

**Colac Otway
SHIRE**

MINUTES

**SPECIAL COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL**

10 DECEMBER 2008

at 6.30 pm

**COPACC Meeting Rooms 1 & 2
Rae Street, Colac**

Please Note: That Public Notice of this meeting was not given seven days prior to the meeting, as the request for the Special Meeting of Council was not received until late on 2 December 2008. This Special Meeting of Council was advertised in the Colac Herald on 5 December 2008.

COLAC-OTWAY SHIRE COUNCIL SPECIAL MEETING

10 DECEMBER 2008

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- 7.3 Call for a report on the current status of all agreements and documents relating to the planned Colac joint-use library**

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MINUTES of the **SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the COPACC Meeting Rooms 1 & 2, Rae Street, Colac on 10 December 2008 at 6.30 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 Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Jack Green, Acting Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services

Neil Allen, General Manager, Infrastructure & Services

Doug McNeill, Acting General Manager, Sustainable Planning & Development

Marg Scanlon, Manager, Recreation, Arts & Culture

Althea Wright, Executive Officer

3. APOLOGIES

Nil

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.

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.'

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

Nil

Questions Received Verbally at the Meeting

Nil

6. DECLARATION OF INTEREST

Nil

7. ITEMS FOR DISCUSSION

- 7.1 **Keeping Colac Public Library at the current site in Gellibrand Street, Colac, and ending Council's involvement in the proposed Colac joint-use library project**

Recommendation

Council notes the legitimate concerns of residents and ratepayers in relation to the proposal to replace the existing public library in Gellibrand Street, Colac with access to a planned joint-use library at the "Beechy Centre" at Queen Street, Colac. Council's preference is to retain a stand-alone municipal public library at Gellibrand Street, Colac and to improve that library. Council's preference is to end its involvement in the joint use library project. This matter is to be referred to a Councillor Workshop with a view to establishing how this objective can best be achieved.

Resolution

MOVED Cr Stephen Hart seconded Cr Russell that Council notes the legitimate concerns of residents and ratepayers in relation to the proposal to replace the existing public library in Gellibrand Street, Colac with access to a planned joint-use library at the "Beechy Centre" at Queen Street, Colac. Council's preference is to retain a stand-alone municipal public library at Gellibrand Street, Colac and to improve that library. Council's preference is to end its involvement in the joint use library project. This matter is to be referred to a Councillor Workshop with a view to establishing how this objective can best be achieved.

CARRIED 5 : 2

DIVISION called by Cr Smith

***For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart,
Cr Higgins, Cr Crook***

Against the Motion: Cr Smith, Cr Buchanan

7.2 Facilitating an excellent school library at the new Colac Secondary College (Beechy Centre)

Recommendation

Council recognizes the need for an excellent, modern library facility at the new Colac Secondary College or "Beechy Centre". Council preference is for this to be a purpose built school library without Council involvement. This matter is to be referred to a Councillor workshop with a view to establishing how this objective can be achieved.

Resolution

MOVED Stephen Hart, Cr Higgins that Council recognizes the need for an excellent, modern library facility at the new Colac Secondary College or "Beechy Centre". Council preference is for this to be a purpose built school library without Council involvement. This matter is to be referred to a Councillor workshop with a view to establishing how this objective can be achieved.

CARRIED 5 : 2

DIVISION called by Cr Smith

***For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart,
Cr Higgins, Cr Crook***

Against the Motion: Cr Smith, Cr Buchanan

- 7.3 Call for a report on the current status of all agreements and documents relating to the planned Colac joint-use library

Recommendation

Council calls for a report detailing the status of all agreements and other documents in relation to the planned joint-use library. In particular, the report is to provide details of the date such documents were signed, by whom and on what authority.

Resolution

MOVED Cr Buchanan seconded Cr Higgins that Council calls for a report detailing the status of all agreements and other documents in relation to the planned joint-use library. In particular, the report is to provide details of the date such documents were signed, by whom and on what authority.

CARRIED 6 : 1

- 7.4 A proposal to inform the Corangamite Regional Library Corporation and other relevant parties of Council's position

Recommendation

Council requests that the Acting Chief Executive Officer write to the Corangamite Regional Library Corporation, the Education Department and other relevant Parties to inform them of Council's preference regarding the retention of the existing public library and Council's preference to end Council's involvement in the planned joint-use library. This is to be done by close of business Friday, 12 December 2008. Councillors ask that a copy be sent to all Councillors.

Resolution

MOVED Cr Stephen Hart seconded Cr Higgins that Council requests that the Acting Chief Executive Officer write to the Corangamite Regional Library Corporation, the Education Department and other relevant Parties to inform them of Council's preference regarding the retention of the existing public library and Council's preference to end Council's involvement in the planned joint-use library. This is to be done by close of business Friday, 12 December 2008. Councillors ask that a copy be sent to all Councillors.

CARRIED 5 : 2

DIVISION called by Cr Smith

**For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart,
Cr Higgins, Cr Crook**

Against the Motion: Cr Smith, Cr Buchanan

7.5 Implementation of Resolutions 7.1 to 7.4

Recommendation

That the Acting Chief Executive Officer undertakes all necessary actions to implement Resolutions 7.1 to 7.4 above.

Resolution

MOVED Cr Stephen Hart seconded Cr Stuart Hart that the Acting Chief Executive Officer undertakes all necessary actions to implement Resolutions 7.1 to 7.4 above.

CARRIED 5 : 2

DIVISION called by Cr Smith

***For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart,
Cr Higgins, Cr Crook***

Against the Motion: Cr Smith, Cr Buchanan

IN COMMITTEE

Resolution

MOVED Cr Stephen Hart seconded Cr Stuart Hart 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>Legal advice</i>	<i>Legal advice</i>	<i>Section 89(2)(f)</i>

CARRIED 5 : 2

DIVISION called by Cr Smith

***For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart,
Cr Higgins, Cr Crook***

Against the Motion: Cr Smith, Cr Buchanan

The request for the special meeting of council was not received until late on 2 December 2008 which was too late for the Colac Herald on 3 Dec (advertised CH on 5 Dec)