of the Municipal Planning Strategy and Clause 16.01 of the Planning Policy Framework, which support increased housing choice, diversity and affordability.
- All vehicle access to the new units is via Baker Grove with no vehicle access through to Caroville Drive.
- The eight additional units generate a car parking demand of nine spaces whereby 10 will be provided on this portion of the site which exceeds the minimum requirements.
- New permit conditions are recommended to require that any deliveries or loading/unloading to the new units are to occur within the site and not in Baker Grove.

Existing condition 2 of the permit required the payment of a bond to council associated with the development/establishment of the car park and landscaping associated with the original development. As these works have been carried out as required the condition is no longer relevant and is therefore recommended to be deleted from the permit. A note would be included on the permit saying the condition was deleted as the requirement had been satisfied.

### Financial Impact

The costs associated with the assessment of the application 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.

### Timing

The application is already outside of statutory timeframes.

### Community Impact / Consultation

In line with Council's delegation policy, as a result of having more than 6 objections, a Hearing of Submissions meeting was held with Councillors on 10 December 2024, and the decision cannot be made under delegation.

The application was also internally referred to Council's infrastructure department where comments provided have been included in the assessment of the application. No external referrals were required or undertaken.

### Legal Risk / Impact

The proposal has been assessed against all relevant requirements of the Warrnambool Planning Scheme and the Planning and Environment Act 1987.

### Officers' Declaration of Interest

No conflict of interest has been declared.

### Collaborative Procurement

N/A

### Conclusion

After review of the planning application documentation, referral advice and concerns raised by objectors, and following an assessment of the proposal against the relevant provisions of the Warrnambool Planning Scheme, the application warrants support and is recommended for approval to the permit amendment.

### ATTACHMENTS

1. 37 Caroville Drive Delegate Report [7.8.1 - 17 pages]
2. 1-37 Caroville Dr Application Documents [7.8.2 - 34 pages]
3. Ingenia - 37 Caroville [7.8.3 - 2 pages]

## 7.9. Upcoming 24/25 Large-Scale Procurement Under Civil Panel

**DIRECTORATE :** City Infrastructure

### Purpose:

*To delegate authority to the CEO to award works under Contract 2022026 limited to the Koroit Street Road Rehab Project.*

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### Executive Summary

The ongoing utilisation of the existing panel contract, Contract 2022026 – Register of Contractors Supporting Civil Infrastructure, ensures value-based and prompt completion of required works. The higher value of specific engagement identified within this report highlights the procurement requirements for CEO and Council approval of purchase orders.

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### RECOMMENDATION

That Council delegate authority to the CEO to award works under Contract 2022026 – Register of Contractors Supporting Civil Infrastructure limited only to the Koroit Street Road Rehabilitation Project.

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### Background

Endorsed at the September 2022 Council Meeting, Contract 2022026 – Register of Contractors Supporting Civil Infrastructure is frequently utilised in the engagement of a range of suitable contractors required within the completion of the Capital Works Program.

The value of the engagement of these contractors is job specific and can range from a couple of hundred dollars through to \$100k+. Instances where this value exceeds both Director and CEO delegation, as outlined within the Procurement Policy, are rare and generally isolated to large scale road rehabilitation works.

In the case of the Koroit Street Road Rehab project, costs associated with the works are expected to exceed the CEO's current financial delegation of \$400,000.00.

### Issues

Whilst the adoption of Contract 2022026 is complete and current through to 30 June 2025, the approval of purchase order creation is required in line with the Procurement Policy, therefore requiring approval from Council in this case.

The panel contract is used to engage suppliers these circumstances due to a very limited number of suitable suppliers and where officers have assessed that best value for money is achieved by using the panel contract, rather than completing a full procurement process where it is known these are the only suitable and available supplier and/or contractor and Council are already in possession of a current schedule of rates for the required products and services through the panel contract.

## Financial Impact

The upcoming Koroit Street Road Rehab (Kepler St – Fairy St) project includes the supply and installation of asphalt (approx. 1,250t of 20mm SI asphalt, approx. 375t of 14mm wearing course, tack coat and profiling) from the supplier Fulton Hogan, that exceeds the CEO's delegation limits with an estimated value of \$610,000 (excl GST).

## 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

These works are anticipated within the 24/25 Financial Year, with Koroit Street Road Rehab Project programmed for late February.

## Officers' Declaration of Interest

No interests were declared.

## Conclusion

The above report highlights the benefits contained within the utilisation of Contract 2022026, however there are instances where Council approval is still required due to values outlined within the Procurement Policy. This report is, therefore, recommending Council delegate authority to the CEO to award works under Contract 2022026 – Register of Contractors Supporting Civil Infrastructure limited only to the Koroit Street Road Rehab Project.

## ATTACHMENTS

Nil



## 7.10. Informal Meetings Of Council Reports

### 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.*

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### 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 9 December 2024 – refer **Attachment 1**.

Monday 16 December 2024 – refer **Attachment 2**.

Monday 20 January 2025 – refer **Attachment 3**.

Tuesday 28 January 2025 – refer **Attachment 4**.

### ATTACHMENTS

1. Assembly of Councillors Record 9 December 2024 [**7.10.1** - 2 pages]
2. Assembly of Councillors Record 16 December 2024 [**7.10.2** - 1 page]
3. Assembly of Councillors Record 20 January 2025 [**7.10.3** - 2 pages]
4. Assembly of Councillors Record 28 January 2025 [**7.10.4** - 1 page]

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### RECOMMENDATION

That the records of the Informal Meetings of Council held on 9 and 16 December 2024 and the 20 and 28 January 2025, be received.

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## 7.11. Mayoral & Chief Executive Officer Council Activities - Summary Report

### Purpose

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

### Report

Date	Location	Function
4 December 2024	Mayor – Attended the Warrnambool first Wheelie Convey along the Promenade.	
6 December 2024	Mayor – Attended South West Victoria Alliance Board meeting.	
8 December 2024	Mayor – Attended 3YB and Coast FM Christmas celebration.	
11 December 2024	Mayor - Attended the community consultation on the South Warrnambool Flood Study.	
12 December 2024	Chief Executive Officer – Attended Regional Cities Victoria Annual General Meeting.	
13 December 2024	Cr Ziegeler – Attended Brauer College Middle School Assembly. Cr Ziegeler – Attended Carols on the Green.	
16 December 2024	Cr Arnott – Attended West Warrnambool Primary Year 6 Graduation. Deputy Mayor – Attended Emmanuel College 2024 Student Awards presentations.	
18 December 2024	Cr Benter – Attended Allansford Mechanics Hall AGM.	
10 January 2025	Mayor – Attended Lake Pertobe Council Plan and Budget listening post.	
14 January 2025	Mayor – Housing infrastructure briefing with Dan Tehan MP. Mayor - Attended Dennington Council Plan and Budget listening post.	
15 January 2025	Mayor - Attended Woodford Council Plan and Budget listening post.	
16 January 2025	Mayor – Attended Premier Speedway Sprintcar promotion event at Flagstaff Hill. Mayor - Attended Allansford Council Plan and Budget listening post.	
17 January 2025	Mayor - Attended CBD Council Plan and Budget listening post. Mayor – Attended Brierly Reserve Club celebration of first game at Brierly Reserve.	
20 January 2025	Mayor – Attended Premier Speedway Classic Opening at Flagstaff Hill.	
21 January 2025	Mayor - Attended Pecten Avenue Council Plan and Budget listening post.	
23 January 2025	Mayor – Hosted Australian Citizenship Ceremony and Citizen of the Year Awards.	

### 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