

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** was held in the COPACC Meeting Room, Rae Street, Colac on Tuesday 27 May 2008 at 3.00 pm.

1. OPENING PRAYER

2. PRESENT

Cr. Chris Smith (Mayor)
Cr. Joe Di Cecco
Cr Tony Graham
Cr Fran Lehmann
Cr. Peter Mercer
Cr. Warren Riches
Cr. Carol Wilmink

Tracey Slatter, Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services
Jack Green, General Manager, Sustainable Planning & Development

Althea Wright, Executive Officer
Suzanne White, Executive Assistant

3. APOLOGIES

Gary Dolan, General Manager, Infrastructure

4. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Nil

Questions Received Verbally at the Meeting

Lyn Foster; Friends of the Library

Made a statement regarding the other two Joint Use Libraries in Victoria, in Wangaratta and Sale indicates that the Joint Use Library in Sale was to stop operating as a joint use library.

Tony Webber, Otway Forum

Will Council take notice of community concerns when making representation on the Apollo Bay Harbour Development?

The Mayor advised that Council will consider all submissions made.

Tracey Slatter, Chief Executive Officer, further advised that the report in this agenda recommends an additional stage of consultation due to the importance of strong community input and acceptance of the proposal.

Russell Adams

Will the new library have more or less book space than the current library?

Colin Hayman General Manager Corporate and Community Services, advised that the joint use library will have space for between 50,000 to 60,000 books which is approximately double that of the current library.

Lyn Foster, Friends of the Library

Advised that Mr Graham Shiell of the Corangamite Regional Library Corporation had stated that the Colac Library had 34,000 books.

Colin Hayman General Manager Corporate and Community Services advised that the number of books was around 25,000.

Further advised that the new library would not be able to hold additional books as what is available in the current library plus books from the two school libraries would fill the available shelf space.

Colin Hayman General Manager Corporate and Community Services, advised that at the last Global Connector Meeting the issue of the books was discussed and that a review of available books would need to be undertaken.

Ms Foster then referred to the Global Connector Meeting where Professor Alan Bundy stated that the joint use library required double the book numbers of the current library and requested that Council review these minutes.

Colin Hayman General Manager Corporate and Community Services, to verify this statement.

5. PRESENTATION OF MAYORAL AWARDS

The Mayor announced Ms Carolyn Phillips as the Mayoral Volunteer Award Recipient for the month of May 2008.

The Mayor announced Mr Alexander Stoddart as the Mayoral Youth Award Recipient for the month of May 2008.

6. DECLARATION OF INTEREST

Cr Wilmink: OM082705-3 Global Connector including the Joint Use Library
Nature of Disclosure: Interest
Nature of Interest: Member of the Library

Cr Lehman: OM082705-3 Global Connector including the Joint Use Library

Nature of Disclosure: Interest
Nature of Interest: Employed by the DEECH as a Teacher at the Colac Secondary College (Hearn Street Campus)

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 22/04/08.

Resolution

MOVED Cr Riches seconded Cr Graham that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM082705-1 CEO'S PROGRESS REPORT TO COUNCIL
OM082705-2 G21 - MEMORANDUM OF UNDERSTANDING

Corporate and Community Services

OM082705-3 GLOBAL CONNECTOR INCLUDING THE JOINT USE LIBRARY
OM082705-4 BLUEWATER FITNESS CENTRE SEASONAL OPERATING HOURS
OM082705-5 SALE AND EXCHANGE OF COUNCIL LAND POLICY
OM082705-6 ALVIE RECREATION RESERVE
OM082705-7 EVENT ROAD CLOSURE CONSULTATION AND COMMUNICATION POLICY
OM082705-8 CORANGAMITE REGIONAL LIBRARY CORPORATION LIBRARY SERVICES LOCAL LAW
OM082705-9 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) AGREEMENT
OM082705-10 APOLLO BAY P-12 COLLEGE LEISURE CENTRE JOINT USE AGREEMENT
OM082705-11 JOINT SCHOOL COMMUNITY USE PLAYING FIELD FUNDING OPPORTUNITY
OM082705-12 FINANCIAL PERFORMANCE REPORT
OM082705-13 2007/2008 COUNCIL PLAN

Infrastructure

OM082705-14 DECLARATION OF ROAD AS UNUSED - ROAD NORTH OF 10 MCCORKELLS ROAD, PIRRON YALLOCK
OM082705-15 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY

Sustainable Planning and Development

- OM082705-16 APOLLO BAY HARBOUR MASTER PLAN AND FEASIBILITY STUDY
- OM082705-17 COLAC OTWAY PLANNING SCHEME AMENDMENT C54 (EROSION MANAGEMENT OVERLAY)
- OM082705-18 COLAC OTWAY PLANNING SCHEME AMENDMENT C12 (REVISION TO FLOOD MAPPING)

GENERAL BUSINESS

OM082705-19 General Business

- OM082705-19.1 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 3695 COLAC LAVERS HILL ROAD, FERGUSON
- OM082705-19.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 8-10 HAWDON AVENUE, KENNETT RIVER
- OM082705-19.3 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 1 DOLLAR DRIVE SEPARATION CREEK

NOTICES OF MOTION

OM082705-20 Notices of Motion

- OM082705-20.1 NOTICE OF MOTION NO. 141-07/08 – WINKY POP IMPLICATIONS FOR COUNCILLORS (CR WILMINK)

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>M082705-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive the CEO's Progress Report to Council for their information.</i></p>	Cr Mercer	
<p><u>OM082705-2 G21 - MEMORANDUM OF UNDERSTANDING</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the G21 Memorandum of Understanding for the period 1 July 2008 to 30 June 2012 and endorse the Chief Executive Officer to sign the Memorandum of Understanding on Council's behalf.</i></p>	Cr Wilmink	

MOVED Cr Riches seconded Cr Graham that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

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W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM082705-3 GLOBAL CONNECTOR INCLUDING THE JOINT USE LIBRARY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council accept the information regarding Library User Profile as information only and endorse the final design for the Global Connector including the Joint Use Library incorporating the community consultation feedback and the details regarding the development of programs, activities and services at the Global Connector.</i></p>		Cr Graham
<p><u>OM082705-4 BLUEWATER FITNESS CENTRE SEASONAL OPERATING HOURS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That the proposed schedule for summer and winter hours be implemented and the Centre's Opening Hours be amended and trialled commencing 1 June 2008 for the 2008 winter period as detailed in the following;</i></p> <p>Summer: 1 November – 31 March 5 months (Ave. 20 weeks)</p> <ul style="list-style-type: none"> • <i>Mon to Thur: 6am – 8.30pm (14.5 hrs)</i> • <i>Fri: 6am – 7pm (13 hrs)</i> • <i>Sat/Sun: 8am – 6pm (20 hrs)</i> • <i>Total opening hours /wk: 91 hrs</i> • <i>P/Holiday: 10am – 7pm (9 hrs)</i> • <i>Total opening hours /season: 1,820 hrs</i> <p>Winter 1 April – 31 October 7 months (Ave. 32 weeks)</p> <ul style="list-style-type: none"> • <i>Mon to Thur: 6am – 8.30pm (14.5hrs)</i> • <i>Fri: 6am – 7pm (13 hrs)</i> • <i>Sat/Sun: 8am – 4pm (16 hrs)</i> 		

<ul style="list-style-type: none"> • <i>P/Holiday: 10am – 7pm (9 hrs)</i> • <i>Total opening hours/wk: 87 hrs</i> • <i>Total opening hours/season = 2,784 hrs</i> <p><i>Total opening hours per year = 4,604</i></p>		
<p><u>OM082705-5 SALE AND EXCHANGE OF COUNCIL LAND POLICY</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council adopt the Sale and Exchange of Council Land Policy.</i></p>		
<p><u>OM082705-6 ALVIE RECREATION RESERVE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendations</u></p> <ol style="list-style-type: none"> <i>1. That Council consider an allocation of \$72,050 as Council's matching contribution towards the redevelopment project as part of the budget process: \$47,038 in 2008/2009 for Stage 1 Football Club facilities and shared community venue development, and \$25,012 in 2009/2010 for Stage 2 Netball facilities redevelopment and Hall demolition, subject to Club contributions of \$72,050 and a State Government Grant of \$144,100.</i> <i>2. That Council agree to taking on the management of the Alvie Recreation Reserve, in light of the plan to consolidate facilities at the Reserve with the proposed demolition of the Alvie Hall, netball facility upgrade and redevelopment of the Alvie Football/Netball Clubrooms as the Alvie community facilities.</i> <i>3. That Council endorse the proposal that management of the Alvie Recreation Reserve is to be formally transferred from the Trustees to Council following completion of the redevelopment project.</i> 	Cr Riches	

<p><u>OM082705-7 EVENT ROAD CLOSURE CONSULTATION AND COMMUNICATION POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council adopts the Colac Otway Shire Event Closure Consultation and Communication Policy.</i></p>	Cr Mercer	
<p><u>OM082705-8 CORANGAMITE REGIONAL LIBRARY CORPORATION LIBRARY SERVICES LOCAL LAW</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council ratifies the Corangamite Regional Library Corporation – Library Services Local Law - No 2 of 2008.</i></p>		
<p><u>OM082705-9 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) AGREEMENT</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council gives notice of its intention to enter into the new Regional Library Agreement to operate the Corangamite Regional Library Corporation with the Warrnambool City, Corangamite and Moyne Shires up to June 2013 and that submissions be invited in accordance with section 223 of the Local Government Act 1989.</i></p>		
<p><u>OM082705-10 APOLLO BAY P-12 COLLEGE LEISURE CENTRE JOINT USE AGREEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council endorse the Joint Use Agreement between Council and the Department of Education and Early Childhood Development for the purposes of the joint community and school use of the Apollo Bay Leisure Centre including the outdoor swimming pool and the indoor stadium.</i></p>		

<p><u>OM082705-11 JOINT SCHOOL COMMUNITY USE PLAYING FIELD FUNDING OPPORTUNITY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>It is recommended that Council's Recreation Unit continue to explore surface options and costings for the redevelopment of the Central Reserve Main Oval and/or Hockey Fields based on the current funding offer of \$250,000 from the Department of Planning and Community Development Sport and Recreation Victoria without expectation of Council or community contributions and submit a project proposal by the due date of 6 June 2008.</i></p>	Cr Riches	
<p><u>OM082705-12 FINANCIAL PERFORMANCE REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That the Financial Performance Report to the end of March 2008 be received.</i></p>		Cr Riches
<p><u>OM082705-13 2007/2008 COUNCIL PLAN</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council endorse the 2005-2009 Council Plan without change and that no changes be made to the Strategic Resource Plan 2007/08 – 2010/11.</i></p>		

MOVED Cr Di Cecco seconded Cr Mercer that recommendations to items listed in the Consent Calendar, with the exception of items OM082705-3 and OM082705-12, be adopted.

CARRIED 7 : 0

OM082705-3

Cr Wilmink and Cr Lehmann declared an Interest in Item OM082705-3.

MOVED Cr Mercer seconded Cr Riches that Council accept the information regarding Library User Profile as information only and endorse the final design for the Global Connector including the Joint Use Library incorporating the community consultation feedback and the details regarding the development of programs, activities and services at the Global Connector

CARRIED 5 : 2

DIVISION called by Cr Wilmink

For the Motion: Cr Mercer, Cr Riches, Cr Smith, Cr Di Cecco, Cr Lehmann

Against the Motion: Cr Wilmink, Cr Graham

OM082705-12

MOVED Cr Riches seconded Cr Di Cecco that the Financial Performance Report to the end of April 2008 be received.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM082705-14 DECLARATION OF ROAD AS UNUSED - ROAD NORTH OF 10 MCCORKELLS ROAD, PIRRON YALLOCK</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolve to:</i></p> <ol style="list-style-type: none"> <i>1. Sign and seal the attached Schedule 4 (Ref. 05L1-3100) confirming Council's intention to declare the section of government road abutting the northern boundary of 10 McCorkells Road as unused, and</i> <i>2. Return the completed original Schedule to the Department of Sustainability and Environment</i> 		
<p><u>OM082705-15 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive this report for information noting the improvements in environmental and financial responsibility of the revised Colac Otway Shire Operational Policy AS01, Light Fleet Vehicles Policy.</i></p>		Cr Mercer

MOVED Cr Riches seconded Cr Di Cecco that recommendations to items listed in the Consent Calendar, with the exception of items OM082705-15, be adopted.

CARRIED 7 : 0

OM082705-15

MOVED Cr Mercer seconded Cr Graham that this report be withdrawn and be presented to Council at its Ordinary Meeting in June 2008.

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<u>SUSTAINABLE PLANNING AND DEVELOPMENT</u>		
<u>OM082705-16 APOLLO BAY HARBOUR MASTER PLAN AND FEASIBILITY STUDY</u>		
Department: Sustainable Planning and Development		
<u>Recommendation(s)</u>		
<i>That Council:</i>		
<ol style="list-style-type: none"> 1. <i>Note the progress report on the development of the Apollo Bay Harbour Master Plan and Feasibility Study.</i> 2. <i>Note:</i> <ol style="list-style-type: none"> a. <i>Additional processes will be implemented to provide further opportunity for community engagement and key stakeholder support.</i> b. <i>That these additional processes will extend the timeline and cost for completion of the Apollo Bay Harbour Master Plan and Feasibility Study.</i> c. <i>That the expected completion date for the Master Plan and Feasibility Study is December 2007.</i> d. <i>That the funding of the cost for additional processes is being sought from State Government.</i> 3. <i>Endorse the new Apollo Bay Harbour Community Reference Group.</i> 		
		Cr Di Cecco

<p><u>OM082705-17 COLAC OTWAY PLANNING SCHEME AMENDMENT C54 (EROSION MANAGEMENT OVERLAY)</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That:</i></p> <ol style="list-style-type: none"> <i>1. Council request the authorisation of the Minister for Planning to undertake a Fast Track Amendment to the Colac Otway Planning Scheme to:</i> <ul style="list-style-type: none"> <i>o Modify the Erosion Management Overlay maps to align with updated mapping provided by the Corangamite Catchment Management Authority and Department of Primary Industries.</i> <i>o Amend the Schedule to the Erosion Management Overlay to specify buildings and works that are exempt from the requirement of a planning permit.</i> <i>2. In the situation that the Minister does not agree to a Fast Track Amendment, the Council resolves to request authorisation from the Planning Minister to prepare and exhibit the amendment.</i> 	Cr Wilmink	
<p><u>OM082705-18 COLAC OTWAY PLANNING SCHEME AMENDMENT C12 (REVISION TO FLOOD MAPPING)</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That:</i></p> <ol style="list-style-type: none"> <i>1. Council request the authorisation of the Minister for Planning to prepare and exhibit an amendment to the Colac Otway Planning Scheme to:</i> <ul style="list-style-type: none"> <i>• Modify the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority.</i> <i>• Amend the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.</i> <i>• Introduce the Floodway Overlay to areas of</i> 		

<p><i>the Shire identified as having the greatest risk and frequency of being affected by flooding.</i></p> <ul style="list-style-type: none"> • <i>Introduce a schedule to the Floodway Overlay to specify buildings and works that are exempt from the requirement of a permit;</i> <p>2. Council adopts the revised mapping as “Land Liable to Flooding” under Section 802 of the Building Regulations 2006, to take effect from 1 June 2008.</p>		

MOVED Cr Graham seconded Cr Mercer that recommendations to items listed in the Consent Calendar, with the exception of items OM082705-16, be adopted.

CARRIED 7 : 0

OM082705-16

AMENDED MOTION

MOVED Cr Di Cecco seconded Cr Graham that Council:

- 1. Note the progress report on the development of the Apollo Bay Harbour Master Plan and Feasibility Study.**
- 2. Note:**
 - a. Additional processes will be implemented to provide further opportunity for community engagement and key stakeholder support.**
 - b. That these additional processes will extend the timeline and cost for completion of the Apollo Bay Harbour Master Plan and Feasibility Study.**
 - c. That the funding of the cost for additional processes is being sought from State Government.**
- 3. Endorse the new Apollo Bay Harbour Community Reference Group.**
 - **John Marriner** **Apollo Bay Sailing Club**
 - **Nick Polgeest** **Apollo Bay Fishermans CoOperative**
 - **Russell Frost** **Apollo Bay Fishermans CoOperative**
 - **Ross Stephens** **Apollo Bay Chamber of Commerce & Tourism**
 - **Frank Buchanan** **Apollo Bay Chamber of Commerce & Tourism**

- **Bernie Noy** **Community Member**
- **Frederick Stacey** **Community Member**
- **Neil Longmore** **Western Coastal Board**
- **Neil Martin** **Framlingham Aboriginal Trust**
- **Gary McPike** **Apollo Bay – Kennett River Public Reserves Committee of Management**
- **Andrew Buchanan** **Apollo Bay- Kennett River Public Reserves Committee of Management**
- **Murray Champion** **Skenes Creek Advancement Association**
- **Peter Fillmore** **Apollo Bay Music Festival**
- **Chris Thomas** **Apollo Bay Board Riders Club**
- **Darren Brimacombe** **Apollo Bay Real Estate**
- **Will Cox** **Parks Vic**
- **John Verey** **Apollo Bay Golf Club**
- **Tony Webber** **Otway Forum**

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM082705-19.1</u> Item for Signing and Sealing - Section 173 Agreement, 3695 Colac Lavers Hill Road, Ferguson</p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Strantex Pty Ltd, JJ & PC Riordan covenanting Certificate of Title Volume 5679 Folio 717, Volume 8945 Folio 846 and Volume 5911 Folio 193 that the owner will not further subdivide lot 2 so as to create any additional lots and acknowledges that no dwelling is permitted on Lot 2.</i></p>		
<p><u>OM082705-19.2</u> Item for Signing and Sealing - Section 173 Agreement, 8-10 Hawdon Avenue, Kennett River</p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and HP Gebert & H Cassidy covenanting Certificate of Title Volume 10123 Folio 492, Volume 9780 Folio 710, Volume 9147 Folio 712, Volume 9780 Folio 711, Volume 9147 Folio 713 and Volume 10189 Folio 947 that no dwelling shall be constructed on those parts of the land being:</i></p> <p>(a) <i>The eastern parcel of lot 18 (which parcel is by this permit authorised to be contained in a separate lot); and</i></p> <p>(b) <i>The western part of lot 18, the land being lot 2 on PS125075 and lot 2 on PS125096 and the land to be excised from lot 3 on PS304966L (which parcels of land are, by this permit, to be contained in a separate lot; and</i></p> <p>(c) <i>The balance of the land being lot 3 on PS304966L (which is to be reduced in size by the subdivision permitted by this permit),</i></p>		

unless the owners have, to the satisfaction of the responsible authority, and the Corangamite Catchment Management Authority) established:

- 1. That all wastewater likely to be generated by the use of such dwelling shall be able to be treated and retained within the boundaries of the lot in accordance with State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970; and***
- 2. a survey of the location of the southern bank of the Kennett River proximate to the land by showing its location in relation to the title boundaries of the lots.***

and that at the time of assessing a planning permit application for a dwelling, a landscaping plan must be submitted by the applicant and approved to the satisfaction of the Responsible Authority as a condition of any approval. The landscaping must be established and maintained in conjunction with the development and use of the land for a dwelling in order to maintain the amenity of occupiers of the land and adjoining residential lots

OM082705-19.3 Item for Signing and Sealing - Section 173 Agreement, 1 Dollar Drive Separation Creek

Recommendation

That Council sign and seal the Section 173 Agreement between Colac Otway Shire and DJ Fitzpatrick Holdings Pty Ltd and Senada Pty Ltd covenanting Certificate of Title Volume 10860 Folio 528 that none of the allotments so created shall at any time be further subdivided or consolidated with any other allotment of land and then subdivided. In addition the Agreement shall require each of the lots to only, to the satisfaction of the Council, be developed in accordance with the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004; and the 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11th August 2006; and the Wildfire Risk Assessment and Fire Protection Statement, by Community Safety Services Pty Ltd, PO Box 91, Sunbury, prepared on 15th February 2005

MOVED Cr Di Cecco seconded Cr Graham that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<u>NOTICES OF MOTION</u>		
<u>OM082705-20.1 Notice of Motion No. 141-07/08 – Winky Pop Implications for Councillors (Cr Wilmink)</u> <u>Recommendation</u> <i>That Council consider the content of this Notice of Motion.</i>		Cr Wilmink

OM082705-20.1

MOVED Cr Wilmink seconded Cr Graham that Colac Otway Shire Council write to the Minister for Local Government, Mr Wynne, the Municipal Association of Victoria, and the Victorian Local Governance Association and request that urgent action be taken to solve the legal dilemma of the Winky Pop V Hobson's Bay City Council decision affecting democratically elected Local Government Councillors ability to represent "the free expression of the will of the electors", as stated in the Charter of Human Rights and Responsibilities Act 2006."

LOST 4 : 3

DIVISION called by Cr Wilmink

For the Motion: Cr Wilmink, Cr Mercer, Cr Graham

Against the Motion: Cr Lehmann, Cr Riches, Cr Smith, Cr Di Cecco

IN COMMITTEE

MOVED Cr Mercer seconded Cr Di Cecco that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Information to Councillors</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>
	<i>Personnel Matters</i>	<i>Section 89(2) (a)</i>
	<i>Contractual Matter</i>	<i>Section 89(2) (d)</i>

CARRIED 7 : 0