

# AGENDA

**SPECIAL MEETING**

**WARRNAMBOOL CITY COUNCIL**

**5:45 PM - WEDNESDAY 8 APRIL 2020**



**WARRNAMBOOL**  
CITY COUNCIL

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**VENUE:**

**Lighthouse Theatre Studio (enter via Council Reception Room Door)**

**Liebig Street**

**Warrnambool**

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**COUNCILLORS**

Cr. Tony Herbert (Mayor)

Cr. Robert Anderson

Cr. Sue Cassidy

Cr. Kylie Gaston

Cr. Michael Neoh

Cr. David Owen

Cr. Peter Sycopoulis

Copies of the Warrnambool City Council's Agendas & Minutes  
can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

**Peter B. 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.

## **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 a local law that pertains to governance meeting procedures. Warrnambool City Council has followed best practice in this regard and its Local Law No.1 - Governance (Meeting Procedures) Local Law provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council Local Law No. 1 - Governance (Meeting Procedures) Local Law can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au) or are available from the table at the rear of the room.

We thank you in anticipation of your co-operation in this matter.

**ORDER OF BUSINESS**

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

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

- (a) direct financial interest
- (b) indirect interest by close association
- (c) indirect interest that is an indirect financial interest
- (d) indirect interest because of conflicting duties
- (e) indirect interest because of receipt of an applicable gift
- (f) indirect interest as a consequence of becoming an interested party
- (g) indirect interest as a result of impact on residential amenity
- (h) conflicting personal interest

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.

#### **4. LOCAL GOVERNMENT ACT SECTION 89 COMPLIANCE**

##### **4.1. LOCAL GOVERNMENT ACT SECTION 89 COMPLIANCE**

Section 89 of the Local Government Act requires Council to give at least 7 days public notice of holding a Special Council meeting unless urgent or extraordinary circumstances prevent a Council from complying with this section of the Act with the circumstances to be recorded in the minutes.

This meeting is being held to due to need to gazette the cancellation of an impending public holiday for the municipal district of the Warrnambool City Council and the notice period to the City and businesses.

## **5. REPORTS**

### **5.1. MAY RACES PUBLIC HOLIDAY - THURSDAY 7 MAY 2020**

#### **PURPOSE:**

***This report relates to the Public Holiday declared for the municipal district of Warrnambool City Council to be held on Thursday 7 May 2020.***

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#### **EXECUTIVE SUMMARY**

The Victorian Public Holidays Act 1993 (“the Act”) appoints the Melbourne Cup Day as a full day public holiday for the “metropolitan municipal districts”.

Section 8A(1)(a) of the Act also allows a non-metropolitan council to “*either appoint another day as a public holiday in its municipal district or in a specified part of its municipal district or appoint no more than another two half-days as public half-day holidays in its municipal district*”.

#### **RECOMMENDATION**

- 1. That the first Thursday in May not be recognized as a public holiday in the municipal district of Warrnambool in 2020.**
  - 2. That the State appointed Melbourne Cup public holiday be observed in the municipal district of Warrnambool in 2020.**
  - 3. That for 2021 and future years, the first Thursday in May continue to be gazetted as a public holiday in the municipal district of Warrnambool.**
  - 4. That arrangements be made for a notice to be placed in the Victorian Government Gazette to replace the previous declaration of the 7 May 2020 public holiday previously published in the Victorian Government Gazette.**
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#### **BACKGROUND**

In 2008, legislation was passed by the Victorian Government making it mandatory for Melbourne Cup Day to be observed across Victoria, including the alternatives of either a substitute full-day public holiday or two half-day public holidays for non-metropolitan municipal districts as alternatives to Melbourne Cup Day.

Warrnambool City Council has since 2008 appointed the first Thursday in May to celebrate the Warrnambool May Racing Carnival as a public holiday in the municipal district of Warrnambool City Council in lieu of Melbourne Cup Day.

The Warrnambool Racing Club have advised that the 2020 TAB Warrnambool May Racing Carnival will now be a 2 day racing carnival to be held on Tuesday 5 and Wednesday 6 May 2020. The Grand Annual Steeplechase will be held on Tuesday 5 May. Racing on both days will be closed to all spectators, including members, owners and the general public in accordance with the Restrictions on Gatherings and the Stay at Home Directions under the Public Health & Wellbeing Act 2008.

## **ISSUES**

Section 8A of the Act requires that any substitute holiday must be published in the Government Gazette not less than 90 days before the Melbourne Cup. The substitute public holiday for Thursday 7 May 2020 was published in the Government Gazette on 5 March 2020.

It will be necessary to arrange publication of an alternative public holiday date in the Victorian Government Gazette as soon as practicable.

## **ATTACHMENTS**

Nil

## **5.2. CITY CENTRE FREE CAR PARKING**

### **PURPOSE:**

***This report seeks further direction from Council in relation to the free parking period applied to the CBD in response to COVID-19.***

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### **EXECUTIVE SUMMARY**

- At a Committee of the Whole Meeting on 23 March 2020, Council resolved to initiate free parking in the CBD until 14 April 2020 in response to the Covid-19 pandemic.
- This resolution was made following a request by the Mayor for advice from officers in relation to free parking options as a response to the Covid-19 pandemic, in support of CBD retailers and businesses.
- The request is to provide free car parking in the CBD was put into effect from the 24 March 2020.
- Council now needs to determine what actions are to occur after the 14 April 2020 in relation to metered car parking.
- For the purpose of preparing this report, the Chief Executive Officer has determined that the details of the subject matter and resolution of 23 March 2020 can be released.

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### **RECOMMENDATION**

**That Council continue with free parking in the CBD based on the relevant signed time limits until 31 May 2020.**

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### **BACKGROUND**

Prior to the 23 March 2020 Committee of the Whole meeting, the Mayor sought advice from the CEO in relation to free parking options for the CBD as a response to the Covid-19 pandemic.

At the meeting of the 23 March 2020, Council resolved to provide free parking in the CBD based on the relevant existing signed limits

This resolution was enacted on the day following the Council meeting when parking in the CBD became free.

### **ISSUES**

Officers require direction from Council in relation to its ongoing intent to ensure that the CelloPark app and meters can be programmed to reflect any decision.

### **FINANCIAL IMPACT**

As part of any change to parking conditions Council could incur costs to alter signage, costs associated with meter reprogramming, and costs associated with lost meter revenue.

Council currently generates between \$120,000 and \$170,000 per month from parking revenue which is used to fund the Local Laws program and to generate income for the parking reserve, which is then used to fund future City Centre upgrade works.



Any reduction in income will reduce the capacity to fund forward programs such as the CBD footpath replacement program. It is important to note that the Covid-19 community recovery period (economic and social) is not a period during which non-essential works in the CBD must occur and therefore a loss on income will simply delay any works program to future years.

## **TIMING**

Advice from Council prior to the 14 April 2020 will provide officers with the necessary time to communicate any decisions and to implement any necessary system changes.

## **COMMUNITY IMPACT / CONSULTATION**

Council is currently developing a car parking strategy which has involved a public consultation process.

No consultation has occurred in relation to this proposal.

## **OFFICERS' DECLARATION OF INTEREST**

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

## **CONCLUSION**

Council needs to provide direction in relation to its Covid-19 car parking response plan.

## **ATTACHMENTS**

Nil

## **6. CLOSE OF MEETING**