

# AGENDA

SCHEDULED COUNCIL MEETING

WARRNAMBOOL CITY COUNCIL

5:45 PM - MONDAY 6 SEPTEMBER 2021



WARRNAMBOOL  
CITY COUNCIL

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## VIRTUAL MEETING

- The meeting will be livestreamed on Council's website at [www.warrnambool.vic.gov.au/council-meeting](http://www.warrnambool.vic.gov.au/council-meeting)

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### COUNCILLORS

Cr. Vicki Jellie AM (Mayor)

Cr. Otha Akoch

Cr. Debbie Arnott

Cr. Ben Blain

Cr. Angie Paspaliaris

Cr. Max Taylor

Cr. Richard Ziegeler

Copies of the Warrnambool City Council's Agendas & Minutes  
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**Peter Schneider**

**CHIEF EXECUTIVE OFFICER**

## **AUDIO RECORDING OF COUNCIL MEETINGS**

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

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## **1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT**

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

### **ORIGINAL CUSTODIANS STATEMENT**

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

## **2. APOLOGIES**

## **3. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

**That the Minutes of the Scheduled Meeting of Council held on 2 August 2021, be confirmed.**

## **4. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA**

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

## **5. MAYORAL PRESENTATION**

## **6. PUBLIC QUESTION TIME**

## **7. REPORTS**

### **7.1. FINANCIAL STATEMENTS PERFORMANCE STATEMENT 2020-21**

#### ***DIRECTORATE : Corporate Strategies***

#### **PURPOSE:**

***This report seeks the endorsement of Council to approve in principle Council's Annual Financial Statements and Annual Performance Statement.***

***It further seeks to nominate two Councillors to have the authority to sign the annual accounts and performance statement on behalf of Council, once final sign off has been received from the Victorian Auditor General's Office (VAGO).***

***This authorization will enable Council to meet its statutory obligations for the lodgment of its Annual Statements (as part of the Annual Report) to the Minister by 30 September 2021. The Annual Report which includes the Financial and Performance Statements will return to Council for consideration at a future Council Meeting.***

***Also provided with this report for Council's information is the DRAFT Report of Operations which accompanies the Financial Statements and the Annual Performance Statement.***

#### **EXECUTIVE SUMMARY**

The Auditor-General is responsible under the Audit Act for the audit of Council's general-purpose Financial Reports and Performance Statement. These audits are conducted by contractors as agents of the Auditor-General. McLaren Hunt Financial Group are the appointed Auditor-General's agent.

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

Council has a statutorily set period in which to submit its audited annual statements to the Minister of Local Government which is 30 September each year.

Attached to this report is a draft copy of the Annual Report 2020-2021 which contains the Operations Report, Performance Statement and Financial Statements.

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

The Annual Report must contain:

- a) a report of operations of the Council;
- b) an audited Performance Statement including progress toward achieving objectives in the Council Plan;
- c) audited Financial Statements;
- d) a copy of the auditor's report on the Performance Statement;

- e) a copy of the auditor's report on the Financial Statements under Part 3 of the Audit Act 1994;
- f) any other matters prescribed by the regulations.

Council must first pass a resolution to give in-principle approval to the Performance Statement and Financial Statements before providing the statements to the auditor.

After the Performance Statement has been provided to the Minister and the Council by the auditor, the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at an open Council meeting within four months of the end of the financial year (October 30).

Once considered Council is required to place the report on exhibition to the public. Once considered the Annual Report remains available on Council's website for the community to access.

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## RECOMMENDATIONS

1. **That Council approve in principle the 2020-2021 Financial Statements contained within the draft Annual Report (refer Attachment 1) which have been subject to external audit by the Auditor-General's agent, with the outcomes also having been reviewed by Warrnambool City Councils Audit & Risk Committee.**
2. **That Council approve in principle the 2020-2021 Performance Statement contained in the draft Annual Report (refer Attachment 1) which has been subject to external audit by the Auditor-General's agent, with the outcomes also having been reviewed by Warrnambool City Councils Audit & Risk Committee.**
3. **That Councillor Angie Paspaliaris and Councillor Ben Blain be authorised to certify the 2020-2021 Financial Statements, after any changes recommended by the review of audit from the Victorian Auditor General have been made.**
4. **That Councillor Angie Paspaliaris and Councillor Ben Blain be authorised to certify the 2020-2021 Performance Statement, after any changes by the review of audit from the Victorian Auditor General have been made.**
5. **That the Council put out for public advertisement, its intention to consider the Annual Report at a future Council Meeting.**

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## 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.

## ATTACHMENTS

1. Annual Report 2020-2021 [7.1.1 - 188 pages]

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## **7.2. BUDGET ROLLOVERS/CARRIED FORWARDS**

### ***DIRECTORATE : Corporate Strategies***

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#### **PURPOSE:**

***This report highlights the proposed budget rollovers from the 2020/21 financial year into the 2021/22 financial year.***

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#### **EXECUTIVE SUMMARY**

- Council has identified \$12.899m of funds to be rolled over into the 2021/22 financial year.
- A large proportion of these funds relate to State and Federal grants for ongoing operating and capital projects. Some of these projects are scheduled to be delivered across multiple years such as the Lake Pertobe upgrade, the Reid Oval redevelopment and the joint Library and Library Hub.
- The impacts of COVID19 have presented a number of challenges in delivering services and projects, including:
  - the restriction of groups gathering to participate in programs
  - Interruptions to planning of works with lockdowns and remote working
  - Shortage of materials and contractors to deliver works

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#### **RECOMMENDATION**

**That Council adopt the rollover of \$12.899m of funds from the 2020/21 surplus to the 2021/22 financial year.**

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#### **BACKGROUND**

Council sets an annual budget prior to the beginning of the financial year and during the financial year Council may apply and receive additional grant funding to deliver operating projects or infrastructure to the community. This grant funding may be received in one particular financial year, but the project is not due to commence until the following financial year. In these circumstances, Council will 'rollover' the funding allocation to the following financial year.

Council also provides a rollover of funds where a project is budgeted in one particular financial year but is in progress at the end of the financial year and will be completed the following financial year.

The disruptions caused by COVID19 has also seen a significant number of services not being able to be completed during the financial year. This has particularly impacted services that are delivered to the vulnerable members of the public, but also more broadly to the general public with restrictions on entering buildings and gathering. This mainly relates to services that Council run on behalf of other levels of Government and have received the funding during the year. Following discussions with the relevant funding bodies, the funding and service targets are being rolled into the 2021/22 financial year.

#### **ISSUE**

A number of projects that Council is currently working on have been scheduled to be delivered across multiple years. These include:

- Lake Pertobe upgrade
- Reid Oval redevelopment

- Learning and Library Hub
- Energy saving initiatives

The following table shows a summary of the proposed rollover funds which has been split into Council funded projects and Grant funded projects.

	<b>Capital</b>	<b>Project</b>	<b>Recurrent</b>	<b>Total</b>
Rollovers for Council Funded Projects	1,866,338	318,752	111,735	2,296,825
Rollovers for Grant Funded Projects	4,633,203	3,291,606	2,677,329	10,602,138
	<b>6,499,541</b>	<b>3,610,358</b>	<b>2,789,064</b>	<b>12,898,963</b>

## **FINANCIAL IMPACT**

The 2021/22 budget will be increased by \$12.899m which is funded through the 2020/21 accounting surplus.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **5 Practice good governance through openness and accountability**

5.2 Annual Budget

5.8 Ensure financial sustainability through effective use of Councils resources and assets and prudent management of risk.

## **ATTACHMENTS**

Nil

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### **7.3. S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF**

***DEPARTMENT : Governance, Property, Projects & Legal***

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#### **PURPOSE:**

***The purpose of this report is to present the updated S6 Instrument of Delegation – Council to Members of Council Staff to Council for consideration.***

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#### **EXECUTIVE SUMMARY**

Council is subscribed to a service provided by Maddocks Lawyers which provides updates for Council's Instruments of Delegation.

Upon receiving a recent update from Maddocks for the s6 Instrument of Delegation, Managers from relevant areas have been engaged to review and update as necessary.

The s6 Instrument of Delegation, as found at **Attachment 1**, has been updated with amendments identifiable via underline and is now presented to Council and recommended for approval.

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#### **RECOMMENDATIONS**

**That Council, in the exercise of the powers conferred by the legislation referred to in the attached S6 Instrument of Delegation:**

- 1. Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in that Instrument, the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument;**
  - 2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation; and**
  - 3. Approves the S6 Instrument of Delegation to come into force immediately upon execution;**
  - 4. Approves that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to members of Council staff is revoked.**
- 

#### **BACKGROUND**

Council's Instruments of Delegation are updated as advised by Maddocks Lawyers, and may also be updated from time to time as required to reflect changes in position titles, role responsibilities and organisational structure.

An update completed by Maddocks was issued in July and has been reviewed by applicable managers.

Only a couple of amendments have been proposed in the Maddocks update, specifically:

- Planning and Environment Act 1987 – 3 new provisions added, 14 provisions changed.
- Residential Tenancies Regulations 2021 – 1 new provision added.
- Cemeteries and Crematoria Act 2003 – 1 provision deleted.
- Environment Protection Act 1970 – 5 provisions deleted.

A copy of the delegations showing these changes has been provided at **Attachment 2** of this report.

## **ISSUES**

Nil.

## **FINANCIAL IMPACT**

Nil.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

Not Applicable

## **TIMING**

Nil.

## **COMMUNITY IMPACT / CONSULTATION**

Managers were consulted to ensure delegations remain current and to provide appropriate delegates where new or updated delegations were included.

## **LEGAL RISK / IMPACT**

Section 11 of the Local Government Act 2020 allows Council to delegate certain matters to the CEO, however, does not address delegations from Council to members of staff. The below sections of legislation identify the mechanisms by which Council is authorised to delegate the items in the S6 Instrument of Delegation to members of Council staff under the different Acts listed in the s6 Instrument of Delegation. Council's delegations are derived from the Maddocks Lawyers Instruments of Delegation package templates and have therefore been thoroughly vetted and reviewed by local government lawyers.

The relevant provisions are as follows:

- Domestic Animals Act 1984 - s41A(4)
- Environment Protection Act 1970 - s53M(8)
- Food Act 1984 - s58A
- Heritage Act 2017 - s116(3)
- Planning and Environment Act 1987 - s188
- Residential Tenancies Act 1997 - s524(2)
- Road Management Act 2004 - s118(1)

## **OFFICERS' DECLARATION OF INTEREST**

Nil.

## **CONCLUSION**

The s6 Instrument of Delegation has been reviewed and updated by officers to reflect legislative changes and is now presented to Council for adoption.

## **ATTACHMENTS**

1. ECM 11310278 v 4 DRAFT - S 6 - Instrument of Delegation - Council to Staff - August 2021 [7.3.1 - 117 pages]
2. Maddocks Marked-up Version - July 2021 Update [7.3.2 - 91 pages]

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## **7.4. S18 INSTRUMENT OF SUB-DELEGATION EPA - COUNCIL TO STAFF**

***DEPARTMENT : Governance, Property, Projects & Legal***

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### **PURPOSE:**

***The purpose of this report is to present the new s18 Instrument of Sub-Delegation relating to the Environmental Protection Act 2017 to Council for approval.***

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### **EXECUTIVE SUMMARY**

Upon the Environment Protection Act 2017 and Environment Protection Regulations 2021 coming into effect on 1 July 2021, the EPA were able to delegate specific responsibilities under the legislation to Councils.

The responsibilities relate to on-site wastewater management systems and noise issues related to residential construction and demolition.

The EPA has subsequently provided an Instrument of Delegation to Councils. In order for Warrnambool City Council to be able to effectively use these delegations, Council are presented with a sub-delegation from the Council to members of Council staff who are able to carry out the delegated responsibilities as part of their business-as-usual activities on behalf of Council.

The s18 Instrument of Sub-delegation from Council to Members of Council Staff is recommended for adoption by Council.

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### **RECOMMENDATIONS**

**That Council approve the s18 Instrument of Sub-delegation to Council staff and in doing so:**

- 1. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Sub-delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
  - 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 

### **BACKGROUND**

The Environment Protection Act 2017 (the new Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021.

This new legislation provides a modern framework to protect people and the environment from pollution and waste.

Under the new Act and Regulations, the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local governments, including this new delegation of powers from EPA to councils.

These delegated powers relate to:

- On-site wastewater management systems greater than 5000 litres on any day; and
- Noise from construction, demolition and removal of residential premises.

The EPA has formally delegated these powers to Council, and in order for Council staff to be able to undertake the activities as required under this delegation, Council must sub-delegate responsibility to members of Council staff.

The s18 Instrument of Sub-delegation is therefore presented to Council to complete the sub-delegation to appropriate qualified staff members to carry out these delegations.

## **ISSUES**

Nil.

## **FINANCIAL IMPACT**

Nil.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

Not Applicable

## **TIMING**

The EPA provided the delegation of power to Councils in July following the change to the Environmental Protection Act 2017, and Environmental Protection Regulations 2021 coming into force.

## **COMMUNITY IMPACT / CONSULTATION**

Nil.

## **LEGAL RISK / IMPACT**

Nil.

## **OFFICERS' DECLARATION OF INTEREST**

Nil.

## **CONCLUSION**

The s18 Instrument of Sub-delegation is provided to Council for their adoption to support members of Council staff in being able to action delegated powers as provided under the Environmental Protection Act 2017 and Environmental Protection Regulations 2021.

## **ATTACHMENTS**

1. S18 Instrument of Sub delegation under the EPA 2017 Council to Staff [7.4.1 - 4 pages]

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## **7.5. SALE AND ACQUISITION OF LAND POLICY**

***DEPARTMENT : Governance, Property, Projects & Legal***

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### **PURPOSE:**

***The purpose of this report is to present the Sale and Acquisition of Land Policy to Council for the consideration.***

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### **EXECUTIVE SUMMARY**

The Sale and Acquisition of Land Policy is a new policy developed to support decision making around the strategic purchase and sale of Council land.

The policy will ensure consideration is given to Council strategy, legislation and best practice, transparency, and community need and expectation prior to any strategic land purchase or sale.

The policy is presented to Council and proposed for adoption – refer Draft Sale and Acquisition of Land Policy - **Attachment 1**.

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### **RECOMMENDATION**

**That Council adopt the Sale and Acquisition of Land Policy as attached at Attachment 1 of this report.**

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### **BACKGROUND**

As part of the Various Financial Controls (VFC) - Accounts Receivable and Sale of Land (August 2020) internal audit completed in August 2020, an audit recommendation was made that Council develop a Sale of Land Policy. This recommendation was agreed to by management.

This policy has been developed to include the strategic acquisition of land by Council, providing guidance and parameters in order to ensure and sale or purchase of land is done so in a considered and responsible manner.

Although the Local Government Act 2020 provides statutory obligations for both the sale and acquisition of land, this policy provides further principles and considerations for Council when strategically purchasing or selling Council land.

These principles and considerations will support a more rigorous decision-making process and provide greater consistency and value to Council's strategic land sales and acquisitions.

### **ISSUES**

There is significant legislation around different types of land acquisitions particularly. This includes the Planning and Environment Act, the Subdivision Act, the Land Acquisition and Compensation Act, all of which are triggered under different circumstances. Therefore, this policy has a focus specifically on criteria and considerations for strategic acquisitions and sales.

### **FINANCIAL IMPACT**

Nil.

## **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.

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

### **TIMING**

Nil.

### **COMMUNITY IMPACT / CONSULTATION**

The policy includes statutory requirements for notification and engagement with the community when Council is strategically acquiring or selling land.

### **LEGAL RISK / IMPACT**

Adopting this policy provides governance around strategically acquiring and selling Council land. This will help mitigate risk through the policy supporting effective and consistent decision-making.

### **OFFICERS' DECLARATION OF INTEREST**

Nil.

### **CONCLUSION**

The Sale and Acquisition of Land Policy has been developed to support effective and consistent decision making on strategic acquisitions (purchases) and sales of Council land. It is presented to Council for their consideration and is recommended for adoption.

### **ATTACHMENTS**

1. DRAFT Sale and Acquisition of Land Policy July 2021 [7.5.1 - 6 pages]

## **7.6. PROPOSED AMENDMENT TO THE WARRNAMBOOL PLANNING SCHEME - KINGS COLLEGE**

**DIRECTORATE : City Growth**

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### **PURPOSE:**

***This report provides information on a planning scheme amendment request received from Myers Planning Group on behalf of Kings College to rezone land at 44-52 Balmoral Road, and properties at 1-22 Royal Court, Warrnambool to the General Residential Zone 1 and recommends that Council seek authorisation from the Minister for Planning to prepare an amendment to the Warrnambool Planning Scheme.***

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### **EXECUTIVE SUMMARY**

- Myers Planning Group (proponent) on behalf of Warrnambool Presbyterian School (Kings College) has requested Council prepare an amendment to the Warrnambool Planning Scheme to rezone the college campus land at 44-52 Balmoral Road and CA 2102, and the properties at 1-22 Royal Court, Warrnambool.
- The amendment request proposes to rezone the land from the Public Use Zone 2 (Education) to the General Residential Zone 1 (consistent with other non-government schools in Warrnambool).
- Historically, the land has been incorrectly zoned for Public Use which does not reflect the college's private school status. In addition, lots at 1-22 Royal Court were subdivided by Warrnambool Presbyterian School in 2013. These lots have since been sold and developed with dwellings but remain in the public use zone. The amendment request also includes rezoning of these properties - refer **Attachment 1** for Zoning Map.
- The current zoning is incorrect and it is considered that the rezoning is appropriate.

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### **RECOMMENDATIONS**

#### **That Council**

- 1. In accordance with Section 8A of the *Planning and Environment Act 1987* (the Act) seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to the Warrnambool Planning Scheme to rezone land at 44-52 Balmoral Road, Crown Allotment 2102, and 1-22 Royal Court, Warrnambool to the General Residential Zone 1.**
  - 2. Subject to the authorisation of the Minister for Planning, in accordance with Section 19 of the Act, prepare and exhibit an amendment to the Warrnambool Planning Scheme.**
- 

### **BACKGROUND**

Historically, the Kings College campus has been zoned Public Use 2 (Education) for over 20 years.

The proponent has now requested Council prepare an amendment to the Warrnambool Planning to rezone the land to the General Residential Zone 1 (GRZ). The General Residential Zone is consistent with the zoning of other private or non-government schools in Warrnambool.

Rezoning the land to the General Residential Zone will enable the college to utilise streamlined VicSmart provisions in the Warrnambool Planning Scheme that apply to non-government schools in residential zones. Currently Kings College are unable to utilise the streamlined VicSmart provisions, as the school is not in a residential zone.

## ISSUES

The amendment request from the proponent included a request to apply the Development Plan Overlay (DPO) to the land that is within the ownership of Warrnambool Presbyterian School. The application of the Development Plan Overlay would result in all future planning applications being exempt from notice and review provisions of the Act.

The proponent has indicated the intention to further subdivide land from the school ownership which would be developed for residential purposes. Applying the DPO would exempt the future subdivision from notice and review provisions, which is not considered to be in the community's best interest. The 2013 Royal Court subdivision was strongly objected to by residents in the nearby vicinity, therefore it is important that residents have a fair opportunity to submit or object to any further subdivision.

All planning scheme amendment requests must receive authorisation from the Minister for Planning before the amendment can be prepared or exhibited. The proponent's request to apply the DPO has also been discussed with Department of Environment, Land, Water and Planning (DELWP) officers. DELWP have advised that they consider the application of the DPO is an unnecessary use of a Victoria Planning Provision (VPP) tool having regard to other available controls and exemptions, such as the VicSmart provisions of the General Residential Zone for buildings and works associated with schools (up to \$500k) and the planning provisions at Clause 53.19 for non-government schools. DELWP consider that the operation, upgrade and expansion of the school facilities can be accommodated under those provisions. DELWP also advise that they consider it would be inappropriate to remove notice and review rights for a residential subdivision at this site.

It is considered that the application of the DPO is not appropriate or necessary, and as such, will not be included within the planning scheme amendment.

## FINANCIAL IMPACT

The costs associated with the preparation and exhibition of the amendment can be met within the 2021/22 City Strategy and Development Budget and all statutory fees will be paid by the proponent.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

### 4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

### 5 An effective Council

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

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

In accordance with the provisions of the *Planning and Environment Act 1987* - refer **Attachment 2**  
- flowchart on the Planning Scheme Amendment process.

## **COMMUNITY IMPACT / CONSULTATION**

Exhibition of the planning scheme amendment will be undertaken in accordance with the requirements of the Planning and Environment Act, which requires submissions to be lodged within one month from the date of exhibition.

## **LEGAL RISK / IMPACT**

Risk is managed through implementing the provisions of the *Planning and Environment Act 1987*.

## **OFFICERS' DECLARATION OF INTEREST**

Strategic Planner, Andrew Nield, has declared a conflict of interest in this matter. Management of the planning scheme amendment request is being led by the Coordinator City Strategy, with oversight by the Manager City Strategy & Development.

## **CONCLUSION**

The proposed rezoning of the Kings College land and lots at 1-22 Royal Court, Warrnambool is considered appropriate, in the context of the private ownership of the land.

## **ATTACHMENTS**

1. zoning map [7.6.1 - 1 page]
2. Planning Scheme Amendment Flowchart for Council reports [7.6.2 - 1 page]

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## **7.7. AMENDMENT TO DEVELOPMENT PLAN - OAKWOOD RIVERSIDE**

***DIRECTORATE : City Growth***

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### **PURPOSE:**

***This report considers the Oakwood 'Riverside' addendum to the North Merri Development Plan prepared by Millward Engineering and recommends that the addendum be endorsed.***

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### **EXECUTIVE SUMMARY**

- Council has received an addendum to the North Merri Development Plan, prepared by Millward Engineering, for land at Wollaston Road.
  - The addendum relates to land being developed by Oakwood as part of Stage 1 of the Wollaston Road Precinct.
  - The addendum to the Development Plan includes an amended road layout, slope and design control response, changes to open space provision and road layout changes;
  - The addendum to the Development Plan was subject to internal and external referrals as required.
  - The addendum was placed on non-statutory exhibition from 31 July 2021 for two (2) weeks. No submissions have been received.
  - The addendum is considered to meet the Development Plan Overlay requirements and relevant provisions of the Warrnambool Planning Scheme and is therefore appropriate to endorse.
- 

### **RECOMMENDATION**

***That Council endorse the Oakwood Riverside addendum to the North Merri Development Plan, June 2021.***

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### **BACKGROUND**

In 2012 Planning Scheme Amendment C69 implemented the recommendations of the *North of the Merri River Structure Plan* to the Warrnambool Planning Scheme. The Amendment rezoned an area covering approximately 250 hectares, including 28 properties, to the General Residential 1 Zone (GR1Z) as part of the North of the Merri Growth Area. Refer to **Attachment 1** for a plan of the growth area also showing the areas covered by the Development Plan and this addendum.

The Planning Scheme Amendment also applied the Development Plan Overlay Schedule 10 (DPO10) to the subject site. Refer to **Attachment 2** Development Plan Overlay Schedule 10.

The purpose of the Development Plan Overlay is to guide future subdivision in a way envisaged by the *North of the Merri River Structure Plan*, this includes aiming to establish a well-connected and well serviced community and positive sense of place.

A Development Plan (North Merri Stage 1 - Wollaston Rd Precinct) was approved by Council 22 October 2012 (endorsed 23 October 2012). The Development Plan covered an area of approximately 122ha of land on the west and south side of Wollaston Road.

In addition to the subject land (the 'Riverside' estate), the North Merri Development Plan area includes land immediately south (the 'Wollaston Way' estate), and 'Wollaston Gardens' to the north east. West of the subject land contains the 'Riverland estate' which has its own Development Plan. The 'Riverside' estate commenced with the issue of planning permit PP2012-0200 on 20 February 2013 which created Stage 1 (44 lots). Stages 2 to 9 were then created by planning permit PP2013-0210 issued 9 May 2014. A change in ownership of the 'Riverside' estate has seen minor amendments to the layout and staging of the subdivision, including Stage 9 being brought forward to Stage 3A to facilitate a separate entry to the estate from Wollaston Road.

## ISSUES

Oakwood, as owners of the Riverside estate, has engaged Millward Engineering to develop an alternative subdivision layout for land in the remaining stages 4a to 8 approved by PP2013-0210. The changes to the layout prompt consideration of road layout, traffic volumes/safety, designing around slope, provision of open space and drainage design.

The submitted changes to the North Merri Development Plan will be considered as an addendum e.g all other land within the North Merri Development Plan will continue to be delivered in accordance with the current approved plan.

The submitted changes have been submitted in accordance with the requirements of DPO10. Refer to **Attachment 3** for the Oakwood Riverside Development Plan.

In accordance with the requirements of the DPO10 the amendments to the Development Plan addresses the following requirements as relevant:

- **Site analysis** – including an analysis of waterways and drainage, topography, native vegetation, cultural heritage and infrastructure / servicing requirements.
- **Design response** – in addressing the site analysis, the addendum provides guidance on land use and density (lot areas), movement network (road, pedestrian and cycle), open space, heritage, built environment, and infrastructure / servicing requirements.

No change is proposed to the following:

- **Infrastructure contributions and Projects** –the delivery of which will continue to be in accordance with planning permit PP2013-0210 (as amended) and in accordance with the North Merri Development Contributions Plan (DCP).
- **A permeable street network**- that responds to the topography of the site and provides internal and external connections to surrounding neighbourhoods.
- **A subdivision layout that responds to topography**- lots with larger areas will be concentrated to areas with greatest slope while smaller lots to flatter ground with better access to open space.
- **An Open Space reserve**- (Riverland Corridor Parkland) will remain along the Merri River that contains a range of functions, including drainage (floodplain), active and passive recreation, and walking/cycling trails. Despite the alternative layout there is no net loss in active open space.
- **A stormwater management design**- that encourages water sensitive urban design techniques.
- **The staging of development**- commencing from the west with connectivity to land in separate ownership to the south and west as well as previous stages.

An assessment of the Oakwood 'Riverside' addendum to the Development Plan against the Development Plan Overlay (DPO10) provisions has been undertaken. Refer to **Attachment 4** for a copy of the assessment.

## **FINANCIAL IMPACT**

Costs associated with the review and assessment of the Development Plan has been included in the 2021/2022 City Strategy and Development Budget.

## **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

### **3 A strong economy**

3.1 Build on competitive strengths: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool's economic strengths and comparative advantages

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

### **4 A connected, inclusive place**

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

### **5 An effective Council**

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

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.

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

## **TIMING**

In accordance with the *Planning and Environment Act 1987*.

## **COMMUNITY IMPACT / CONSULTATION**

The amendments to the Development Plan were advertised (non-statutory) for a two (2) week period from 31 July 2021. This included non-statutory referrals to relevant agencies and the authorities. No submissions have been received.

Powercor, Downer Utilities and Wannon Water as the key utilities providers have been consulted on the proposed addendum but they have not provided any comments. PTV and Vicroads have also been referred details of the proposal and they too have not commented.

The Glenelg Hopkins Catchment Management Authority (GHCMA) has been consulted and provided comment on the drainage report. The applicant has taken the comments into consideration.

Note that the addendum is conceptual at this stage and must address the requirements of the Overlay. The same authorities will also be referred any subsequent planning application and offered another opportunity to provide further comment.

## **LEGAL RISK / IMPACT**

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

## **OFFICERS' DECLARATION OF INTEREST**

None

## **CONCLUSION**

The role of the Development Plan is to provide direction on the form and layout of future development of the land. The proposed Plan in its most recent form is considered to provide a clear direction about the future form of development on the land. A planning application will be required if the DP is approved and this will allow Council to assess the proposal against the relevant provisions of the Warrnambool Planning Scheme.

## **ATTACHMENTS**

1. Schedule 10 to the DPO 43 04 s 10 warr [7.7.1 - 6 pages]
2. Cover Letter - Development Plan Amendment [7.7.2 - 1 page]
3. Amendment Report - FINAL V 1.0 [7.7.3 - 24 pages]
4. Oakwood Riverside DP Officer Assessment [7.7.4 - 8 pages]

## **7.8. DEVELOPMENT PLAN - 15 DALES ROAD**

### ***DIRECTORATE : City Growth***

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#### **PURPOSE:**

***This report considers the Dales Road Development Plan submitted for 15 Dales Road and recommends that Council endorse the Development Plan as submitted.***

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#### **EXECUTIVE SUMMARY**

- Council has received a Development Plan (DP) prepared by 'St-Wise' planning consultants for land at 15 Dales Road.
- The site is within the North East Warrnambool Structure Plan area and General Residential Zone (GR1Z), which anticipate residential use and development.
- The Development Plan includes thirty six (36) residential lots supporting a mix of one bed, two bed, single and double storey dwellings, visitor parking and landscaping, a footpath connection to link with existing footpath network and a contemporary materials palette with darker tones and natural timber look.
- The Development Plan was subject to internal and external referrals as required.
- The Development Plan was placed on non-statutory exhibition for two (2) weeks and one (1) submission has been received.
- On balance, the new Development Plan is considered to meet the Development Plan Overlay requirements and relevant provisions of the Warrnambool Planning Scheme and is therefore appropriate to endorse.

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#### **RECOMMENDATION**

**That Council endorse the Dales Road Development Plan as submitted on 17 June 2021.**

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#### **BACKGROUND**

The subject land is located on the north east corner of Dales and Aberline Roads. The subject site contains approximately 9400m<sup>2</sup> (0.9ha) and is vacant. It is adjoined north, east and south by residential development of varying densities. The Brierly Reserve is located immediately to the west. Anchor point village and the future urban growth area – East Aberline Precinct Structure Plan are further north. Gateway Plaza is approximately 640 metres to the south west. A bus stop is located immediately outside the site on Dales Road.

The subject land is approximately 3km to the north east of central Warrnambool and is zoned General Residential 1 (GRZ1) and is covered by the Development Plan Overlay Schedule 7. The land is located within the north east growth area and is included in the North East Warrnambool Structure Plan.

A previous proposal for seventy four (74) units on the site was considered by Council on 2 December 2019 and refused.

#### **ISSUES**

Schedule 7 to the Development Plan Overlay contains the requirements for a Development Plan (DP). The relevant schedule is provided at **Attachment 1**.

The DP and accompanying technical reports were initially submitted on 10 December 2020 and later amended 17 June 2021 following Councils request for further information.

The DP in its current form proposes thirty six (36) lots at a range of sizes capable of accommodating a diversity of dwelling types. The internal road would be private with all access via nominated crossovers to Aberline Road and Dales Road. Future development is shown as comprising a mix of one and two bed dwellings of single and double storey. Single storey dwellings would present to Aberline and Dales Roads with double storey development confined to within the site.

Detailed design plans are relevant to a future planning permit application. At 32.4 dwellings per hectare (dph) the proposal represents a density greater than the immediate area but is able to be absorbed into the planned average for the North East Growth Area of 12-15 dph.

Refer to **Attachment 2 for DP documentation.**

The DP is accompanied by a planning report prepared by St-Wise Planning Professionals which draws reference to state and local policy that is considered to support the vision for this site which is to accommodate a medium to higher density development.

The DP is also supported by the following documents:-

- Environmental Report prepared by Reid Developments Pty Ltd
- A Waste management Plan prepared by Eco Results 15 October 2020
- Traffic Engineering Assessment prepared by Traffix Group October 2020
- A stormwater management plan prepared by Intrax
- Plans drawn by ZINE Studio

An assessment of the Plan in relation to the requirements of Development Plan Overlay – Schedule 7 is at **Attachment 3.**

There are some components of the DP that require a variation and these are discussed below:-

- **Cultural heritage** – The site has not been subject to a full cultural heritage survey although an expert has carried out a desktop assessment and concluded that there is unlikely to be any areas of cultural significance. On application for a planning permit for the site further assessment would need to be carried out in this regard and may trigger the requirement for a Cultural Heritage Management Plan (CHMP). The submitted response is considered acceptable for meeting the Overlay requirements.
- **Open Space** – there is no ‘public open space’ proposed within the site. Given that the access would be common property e.g private road, any area within the site for ‘open space’ would not be publically accessible and therefore not fit for purpose. Instead the applicant has chosen to meet their public open space obligations by making a financial contribution of 5% of the value of the land. Private open space to each dwelling will be facilitated in accordance with the building regulations or through planning permits (for those dwellings on less than 300m<sup>2</sup>). The submitted response is considered acceptable for meeting the Overlay requirements.
- **Indicative connections**- The development plan should show integration with surrounding development, open space reserves and road network. At this time the Plan shows a shared driveway which has not been designed to Council standards. If the land is subdivided in the future, the driveway will become (private) common property. For this reason vehicular connectivity to surrounding land would prove problematic, but is not impossible with the current design allowing a future access to the east if appropriate. The submitted response is considered acceptable for meeting the Overlay requirements.

A planning permit assessment will consider finer detail, upon submission.

## **FINANCIAL IMPACT**

Costs associated with the review and assessment of the Development Plan has been included in the 2021/2022 City Strategy and Development Budget.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

### **3 A strong economy**

3.1 Build on competitive strengths: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool's economic strengths and comparative advantages

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

### **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.

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

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

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

5.2 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.

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

## **TIMING**

In accordance with the *Planning and Environment Act 1987*.

## **COMMUNITY IMPACT / CONSULTATION**

All documentation forming part of the Development Plan (DP) has been subject to referral and two periods of non-statutory public exhibition for a period of two weeks, in accordance with Council's policy to provide non-statutory notice of development plans. Exhibition of the DP is a non-statutory requirement to contribute towards Council's decision making process on the future development of the site.

One (1) submission has been received which outlines the following concerns:-

- Density / overdevelopment;
- Height of development and impact on character of the area;

- Impact on traffic, social and environmental issues;
- Visitor/ resident car parking
- Bin collection/ storage;
- Lack of open space;

The North East Warrnambool Structure Plan has an overall density target of 15 dwellings per hectare. The proposed Plan indicates medium to higher density housing on the land which results in approx. 32.4 dwellings per hectare (dph). The land bordered by Dales, Aberline, Boiling Down and Gateway Roads has an area of approximately 20.2ha and currently consists of 226 dwellings/lots. The current average is 11.4 dph and with the inclusion of an additional 36 lots the average would increase to approximately 13 dph across this section of the structure plan which is consistent with the Structure Plan.

The underlying zone (General Residential 1) seeks to 'encourage a diversity of housing types' that 'respects the neighbourhood character'. If the DP is approved a future planning application would require Council to have greater consideration to matters raised in the submission as part of a rescode assessment.

The development plan was referred to:- Wannon Water; Downer (Gas); Transport for Victoria; Powercor; Council's City Infrastructure; City Sustainability and City Strategy.

Referral responses indicate that traffic, parking waste management and landscaping can be appropriately addressed in a future planning application.

The DP as submitted is therefore considered an acceptable response to the Development Plan Overlay and as a concept for this area.

## **LEGAL RISK / IMPACT**

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

## **OFFICERS' DECLARATION OF INTEREST**

None

## **CONCLUSION**

The role of the Development Plan is to provide direction on the form and layout of future development of the land. The proposed Plan in its most recent form is considered to provide a clear direction about the future form of development on the land. A planning application will be required if the DP is approved and this will allow Council to assess the proposal against the relevant provisions of the Warrnambool Planning Scheme.

## **ATTACHMENTS**

1. Schedule 7 to the DPO 43 04 s 07 warr [7.8.1 - 3 pages]
2. Dales RFI plans response [7.8.2 - 14 pages]
3. Dales Development Plan [7.8.3 - 21 pages]
4. Dales RFI traffic response [7.8.4 - 26 pages]
5. Dales RFI WMP response [7.8.5 - 15 pages]
6. Assessment against DPO 15 Dales [7.8.6 - 6 pages]
7. Submission 15 Dales Rd [7.8.7 - 2 pages]

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## **7.9. REVEGETATION POLICY AND GUIDELINES**

### ***DIRECTORATE : City Growth***

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#### **PURPOSE:**

***This report presents the Revegetation Policy and Revegetation Guidelines for consideration and endorsement.***

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#### **EXECUTIVE SUMMARY**

- The Revegetation Policy provides a consistent approach to revegetation projects carried out by both Council and volunteer groups on Council owned or managed land.
- The Revegetation Guidelines are designed to provide an overview of major issues to consider when planning and implementing revegetation projects and provide clear direction regarding Council requirements for revegetation proposals.
- The policy and guidelines have been developed in collaboration with Council staff and feedback from the community and interested parties has informed the policy and guidelines.

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#### **RECOMMENDATION**

**That Council endorse the Revegetation Policy and Revegetation Guidelines.**

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#### **BACKGROUND**

Warrnambool Council owns or manages land which features rare flora and fauna, natural coastline, sites of international migratory importance and unique waterways and wetlands, all of which have significant natural, cultural, economic, educational and recreational values.

Native vegetation is crucial for the health of the environment and supporting biodiversity. Native vegetation controls erosion through protecting soils and riverbanks, reduces land degradation and salinity, improves water quality and availability and provides habitat for unique biodiversity including threatened species. However, following extensive removal and modification of native vegetation over many years, less than 10% of native vegetation remains in the Warrnambool region. Council owned or managed land plays an important role in protecting and enhancing these remaining areas of native vegetation and as such Council encourages and supports revegetation in this open space land network.

In order to maximize the benefits of these revegetation projects, a consistent approach to the planning and management of these sites is required. The Revegetation Policy 2015 and the Revegetation and Maintenance Guidelines 2015, were developed to provide direction regarding the requirements for revegetation on Council owned or managed land, identify priority open spaces for revegetation and assist in ensuring the provision of consistent and successful revegetation projects.

However there have been some changes since the Revegetation Policy and Revegetation and Maintenance Guidelines were developed, such as the adoption of the Green Warrnambool plan and the recent listing of Assemblages of species associated with open-coast salt-wedge estuaries of Western and Central Victoria (the Assemblages) under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Green Warrnambool plan aims to build knowledge, skills and involvement in the protection of biodiversity, waterways and the coast, increase the number of indigenous plant and animal species in the municipality and regenerate the waterways among other things. As such Council encourages and supports revegetation in the council owned or managed open space land network.

A number of areas along both the Merri and Hopkins River corridors have been identified as priority open for restoration or revegetation. The revegetation or restoration of these areas assists in reducing the impact of land uses and associated decline in water quality within these river systems, which particularly important given the recent listing of the Assemblages.

To remain current and incorporate new Council and State policies and visions, a review of the Revegetation Policy was undertaken.

The draft Revegetation Policy and draft Revegetation Guidelines were prepared and released for public comment. The feedback received has informed the final policy and guidelines.

The Revegetation Policy (the Policy) provides a consistent approach to revegetation projects carried out by both Council and volunteer groups on Council owned or managed land. The Policy contains a number of policy principles that ensures projects align with Council's strategic requirements, comply with all relevant policy, legislation or regulatory standards and that any changes to the community's assets are safe and consider any interconnected infrastructure.

The Revegetation Guidelines (the Guidelines) provide an overview of major issues to consider when planning and implementing revegetation projects and provide clear direction regarding Council requirements for revegetation proposals.

## ISSUES

The draft Revegetation Policy and draft Warrnambool Revegetation Guidelines were prepared and released for public consultation for a period of six weeks. Four submissions were received (including one which was submitted twice) following their consideration, a number of amendments have been made to the guidelines.

The final Revegetation Policy and Revegetation Guidelines have been prepared, refer to **Attachments 1 and 2**. The detailed responses to submissions and associated amendments to the guidelines and policy can be found at **Attachment 3**.

One amendment was made to the Policy to strengthen the consideration of other uses such as its value as public open space for passive recreation.

The Guidelines have been amended in light of the submissions received, there have been a number of small changes made to clarify information, with the more significant amendments made to streamline the process for applicants. These amendments include:

- Merging the site assessment, site analysis plan and pre-application meeting steps, as the site assessment and pre-application meeting can be carried out concurrently. Council can assist with the site application plan and provide some of the information required during the pre-application meeting.
- Removal of site handover procedure, a final site check will be conducted by Council's Natural Environment Officer instead to discuss the project's success and learnings.
- Planting densities have been further clarified and example calculation for plant numbers has been included.
- The maintenance period for revegetation sites has been reduced to a minimum of three years.
- The annual site check by Council has been removed, however monitoring is still required to be conducted by the applicant. This is important for applicants to carry out to identify the need for further maintenance, continued learning and determining the success of the project. Whilst monitoring is not a new requirement, a monitoring method has been suggested in the guidelines. The requirement to provide these results annually to Council has been removed, however Council can request the results.

The Memorandum of Understanding has also been amended to reflect the changes to the guidelines.

## **FINANCIAL IMPACT**

The costs associated with the implementation of the Revegetation Policy and Guidelines have been considered within the City Strategy & Development budget.

## **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

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.

2.6 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**

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

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

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.

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

## **TIMING**

Routine

## **COMMUNITY IMPACT / CONSULTATION**

The review of the Revegetation Policy and Guidelines has been undertaken in consultation with internal stakeholders including the Natural Environment Project team, Strategic Planning team, and the Parks, Gardens and Environment team. The draft Revegetation Policy and Guidelines were released for public comment, the submissions influenced the final document.

## **LEGAL RISK / IMPACT**

The review of the policy and guidelines seeks to ensure current legislation, policy and practices are incorporated, while risks associated with revegetation projects are minimised and works on public land are undertaken in a coordinated way to ensure appropriate consideration is provided to the site.

## **OFFICERS' DECLARATION OF INTEREST**

None.

## **CONCLUSION**

The draft Revegetation Policy and draft Revegetation Guidelines have been designed to:

- provide a consistent approach to revegetation projects carried out on Council owned or managed land;
- provide an overview of major issues to consider when planning and implementing revegetation projects; and
- provide clear direction regarding Council requirements for revegetation proposals.

## **ATTACHMENTS**

1. Attachment 1 Revegetation Policy [7.9.1 - 7 pages]
2. Attachment 2 Revegetation Guidelines [7.9.2 - 40 pages]
3. Attachment 3 Detailed responses to submissions [7.9.3 - 16 pages]
4. Attachment 3.1 Submission WCC Revegetation Policy [7.9.4 - 5 pages]
5. Attachment 3.2 Submission WCC Revegetation Policy [7.9.5 - 2 pages]
6. Attachment 3.3 Submission WCC Revegetation Policy [7.9.6 - 2 pages]
7. Attachment 3.4 Submission WCC Revegetation Policy [7.9.7 - 1 page]
8. Attachment 3.5 Submission WCC Revegetation Policy [7.9.8 - 1 page]

## **7.10. JOINT RESEAL CONTRACT**

### ***DIRECTORATE : City Infrastructure***

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#### **PURPOSE:**

***To inform Council on the current status of the Joint Bitumen Sealing Program with Corangamite Shire Council (CSC) and seek approval for continuation of the current arrangement in 2021/2022 and 2022/2023.***

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#### **EXECUTIVE SUMMARY**

- Both Corangamite Shire Council (CSC) and Warrnambool City Council (Council) have programs to undertake bitumen sealing works each year, as part of our road asset management plans and annual road maintenance activities.
- Both CSC and Council's programs contain very similar scopes and are typically undertaken by specialist contractors. Accordingly, a collaborative approach to the procurement of these works provides a greater opportunity to achieve efficiencies through an 'economy of scale'.
- Council resolved on 1 July 2019 to enter into its 5<sup>th</sup> Infrastructure Contributions Agreement for 2021/2022 and 2022/2023 Bitumen sealing works with Corangamite Shire Council.
- CSC entered into a contract with Inroads Pty Ltd on behalf of Warrnambool City Council to deliver sealing works for the 2019/2020 and 2020/2021 financial years.
- It is proposed that a Bitumen Sealing Works Agreement is made with Corangamite Shire Council, for the management and delivery of the 2021/2022 and 2022/2023 Bitumen Sealing Programs. The total value of a two-year resealing contract is approximately \$1.5 million.

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#### **RECOMMENDATIONS**

- 1. That Warrnambool City Council enters into a Joint infrastructure Contributions Agreement with Corangamite Shire Council for the 2021/2022 & 2022/2023 bitumen sealing works.**
- 2. That Corangamite Shire Council is appointed as an agent of Warrnambool City Council for the purpose of tendering the works under the 2021/2022 & 2022/2023 agreement.**
- 3. That the Chief Executive Officer is delegated authority to sign and seal (execute) documents for the 2021/2022 and 2022/2023 bitumen sealing Joint infrastructure Agreement.**
- 4. That the Chief Executive Officer is delegated authority to accept or reject the tender recommendations from Corangamite Shire Council for bitumen sealing works.**

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#### **BACKGROUND**

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

For the past 6 years Council has entered into an Infrastructure Contributions Agreement with Corangamite Shire Council for bitumen sealing works, with the intent to achieve a best value benefit to each Council in the delivery of this service.

## ISSUES

Council could conduct its own procurement process for the works as it did prior to 2015/2016, however we do not believe that any significant benefit would be achieved by reverting to this procurement option.

Whilst our direct procurement method has provided a satisfactory outcome it had the following limitations:

- We were unable to achieve the savings and efficiencies that a larger program of works can deliver;
- It duplicated tender and contract management process across both Councils;
- We are competing for the same bitumen sealing contractors.

Entering into a new joint agreement has the following benefits:

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

## FINANCIAL IMPACT

Under Council's 2021/22 adopted budget an allocation of \$759,000 is provided for the services to be delivered under this contract. Council's projected contract expenditure before tendering the 2021/22 program is estimated to be in the order of \$745,000. Note this cost does not include contract administration and pre contract preparation works.

The joint arrangement provides cost savings to Council in administration, procurement, and service delivery.

## LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

### Legislation Context

Local Government Act 2020

### Council Policy Context

Council Procurement Policy 2020

### Council Plan

#### 4 A connected, inclusive place

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

#### 5 An effective Council

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

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

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

## **TIMING**

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

## **COMMUNITY IMPACT/CONSULTATION**

Officers from Warrnambool City Council and Corangamite Shire Council will regularly discuss and meet to review the specification, tender evaluation, and performance of the contract.

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

## **LEGAL RISK/IMPACT**

During the contract there will be construction and financial risks associated with the works. These will be managed via the specification within the contract where the contractor will be required to submit relevant documentation and insurance.

## **OFFICERS' DECLARATION OF INTEREST**

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

## **CONCLUSION**

That Council enters into a Joint Infrastructure Agreement with Corangamite Shire Council for the 2021/2022 & 2022/2023 bitumen sealing works.

## **ATTACHMENTS**

NIL

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## **7.11. TENDER AWARD 2019064.03 - WOLLASTON ROAD DESIGN**

***DIRECTORATE : City Infrastructure***

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### **PURPOSE:**

***This report provides information on award of Contract 2019064.03 Wollaston Road Design Services.***

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### **EXECUTIVE SUMMARY**

- Invitations were sent out to 25 consultants seeking submission for the above quotation under Council's eProcure tendering system. These consultants were chosen from all of the consultants listed in the general civil design group under Contract 2019064 - Provision of Consultancy.
- Close of submissions was 5:00pm 21 June 2021. A total of 5 submission from 5 consultants were received in the tender box up until the close of tenders.
- The recommendation is to proceed with awarding *Contract 2019064.03 Wollaston Road Design Services* to The CSE Group Consulting Engineers Pty Ltd for the tendered amount of \$233,906.40 Ex. GST, with a total delegated award value of \$257,297.04 Inc. GST.
- Currently under Contract 2019064 this company has been awarded works to the value of \$95,546.44. As a result, if the works are awarded to CSE under Contract 2019064 the amount of works will exceed \$300,000, which is above Council's Chief Executive Officer's (CEO) delegated amount.

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### **RECOMMENDATIONS**

**That Council:**

- 1. Award Contract No. 2019064.03 Wollaston Road Design Services to the CSE Group Consulting Engineers Pty Ltd for the tendered amount of \$233,906.40 Ex. GST, with a total delegated award value of \$257,297.04 Inc. GST.**
  - 2. That the schedule of rates offered is accepted to undertake any extra works over and above the lump sum price if required, provided that additional works can be accommodated within the Project budget.**
  - 3. Authorise the CEO to approve a purchase order for works under the current Deed of Standing Offer for Contract 2019064 - Provision of Consultancy Services Engineering/Technical.**
- 

### **BACKGROUND**

With the existing condition of Wollaston Road and numerous community concerns, Council officers are proposing to commence the process of upgrading Wollaston Road from Walls Road to Caramut Road. This project has been identified in the North of the Merri River Development Contributions Plan (DCP) 2011. Within the DCP there are a number of projects identified to be provided as part of the North of the Merri Structure Plan. Council has written agreements in place with abutting developments to deliver projects or provide contributions when certain lot yields are developed. To enable the project to be ready for construction, Council officers have commenced the process to appoint a Design Consultant to undertake design works on Wollaston Road. Council has invited tender submissions from suitably qualified and experienced consultants under Council's consultancy contract panel, Contract 2019064 for the Wollaston Road Design Services. Works include the supply of all labour, plant, equipment and materials to complete the works in accordance with the drawings and this specification.

## ISSUES

Invitations were sent out to 25 consultants seeking submission for the above quotation under Council's eProcure tendering system. These consultants were chosen from all of the consultants listed in the general civil design group under Contract 2019064 - Provision of Consultancy Services Engineering/Technical.

The preferred consultant is the CSE Group Consulting Engineers Pty Ltd. Currently under Contract 2019064 this company has been awarded works to the value of \$95,546.44. As a result, if the works are awarded to CSE under Contract 2019064 the amount of works will exceed \$300,000, which is above Council's Chief Executive Officer's (CEO) delegated amount.

This report is provided to Council for a determination due to the recommended contract amount triggering the successful consultant contract amount above the delegated amount of \$300,000 under the Deed of Standing Offer under Contract 2019064 - Provision of Consultancy Services Engineering/Technical.

## FINANCIAL IMPACT

From the North of the Merri River Development Contributions Plan (DCP) 2011 the value of the June 21 indexed design costs is estimated to be \$273,000 ex. GST. These works will be funded by Council through the North of the Merri River Development Contributions Plan. The current funds available in the North of the Merri River Development Contributions Plan is \$1.1 million.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report responds to the following Council Plan initiatives:

### **3 Maintain and improve the physical places and visual appeal of the City**

- 3.1 Enhance movement in and around the city including better connections for cyclists and pedestrians
- 3.2 Create a more vibrant City through activating high quality public places.
- 3.3 Build Infrastructure that best meets current and future community needs.
- 3.4 Maintain and enhance existing Council infrastructure

### **4 Develop a smarter economy with diverse and sustainable employment**

- 4.1 Grow the City's population through local economic growth
- 4.3 Enhance the visitor experience.
- 4.4 Advocate for and improve infrastructure including transport, services and digital infrastructure.

### **5 Practice good governance through openness and accountability while balancing aspirations with sound financial management**

- 5.4 Deliver customer-focused, responsive service

## TIMING

The term of the contract details a Practical Completion Date of 3 December 2021.

## COMMUNITY IMPACT / CONSULTATION

As part of the specification the consultant will be required to consult with abutting landowners, government agencies, and service authorities.

## **LEGAL RISK / IMPACT**

Procurement processes are occurring in line with the approved contract specific procurement plan.

## **OFFICERS' DECLARATION OF INTEREST**

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

## **CONCLUSION**

Acceptance of the recommended tender represents best value for Council.

## **ATTACHMENTS**

Nil

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## **7.12. TENDER AWARD 2021031 - DESIGN & CONSTRUCTION OF EDWARDS BRIDGE**

***DIRECTORATE : City Infrastructure***

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### **PURPOSE:**

***This report provides information on the award of Contract 2021031 Design & Construction of Edwards Bridge.***

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### **EXECUTIVE SUMMARY**

- A public tender was advertised on Saturday 15 May 2021 inviting tender submissions from suitably qualified and experienced contractors to carry out works for the Design & Construction of Edwards Bridge.
  - Close of tenders was 2:00pm 25 June 2021 where two submissions were received and have been assessed by the tender assessment panel.
  - Prices came back higher than expected with options explored as to the benefits and risks with terminating the Tender process and having the bridge designed and a new construct only tender.
  - MACA Civil Pty Ltd, upon closer inspection, had prices per square meter of deck similar to other comparable bridges in regional Victoria. Due to the increased risk of Council designing the bridge and the increase in construction costs, due to the current economic climate, the potential price saving did not outweigh the increased risk to Council.
  - The recommendation is to proceed with the tender offer provided by MACA Civil Pty Ltd for the tendered amount of \$3,965,822.00 [\$4,362,404.20 inc GST].
- 

### **RECOMMENDATIONS**

**That Council**

- 1. Award Contract No. 2021031 Design & Construction of Edwards Bridge to be awarded to MACA Civil Pty Ltd for the tendered amount of \$3,965,822.00 Ex. GST, with a total delegated award value of \$4,362,404.20 inc GST.**
  - 2. Authorise the CEO to sign, seal and vary the contract as required.**
  - 3. Authorise the CEO a delegated limit of \$4,231,864.30 ex GST [\$4,654,974.83 inc GST] as per the revised budget for provisional items and variations required to administer the Contract as required.**
  - 4. Increase the Edwards Bridge Renewal Budget to \$4,600,000.00 ex GST.**
- 

### **BACKGROUND**

Edwards Bridge is a vital piece of community infrastructure crossing the Merri River at the mouth. Being 100 years old and at the end of its useful life, the bridge is needing to be replaced with a modern and fit for purpose piece of Infrastructure.

The need to replace the infrastructure was identified after valuations of the bridge had a deck replacement cost of \$3 million in 2015/16. With the deterioration of the bridge requiring it to be load limited to 15t, the need to replace the structure became urgent.

The City Infrastructure Directorate at the time applied for the Federal Bridge Renewal Program funds, based on the value of the asset in Council's asset management system. The short time frames did not allow for community consultation and a detailed survey to be conducted.

Warrnambool City Council was successful in its application to the Federal Government and received \$1.5 million with Council matching their commitment. The initial estimated costs did not allow for the provision of shifting essential services and the increased deck area required to meet modern bridge design standards, traffic safety standards and the requirements of pedestrian and cyclist safety.

The project was tendered as a design and construct contract to minimise the risk to Council of the project facing lengthy delays and costly disputes between Council and the successful Contractor due to the contractor finding fault with Council's design. Construction prices under these arrangements are generally higher as the Contractor prices in a higher degree of risk into their work.

Council received two submissions upon the closing of the tender period. Initial examination found that the submitted prices were far higher than anticipated. Officers undertook an investigation to determine value for money. Industry comparison found that the prices submitted by one Tenderer were similar to other bridge projects in Western Victoria over the past five years. Taken into consideration was the fact that construction prices have risen by more than 10% between 2015/16 and 2020/21, as well as recent price increases due to the effects of Covid upon construction industry.

Officers did explore the option of having the bridge designed through a specialist engineering firm and tender the design as a construct only contract. The increased risks to Council and the lower prices we could potentially receive were not as great as anticipated, especially when considering there was a very high risk of not securing a Contractor early next year during the peak of the construction season.

## ISSUES

The works are proposed to be undertaken as part of the Federal Government Grant, Bridge Renewal Program.

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

## FINANCIAL IMPACT

The revised estimated budget for this project is \$4.6 million excluding GST of which \$3.97 million has been budgeted for the scope of work under this tender.

The budget is split as follows:

Item	Attribute	New Cost
Community Consultation	Council	\$3000
Documentation of Existing Bridge	Council	\$5000
Permits and Approvals	Council	\$12,000
Temporary Service Relocations	Council	\$337,000
Procurement Support for D&C Contract	Council	\$25,000
Design and Construct works	Contract	\$3,966,000
Project Management	Council	\$15,000
Contingency	Contract	\$234,000
<b>TOTAL (ex GST)</b>		<b>\$4,600,000</b>

This project was initially funded from the following sources:

<b>FUNDING SOURCE</b>	<b>AMOUNT</b>
Warrnambool City Council	\$1,500,000
Federal Government BRP Grant	\$1,500,000
<b>TOTAL FUNDING</b>	<b>\$3,000,000</b>

An increase in the budget is required to ensure that the tender can be awarded and the bridge constructed.

<b>FUNDING SOURCE</b>	<b>AMOUNT</b>
WCC funds already committed	\$1,500,000
Federal Government BRP Grant	\$1,500,000
WCC 2022/23 Bridge Renewal Program	\$280,000
Approved 2020/21 carry forward	\$750,000
WCC 2022/23 Road Renewal Program	\$70,000
Anticipated BRP grant extension*	\$500,000
<b>TOTAL FUNDING</b>	<b>\$4,600,000</b>

\*An application for additional funding of \$500,000 has been made under the Federal Governments Bridge Renewal Program. The total Federal Government funding presented in this table assumes this application is successful and includes the additional \$500,000.

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

This report responds to the following Council Plan initiatives:

### **1 A healthy community**

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

### **2 A Sustainable environment**

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

### **3 A strong economy**

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

### **4 A connected, inclusive place**

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

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

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.

## **TIMING**

Contract Award	10 September 2021
Separable Portion A (Design) Practical Completion	19 November 2021
Separable Portion B (Construction) Practical Completion	30 September 2022
Defect Warranty Period	24 Months

## **COMMUNITY IMPACT / CONSULTATION**

Council has worked alongside the community to ensure minimal disruption to residents and businesses while seeking feedback on the bridge design.

## **LEGAL RISK / IMPACT**

Continued strong project and contract management will minimise the legal risks to Council and the Contractor.

## **OFFICERS' DECLARATION OF INTEREST**

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

## **CONCLUSION**

Acceptance of the recommended tender represents best value for Council.

## **ATTACHMENTS**

Nil

### **7.13. ADVISORY COMMITTEE / REFERENCE GROUP REPORTS**

***DIRECTORATE : Executive Services***

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#### **PURPOSE**

***This report contains the record of one Reference Group meeting.***

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#### **REPORT**

- Port of Warrnambool – Port Reference Group Meeting – 29 July 2021 – refer **Attachment 1**.

#### **ATTACHMENTS**

1. Minutes\_-\_Port of Warrnambool\_-\_Reference Group Meeting 20210729 [7.13.1 - 20 pages]

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#### **RECOMMENDATION**

**That the record of the Port of Warrnambool Port Reference Group meeting held on 29 July 2021, be received.**

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## **7.14. INFORMAL MEETINGS OF COUNCIL REPORTS**

### ***DIRECTORATE : Executive Services***

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#### **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:-

- Thursday 5 August 2021 – refer **Attachment 1**.
- Monday 16 August 2021 – refer **Attachment 2**.
- Monday 16 August 2021 – refer **Attachment 3**.
- Monday 23 August 2021 – refer **Attachment 4**.
- Monday 30 August 2021 – refer **Attachment 5**.

#### **ATTACHMENTS**

1. Assembly of Councillors Record 5 August 2021 [7.14.1 - 1 page]
2. Assembly of Councillors Record 16 August 2021 [7.14.2 - 1 page]
3. Assembly of Councillors Record 16 August 2021 3pm [7.14.3 - 2 pages]
4. Assembly of Councillors Record 23 August 2021 [7.14.4 - 1 page]
5. Assembly of Councillors Record 30 August 2021 [7.14.5 - 2 pages]

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#### **RECOMMENDATION**

**That the record of the Informal Meetings of Council held on 5, 16, 23 and 30 August 2021, be received.**

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## **7.15. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT**

### ***DIRECTORATE : Executive Services***

#### **PURPOSE**

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

#### **REPORT**

<b>Date</b>	<b>Location</b>	<b>Function</b>
3 August 2021	Warrnambool	Mayor – Provided a Mayoral Welcome at the AgriFood Evolution Seeds of Growth Program.
11 August 2021	Warrnambool	Chief Executive Officer – Participated in the virtual meeting of the Regional Leaders Quarterly Meeting.
12 August 2021	Warrnambool	Mayor – Attended the virtual meeting of the Friends of Botanic Gardens AGM.
13 August 2021	Warrnambool	Chief Executive Officer – Attended a meeting of the Great South Coast CEO's group.
17 August 2021	Warrnambool	Mayor - Conducted an Australian Citizenship Ceremony where 16 Warrnambool residents became Australian citizens.
18 August 2021	Warrnambool	Mayor & Chief Executive Officer – Attended the virtual meeting of the Warrnambool Learning & Library Hub PCG.
	Warrnambool	Mayor - Attended the Vietnam Veterans Commemoration Wreath Laying ceremony.
20 August 2021	Warrnambool	Mayor & Chief Executive Officer – Attended the virtual meeting of the Regional Cities Victoria meeting.

#### **RECOMMENDATION**

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

**8. NOTICE OF MOTION**

Nil

**9. GENERAL BUSINESS**

**10. URGENT BUSINESS**

**11. CLOSE OF MEETING**