

Questions Submitted in Writing – Council Meeting – 24 February 2021

James Judd, Colac

- 1. Well prior to 30 June 2021 will the Colac Otway Shire Council make clear to all in the garbage collection areas, not just put it on the web, what is a glass container so it must be put in the new glass only bin from 1 July 2021?**

Now we have all of the following that state they can be recycled:

Containers 100% plastic

Containers 100% glass with plastic lids

Containers part plastic and part glass (ie, plasticised glass mostly beer bottles and similar bottles)

While we are often told not to put any glass into the recycling bin as any broken glass contaminates the total load and it must go to landfill, that is an added expense to Council.

Response from General Manager, Environment & Infrastructure

Colac Otway Shire will be transitioning to a four bin kerbside waste collection model in 2021.

During the rollout of the fourth bin (glass) community education activities are planned and will be delivered prior, as well as the production of promotional material which will inform residents of what is to be placed in the glass bin and also what can go into the red (waste bin).

The goal is to ultimately reduce all contamination within the yellow recycle bin, by way of the elimination of glass in this stream.

Educational resources which are to be made available for all to accompany the rollout of the purple bin is a part of a larger community educational process which has the goal of reducing waste which ultimately ends up in landfill.

- 2. Does the Colac Otway Shire Council propose in the 2020-2021 financial year to actually spend any money to improve the Shire's drainage system**

Or,

Only spend to prepare plans that will not be done until a later time

Or

Do nothing.

When major floods in this area are regular on average no more than 10 years apart as a major road out of Colac has been blocked by flooding at a high point prior to leaving urban Colac due to drains incapable of taking run-off away while Council has been well aware of poor drainage for years.

Response from General Manager Environment & Infrastructure

Council has a recurrent annual drainage renewal program. In the 2020/21 financial year Council will spend \$340,000 on renewal and upgrade of drainage infrastructure across the shire, which is carried out in addition to minor maintenance and repairs. Council is aware of the increased frequency of localised flooding and considers these factors in the design of the drainage network. A number of roads have been identified in the current and coming years as priorities for design and renewal or upgrade based on the frequency and severity of flooding and condition of the drainage assets.

3. When will the Colac Otway Shire Council review how it adds surcharges on rates in all commercial/industrial areas when the surcharge in the Colac/Elliminyt commercial/industrial is 65% on the base rate yet in balance of Shire it is only 55% added to discounted rate charged, when if equal, would be at least 150% of the Colac/Elliminyt residential rate? That is:

Full residential rate		100%
Plus surcharge	<u>65%</u>	
	165%	
Less balance of Shire discount	<u>15%</u>	
	150%	

Not 140% as charged

Response from General Manager, Corporate Services

The question is suggesting the rate in the dollar applied to the “Commercial/Industrial – Balance of Shire” rating category is “150%” of the base rate. It is 140% as per the 2020/21 adopted budget.

The rate in the dollar applied to the “Commercial/Industrial – Balance of Shire” rating category is 0.005457, which is 40% higher than the base rate in the dollar which is 0.003898.

The “Commercial/Industrial – Balance of Shire” rate in the dollar is therefore 140% of the base rate in the dollar.

The “15% discount” referred to is the difference between the two “Commercial/Industrial” rating categories. This is not a discount – it is simply the difference between the two rates in the dollar when referred to the base rate.

4. What portion of farmers in the Colac Otway Shire who pay the farm rate:

a). Receive the discount quoted as a percentage of the rates ruling for rate zone they are in?

Plus

b). What portion of farmers on the farm rate pay over 88% of the rates applicable to the zone the farm is in when the majority of farms are in the 88% + zone?

Response from General Manager, Corporate Services

The rate in the dollar applied to all properties in the “Farm” rating category (being 0.002924) is 75% of the base rate in the dollar (which is 0.003898).

Officers are not sure what Mr Judd is referring to with his references to a “discount” and “88%”.

5. Has there been any increased usage of the Colac Otway Shire Council’s urban and regional baby health clinics since mid 2020?

Response from General Manager, Development & Community Services

Access to Council’s maternal and child health service remained consistent during 2020. Due to the importance of the service, most parents continued to consult with our clinical staff throughout COVID, although we increased telephone consults during lockdown periods. Now that COVID restrictions have eased, face-to-face consults have returned to full capacity.

Group work with parents was the main activity that ceased during COVID, however this has resumed.

Arthur Watson, Colac

1. Firstly I must congratulate Lynton Evans and the three residents of Colac for their foresight in bringing the east and West welcome signs to Colac's main entrances to the attention of us Colac people.

The Apollo Bay main road into Colac and Lavers Hill main road into Colac should have the welcome signs also.

With Colac at the forefront of the Otway Ranges I have very strong feelings we should be promoting our great city as the "Gateway to the Otways". Have a look at the tourists who comes shop and drive around then go through the Otways.

All Four entrances should be designed as "Colac" Gateway to the Otways, nothing else.

The Colac East sign should be moved about 150 metres south of the current one. The other three use some common sense to where they could be put.

The logos with grass areas around them kept cut and maintained would be great. "Keep it simple" thing for our great City which by the way should be promoting about Colac as "The Gateway to the Otways" not that rubbish that you read or hear about. We don't need electronic signs or other sort of rubbish, just simple "Colac" Welcome to the Otways.

My gut feeling says private enterprise should not be funding such with this issue.

I hope the right persons concerned have the foresight to revitalise our poor main road entrances and also blow up that disgusting building re service station as you enter from Colac East.

Let's hope common sense prevails with these welcome to Colac signs.

Response from General Manager, Environment & Infrastructure

Thank you for your comments. In relation to funding this project, Council has a business case under consideration as part of the budget process for the 2021/2022 year. The business case is to fund the construction of a sign at the east and west approaches to Colac. The approaches from Lavers Hill and Apollo Bay would be considered at a future time. We are set to have discussions with businesses who have indicated that they may be able to assist with the construction of the signs and we look forward to those discussions.

Prabha Kutty, Colac

1. The administrative introduction to the Councillor Code of Conduct states under Community Engagement the words "Not Applicable". My question is why not?

Response from Chief Executive

There is no requirement under the *Local Government Act 2020* for community engagement or public consultation to be undertaken in the review of the Councillor Code of Conduct. What is most important, is the code is developed, agreed and lived by the Councillors.

2. Also who is the councillor conduct officer? It should be noted that the Inspectorate directs breach of code reports back to council.

Response from Chief Executive

The Councillor Conduct Officer is a person appointed by the Chief Executive Officer to assist Council in implementing its internal arbitration process. Colac Otway Shire's Councillor Conduct Officer is the Manager Governance & Communications, Marlo Emmitt.

Nasser Kotb, Forrest

The Council produced ads for the "Roadshow" lumping distinctly different documents into one consultation process; i.e. "community vision" - "four year Council plan", "10 year asset plan" and so many others. This raises questions about the way the Council handles community engagement; ticking boxes (business as usual for the Council). This is reflected in "Community satisfaction with council decisions" to be as low as 50% (<https://knowyourcouncil.vic.gov.au>).

- 1a Is this a shortcut the Council decided to take to avoid having a REAL community input and continue with the same old ways of painting the mirage of community consultation (ticking a box)?
- 1b How do all these plans with their wide ranging particulars be lumped in the overly simplified survey the Council promotes?

Response from General Manager, Development & Community Services

By October 31 this year, Council must adopt a Community Vision. This Vision sets the high level direction of Council's key strategies that cascade from the Vision including the Council Plan, Municipal Health and Wellbeing Plan (which also must be adopted by October 31); Asset Plan and Financial Plan (which must be adopted in early 2022). All of these documents are heavily interrelated, therefore Council's current engagement aims to consider all of them as part of the initial conversations we are having with the community.

Council reiterates that it is committed to community engagement and the principles outlined in the Local Government Act 2020. Council's updated Community Engagement Policy, as well as an operational framework to guide officers' work, will pave the way for continuous improvement of our engagement practices.

Our community survey is one of several ways our community can engage with Council as part of the development of our strategic documents. The survey provides both fixed choice and free text options to provide respondents opportunities to elaborate on any issues that are important to them. We also encourage people who might like to speak to Council to attend one of our Roadshow events, which are visiting many small towns in our shire.

The Council rejects the suggestion of establishing a "Monitoring and auditing Panel" providing the explanation that it "is not a requirement of the Act and not something Council has the resources to administer". However, Councils with less resources have such establishments (e.g. Queenscliff Borough).

Also, p91-92 of LGA 2020 states "(1) A delegated committee established by a Council—

(a) must include at least 2 Councillors; and

(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.

(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors."

- 2 Are "delegated committee" different from "community panel"?

Response from General Manager, Development & Community Services

Officers spoke to the Borough of Queenscliffe, which confirmed that no such monitoring and auditing panel exists.

The Borough has had community reference groups to give feedback on specific Council projects, however like most other Victorian Councils, officers are responsible for preparing and applying community engagement processes across the organisation.

A delegated committee is different to a community panel. A delegated committee is a committee which is formally delegated by Council for a specific purpose. Community panel is a term typically used to describe a group of community members randomly selected to provide feedback on a specific Council project or issue, similar to what was put in place for the Colac 2050 Growth Plan. Other names for community panels are citizens' juries or mini-publics. Panel processes are typically independently facilitated.

The Act states "88 Community Vision

(1) A Council must maintain a Community Vision that is developed with its municipal community in accordance with its deliberative engagement practices.

(2) The scope of the Community Vision is a period of at least the next 10 financial years" p 108 LGA2020.

However, the Council elected to create a thirty year community vision (2050).

3a What are the reasons for such long period of time beyond the Act requirement?

3b What is the Council timeline for the "deliberative engagement" as required by the Act (assuming the Council has a plan but keeps it hidden from the public)?

3c What are the elements of the "deliberative engagement" that the Council plans to apply?

Response from General Manager, Development & Community Services

Councils across Victoria are setting visions anywhere between 10 years to 40 years (many are choosing longer timeframes than 10 years). The Act indicates that a 10-year timeframe is the minimum. Council considered timeframes and settled on 2050 to align our Community Vision to another significant strategy piece, being the Colac 2050 Growth Plan. Council believes it is sensible to align strategies to provide clarity to both the community and the organisation. Choosing a longer timeframe for a vision also encourages people to think long-range and bigger picture.

Councillors are currently considering options for deliberative engagement as required by the Local Government Act 2020, which we will communicate to our community in the coming weeks. This process will align to the principles outlined in the Act and Council's Draft Community Engagement Policy.

The LGA2020 Act requires Councils to apply their Community Engagement Policy in the development of the following:

- **Community Vision - Council Plan - Financial Plan - Asset Plan.**

However, the Council did not comply with the Act and attempts to start the community engagement process for the abovementioned documents before finalising the "Community Engagement Policy".

4a Is the Council acting contrary to the LGA2020 requirements?

4b Was the decision to launch the 2050 roadshow with its specifics, made by Councillors or bureaucrats?

Response from General Manager, Development & Community Services

Council's current engagement activities are absolutely in line with the Local Government Act 2020. Almost all Councils in Victoria are currently carrying out community engagement for its strategic documents, whilst also finalising their Community Engagement Policies. This is due to the timelines being extremely tight from the point our new Council was elected in November.

It needs to be acknowledged that Council has an existing Community Engagement Policy, with a new Policy being developed at present.

The decision to commence the community engagement process for the new Community Vision and Council Plan was made by officers with support from Council.

5 Why is the “community engagement policy” draft document attached to the Agenda showing formatting markups?

Response from General Manager, Development & Community Services

The formatting markups exist to demonstrate to our community and Councillors the amendments made to the policy as a result of community feedback received through the public exhibition process.

Item 10.2.2 on the meeting agenda- p.61 of the Agenda outlines “six steps to community engagement”. These steps need an additional step to provide transparency and scrutiny.

6 Would the Council consider adding “Step 5 – Council meeting scrutiny and approval” before conducting the engagement?

Response from General Manager, Development & Community Services

This item is being considered by Council at its February 2021 Ordinary Council meeting, and therefore it is not appropriate to provide a specific response to the question.

However, it is important to note that community engagement is a constantly occurring activity for Council. Between now and October, officers have identified at least 40 discrete pieces of community engagement that will take place across the organisation ranging from discussions about the new Community Vision and Council Plan, to more specific engagement about flooding/drainage works, housing, recreation reserves, waste and resource recovery to name a few. It would not be practical for every piece of community engagement to be brought before Council for decision before commencement, and it would delay the essential business of Council. Rather, community engagement is an important and constantly occurring activity of Council that contributes holistically to Council decision making.

The updated Community Engagement Policy, which is being considered by Council at its February Council Meeting, and the supporting operational framework requires officers to determine the level of community engagement required for various activities. Those engagement projects that require a deeper level of community engagement (such as deliberative engagement) are the types of activities that will come to Council for discussion and decision. Standard community engagement is delegated to officers to carry out via the Chief Executive as part of the everyday business of Council.

The Council plans to discuss item 10.5 where *Category 1 Community Grants Program will be reduced by \$20,000 in favour of creating Category 5 Small Business Environmental Sustainability Program*. The outlined justification is deceitful at best. Community groups suffered from the change to grants guidelines demanding dollar for dollar and reducing in-kind contribution since 2018. This can be described as financial mismanagement of public funds and contrary to social equity values (if the Council cares about them).

7a Would the Council consider rejecting such harmful suggestion and replace it with “creating Category 5 Community Environmental Sustainability Program with allocated budget of \$50,000 without reducing other categories?”

7b Would the Council reverse the grants guidelines with regard to in-kind contribution to be part of community groups total contribution (cash contribution)?

Response from General Manager, Development & Community Services

This item is being considered by Council at its February 2021 Ordinary Council meeting, and therefore it is not appropriate to provide a specific response to the question.

The Community Grants Guidelines, as presented to Council for consideration, clearly still include opportunities for applicants to provide in-kind and/or cash contributions as their matching contributions. Council believes it is important that its Community Grants offer opportunities to leverage community resources, whether that be through in-kind or cash contributions.