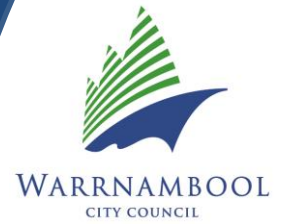


# MINUTES

**SPECIAL MEETING**

**WARRNAMBOOL CITY COUNCIL**

**5.30PM - FRIDAY 26 OCTOBER 2018**



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**VENUE:**

**Reception Room  
25 Liebig Street  
Warrnambool**

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**COUNCILLORS**

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

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)

**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.

**ORDER OF BUSINESS**

**Page No.**

<b>1. OPENING PRAYER &amp; ORIGINAL CUSTODIANS STATEMENT .....</b>	<b>4</b>
<b>2. APOLOGIES .....</b>	<b>4</b>
<b>3. DECLARATION BY COUNCILLORS &amp; OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA .....</b>	<b>4</b>
<b>4. COMPLIANCE WITH S89 OF LOCAL GOVERNMENT ACT .....</b>	<b>5</b>
<b>5. REPORTS</b>	
<b>5.1 NOTICE OF MOTION - NO. 2152 – Horses on Levy’s Beach .....</b>	<b>5</b>
<b>5.2 CLOSURE OF MEETING TO THE PUBLIC .....</b>	<b>6</b>
<b>RECOMMENDATION</b>	
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.	
 <b>BREAK IN PROCEEDINGS TO ALLOW PUBLIC TO VACATE THE CHAMBER IN ORDER FOR THE CONFIDENTIAL COMPONENT OF THE MEETING TO PROCEED</b>	
<b>5.3 CONFIDENTIAL ITEM – APPOINTMENT OF CEO –LGA S89(2)(a) – Personnel Matter</b>	
<b>6. RESOLUTION TO RE-OPEN MEETING TO THE PUBLIC .....</b>	<b>6</b>
<b>RECOMMENDATION</b>	
That the meeting be re-opened to members of the public.	
<b>7. CLOSE OF MEETING. ....</b>	<b>6</b>

**MINUTES OF THE SPECIAL MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET, WARRNAMBOOL ON FRIDAY 26 OCTOBER 2018 COMMENCING AT 5.30PM**

**PRESENT:** Cr. Robert Anderson, Mayor/Chairman  
Cr. Sue Cassidy  
Cr. Kylie Gaston  
Cr. Tony Herbert  
Cr. Peter Hulin  
Cr. Michael Neoh  
Cr. David Owen

**IN ATTENDANCE:** Mr Bruce Anson, Chief Executive  
Mr Scott Cavanagh, Director City Infrastructure  
Mr Andrew Paton, Director City Growth

**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**

Nil.

**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.

Nil.

**4. COMPLIANCE WITH S89 OF LOCAL GOVERNMENT ACT**

**5. REPORTS**

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#### **4. COMPLIANCE WITH S89 OF LOCAL GOVERNMENT ACT**

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.

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

**MOVED: CR. OWEN**  
**SECONDED: CR. NEOH**

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 and licenses according with all laws, orders and other legal requirements.*

be rescinded.

**CARRIED 7:0**

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

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**MOVED: CR. OWEN**  
**SECONDED: CR. NEOH**

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.

**CARRIED – 7:0**

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#### **5.2 CLOSURE OF MEETING TO THE PUBLIC**

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**MOVED: CR. OWEN**  
**SECONDED: CR. HULIN**

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.

**CARRIED - 7:0**

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

**6. RESOLUTION TO RE-OPEN MEETING TO THE PUBLIC**

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**MOVED: CR. HULIN**  
**SECONDED: CR. OWEN**

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

**CARRIED – 7:0**

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**7. CLOSE OF MEETING**

The meeting closed at 6.05pm.

**CHAIRMAN**