

**Colac Otway
SHIRE**

MINUTES

MEETING OF SPECIAL COUNCIL

OF THE

COLAC-OTWAY SHIRE

COUNCIL

13 FEBRUARY 2013

at 1:00 PM

COPACC Meeting Rooms

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

_COLAC-OTWAY SHIRE SPECIAL COUNCIL MEETING

13 FEBRUARY 2013

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MINUTES of the MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL held at the COPACC Meeting Rooms on 13 February 2013 at 1.00 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 Lyn Russell (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Mick McCrickard
Cr Chris Smith
Cr Terry Woodcroft

Rob Small, Chief Executive Officer
Rick Morrow, Acting General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Doug McNeill, Acting General Manager, Sustainable Planning and Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

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

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Questions asked today must relate to the Special Council Meeting Agenda.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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5. VERBAL SUBMISSIONS

Nil

7. DECLARATION OF INTEREST

Nil

OFFICERS' REPORTS

Infrastructure and Services

SC131302-1 DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING 190
 SPRINGS ROAD, YEO

Rob Small
Chief Executive Officer

SC131302-1

**DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING
190 SPRINGS ROAD, YEO**

AUTHOR:	Clive Brooker	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/4290

Purpose

The purpose of this report is to hear submissions under Section 223 of the *Local Government Act 1989* in relation to the proposal to declare a section of Springs Road, Yeo as unused, as previously reported to Council at its meeting of 28 November 2012.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Council at its meeting of 28 November 2012 resolved:

That Council:

1. *In accordance with section 223 of the Local Government Act 1989 and subject to an eight week notification period undertakes the following:*
 - a) *Gives public notice of its intention to declare the section of road described as the unused road east of Crown Allotment 81, Parish of Yeo and east of the southern part of Lot 2, PS333357, Parish of Yeo as unused.*
 - b) *If no objections are received and subject to Council complying with its statutory requirements instructs the Chief Executive Officer to advise the Department of Sustainability and Environment of Council's formal consent.*
 - c) *If objections are received, hold a Special Council Meeting on 13 February at 1:00pm in COPACC to consider the objections. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their objections and will be advertised in the local media.*
 - d) *If required, a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Special Council Meeting to the following Council meeting.*

Council will need to hear any submissions prior to further considering the proposal to declare the road as unused.

Council Plan / Other Strategies / Policy**Physical Infrastructure and Assets**

Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future. This proposal has been considered in accordance with

Council's Closure of Unused Government Roads, Licensing of an Unused Road or Water Frontage Policy.

Issues / Options

Two submissions were received from the community at the close of the consultation period. Subsequent to this, one individual with an interest in this matter has requested that they be heard in support of their submission. Council has previously been circulated a memo which includes a copy of the submissions received and Council's responses to the issues raised.

This section of Springs Road is a "Government Road", i.e. it is Crown land with the status of "road". At present, part of the section of road to be declared as unused is listed on Council's Municipal Public Road Register and is classified as a 'Minor' road. The road is currently unmade, it is bounded on both sides by property owned by the applicant and does not provide access to other properties. The applicant wishes the road to be declared as unused so as to allow the Department of Sustainability and Environment (DSE) to grant a grazing license over this section of the road.

Proposal

Prior to making a decision in relation to this matter Council must hear any persons requesting to be heard in accordance with Section 223 of the *Local Government Act 1989*.

Financial and Other Resource Implications

There are no direct costs to Council in performing its legislative functions under the *Land Act 1958*. Council officer time will be required for the preparation of correspondence. It is considered that this will have minimal impact on the performance of core duties.

Risk Management & Compliance Issues

At present, part of the section of road to be declared as unused is listed on Council's Municipal Public Road Register and is classified as a 'Minor' road. The road register will need to be amended to reflect the change in status should this section of Springs Road be declared an unused road. This will mean that Council has no obligations to inspect, maintain or repair this section of road while its status of unused remains.

Environmental and Climate Change Considerations

The advice received from Council's Environment and Community Safety Unit is that the environmental values of the site will not be compromised by the proposed use of the site.

Community Engagement

All persons providing a submission will be advised of Council's resolution prior to any change in status of the road being declared.

Implementation

The outcomes of the hearing and consideration of submissions will require a further report to be presented to Council prior to undertaking any further actions.

Conclusion

That Council hear any submitter(s) in relation to the proposal to declare the section of Springs Road described above as unused and that the General Manager Infrastructure and Services provides a further report back to Council with recommendations at the next Ordinary Council Meeting.

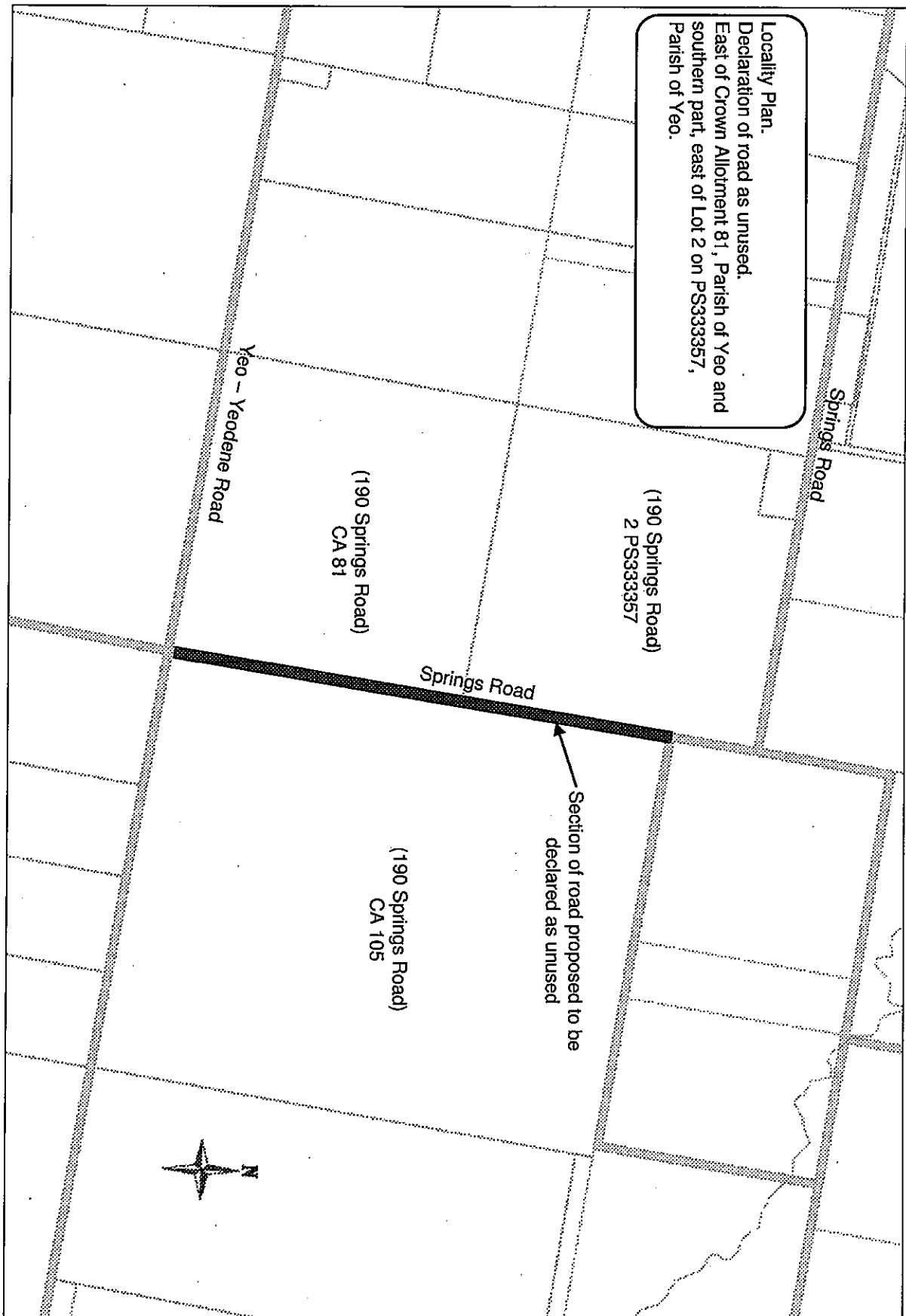
Attachments

1. Locality Plan

Recommendation(s)**That Council:**

- 1. Hear submission(s) in accordance with Section 223 of the Local Government Act 1989 in relation to the proposal to declare that section of Springs Road, Yeo, fully described as the road east of Crown Allotment 81, Parish of Yeo and east of southern part of Lot 2, PS333357, Parish of Yeo as unused.**
- 2. Be provided with a further report at the next Ordinary Council Meeting in relation to the proposal to declare the aforementioned section of the road as unused.**

As the submitters who had indicated that they wished to be heard did not attend the meeting, this recommendation was not considered.



The Meeting Was Declared Closed at 1.05 pm

CONFIRMED AND SIGNED at the meeting held on 27 FEBRUARY 2013

Lyn E Russell.....**MAYOR**