

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the COPACC Meeting Room, Rae Street, Colac on 26 August 2008 at 3.00 pm.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.
AMEN

2. PRESENT

Cr. Chris Smith (Mayor)
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
Scott Cavanagh, Acting General Manager, Infrastructure and Services

Suzanne White, Executive Assistant

3. APOLOGIES

Cr. Joe Di Cecco

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

Thank you, now question time. 30 minutes is allowed for question time.

- 1) Questions received in writing prior to the meeting
- 2) Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Rod Spence, CORRA

1. In relation to Council's fuel costs including diesel, petrol & LPG:

- (a) What was the total amount spent on all fuel for the 2007/2008 financial year for all vehicles?

For the 2007/08 financial year the total amount spent on all fuel for all vehicles was \$811,848.

- (b) What was the total amount spent on fuel for the 2007/2008 financial year for vehicles with part private use?

For the 2007/08 financial year the total amount spent on all fuel for all vehicles with part private use was \$236,049.

- (c) Of that, what was the total amount spent on fuel for the private use of those vehicles, including travel between the person's private residence and Shire offices?

Total amount spent on fuel for the private use of the vehicles mentioned above, is estimated at approximately \$106,000. It is important to note that as part of the salary package of some staff, private use of a Council vehicle is allowed subject to a salary contribution being made by the staff member. The level of salary contribution set is monitored on an annual basis to ensure that over time neither the staff are subsidising the Council's use nor is Council subsidising the staff's use. The level set aims to cover fuel and other running costs.

2. What was the total amount Council spent on legal advice and/or legal fees for the 2007/2008 financial year?

The total amount Council spent on legal advice and/or legal fees for the 2007/2008 financial year was \$208,964.

Questions Received Verbally at the Meeting

Ray Ensley, Friends of the Library

1. **Will you explain why the Draft Memorandum of Understanding between Colac Secondary College, Colac Otway Shire, DEECD and Post Compulsory Education Providers is not to be released to the public for 28 days, when the Draft Domestic Animal Management Plan is.**

Tracey Slatter, Chief Executive Officer advised that this Memorandum of Understanding is based on conditions which were approved at the March 2008 Council Meeting..

Jack Green, General Manager, Sustainable Planning and Development further advised that the Draft Domestic Animal Management Plan is a new document that has not had prior opportunity to go to the community for public comment as is required under the Local Government Act. The information included in the Draft Memorandum of Understanding between Colac Secondary College, Colac Otway Shire, DEECD and Post Compulsory Education Providers has been previously made available to the public.

Andrew Searle, President Custom Car and Bike Show

When Council votes on OM082608-3 Temporary Fencing of Memorial Square for the Custom Car and Bike Show 2009, can they approve it for 3 years.

The Mayor advised that he felt that this would be inappropriate as this Council nearing the end of its term and that he felt that this decision should be brought before the new Council.

6. MAYORAL AWARDS

The Mayor announced Mrs Vicki Jeffrey as the Mayoral Volunteer Award Recipient for August 2008.

The Mayor Announced Mr Ben Cardinal as the Mayoral Youth Award Recipient for August 2008.

MOVED Cr Riches seconded Cr Wilmink that Standing Orders be suspended at 3.15 pm

CARRIED 6 : 0

Ronis Knight presented a certificate to the Mayor from the City of Walker Michigan, Sister City to Colac.

MOVED Cr Riches seconded Cr Lehmann that Standing Orders be resumed at 3.17 pm

CARRIED 6 : 0

7. DECLARATION OF INTEREST

- Cr Lehmann: OM082608- Beechy Precinct Global Connector including Joint Use Library Agreement
Nature of Disclosure: Interest
Nature of Interest: Teacher at the Colac Secondary College
- Cr Riches: OM082608-11 Proposed Lease Agreement, Crown Nest Tower, Tuxion Rd, Apollo Bay
Nature of Disclosure: Conflict of Interest
Nature of Interest: On air Presenter for Otway FM
- Cr Smith: OM082608-3 Temporary Fencing of Memorial Square for Custom Car and Bike Show 2009
Nature of Disclosure: Interest
Nature of Interest: regularly display vehicles at show
- Cr Wilmlink: OM082608-4 Revised User Fees and Charges for 2008/09
Nature of Disclosure: Interest
Nature of Interest: Honorary President of Apollo Bay News Inc.
- OM082608- Beechy Precinct Global Connector including Joint Use Library Agreement
Nature of Disclosure: Interest
Nature of Interest: Member of Colac Public Library

8. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 22/07/08.

Resolution

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

CARRIED 6 : 0

- Special Meeting of the Colac-Otway Shire Council held on the 30/07/08.

Resolution

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

CARRIED 6 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM082608-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM082608-2 CERTIFICATION OF 2007/08 FINANCIAL STATEMENTS
OM082608-3 TEMPORARY FENCING OF MEMORIAL SQUARE FOR CUSTOM CAR
AND BIKE SHOW 2009
OM082608-4 REVISED USER FEES AND CHARGES FOR 2008/2009
OM082608-5 PRE-ELECTION CARETAKER POLICY
OM082608-6 AUTHORISATION OF SPECIAL COMMITTEE TO CONSIDER
SUBMISSIONS TO PROPOSED ROAD NAMES
OM082608-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE
LIBRARY AGREEMENT
OM082608-8 ADOPTION OF 2008 GENERAL REVALUATION

Infrastructure

OM082608-9 DELEGATIONS AND AUTHORISATIONS UNDER THE MARINE ACT
1988
OM082608-10 REALIGNMENT OF BUSTY ROAD, APOLLO BAY
OM082608-11 PROPOSED LEASE AGREEMENT, CROWS NEST TOWER, TUXION
ROAD, APOLLO BAY

Sustainable Planning and Development

OM082608-12 DOMESTIC ANIMAL MANAGEMENT PLAN

GENERAL BUSINESS

OM082608-13 General Business

OM082608-13.1 ITEM FOR SIGNING AND SEALING - SALE & TRANSFER OF LAND,
1595 BIRREGURRA-FORREST ROAD, BARWON DOWNS
OM082608-13.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 28
NEWCOMBE STREET, MARENGO
OM082608-13.3 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 5715
GREAT OCEAN ROAD, YUULONG
OM082608-13.4 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 210
LIDGERWOODS LANE, BIRREGURRA
OM082608-13.5 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 45
MARRINER'S LOOKOUT RD, APOLLO BAY
OM082608-13.6 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 210
WICKHAMS RD, MURROON

NOTICES OF MOTION

OM082608-14 Notices of Motion

OM082608-14.1 NOTICE OF MOTION NO. 142-0809 KAWARREN/GELLIBRAND WATER HARVESTING (CR MERCER)

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>M082608-1 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 information.</i></p>	<p>Cr Mercer</p>	

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

CARRIED 6 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM082608-2 CERTIFICATION OF 2007/08 FINANCIAL STATEMENTS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That</i></p> <ol style="list-style-type: none"> 1. <i>Council adopt the 2007/2008 Financial Statements 'In Principle', subject to further adjustments required by audit, in accordance with Section 131(7) Local Government Act 1989.</i> 2. <i>Council adopt the 2007/2008 Standard Statements 'In Principle', subject to further adjustments required by audit, in accordance with Section 131(7) Local Government Act 1989.</i> 3. <i>Council adopt the 2007/2008 Performance Statement 'In Principle', subject to further adjustments required by audit, in accordance with Section 131(7) Local Government Act 1989.</i> 4. <i>Council authorise two of any of the following three councillors – Cr Peter Mercer, Cr Chris Smith or Cr Warren Riches to sign the 2007/2008 Financial Statements.</i> 5. <i>Council authorise two of any of the following three councillors - Cr Peter Mercer, Cr Chris Smith or Cr Warren Riches to sign the 2007/2008 Standard Statements.</i> 6. <i>Council authorise two of any of the following three councillors - Cr Peter Mercer, Cr Chris Smith or Cr Warren Riches to sign the 2007/2008 Performance Statement.</i> 7. <i>A proviso be made that the 2007/2008 Financial Statements, Standard Statements, and Performance Statement be referred back to Audit Committee and Council if there are significant changes prior to signing.</i> 		

<p><u>OM082608-3 TEMPORARY FENCING OF MEMORIAL SQUARE FOR CUSTOM CAR AND BIKE SHOW 2009</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council approve the erection of temporary fencing in Memorial Square for the proposed 2009 Custom Car and Bike Show event, enabling gate takings to be collected for fund raising purposes.</i></p>	<p>Cr Smith Cr Mercer</p>	
<p><u>OM082608-4 REVISED USER FEES AND CHARGES FOR 2008/2009</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council adopt the revised Schedule of User Fees, Charges and Fines.</i></p>		
<p><u>OM082608-5 PRE-ELECTION CARETAKER POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council adopts the revised Pre-Election Caretaker Policy.</i></p>		
<p><u>OM082608-6 AUTHORISATION OF SPECIAL COMMITTEE TO CONSIDER SUBMISSIONS TO PROPOSED ROAD NAMES</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That in accordance with the provisions of Section 223 of the Local Government Act, Council on behalf of the Committee sets the time for the Committee to hear and consider submissions. The meeting to be held on 5 September 2008 at 9.00 am in the Civic Hall at COPACC.</i></p>		

In exercise of the powers conferred by Sections 88 of the Local Government Act 1989 (the Act), Council resolves that:

- 1. From the date of this resolution, there be established as a special committee called the "Road Naming Project Advisory Committee"***
- 2. The purposes of the Committee are those set out in the Instrument of Delegation.***
- 3. The members of the Committee are:***
 - 3.1 Councillors Chris Smith and Peter Mercer; and***
 - 3.2 Community Members – Mr Paul O'Brien and Mr Ken Widdowson***
- 4. The Committee is required to report to Council at the intervals specified in the Instrument of Delegation to the Committee.***
- 5. The members of the Committee who are not Councillors are pursuant to Section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.***
- 6. The Chairperson of the committee is Cr Chris Smith.***
- 7. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.***
- 8. All members of each Committee have voting rights on the Committee.***
- 9. There be delegated to the Committee the powers, duties and functions set out in the Instrument of Delegation (the Instrument).***
- 10. The Instrument:***
 - 10.1 comes into effect immediately the common seal of Council is affixed to the Instrument; and***
 - 10.2 remains in force until Council determines to vary or revoke it***
- 11. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or***

<p><i>policies Council may from time to time adopt.</i></p> <p>12. <i>The Instrument be sealed.</i></p>		
<p><u>OM082608-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the attached draft agreement with authority given to the Chief Executive Officer to sign the final Memorandum of Understanding on the basis that there are no commercial significant changes and that the Memorandum of Understanding be signed prior to calling for construction tenders for the Global Connector including the Joint Use Library.</i></p>	Cr Graham	Cr Wilmink
<p><u>OM082608-8 ADOPTION OF 2008 GENERAL REVALUATION</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council note the Valuer General has certified the valuations returned in the 2008 general revaluation are generally true and correct and adopts these valuations as the basis of levying rates for the 2008/09 and 2009/10 financial years.</i></p>		

MOVED Cr Riches seconded Cr Mercer that recommendations to items listed in the Consent Calendar, with the exception of items OM082608-7, be adopted.

CARRIED 6 : 0

OM082608-7

MOVED Cr Wilmink seconded Cr Graham that OM082608-7 Beechy Precinct Global Connector including Joint Use Library Agreement, be withdrawn to allow Part 2 of the March 2008 motion "Part 2 - that Council acknowledge the concerns expressed by submitters, undertake a detailed profile of current Colac Library users and their usage patterns and assess options to support these people in the community to have access to library services in ways that meet their needs and that a report further

scoping this be presented to Council within the next two months" to be completed prior to further action being taken.

LOST 2 : 4

DIVISION called by Cr Graham

For the Motion: Cr Graham and Cr Wilmink

Against the Motion: Cr Riches, Cr Mercer, Cr Lehmann, Cr Smith

MOVED Cr Riches seconded Cr Lehmann that Council endorse the attached draft agreement with authority given to the Chief Executive Officer to sign the final Memorandum of Understanding on the basis that there are no commercial significant changes and that the Memorandum of Understanding be signed prior to calling for construction tenders for the Global Connector including the Joint Use Library.

CARRIED 4 : 2

DIVISION called by Cr Graham

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

Against the Motion: Cr Graham and Cr Wilmink

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM082608-9 DELEGATIONS AND AUTHORISATIONS UNDER THE MARINE ACT 1988</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>In the exercise of the powers conferred by Section 44C of the Port Services Act 1995, the Colac Otway Shire Council (Council) resolves that –</i></p> <ol style="list-style-type: none"> 1. <i>There be delegated to the person holding the position, acting in or performing the duties of General Manager Infrastructure and Services or the Manager Major Contracts, the powers, duties and functions set out in the attached Instrument of Delegation, subject to the conditions and limitations specified in that Instrument.</i> 2. <i>The Instrument comes into force immediately the common seal of Council is affixed to the instrument.</i> 3. <i>On the coming into force of the Instrument, all previous delegations under the Marine Act 1988 and the Port Services Act 1995 are revoked.</i> 4. <i>The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.</i> 5.. <i>Endorse the appointment of:</i> <p style="margin-left: 40px;">Ranjani Jha, Manager Major Contracts Brian Shields, Team Leader – Port of Apollo Bay Phillip Falla, Port Officer, Port of Apollo Bay Graeme Murphy, Local Laws Co-ordinator Kevin Young, Local Laws Officer</p> <p><i>as authorised officers under Sections 18, 19, 21 of the Marine Act 1998.</i></p> 		

<p><u>OM082608-10 REALIGNMENT OF BUSTY ROAD, APOLLO BAY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorse the proposal to realign the identified length of Busty Road, Apollo Bay by way of a road exchange;</i> <i>2. Seek to enter into formalised agreements with the affected land owners as detailed on the Attachment – ‘Apportionment details’; and</i> <i>3. Give public notice in respect to its intention to undertake the road exchange process should full support for its implementation be established.</i> 		
<p><u>OM082608-11 PROPOSED LEASE AGREEMENT, CROWS NEST TOWER, TUXION ROAD, APOLLO BAY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That, subject to a Planning Permit being obtained by Otway FM for the proposed works, Council:</i></p> <ol style="list-style-type: none"> <i>1. Agree in principle to the terms and conditions of the draft amended Lease Agreement; and</i> <i>2. Give its notice of intention to enter into this Agreement with Otway FM and invite submissions in accordance with Section 223 of the Local Government Act 1989.</i> 		Cr Graham

MOVED Cr Mercer seconded Cr Riches that recommendations to items listed in the Consent Calendar, with the exception of items OM082608-11, be adopted.

CARRIED 6 : 0

OM082608-11

MOVED Cr Graham seconded Cr Lehmann that, subject to a Planning Permit being obtained by Otway FM for the proposed works, Council:

- 1. Agree in principle to the terms and conditions of the draft amended Lease Agreement; and**
- 2. Give its notice of intention to enter into this Agreement with Otway FM and invite submissions in accordance with Section 223 of the Local Government Act 1989.**
- 3. That the term of the proposed lease be for a period of 3 years.**

Cr Riches having declared a Conflict of Interest in item OM082608-11 left the Council Chamber at 3.53 pm.

CARRIED 5 : 0

Cr Riches returned to the Council Chamber at 3.54 pm.

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM082608-12 DOMESTIC ANIMAL MANAGEMENT PLAN</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>Council endorse the release of the Draft Domestic Animal Management Plan for public comment.</i></p>	<p>Cr Mercer</p>	

Recommendation

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

CARRIED 6 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<u>GENERAL BUSINESS</u>		
<p><u>OM082608-13.1</u> <u>Item for Signing and Sealing - Section 173 Agreement - Sale & Transfer of Land, 1595 Birregurra-Forrest Road, Barwon Downs</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement and Transfer of Land documents for 1595 Birregurra-Forrest Road, Barwon Downs.</i></p>		
<p><u>OM082608-13.2</u> <u>Item for Signing and Sealing - Section 173 Agreement - 28 Newcombe Street, Marengo</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and B A Nosedo & A J Nosedo covenanting Certificate of Title Volume 6941 Folio 175 that the owner will undertake and maintain (including if necessary by replacement plantings) the works and landscaping depicted on the Landscape and Vegetation Management Plan to the satisfaction of the responsible authority.</i></p>		
<p><u>OM082608-13.3</u> <u>Item for Signing and Sealing - Section 173 Agreement - 5715 Great Ocean Road, Yuulong</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and M F Fifer and R M Kintscher and L R Nicholas covenanting Certificate of Title Volume 9925 Folio 573 and Certificate of Title Volume 9925 Folio 574 that no further subdivision of either lot hereby will be further subdivided so as to create any additional lots.</i></p>		

<p><u>OM082608-13.4</u> Item for Signing and Sealing - Section 173 Agreement - 210 Lidgerwoods Lane, Birregurra</p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and B N Fouracre & C L Blainey covenanting Certificate of Title Volume 10995 Folio 013 that one of the two dwellings on the Owner's Land is approved for use only as staff accommodation associated with the rural use of the land (horse breeding and training); and that the owner's land must not be subdivided so as to create any additional lots.</i></p>		
<p><u>OM082608-13.5</u> Item for Signing and Sealing - Section 173 Agreement - 45 Marriner's Lookout Rd, Apollo Bay</p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Swan Bay Nominees Pty Ltd covenanting Certificate of Title Volume 10690 Folio 412 that Lots 1,2,3,52,53 and 54 on PS547460N being the subdivision authorised by the Planning Permit, are the lots to which Condition 25 of the permit relates.</i></p> <p><i>The owner of the Affected lots shall ensure to the satisfaction of the Council that:</i></p> <ul style="list-style-type: none"> • <i>Fencing on the Common Boundary is sufficiently transparent, [ie. Post and wire, wire netting, or powder coated metal roads (pool style)], to enable observation of, visual connectivity with, the reserve from within the lot;</i> • <i>There are no timber paling fences along the Common Boundary;</i> • <i>Any dwelling on the lot addresses both the street frontage and the Common Boundary;</i> • <i>A minimum of one (1) habitable room window in any dwelling is located and orientated to enable observation of the street from within the dwelling;</i> • <i>A minimum of one (1) habitable room window in any dwelling is located and orientated to enable observation of the reserve abutting the lot;</i> • <i>Building development on the lot presenting to either the street or the reserve is not dominated by garages, sheds or large areas of unarticulated walls;</i> 		

<ul style="list-style-type: none"> • <i>Separate outbuildings such as garden sheds are set back a minimum five metres from the Common Boundary;</i> • <i>Garages, carports and any other outbuildings are set back equal to or behind the street setback of any dwelling.</i> 		
<p><u>OM082608-13.6 Item for Signing and Sealing - Section 173 Agreement - 210 Wickhams Rd, Murroon</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Great Southern Property Managers Limited covenanting Certificate of Title Volume 10569 Folio 223 that neither lot to be created will be further subdivided.</i></p>		

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

CARRIED 6 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>NOTICES OF MOTION</u></p> <p><u>OM082608-14.1 Notice of Motion No. 142-08/09</u> <u>Kawarren/Gellibrand Water Harvesting (Cr Mercer)</u></p> <p><u>Recommendation</u></p> <p><i>That Council consider the content of this Notice of Motion.</i></p>	Cr Mercer	

MOVED Cr Mercer seconded Cr Wilmink that Council advocates strongly to ensure farmers, residents, businesses and environmental flows are not put at risk by water harvesting schemes, particularly in the Kawarren/Gellibrand area.

That the Chief Executive Officer seek to arrange for Councillors to meet with Barwon Water board members to discuss areas of mutual concern such as, but not limited to:

- ***Kawarren Underground Water***
- ***Apollo Bay Water***
- ***Water for Intensive Agriculture***
- ***Colac Water***
- ***Recycled Water.***

CARRIED 6 : 0

IN-COMMITTEE

IN COMMITTEE

Recommendation

MOVED Cr Graham seconded Cr Riches 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>Contractual Matter</i>	<i>Contractual Matter</i>	<i>Section 89(2)(d)</i>

CARRIED 6 : 0