

Questions Submitted in Writing – Ordinary Council Meeting – 24 June 2020

James Judd, Colac

1. **Has COVID-19 slowed down Council's planning to introduce the Colac Growth Plan on time since no announcement has been made that the Council will definitely obtain any open space from the Colac High School site?**

Response from General Manager, Development & Community Services

COVID-19 has not impacted the introduction of the Colac 2050 Growth Plan. Council is still working with the Victorian School Building Authority and the Minister for Education to acquire part of the former Colac High School site. There have been a number of virtual meetings held in recent months aiming to progress the issue. Council is currently waiting on a formal position from the Victorian Government regarding disposal of the site.

2. **For the greater financial return to Council after all collection charges and fees deducted from payments, what is the preferred method to settle outstanding accounts due to Council? Is it to pay accounts direct to Council offices or just use alternative methods mentioned on Council issued accounts?**

Response from General Manager, Corporate Services

Direct Debit and BPay are of lowest cost and preferred methods of settling outstanding accounts, which are two on the alternative methods mentioned on Council issued accounts. It should be noted that over the counter and Australia Post are the most expensive and least preferred methods.

3. **According to the Colac Otway Shire Council, what is the truth about ownership of items put out on the nature strip since for many years the Colac Otway Shire Council claimed it owned everything put on the nature strip? This was used an excuse to refuse to undertake hard waste collections as people were stealing Council property.**

Response from General Manager, Infrastructure & Leisure Service

When hard waste is placed on the nature strip as part of a hard waste collection it is owned by Council. When hard waste is placed on the nature strip outside of an hard waste agreement being in place it is owned by the person that placed it there.

4. **When will the Colac Otway Shire Council have a very major overhaul of parking spaces provided in the Colac Business District, plus provide long term parking spaces in close proximity to shopping, commercial, legal and medical outlets other than in very busy streets? Many people do not visit Colac daily but at best once only per week so much more time is required to complete business as you cannot walk out while doing business just to move a vehicle. People often have appointments for a specific time but are made to wait for over an hour until an appointment is kept. Some appointments take over an hour each.**

Response from General Manager, Infrastructure & Leisure Services

Parking spaces in Colac are assessed on feedback from the community and local business with guidance from the Colac and Apollo Bay Parking Strategy on a needs basis. The strategy identifies the streets and areas that are best suited for long term and short term parking.

Short term parking is important in the Colac Business District to encourage turnover of customers, however a review of short term parking in some areas can be arranged to ensure access to medical facilities and other destinations is not disadvantaged or discouraged.

Residents can contact us with their detailed parking concerns for assessment.

5. **With the growing demand for people to move to use electric vehicles, when will the Colac Otway Shire, in its Planning department for major retail developments, include in addition to parking spaces the provision of recharge facilities for all kinds of electric vehicles, not only a very limited range when no recharge facilities for all electric vehicles exists between Warrnambool and Geelong on the highway through Colac? That is a very long distance that is used by much traffic every day. Even if only one in every one thousand vehicles needed to top-up with power this would be in excess of 10 every day that would need this service in Colac if the majority switched. Based on projected increase to more than double within the foreseeable future.**

Response from General Manager, Development & Community Services

There is no current planning requirement for these facilities to be provided in new retail developments, however it will likely be something that both becomes a standard requirement in the near future and/or is provided by major retail operators as a means to encourage shoppers to their stores. As the take-up of electric cars becomes more prevalent, there is likely to be a positive change in availability of charging points to support them.

Mark Hanlon, Irrewarra

Meredith Park has a history of mismanagement which has seen a rise in undesirable people misusing facilities.

People come to camp, but go on to stay for extended periods, some for over 12 months. These people invariably leave much hard waste when they finally leave, so even when they go, their legacy remains, as the community must pick up the cost of cleaning up. The community has already paid for the nominated Council officers who are failing in their management of this facility.

In recent years criminal gangs have operated from this location as they get to know local movements and then rob them.

1. **Are Council aware of the existence of state government rules/regulations for the care, protection and management of Meredith Park at Lake Colac?**
2. **Does Council believe they are enforcing those state government gazetted regulations for Meredith Park?**
3. **Do campers have access to shower/hygiene facilities?**
4. **Does Council distinguish between campers and 'permanent residents' who stay at Meredith Park?**
5. **Please explain criteria.**
6. **Can Council, police or other government departments legally place homeless people at Meredith Park when there are no hygiene facilities other than toilets?**

7. Is Council prepared to admit they are using Meredith Park for a dumping ground for homeless/problem people?
8. Are Council aware that the general rubbish from Meredith Park is and has for many years been blowing around and into surrounding farmland?
9. Who is responsible for cleaning up general rubbish from surrounding farmland which has escaped from Meredith Park?
10. Are Council aware that the toilet facility recently built is flawed in its design for where it is situated?
11. Are Council aware that toilet paper is being driven by the wind out of toilet block and then blown around camping ground and into surrounding farmland?
12. Why has Council allowed permanent campers to camp and have fires directly behind physical signs stating "No Camping" and "No Fires"?
13. Do Council consider the disrespect shown to CFA volunteers who give up their time, unpaid, to attend incidents caused by campers with unsanctioned fireplaces?
14. Who is responsible for cleaning up rocks that have been stolen to build fireplaces?
15. Is Council aware that their failure to clear these rocks away sends the wrong message to future campers, who then re-use these new fire sites?
16. Are council aware that these rocks come from surrounding fences and that this enables livestock to escape otherwise secure fencing?
17. Who is responsible for rebuilding stone fences that are being damaged to build unsanctioned fireplaces?
18. Are council aware that the residents of Meredith Park and surrounds fear for their security due to the undesirable and sometimes violent nature of the people who frequent Meredith Park?
19. Do Council routinely liaise with police to ensure proper management of the Meredith Park camper problems?

Response from General Manager, Development & Community Services

Questions 1 and 2: Council is aware that when Meredith Park was originally formed a set of regulations were gazetted by the State Government in 1964. Council aligns its current enforcement approach with these regulations, all be it that they are very old and do not provide details on matters such as length of stay etc. Accordingly, Council is planning to investigate new arrangements for Meredith Park including the possibility of developing new regulations in order to help ensure the park can be managed in a manner that best meets the community's current needs for the area. Currently, Council's rangers patrol Meredith Park regularly in order to try and ensure patrons are not damaging the park and that it is a safe place for people to visit. When issues have arisen associated with anti-social behaviour, Council notifies the Victoria Police and works with them to try and resolve any issues as soon as possible.

Questions 3, 4, 5, 6 and 7: Meredith Park has toilets, but no shower or kitchen facilities. Council does not have a set of criteria to distinguish between campers and permanent residents. Although

Council discourages people from staying in the park for prolonged periods, there is no regulation stating how long people can stay. This is one of the key reasons why Council is planning to investigate the development of more detailed regulations. Traditionally, Council's rangers have spoken to people staying in the park for a prolonged period and encourage them to move on as soon as possible. However, in some cases people have genuine reasons why they can't leave and in these cases we work with people in a humanistic way to try and help them leave as soon as possible. Under the current COVID-19 restrictions, Council has been considerate of people's circumstances and has allowed a small number of people to stay in the park while it was closed. Now that the park has re-opened, Council will work with these people to ensure they move on in a timely manner. It is important to highlight that Council does not direct homeless people to Meredith Park and is not aware of any other agency doing so. If you are aware of this occurring, please contact Council's Community Safety team to allow this to be investigated.

Questions 8 and 9: Council has received complaints about rubbish blowing out of the park on to adjoining land. When these complaints have been received, Council has investigated the matter and taken appropriate action to try and prevent it from happening again. Council's Services and Operations Department tend to the park regularly and the bins are emptied as required. However, with no onsite presence, Council cannot control the actions of all visitors, so unfortunately some littering does occur. Where littering is observed by Council appropriate action is taken, but in some cases it does blow on to adjoining land. In such cases, Council does not go onto private land to clean it up but if litter from the park is impacting on an adjoining landholder, they should notify Council's Community Safety team. This will enable the matter to be investigated, so that appropriate action can be taken to prevent litter problems in both the park and the neighbouring land.

Questions 10 and 11: The toilet block design itself has no known flaws and is a unit commonly used by councils across Victoria. The siting of the toilet block was constrained by offset requirements for the effluent tanks from the road and the lake. It is unfortunate that orientation of the unit has meant that the doors face towards the lake and prevailing winds, however this was required in order to site the effluent tanks to the rear of the unit. Cost-effective modifications have been investigated to reduce wear and tear on the doors/hinges and prevent loose toilet paper from blowing under the doors/walls and into the surrounding area. Council will be installing a perforated mesh screen to the front of the toilets and a perforated mesh strip will also be installed to the base of the rear wall to slow the wind and hopefully address this issue.

Question 11: Council will investigate the opportunity to modify the toilet block to prevent wind from blowing loose toilet paper under the doors/walls and into the surrounding area.

Questions 12 and 13: Council rangers direct people to move and / or extinguish fires if they are in a 'No Camping' and 'No Fires' area. However, without a permanent presence at the park, it is challenging to manage. Council is aware that in some cases, campers have become aggressive when told they have to move and like Council's officers, in such circumstances CFA volunteers should leave the area and then call Victoria Police to advise them of the situation.

Questions 14, 15, 16 and 17: Council's Fire Prevention Officer will investigate the issue associated with rocks being collected to build fire places and discuss the findings with adjoining landholders and Council's Services and Operations staff to try and fix the damage and prevent it from happening in future. Council's rangers will also watch out for this behaviour and take appropriate action if they see visitors collecting rocks to build their own fire places.

Question 18: While the vast majority of patrons who use Meredith Park do so in a respectful manner, Council is aware that occasionally there are people who display anti-social behaviour and in

some cases become aggressive. When these issues arise they should be reported to Victoria Police immediately.

Dianne Schott, Colac and Gail Maddern, Coragulac

As a member of the Colac Library book club we would like to appeal to the Colac Otway Shire Councillors regarding the proposed amalgamation of our local library with the Library of Greater Geelong.

The following points are matters of concern to us as regular and enthusiastic users of our local library facilities.

The population of Colac is around 12,000 people. If the proposed amalgamation takes place, we would be competing with roughly 130,000 Geelong Library members for the availability of all new release books and other items that are currently supplied by our library. Currently any material ordered through Colac Library or sourced from other local library hubs is supplied in a very reasonable time frame. We feel this will not be the case if many, many other users are vying for the same material. Library users in Geelong are actually ordering books through Colac Library due to the long waits for new release materials ordered at Geelong Library.

Responses from General Manager, Development & Community Services

- 1. There is also the issue of the smaller regional library hubs, for instance Corangamite, Mortlake, Terang and Port Fairy to name a few. Will Colac Library members still be able to access these facilities for borrowing? What are the plans in place for managing these facilities?**

Yes, library members will still be able to access items from other libraries across Victoria including those mentioned in the question.

- 2. We are concerned about the possible costs associated with the amalgamation. The required upgrading of databases, rebranding all materials currently based in Colac, new logos and name changes amongst other requirements. How are these costs to be managed and at whose expense? Will there be a flow on to local rate payers or library members?**

As per the report to Council at its June 2020 Ordinary Council Meeting, there is likely to be transition costs of becoming a member of the Geelong Regional Library Corporation. The exact cost is unknown due to the withdrawal of Warrnambool City Council from the Corangamite Regional Library Corporation. Any relocation costs will be borne by Colac Otway Shire.

- 3. There is also the matter of job security for local office staff and library staff. Are there likely to be any job losses associated with the amalgamation?**

It is unknown at this point in time if there will be any local job losses associated with any proposed move to the Geelong Regional Library Corporation. It is anticipated that branch staff will transition to the Geelong Regional Library Corporation. If Colac Otway Shire was to withdraw from the Corangamite Regional Library Corporation, the Corporation could still operate and service the other member councils. The staffing resources required would be a decision for the remaining member councils.

4. Why should the Colac Library be impacted by the Geelong G21 plan?

The Colac library is not necessarily impacted by the G21 Region plan. However, Colac Otway Shire has progressively become more closely aligned with the G21 region over previous years. Much of our regional partnership work is done through the G21 Regional Alliance and our communities tend to access services (eg. health, sport, retail, employment etc) in the G21 region more so than the Great South Coast region.

5. Due to the uncertainty of life under the Covid 19 pandemic, is this really the time for further disruption to people's life styles? Rather should we be promoting and supporting our local community as it is? Why do we want to give up a local, well supported, sustainable and supportive facility which is a hub of our community?

It should be made clear that Council would not be giving up any facilities or services should it determine to move to the Geelong Regional Library Corporation. The same facilities and the same service would be provided to our community; however, it would be by a different provider. In fact, based on the Colac Otway Shire Library Service Review, the service offering is likely to be improved.

There are some time imperatives for Council to consider the future direction of its library services because of the decision of Warrnambool City Council to withdraw from the Corangamite Regional Library Corporation by March 2022. Due to the parameters of the Regional Library Agreement, it is beneficial for Council to determine its future position at this point in time.

Lyn Russell, Elliminyt

I submit these questions on behalf of several ratepayers who have contacted me and who received letters from the Council about the issue of changing addresses.

- 1. Is the Colac Otway Shire legislated to compel Colac Otway Shire ratepayers to change their postal addresses to match the Victorian State Government's Locality Names and Boundary Maps or is this a Council initiative with no legislative power?**
- 2. Why has the Colac Otway Shire failed to abide by their policy of giving a 6 week consultation period to the affected property owners? (This issue first appeared in the Colac Herald Friday 5 June, just before the long weekend with letters arriving the following week. Affected properties not identified in Colac Herald item; closing date is 1 July.)**
- 3. In the item in the Colac Herald, Mr Lawrence stated that the Council would notify the Post Office of the change of address. Is Mr Lawrence aware that, according to Australia Post, the only person who can change the postal address is the person themselves or their written authority, or their Enduring Power of Attorney (if activated) or their Executive of their Estate (if person is deceased), and any other person can be charged with fraud?**
- 4. To have mail redirected there is a fee and will the Council be paying that fee?**
- 5. Does Council realize the financial and time-consuming cost involved in changing addresses and are the Council going to pay the cost?**
- 6. Are the Council aware of the cost to change land titles and are the Council going to pay the cost?**
- 7. Do the Council realize the number of address changes that would be necessary? Some include:**

- a) Australian Taxation Office
- b) Victorian Electoral Commission
- c) Centrelink
- d) Medicare
- e) Hospital Benefits Organization
- f) Doctor and Medical Clinic
- g) VicRoads for license. I think there is a fee
- h) Insurance Company for home, contents, car, personal and farm insurance
- i) Bank and banking
- j) Shares Register, I know there is a fee
- k) All retailers who I have an account with
- l) Energy Provider
- m) Telecommunications Providers
- n) Workplace
- o) Children's School and Kindergarten
- p) Land Titles Office, I know there is a fee
- q) Charities I support
- r) Library
- s) Working with Children's
- t) Dental Clinic
- u) Myki Account and card
- v) Financial Advisor
- w) Tax Agent
- x) Stock Agent
- y) All my family – we still send letters and cards
- z) All my friends – we also get cards and letters

And I am sure I have forgotten some. When the Council answers these questions, I will then pass on the information.

Response from General Manager, Corporate Services

Firstly, let me say this issue has been around since the late 1990s and should have been addressed earlier. It has been brought to a head now because property valuations are being done annually and each time they are done, the Shire has 300+ properties that don't align with the State boundaries. It is a time consuming exercise to make the adjustments every year. As the letter that was sent out to the property owners states, *"As the state map base forms the basis of geographic information systems used by emergency services, utilities and service providers to locate properties, we believe our rate records should match the localities used by the state map base. We are therefore intending to change the locality of all properties in our rates database that don't match the state map base."*

Also it is Council's intention that should a property owner have a substantive reason for the Shire boundary not to change, Council officers will liaise with the State to have its boundary realigned to the Shire's boundary. Of course the State must be accepting of the reason to change its boundary. The realignment of the State boundary is a considerably larger and more complex process. Council officers have already had discussions with some of the affected property owners and have agreed they may have a case for the State boundary to change.

Following are responses to your questions.

- 1. Is the Colac Otway Shire legislated to compel Colac Otway Shire ratepayers to change their postal addresses to match the Victorian State Government's Locality Names and Boundary Maps or is this a Council initiative with no legislative power?**

Council is not legislated to compel ratepayers to change their postal address but is legislated to allocate addresses to properties. As the State Government has adopted localities, it is logical that addresses allocated by Council be allocated to the adopted localities. Having a property recorded on Council's system in a different locality to the State Government adopted locality increases the possibility of issues arising from time to time when the property owner is dealing with an organisation that uses property addresses based on the State map base. The property address and the postal address may not be the same, and may not need to be the same. But, logically to avoid confusion, it is probably advisable that they are the same.

- 2. Why has the Colac Otway Shire failed to abide by their policy of giving a 6 week consultation period to the effected property owners? (This issue first appeared in the Colac Herald Friday 5 June, just before the long weekend with letters arriving the following week. Affected properties not identified in Colac Herald item; closing date is 1 July.)**

Council makes changes to its rates database every day to maintain its accuracy without activating the Community Engagement Policy. This is simply a change to the database, but, it was recognised the change would generate some reaction. As this is not a key strategic matter, a period of almost four weeks was allowed for comments to be made. The six week consultation period referred to in Council's Community Engagement Policy relates to key strategic documents such as the Council Plan, budget, proposed local laws, proposed policies etc. It was felt a shorter period would be acceptable for a matter such as this.

- 3. In the item in the Colac Herald, Mr Lawrence stated that the Council would notify the Post Office of the change of address. Is Mr Lawrence aware that, according to Australia Post, the only person who can change the postal address is the person themselves or their written authority, or their Enduring Power of Attorney (if activated) or their Executive of their Estate (if person is deceased), and any other person can be charged with fraud?**

Councils are legislated to allocate a "property address" to properties within the municipality. We have therefore undertaken to advise Australia Post of the changes to the property address. In most cases, the "property address" will also be a person's "mailing address", in which case we presume Australia Post would update their "mailing address" record.

Mailing addresses using PO Boxes or RSDs etc. will not be affected by Council's action. Council is therefore not changing people's mailing addresses.

- 4. To have mail redirected there is a fee and will the Council be paying that fee?**

Mail will still be delivered to the same physical location. We therefore doubt a redirection is required.

- 5. Does Council realize the financial and time-consuming cost involved in changing addresses and are the Council going to pay the cost?**

Council is aware there will be some inconvenience and acknowledged this in the letter that was sent, apologising for any inconvenience caused. With necessary changes such as this, clearly not everyone is going to be happy or agreeable to the changes. Unfortunately to continue to ignore the problem is not a solution. Council officers will work with those affected to assist where possible, and where appropriate seek to have the State boundary realigned. Unfortunately, in the majority of cases this will not be an option. I can only empathise with those who ultimately may not be happy with the outcome.

6. Are the Council aware of the cost to change land titles and are the Council going to pay the cost?

Land titles do NOT have to be changed. These rely on "Lot" and "Plan" number descriptions and "Volume/Folio" references which are unique to each parcel of land. None of these will be changed by Council's action. Any future transaction involving the land is based on conveying the title (i.e. Lot/Plan & Volume/Folio) from the vendor to the purchaser. For conveyancing purposes, the "address" is largely irrelevant.

7. Do the Council realize the number of address changes that would be necessary? Some include:

- a) Australian Taxation Office
- b) Victorian Electoral Commission
- c) Centrelink
- d) Medicare
- e) Hospital Benefits Organization
- f) Doctor and Medical Clinic
- g) VicRoads for license. I think there is a fee
- h) Insurance Company for home, contents, car, personal and farm insurance
- i) Bank and banking
- j) Shares Register, I know there is a fee
- k) All retailers who I have an account with
- l) Energy Provider
- m) Telecommunications Providers
- n) Workplace
- o) Children's School and Kindergarten
- p) Land Titles Office, I know there is a fee
- q) Charities I support
- r) Library
- s) Working with Children's
- t) Dental Clinic
- u) Myki Account and card
- v) Financial Advisor
- w) Tax Agent
- x) Stock Agent
- y) All my family – we still send letters and cards
- z) All my friends – we also get cards and letters

Many of the organisations listed use addressing systems that are based on the State map base, so they're probably already using the locality Council is proposing to use.

It is acknowledged that there may well be some changes necessary, but with respect, I am sure it is not as onerous as it may seem. As an example, I relocated to Colac from WA in 2017, I have had two addresses in Colac, and now my address is in Ballarat. I have physically changed my address three times, and any changes required have all been possible using the internet by simply updating my profile in the particular site. This may not actually be required with these proposed changes as the physical location isn't actually changing.

Nasser Kotb, Forrest

- 1. Considering that the Council had more than two years to get its financial management tools in order, and according to the value written in the Council Plan, TRANSPARENCY, would the Council provide the employment profile (financial) of the Council as on 31 May 2020, categorised according to employment types (agency supplied – temp – casual – part time – full time etc.) for various Council departments?**

Response from General Manager, Corporate Services

Council is required to prepare and disclose this (and more) information in its Annual Report each year. The data for year ending 30 June 2019 can be found in the 'Our People' section of the 2018/19 annual report, commencing on page 26. Data as at 30 June 2020 will be available once the 2019/20 Annual Report has been prepared, which is expected to be in September/October 2020.

- 2. The Council weed control strategy is questionable at best. Objective 4 of Colac Otway Shire Council Plan 2017 - 2021 is: "*Leadership in natural environment through good management practices*". Certainly this objective, as is many Council documents, is produced to collect dust on the shelves (too many examples to even mention). Council practices with its weak leadership need reform. Would the Council consider ceasing the use of chemicals harmful to our pristine environment and seek to use environmentally-friendly material to align with Council's stated objective?**

Response from General Manager, Development & Community Services

Council undertakes weed control for a variety of purposes in a range of locations. Some control is done to ensure road user safety, while other weed control is undertaken to prevent weeds taking over areas of high conservation value. In order to control the weeds a variety of methods are used that are dependent on the weed being targeted and its location. The use of chemical herbicide is one of the ways to control weeds. While Council is not considering ceasing the use of chemical herbicide, all chemical use is done carefully to ensure the use is in line with the prescribed requirements so that its use is both effective and safe. Council maintains a 'No Spray' Register for people who do not want weed spraying near their property due to health issues or requirements to meet organic farm certification. In addition Council is exploring the use of other emerging weed treatments such as the use of steam and organic based compounds. While Council will look to use these alternatives where possible, at this time the use of chemical herbicide remains an important tool that can be used to effectively control weeds in a manner deemed safe by the National Regulator for Chemical Herbicides.

Leigh Barrett, Colac

1. When will Council publish its timetable engaging the community regarding the transition to *Local Government Act 2020*?

Response from Chief Executive

Council officers have been working in conjunction with Councillors for some months now on the transitional requirements of the *Local Government Act 2020* and will continue to do so over the next two years.

While the *Local Government Act 2020* received Royal Assent in March 2020, its implementation is to be in four stages over the next two years, unless some stages are proclaimed sooner. Engagement with the community will take place over the duration of the transition to the 2020 Act where required by the Act, or in addition to the requirements of the Act if deemed appropriate, in accordance with this timeline (unless proclamation of some stages is brought forward):

Tuesday 1 September 2020

- Governance Rules
- Expenses Policy
- Delegated Committees
- Asset Committees
- Audit & Risk Committee
- Public Transparency Policy

Thursday 17 September 2020

- Mandatory candidate training

Friday 24 February 2021

- Councillor Code of Conduct

Monday 1 March 2021

- Community Engagement Policy

Friday 30 April 2021

- Gift Policy

Wednesday 30 June 2021

- Councillor Induction Training – within 6 months after the Oath is taken
- Annual Budget
- Revenue and Rating Plan

Sunday 31 October 2021

- Financial Plan
- Council Plan
- Community Vision
- Annual Report

Friday 31 December 2021

- CEO Employment and Remuneration Policy
- Workforce Plan
- Recruitment Policy
- Staff Code of Conduct
- Complaints Policy
- Procurement Policy

Thursday 30 June 2022

- Asset Management Plans

Should Council resolve at the June Ordinary Council meeting to exhibit the Governance Rules and the draft Local Law No 4, the first of the community engagements triggered by the 2020 Act will commence. Engagement will also be undertaken with respect to the Public Transparency Policy.

The next key aspects of the Act requiring community engagement are with respect to the development of the Community Vision and the Community Engagement Policy.