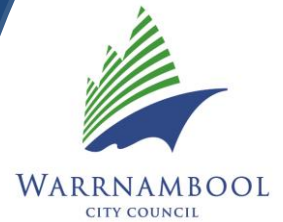


AGENDA

SPECIAL MEETING

WARRNAMBOOL CITY COUNCIL

5.30PM - FRIDAY 26 OCTOBER 2018



VENUE:

**Reception Room
25 Liebig Street
Warrnambool**

COUNCILLORS

Cr. Robert Anderson (Mayor)
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Tony Herbert
Cr. Peter Hulin
Cr. Michael Neoh
Cr. David Owen

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**Bruce Anson
CHIEF EXECUTIVE**

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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That in accordance with Sections 89(2)(a) of the Local Government Act 1989, that this meeting be closed to members of the public to enable remaining items of business as listed in the agenda and distributed to all Councillors, to be discussed.	
 BREAK IN PROCEEDINGS TO ALLOW PUBLIC TO VACATE THE CHAMBER IN ORDER FOR THE CONFIDENTIAL COMPONENT OF THE MEETING TO PROCEED	
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RECOMMENDATION	
That the meeting be re-opened to members of the public.	
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1. OPENING PRAYER

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

3. DECLARATION BY COUNCILLORS & 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. COMPLIANCE WITH S89 OF LOCAL GOVERNMENT ACT

5. REPORTS

4. COMPLIANCE WITH S89 OF LOCAL GOVERNMENT ACT

RECOMMENDATION

It is noted that this meeting is being held under S89(4A) of the Local Government Act and as such 7 days notification has not been possible due to impending leave of absence of 2 Councillors.

5.1 NOTICE OF MOTION - NO. 2152 – HORSES ON LEVY'S BEACH

On the basis that Council is now in receipt of definite legal advice that commercial training of horses is a prohibited use under the Warrnambool Planning Scheme PCRZ, I am seeking that Council no longer be proactive in changing the use in the area or facilitate any changed use in the area unless further resolved by Council and Notice is given that at the Special Meeting of Council to be held Friday, 26 October 2018, I proposed to move that the resolution that was carried at the Special Meeting of Council held on 15 October 2018 and which states:-

2. *That Council provide approval for the Chief Executive to enter into an agreement for commercial horse exercising in accordance with Section 17B of the Crown Land (Reserves) Act licence for Levy's Beach, which retains the intent of Appendix C, subject to the agreement be rescinded.*

Contingent on the above motion being carried, I then propose to move:

1. *That Council does not initiate any action in relation to the use of Levy's Beach for Commercial horse training.*
2. *That Council understands the current prohibition of the commercial training of horses within the Planning Scheme and that all applicable future decisions in relation to commercial horse training at Levy's Beach be made through the sole decision of Council.*

CR. DAVID OWEN

5.2 CLOSURE OF MEETING TO THE PUBLIC

RECOMMENDATION

That in accordance with Sections 89(2)(d) & (h) of the Local Government Act 1989, that this meeting be closed to members of the public to enable remaining items of business as listed in the agenda and distributed to all Councillors, to be discussed.

5.3 CONFIDENTIAL ITEM – APPOINTMENT OF CEO –LGA S89(2)(a) – Personnel Matter

6. RESOLUTION TO RE-OPEN MEETING TO THE PUBLIC

RECOMMENDATION

That the meeting be re-opened to members of the public.

7. CLOSE OF MEETING