

## **Questions Submitted in Writing – Ordinary Council Meeting – 26 August 2020**

### **Mark Hanlon, Irrewarra (resubmitted)**

Meredith Park has a history of mismanagement which has seen a rise in undesirable people misusing the 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 then rob them.

- 1. Are the Council aware that the toilet facility recently built is flawed in its design for where it is situated?**
- 2. Are Council aware that the toilet paper is being driven by the wind out of the toilet block and then blown around camping ground and into surrounding farmland?**

### ***Response from General Manager, Infrastructure & Leisure Services***

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.

### **James Judd, Colac**

- 1. Due to some wind farms being told to keep power production to below capacity as a result of load limits that can safely [be] handled by the grid network, will this have any impact on the proposal by the Colac Otway Shire Council to purchase electric power from renewable sources? Plus production figures are dependent on how much Council is able to charge wind farms so if this is reduced will we see more cut backs in Council's budgeted works?**

### ***Response from General Manager, Development & Community Services***

Green Power is sourced from a national pool of accredited renewable generators (wind, solar and hydro) by electricity retailers who purchase Renewable Energy Certificates (REC) that are awarded to renewable energy generators supplying energy into the National Energy Market (NEM).

Council's electricity contract for 100% renewable electricity is guaranteed by the retailer and any load limits imposed on individual generators will not impact on Council's ability to purchase green power.

Utilities such as electricity are purchased under a contract with agreed and known costs to Council for the term of the contract, which allows for accurate budgeting.

2. **Since Council advised the two most expensive ways to settle Council accounts are still listed as options to pay Council accounts, when will the Colac Otway Shire Council give serious consideration to allowing those in receipt of “Social Security Benefits” (Department of Human Services) to make arrangements to have funds deducted from payments and remitted to Council as a method of paying rates and charges since this method has been granted by many other businesses and Councils for decades, both very large and small operations?**

***Response from General Manager, Corporate Services***

Mr Judd is referring to the provision of Centrepay as a payment method. Council has previously analysed the cost of providing Centrepay and believes it is not a cost effective payment method because:

- Centrelink’s remittance file cannot be uploaded directly to debtor accounts, creating additional administration costs requiring individual journals to be prepared to credit each payment to the correct debtor account
- It could require up to several hundred journals to be prepared each fortnight, representing a direct cost to Council
- Centrelink also deducts a transaction fee from each payment, which has to be borne by Council, representing further journals and direct cost to Council
- Council provides other convenient payment options and methods that allow Centrelink benefit recipients to break their account down to manageable portions.

3. **Why the very big variation between Councils on by how long in advance of meetings questions must be submitted when by mail this Council requires almost a minimum of two days notice is received? A near Council requires notice by noon on day of meeting with another in this region requires email notice by the time the meeting is due to start.**

***Response from Chief Executive***

Colac Otway Shire has set this timeframe to allow officers sufficient time to provide the best possible, most comprehensive response to a member of the community submitting a question to Council.

4. **Now that a health field source has claimed that masks are to be included in general household waste in a widely distributed newspaper, when will the Colac Otway Shire Council come out in the open and advise about how to safely dispose of masks, since on the garbage collection calendars it stipulates that all medical waste is not to be put in any bin? If this is not corrected promptly, we will have a far wider and uncontrollable spread of this virus trouble.**

***Response from General Manager, Development & Community Services***

Unless contaminated, masks can be disposed of with the general waste, preferably a closed bin. A closed bin is a bin with a fitted lid.

Where the mask is contaminated it should be disposed of in a closed bin, preferably one that does not need to be touched to place a contaminated mask inside. A bin with a foot pedal or other hands-free mechanism to open the lid would be appropriate.

The bin for contaminated masks should contain two bin liners to ensure the waste is double bagged. Double bagging minimises any exposure to the person disposing of the waste.

A mask would be considered contaminated if it:

- has been worn by a symptomatic worker or visitor to the workplace, or
- has been worn by a close contact of a confirmed COVID case, or
- is visibly soiled or damp.

Where a closed bin is not available, the contaminated mask should be placed in a sealed bag (eg. a zip lock bag) before disposal into the bin. The sealed bag and a single bin liner are considered equivalent to double bagging.

Note that this information is on Council's website and has also been communicated via the Colac Otway Shire Facebook page.

5. **Before the Colac Otway Shire Council considered moving the library services from the Corangamite Regional Library Corporation to the Geelong Regional Library Network, what investigation was carried out about the availability of titles divided by the population of both areas to give a genuine average of people in each area to total of services available in each since the Geelong region has a far larger population and much faster growth projection in population so because the Geelong network has more books against CRLC the average could be far worse?**

***Response from General Manager, Development & Community Services***

Council undertook a Library Services Review prepared by an independent consultant to guide its decision on the future provision of library services. This included an in depth assessment of both the Corangamite and Geelong Regional Library Corporations and their ability to provide high quality library services for our community. Population projections of both regions were considered as part of the review.

6. **Will the Colac Otway Shire Council please reconsider the officer's wording in preparing reports in particular as included in Council agendas? In the August Council Meeting Agenda a number of the items included "no officer declared an interest under Local Government Act 1989 in preparing this report" when this Act was cancelled in March 2020 and replaced by Local Government Act 2020. This is needed now in case any decision made by Council is challenged for being prepared under a non-existing Act.**

***Response from Chief Executive***

The *Local Government Act 2020* is being implemented in four stages over a two-year period. The *Local Government Act 1989* is therefore gradually being repealed over this timeframe. The conflict of interest provisions in the 1989 Act remain in place until repealed on 24 October 2020.

**Graham Costin, Apollo Bay**

1. **Last month Council advised it tracks actual changes in Colac-Otway Shire job numbers through weekly payroll data released by ABS [Australian Bureau of Statistics] Data.**
  - i. **What was Colac-Otway Shire's ABS total number of jobs on 31 March, and based on the latest ABS data, what number of job losses have occurred since that date?**

***Response from General Manager, Development & Community Services***

The most accurate measure of jobs in the Colac Otway Shire comes from Census information. Total number of jobs in Colac Otway at the 2016 Census was 9,571. ABS released information from the Department of Treasury based on weekly payroll data that on 5 May 2020 there were 904 people unemployed in Colac Otway. This is 9.44% of total employment as per the 2016 Census data. We do not currently have information on changes since 5 May 2020.

- ii. **What was Colac-Otway Shire's coastal townships and Great Ocean Road hinterland ABS total number of jobs on 31 March, and based on the latest ABS data, what number of job losses have occurred since that date?**

***Response from General Manager, Development & Community Services***

To our knowledge, ABS has not released the number of job losses since 31 March to a smaller area breakdown than by LGA level.

ABS did release the number of Jobkeeper applications by postcode and as such Council has extracted the below data. It should be noted that this does not include applications for Jobkeeper since May.

**Jobkeeper application data from the ABS as at May 2020**

Postcode	Localities	Number – Jobkeeper applications
3233	Includes Apollo Bay	171
3234	Includes Wye River, Separation Creek, Cape Otway	19
3238	Includes Lavers Hill and district	19
3236	Forrest	16
	<b>TOTAL</b>	<b>225</b>

2. **REMPAN modelling for Colac-Otway Shire shows, prior to COVID-19 and the introduction of social lockdown measures to manage the pandemic, the total employment across all the Shire's industry sectors was estimated at 9,857. REMPLAN estimated the Tourism sector supported 863 (8.8%) of those jobs. For June 2020, REMPLAN estimated total employment has dropped to 9,164, a fall of 7% due to Covid-19 restrictions.**

- i. **What is REMPLAN's June 2020, or more recent estimate, of Tourism sector employment numbers?**

***Response from General Manager, Development & Community Services***

REMPAN has not released this information. Information is provided by industry sector (eg. Food Services) and the portion of those sectors that service the Tourism industry has not been summarised by REMPLAN in the most recent estimates. It should be noted that REMPLAN's COVID-19 impact estimates are based on national averages and are likely not to be representative of the local tourism industry.

**Apollo Bay's Barham River Paradise Scenic Reserve:** The Barham Paradise Scenic Reserve was once a very popular picnic area for locals and visitors alike. Its existence dates back to the early settlement of Apollo Bay in the late 1800s. Many locals and visitors have fond memories of visiting the reserve during their youth. The reserve provided a magnificent and easily accessible backdrop of tall native trees, tree ferns and a pristine creek for family picnics, weddings, tourist visits, outdoor theatre, botanical studies, trout fishing, and the like.

Up until the creation of the Colac-Otway Shire, the Reserve's visitation numbers rivalled, if not exceeded, those of Maits Rest and the Aire Valley Redwoods. However, at present, the reserve is a poor shadow of its former self. The toilet block is badly in need of refurbishment. Other structures, such as bridges and fences are in poor repair. The lack of upkeep is causing community unhappiness, and the Reserve is not fulfilling its potential for community recreation or to attract tourism.

- 1. Is Council the agency responsible for maintenance of this reserve?**

***Response from General Manager, Development & Community Services***

The reserve is Crown land managed by Council.

- 2a. If Council is the responsible agency, will Council partner with the community (eg. Barham River Catchment Landcare) and other stakeholders (eg. Barwon Water) during 2020/21 to restore the Reserve to its former splendour for the benefit of locals and to provide tourists with a further reason to stay overnight in or around Apollo Bay?**

***Response from General Manager, Development & Community Services***

Council has no specific budget to complete works at this site for 2020/21. Prior to this request, Council has not received requests from the community to complete any works to improve the site. In saying that, Council would be happy to work with community organisations to improve the area. However, should funds be required to do so, this would require consideration through 2021/22 budget deliberations.

- 2b. If Council is not the responsible agency, will Council partner with the agency responsible, the community and other stakeholders to restore the Reserve to its former splendour for the same outcomes?**

***Response from General Manager, Development & Community Services***

As this is Crown land, Council could investigate opportunities to partner with the Victorian Government to undertake improvements to the site.

**Nasser Kotb, Forrest**

- 1. In addressing the agenda item 10.1 (of the Council Meeting on 22 July 2020), an alternative motion was presented for voting, instead of the officers' report:**

**A. What are the reasons the Council has chosen to present an "alternative motion" to the "Officers' report" to vote on item 10.1?**

**B. Would the neglect to discuss and vote on the "officers' report" be considered a waste of ratepayers' money and Council resources?**

- C. Was any Council officer consulted regarding the alternative motion before the meeting?**
- D. Is the Council decision to present an “alternative motion” in violation of Section 60 - subsection 3a of the *Local Government Act 2020*?**

***Response from Chief Executive***

When considering any agenda item before Council, it is possible for a Councillor to propose an Alternative Motion, as was the case with the item in question. There is no requirement that Councillors acknowledge the recommendation of officers, or consult Council officers of these prior to the meeting.

In my mind, there is no doubt that the opinions expressed by officers were considered but not necessarily acknowledged by all in the debate of this item in the Council Chamber. We may all have our views on the decision that was ultimately made, but I am comfortable that a proper democratic process was followed and that there is nothing unlawful about the decision.

For the record, with respect to your reference to the *Local Government Act 2020*, I believe you may have been referring instead to section 60 (2)(a) which pertains to a Council making decisions “fairly and on the merits”.

- 2. What are the guidelines/regulations/policies governing “nature strips” that the Council applies?**

***Response from General Manager, Development & Community Services***

There are a number of regulations associated with nature strips that Council is responsible for managing. These include provisions under Council’s Local Laws for the planting of vegetation along with provisions for temporary works and/or the placement of a skip bin. Permits need to be obtained in order to undertake these activities. Council does not have a Local Law relating to parking on a nature strip, however Council has powers under the State Government’s Road Safety Rules to take action where required. Action in relation to parking on nature strips is taken where there is a complaint from residents, where there is a safety/access issue or where there is damage being caused to the nature strip.

- 3. Covid-19 restrictions have been with us since February 2020 in different phases. Many residents asked the Council about a governance participation in Council meetings. The reply from the CEO in July 2020 gave a vague answer. The Council needs to adopt a policy to give precise, transparent, honest and clear answers; rather than “yes minister” responses.**
- A. Does the Council provide the link to their action plan for Covid-19?**
- B. Can the Council give clear deadline (dates) to the following:**
- a) Residents who supplied pre-written questions to a meeting can actively participate during question time in Council meetings?**
  - b) Active participation of residents during question time who wish to provide follow up questions?**

***Response from Chief Executive***

The arrangements for the conduct of Council meetings during this pandemic have been based on the directions from the State Government in terms of what has been considered safe within the

level of restriction in place across the region on any given date. As you would be aware, these restrictions have changed regularly over the last 5-6 months and with respect to the facilitation of Council meetings, Council has adapted as flexibly as has been possible.

Prior to the COVID-19 pandemic, Colac Otway Shire Council's meeting procedure did not specifically make provision for community members who pre-submitted meeting questions to more actively participate during question time; only if the submitter was present, time permitted and the Mayor allowed it, could a follow-up question be put to a pre-submitted question. Rather, in practice, provision was made for those who had not pre-submitted questions to address the meeting.

This month, Council has and will continue to trial a more interactive Council meeting by way of videoconferencing technology improvements. Should the trialled technology support it, then post-election, Colac Otway Shire anticipates it will be in a position to allow questions via videoconferencing at its Colac-based meetings, should the State government legislation permitting this be extended. During question time, this will allow the active participation of pre-registered community members the ability to ask a question and should the Mayor allow it, a follow up question also.

4. **The Council decided to spend \$250,000 on the Forrest Caravan Park without any logical foundation for the decision (no EPA data or actual samples analysed or cost-benefit analysis: *only a lame qualitative land capability risk assessment was made* which was offered as Fig leaf and based on a single complaint that the Council officers selectively chose). In addition, we noticed the interest of the Council to give a 20 year lease contract for the new Caravan Park contract in 2021. The Caravan Park operates with the condition to overflow into the Common (which is NOT part of the leased site). However, when the community expressed their interest in benefiting financially from the lease arrangement (considering the Common is a community and NOT a commercial asset), a pathetic response was recently provided from the Council. This raises few questions about the integrity of decision making in the Council.**

- A. Which part (section/clause) of the Local Government Act 1989 or 2020 that prohibits the Council from entering into arrangement with community groups for shared benefits?**
- B. What is the evidence, apart from the trust of CEO in his staff and their gut feeling (*as he mentioned in Feb 2020*) and a single complaint, (eg. consultant report or a written expert advice) that compelled the Council to allocate \$250,000 to a wastewater treatment for one site in Forrest?**

***Response from General Manager, Development & Community Services***

- A. The Local Government Act does not necessarily stop Council from entering into arrangements with community groups, subject to what those arrangements might be. The response regarding lease arrangements that Mr Kotb refers to was not based on the Local Government Act, but based on the principles under which local government operates. Income to Council via rates and other sources such as leases go towards running the municipality as a whole. The projects or areas where Council funds are expended are decided on merit and priority.
- B. Council has allocated funding for the upgrade of the caravan park wastewater system based on complaints from an adjoining land owner concerning untreated effluent entering their property from the caravan park site, independent advice from an expert Land Capability

Assessor engaged by Council to address issues raised in the complaint, and advice from officers on its obligations to comply with State Government environmental regulations.

**Noor Petersen, Forrest**

1. **Roaming ‘free range dogs’ are a nuisance to other pets, chickens and intrusive on private property. What is preventing Colac Otway Shire making it mandatory for all dogs to be on leads within the township of Forrest? When can we expect such signage for the safety and wellbeing of town residents and their pets?**

***Response from General Manager, Development & Community Services***

The main street in Forrest is a designated on-leash area, from the Colac-Forrest Road intersection to Frizon Street. An inspection will be undertaken by Council Officers to ensure signage is adequate and extra signs will be put in place if necessary. Outside of the main street, while dogs are not required to be on leash, they are still required to be under effective control. Issues related to uncontrolled or roaming dogs should be referred to Council’s Local Laws – Community Safety Unit to enable appropriate action to be taken in a timely manner.

**Tim Cobb, Skenes Creek**

**Erosion at Apollo Bay**

1. **Will Council share with the community the updates they have from DELWP on the long awaited action to address erosion at Apollo Bay and Marengo including reports on the viability of a sand shifting pipeline and likely timing of action? Alternatively does the Shire agree with keeping the progress (or lack of it) secret from ratepayers?**

***Response from General Manager, Infrastructure & Leisure Services***

Council has discussed this issue with DELWP which has agreed to provide updates to the community at suitable stages of the project. At the present time the project is in the design stage. It is anticipated that when a concept design has been prepared it will be released to the community for comment and feedback. This will help inform DELWP when it determines how to proceed with works.

**Harbour Development**

**I am pleased to see the Harbour development plan going to this meeting and hope that Councillors will approve its exhibition. Well done to Council staff for getting to this point. I am delighted to see that Council Officers have included in the plan the proposed link along the foreshore/beach from the Harbour to town which has been in all iterations of the plan for the last thirty years.**

2. **Is the CEO aware that most of the Community Representatives would have found it difficult or impossible to support the Development plan without the foreshore/beach pedestrian link which is one of the key City Deal deliverables?**



3. Is the CEO aware that the idea of locating a boardwalk along the beach (rather than on the foreshore) between [the] Harbour and town was initially suggested by DELWP?
4. Is the CEO aware that DELWP are happy that the boardwalk they suggested may be appropriate if it can be built in conjunction with a sand shifting pipeline?
5. Is the CEO aware DELWP now do not support the boardwalk they themselves suggested if it's only for the economic and social linkage required between the harbour and town to complete the City Deal project rather than for the sand removal project?

***Response from General Manager, Development & Community Services***

In response to the questions, Council is very aware of the importance placed by the community on achieving a future pedestrian path link between the central foreshore and the harbour, and that the community representatives on the Harbour Redevelopment Project Control Group had a strong view that this needed to be shown on the draft Development Plan. The potential pathway has been identified on the draft Harbour Development Plan.

Council has had a number of discussions with DELWP and the Otway Coast Committee about how a pathway could be achieved from the central foreshore to the Harbour. The proposed boardwalk along the beach was discussed specifically with DELWP, which has supported this approach in principle subject to further investigations. DELWP has indicated that a possible boardwalk might be able to be achieved in conjunction with infrastructure related to moving sand dredged from the Harbour. Any future boardwalk would be required to meet relevant planning requirements.

**Community Infrastructure Plan**

**The Community Infrastructure Plan started in early 2019. The draft plan was due out in the first half of 2020 and the Shire website still informs us that the final plan is due in July (presumably 2020!!).**

6. Does the CEO acknowledge that the lack of a complete CIP severely compromises the ability of the Shire to apply for funding for any community infrastructure projects in Apollo Bay/Skenes Creek/Marengo?

***Response from General Manager, Development & Community Services***

The Community Infrastructure Plan was originally destined to be completed in the first part of 2020, but has taken longer to complete due to the complexities of the project, and efforts to seek consensus resolution of challenging issue amongst the range of stakeholder groups. There has also been priority placed by Council officers on advancing the Harbour Development Plan component of the project to enable delivery of the City Deal funding upon which it is dependent. The amended timeframe for completion of the project has not impacted on Council's intentions to apply for grant funding to date.

7. Is the delay due to Council or DELWP and what issue is causing the delay? I note that the harbour development plan work is separately resourced/funded in addition to COS budgets under the City Deal so would not have impacted on the CIP.

***Response from General Manager, Development & Community Services***

Council officers managing the project have consciously taken time to resolve challenging issues concerning aspects of the project, and to prioritise the completion of the Harbour component of the Plan. Project management of the CIP and Harbour Development Plan is not funded from the City Deal budget.

- 8. Will the draft CIP go to Council to be approved for public consultation at the September meeting? If not, then what date is currently in Council plans and what date will the CEO commit to?**

***Response from General Manager, Development & Community Services***

Given the pending local government elections, the draft Community Infrastructure Plan will not be presented to Council for consideration until December 2020 at the earliest. Unlike the Harbour Development Plan which is a statutory approval process under the Planning Scheme, Council is unable to publicly exhibit a document such as the CIP during the election period, which extends from 22 September to 24 October. It was considered best by officers to present the draft Plan to the new Council once formed after the election. This delay is unfortunate but could not be avoided. It is hoped that the project will receive a higher degree of community support when exhibited due to the effort of officers to first seek agreement of stakeholders on its contents.

**Leigh Barrett, Colac**

- 1. Has council ever considered that the excrement from the 6,000 to 7,000 bats that made our Botanical Gardens their summer home had become a risk to public health?**

**For the sake of this question they stayed for 100 days excreting once every 24 hours, that is 700,000 lots of dropping, a lot of excrement over the gardens and surrounds, including the adjacent primary school. I haven't seen any public statement from council on this, it has all been about damage to the trees but I may have missed it. I am pleased and relieved to see the action taken to remove the bats from our urban environment.**

***Response from General Manager, Infrastructure & Leisure Services***

Council is committed to managing both the welfare of these endangered animals and the long term sustainability of the Colac Botanic Gardens. Council was concerned at the impact to the environment of the gardens and the community safety and access to the space. A component of the community safety was the issue of Grey Headed Flying Fox excrement. These are the reasons why Council worked so hard to obtain a permit from DELWP to disperse the Grey Headed Flying Foxes to other locations.

**David Walsh, Elliminyt**

**My concern is in regard to the most recent water over the corner of Deans Creek Road, Colac West and the Princes Highway event 21 - 22 August 2020. Video available 3CS and Colac Herald Facebook pages. I have my own photos also taken in regards to this event. I also took photos over the weekend in regard to this.**

**As the owner of the property on the corner and along this road, I have had numerous interactions with Council over the last few years due to the problem at the corner with drainage.**

I would like to praise the work done by Council in the last 12 months for the work of clearing and cleaning the underground drain on Murray Street fronting my property which has fixed the problem on the highway.

The works done along Deans Creek Road and down Jennings Street West has improved the drainage under normal rain events but the problem now is with heavy rainfall and the single under road drain near this corner; it cannot handle the overflow of water from the properties further up Deans Creek Road and Jennings Street, which then overflows the roadside drains, floods down the road and to the Highway Corner.

1. Can another under road drain be added to Deans Creek Road near the other one to direct water to the western side of the road to the Creek which empties into Lake Colac to handle the water in heavy rain events and stop the road from flooding?

With Climate Change it is predicted that heavy rain events will be a regular occurrence and it would be better to fix this now not later.

I would also like to notify the Council that in my opinion a 'Water Over Road' sign was not sufficient and the road as it was, should have been closed to traffic under the circumstances. It was very dangerous, especially at night.

***Response from General Manager, Infrastructure & Leisure Services***

Council officers investigated this matter following a previous flooding event and can confirm that a culvert could be installed to divert the water to the creek on the other side of the road.

We will be undertaking a survey and design in the 20/21 financial year to confirm the size and best location for the culvert and identify costs required for the work. Once the costs are known we will schedule the work to be undertaken as part of our stormwater renewal program, budget permitting.