

**Colac Otway
SHIRE**

AGENDA

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

17 FEBRUARY 2009

at 5.30 pm

**COPACC Meeting Room
Rae Street, Colac**

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**

17 FEBRUARY 2009

TABLE OF CONTENTS

OFFICERS' REPORTS

CORPORATE & COMMUNITY SERVICES

**SC091702-1 BACKGROUND REPORT TO NOTICE OF MOTION NO. 146-08/09 -
JOINT USE LIBRARY AGREEMENT5**

NOTICE OF MOTION

**SC091702-2 NOTICE OF MOTION NO. 146-08/09 - JOINT USE LIBRARY
AGREEMENT (CR BUCHANAN)8**

NOTICE is hereby given that the next **SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 17 February 2009 at 5.30 pm.

AGENDA

1. 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

3. APOLOGIES

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.

I also would like to inform you that the meeting is being taped. The audio recording of the 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 from the floor

5. QUESTION TIME

6. DECLARATION OF INTEREST

OFFICERS' REPORTS

Notice of Motion

SC091702-1 BACKGROUND REPORT TO NOTICE OF MOTION NO. 146-08/09 -
JOINT USE LIBRARY AGREEMENT
SC091702-2 NOTICE OF MOTION NO. 146-08/09 - JOINT USE LIBRARY
AGREEMENT (CR BUCHANAN)

Jack Green
Acting Chief Executive Officer

SC091702-1 BACKGROUND REPORT TO NOTICE OF MOTION NO. 146-08/09 - JOINT USE LIBRARY AGREEMENT

AUTHOR:	Marg Scanlon	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	GEN00374

Purpose

The purpose of this report is to provide information pertaining to the current status of the Beechy Precinct Joint Use Library Agreement and Council's resolution to investigate their preference to withdraw from this current Development and Joint Use Agreement for the Beechy Precinct Joint Use Library.

This report is provided for information only.

Background

Council resolved at a Special Meeting on 10 December 2008 to investigate the implications and obligations in implementing the Council endorsed preference to end its involvement in the current Development and Joint Use Agreement with the Department of Education and Early Childhood Development for the Beechy Precinct Global Connector.

Further to this a workshop was held with Councillors on 14 January 2009 to determine how the objective was best achieved and as a result the following process was agreed to;

1. A meeting to be held with Councillors Council Management and Council approved legal expert with a view to obtaining legal advice as to how Council might best end its involvement in the planned joint use library. The legal expert to be chosen at the December 2008 Ordinary Council meeting or earlier by agreement.
2. Council's Acting CEO Jack Green, General Manager for Corporate and Community Services Colin Hayman and Manager Recreation, Arts and Culture Marg Scanlon to meet with Professor Peter Dawkins, Department Secretary for the Department of Education and Early Childhood Development, and Yehudi Blacher, Department Secretary for the Department of Community Planning and Development.

The purpose of the meeting being to outline the Council position in relation to the matter and seek support from the relevant Government Departments in releasing Council from its involvement in the Joint Use Library Project.

3. The Mayor, Deputy Mayor and Acting CEO to meet with the Minister for Education, Bronwyn Pike with the same intention as the meeting with the Departmental Secretaries.
4. A workshop be held with Council to discuss the outcomes of the above meetings.

Since this workshop held on 14 January 2009 the following has occurred in accordance with the above process -

1. Minter Ellison were engaged and provided legal advice which has been workshopped and provided to Councillors. In addition specific questions have arisen from Councillors which have been addressed.
2. A meeting between Council's Acting CEO Jack Green, General Manager for Corporate and Community Services Colin Hayman and Manager Recreation, Arts

and Culture Marg Scanlon with Professor Peter Dawkins Department Secretary for the Department of Education and Early Childhood Development, and Yehudi Blacher Department Secretary for the Department of Community Planning and Development was held on 29 February 2009. This meeting was also attended by Arden Joseph Executive Regional Director Metropolitan Melbourne and Gippsland, Department of Planning and Community Development and Peter Stewart Infrastructure Manager for the Department of Education and Early Childhood Development.

3. The Mayor Cr. Brian Crook, Deputy Mayor Lyn Russell and Council's Acting CEO Jack Green met with Bronwyn Pike, Minister for Education on 5 February 2009.
4. Information from these meetings has been workshopped with Council.

Corporate Plan/Other Strategies/Policy

The agreed actions regarding these investigations are consistent with Council related policies and the Local Government Act.

Issues/Options

This report is provided for information only.

Proposal

This report is provided for information only.

Financial Implications

The financial costs related to the review process are appropriately provided for in the Council operating budget. Costs associated with the legal aspects of the investigations are unbudgeted.

Risk Management & Compliance Issues

All risk management and compliance requirements have been considered during the establishment of the process to undertake these investigations.

Environmental Considerations

There are no environmental issues pertaining to these current investigations or the associated process.

Communication Strategy/Consultation

All Beechy Precinct Joint Use Library project partners were sent correspondence on 12 December 2008 outlining Council's current investigations and indicating that advice regarding further progress would be provided when available.

The open Council Meeting will be attended by interested community members and the local media. A media release will be produced advising the community of the adopted Council position following the Council resolution at the Special Meeting.

Implementation

Advise the Minister for Education and all project partners immediately following this Special Meeting of the associated outcomes.

Conclusion

As the process initiated by Council for resolution of this matter has now concluded, a Special Meeting of Council has been called for Tuesday, 17 February 2009 in response to a Notice of Motion by Cr Buchanan to enable a decision to be made by Council on the matter.

Attachments

Nil.

Recommendation

That Council receive the Background Report to the Notice of Motion No. 146-08/09 – Joint Use Library Agreement.

**SC091702-2 NOTICE OF MOTION NO. 146-08/09 - JOINT USE LIBRARY AGREEMENT
(CR BUCHANAN)**

TAKE NOTICE that it is my intention to move at the Special Council Meeting of the Colac Otway Shire to be held on Tuesday, 17 February 2009:

“That Council acknowledges:

1. *The former Colac Otway Shire Council entered into a legally binding agreement with the State Government regarding the Joint Use Library one month prior to the Shire elections.*
2. *The State Government fully intends to implement the Joint Use Agreement.*
3. *The State Government has agreed to fund a feasibility study to investigate the provision of a library annexe in Colac.*
4. *This Council, after consideration of legal advice and after a deputation to Hon Bronwyn Pike, Minister for Education, has decided to reluctantly abide by its legal obligations with respect to the Joint Use Library.”*

Recommendation(s)

That Council consider the contents of this Notice of Motion.



IN COMMITTEE**Recommendation**

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 one or more of the following matters:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
<i>Potential Purchase of Land</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>