

Questions Submitted in Writing – Council Meeting – 22 September 2021

James Judd, Colac

- 1. When will the Colac Otway Shire Council review the shocking situation in the Colac region of public toilets with none provided west of Gellibrand Street in Colac proper, plus major developments in Colac west of Corangamite Street and none in Colac West? With the only two sites open 24 hours most days in the entire Colac region at Gellibrand Street and east of Barongarook Creek. Plus most businesses, if they allow people to use their toilets, have a general requirement you must be a customer of theirs and only when open for business.**

Response from General Manager, Environment & Infrastructure

Council provides public toilets west of Gellibrand Street within the COPACC foyer. These facilities are available to any member of the public during opening hours. A privately managed public toilet is also located at the rear of the Woolworths carpark, that is open during the day, 7 days a week. Toilets are also available to members of the public without restriction west of Gellibrand Street at McDonalds and KFC. There is little demand for public toilets outside of business hours within central Colac, however the Memorial Square toilets are available 24hours a day, 7 days a week to service the community after hours.

- 2. How does the Colac Otway Shire Council justify demanding that tenders are only lodged online when this Shire is in one of the worst areas in Victoria for online communications, when online is well known for dropping out multiple times a day and not available to many for a day at a time over large areas in this Shire; or, is this just another attempt to restrict who can lodge a tender with many now working from home and many studies only online the capacity to use this system often cannot meet the demand?**

Response from General Manager, Corporate Services

Moving to receiving electronic submissions has created internal efficiencies and increased probity in the way Council undertakes it tenders and expressions of interests. Tenders are generally advertised for a four-week period to ensure contractors and suppliers have sufficient time to complete their tender and lodge it electronically. Since introducing electronic submissions back in January of this year, Council, to date, has not received any complaints from contractors or suppliers with the removal of the physical tender box.

- 3. Does any public toilet now exist in this Shire that does not demand use of the QR code if to use them? If public use is restricted to certain people who can register via the QR code it is not public but restricted use only. With very few public toilets in this entire Shire plus only some mobile phones can register the QR code.**

Response from General Manager, Environment & Infrastructure

QR code signs displayed at public toilets do not restrict use. State Government legislation now requires that Service Victoria QR Codes are displayed at every public entrance to indoor and outdoor spaces and at points of sale. However, it is only mandatory to check in to supermarkets, retail and food and drink outlets. Council encourages people using public toilet facilities to check in using the QR code, to support the State Government's contact tracing efforts and the health of our community, however it is not mandatory to do so. QR codes are currently placed only at Colac Otway Shire's high use public toilets.

- 4. Since the Colac Otway Shire Council now requires people to register by using the QR code to use Council's public toilets why do you not demand that toilet cleaners use a mask when cleaning toilets? It is a disgrace that the public are ordered to use a mask outside of home yet some who perform work in public places for the Council are not doing the same. As a body that hires people to provide a service is also responsible to see that the law is followed or is subject to being fined for ignoring the law.**

Response from General Manager, Environment & Infrastructure

The Shire does require the current cleaning contractors to wear masks as a part of the current Public Health Order, unless they have a lawful reason not to wear a facemask. Council Officers have not witnessed any breach of this Order nor has this concern been raised directly with Council, so thank you for bringing it to our attention. Council has monthly performance management meetings with the Council Contractor where items identified are raised and addressed.

5. **Since there are laws and excuses used to prohibit people doing something, how does the Colac Otway Shire Council stand if it demands that people register via use of the QR code then refuses any access to urgent needed public toilets run by the Council when refusal can be a deliberate denial of the anti-discrimination laws that also carry a very heavy fine if broken?**

Response from General Manager, Environment & Infrastructure

As explained in an answer to an earlier question the QR Code is provided to assist in contact tracing but the use of it in public toilet facilities is not mandatory. Hence there are no plans to restrict access to public toilets.

Jeff Cooke, Colac

1. **Given that the much publicised achievement of reaching carbon neutral status for Council operations is an important first step in achieving net zero emissions for the whole Colac Otway community, can Council detail when and how the final audit of the carbon neutral status will be made and how the results will be made public?**

Response from General Manager, Environment & Infrastructure

Council uses the services of an independent environmental scorekeeper to track its emissions. The final emissions inventory for 2020-21 has recently been completed and will be published in Council's annual report. As part of Council's carbon neutral claim for 2020-21, Council is currently undertaking a third-party emissions inventory verification according to national standards prior to securing the required carbon offsets for Council's net-zero carbon claim for 2020-21.

Tim Cobb, Skenes Creek

1. **The GORA has taken over management of the commercial campgrounds at Skenes Creek and Marengo which were formerly leased out. Does this mean that the Shire will forego the rates on these two campgrounds in future? What is the cost to the Shire in 2021-22 of the rates foregone?**

Response from General Manager, Corporate Services

Council's Rates department has received no formal advice as yet regarding the custodianship of the land that contains the Skenes Creek and Marengo caravan parks. As such the rateable status of both properties has not yet been considered. At present, both caravan parks are rateable and were levied \$7,345.40 and \$8,195.90 respectively for 2021-22.

2. **What is Council's contribution to the GORA for provision and maintenance of facilities in 2021-22?**

Response from General Manager, Environment & Infrastructure

Council contributes \$6,373 (GST exclusive) to GORCAPA each year for the maintenance of the Apollo Bay Recreation Reserve. This annual allocation increases by CPI each year.

In addition to this amount Council contributes directly to the provision of services that could reasonably be thought of as being related to coastal recreation and tourism services. These include assisting with the provision of temporary toilets at Kennett River and Apollo Bay and assisting with the provision of surf lifesaving services at Kennett River.

Julie Harris, Apollo Bay

- 1. At the August Ordinary Council Meeting I observed a councillor submit an alternative motion to council before an agenda item with recommendations from council officers was able to be submitted for discussion.**

From a ratepayer's perspective this practice, irrespective of the issue/agenda item, demonstrates several undesirable behaviours, which councillors have agreed "they do not want to see." Appendix 3 of the Councillor's Code of Conduct.

It demonstrates "closed mindedness to other people's opinions", in this case to the council officers who have had to prepare well researched and evidenced-based briefing notes to support their recommendation.

It also demonstrates "manipulativeness and game playing". The councillor moving the alternative motion and seconder appear to seek to have the first, longest and last voice on the issue. If no advantage is sought by submitting an alternative motion BEFORE an original recommendation, then there should be no issue with a councillor waiting until the debate phase of the original recommendation to submit their alternative motion. It is important all voices are heard without political advantage seeking/game playing.

In order to "support and foster good working relationships", improve transparency for ratepayers and take positive steps to improve its 58% council satisfaction rating (a key action highlighted in its draft council plan), will the chair no longer allow councillors to submit alternative motions BEFORE an original motion/councillor recommendation in future meetings?

Response from Manager Governance & Communications

The Governance Rules do not oblige Council or Delegated Committees to adopt officer recommendations, nor debate or discuss them. There is no motion on the table until a Councillor moves it and it is seconded. Any Councillor may move an alternative position to that put forward by officers, which it did in this instance. The motion was seconded, and put and carried by the majority of Councillors.

- 2. At the August Ordinary Council Meeting I observed the discussion relating to founding membership of the Barwon South West Climate Alliance. I will declare that I am disappointed in the ultimate decision made by council not to become a founding member, however I am more concerned by the lack of evidence provided by the councillors who proposed and seconded the alternative motion. The council officer's recommendation was supported by well-researched briefing notes, however, there appeared to be no evidence supplied to back-up the alternative motion.**

Did the councillor's contact any other Victoria councils or greenhouse alliances to gather evidence to support their arguments NOT to join the Barwon South West Climate Alliance? Did they visit the Victorian Greenhouse Alliances Web Page <http://www.victoriangreenhousealliances.org/> for further information, including the report on the greenhouse alliances downloadable on the front page? Did councillors contact the G21 Alliance to ask if they were interested/prepared to provide an alternative to the BSW Climate Alliance?

It is very important for all councillors to have a voice during meetings, however, from a ratepayer's perspective it is important for reasons of transparency that councillors must provide evidence, at least equal to that of council officers, if they are proposing alternative motions that directly oppose council officer recommendations.

In future, will the chair ask councillors to provide evidence to support their alternative motions, if they are substantially different to, or in opposition to, recommendations put forward by council officers?

Response from Manager Governance & Communications

There is no requirement for a Councillor to provide 'evidence' to support their motion where it differs from an officer's recommendation. If a Councillor wishes to move a motion, alternative to the officer recommendation in the report, then they are entitled to do so. In this instance, the decision made by the majority of Councillors was to support the alternative.

Nasser Kotb, Forrest

1. Council has rejected the opportunity to become a founding member of the "Barwon South West Climate Alliance" to pursue, with another ten councils, climate resilience for their communities. Moreover, the rejection was done through an "alternative!" motion.

1.1 Would the Council explain the reasoning to go against logic, Council plans and community support for tackling climate change and addressing environmental concerns (Colac Otway Community Vision 2050 community engagement survey)?

Response from General Manager, Environment & Infrastructure

Council remains committed to tackle climate change. It's decision not to become a founding member of the Climate Alliance at this stage means that Council is letting others take a lead during this phase, but does not set a position regarding membership with the alliance. Council looks forward to considering membership of the Barwon South West Climate Alliance at an appropriate time.

1.2 Would the Council investigate this wasteful behaviour of disregarding Council officers' recommendations and not even discussing them?

Response from Manager Governance & Communications

The Governance Rules do not oblige Council or Delegated Committees to adopt officer recommendations, nor debate or discuss them. Any Councillor may move an alternative position to that put forward by officers, which it did in this instance. The motion was seconded, and put and carried by the majority of Councillors.

1.3 Some Councillors usage of "alternative motion" facility borders on political games. Would the Council formally investigate this possible breach of LGA 2020 by governance and ethics committee?

Response from Manager Governance & Communications

As discussed in the response to question 1.2, no investigation is warranted as Council has not breached its Governance Rules or the *Local Government Act 2020*.

2. There has been many statements by Councillors and officers recently bragging about "Colac Otway Shire is the first rural municipality in Victoria to achieve 'Carbon Neutrality' across its operations, among other achievements" (alternative motion August 2021 Council meeting).

2.1 Would the Council provide data (rather than political narrative) to show, in numbers, the actual carbon emissions reduction and areas of reduction since 2013?

Response from General Manager, Environment & Infrastructure

Council's emissions summary has been published in the Annual Report each year as well as descriptions of all the major emissions reduction projects and initiatives undertaken by Council.

2.2 When was the last "carbon emission" audit conducted by Council?

Response from General Manager, Environment & Infrastructure

Council uses the services of an independent environmental scorekeeper to track its emissions. As part of Council's carbon neutral claim for 2020-2021, Council is currently undertaking an emissions inventory verification according to national standards.

2.3 Why did the Council decide to spend money on planting trees in a never never land rather than within the Shire boundaries?

Response from General Manager, Environment & Infrastructure

Accredited carbon emissions offsetting (revegetation) programs are not currently available within Council's municipal boundary. Council will continue to explore, investigate and advocate for future options and opportunities for local offsetting through revegetation.

2.4 Has the Council considered instituting an action plan for carbon neutral Colac Otway Shire?

Response from General Manager, Environment & Infrastructure

In addition, in 2013, Council developed a Carbon Neutral Roadmap to provide guidance on the responsible actions it should take to reduce its emissions. Following the recommendations in that roadmap has placed Council in the position it is in today.

- 3. Seaweed cultivation in Australia is a reality. The Australian Seaweed Institute is the driving force behind the sustainable and climate-positive seaweed industry in Australia. There are two land-based operations for *Ulva* spp. cultivation in Shoalhaven, NSW (Venus Shell Systems) and Ayr, QLD (Pacific Biotechnology). Also, two licences were granted in January 2021 to allow a commercial seaweed farm to be established on South Australia's Yorke Peninsula. The Australian Sustainable Seaweed Alliance (ASSA) was launched in July 2021 as the peak body to help accelerate industry growth.**

3.1 Would the Council explore the potential and possibilities of "seaweed cultivation/farming" in the Shire's coastal areas?

Response from General Manager, Environment & Infrastructure

Council is pleased to learn more about the benefits of seaweed farming and would certainly be interested in supporting the concept with suitable organisations who are in the business of turning these ideas into reality.

3.2 Would the Council consider a strategic partnership with FutureFeed to promote decreasing methane production from cattle in the Shire as a component of a strategy to reach Shire-wide carbon neutrality?

Response from General Manager, Environment & Infrastructure

Council is open to exploring collaborations and/or providing support to any programs, projects or organisations that could assist in reducing Colac Otway's community emissions. To date, FutureFeed has not approached Council with a request to collaborate or partner.

4. **The Barwon South West Community Power Hub (BSW-CPH) is a collective of passionate community groups working together to deliver community energy projects that will reduce greenhouse gas emissions, contribute to achieving renewable energy targets and bring local economic benefits to a range of diverse communities and involving stakeholders from the nine LGAs across the region that will include community energy groups, local government representatives, statutory authorities, business associations, regional development leaders, education and technical bodies, community development agencies and skilled and passionate individuals.**

4.1 Would the Council consider strategic partnership with BSW-CPH?

Response from General Manager, Environment & Infrastructure

Council is open to exploring collaborations and/or providing support to any programs, projects or organisations that could assist in reducing Colac Otway's community emissions and assist in transitioning to a renewable energy future.

Council would welcome the opportunity to understand the work of the Barwon South West Community Power Hub group and how their goals and projects might align with Council's.

4.2 Would the Council include the stated objectives of BSW-CPH in the Council's strategic plans?

Response from General Manager, Environment & Infrastructure

The BSW-CPH stated objectives already broadly align with Council's existing policies, plans and strategies in terms of greenhouse gas emissions reduction, transitioning to a renewable energy future both in terms of corporate environmental sustainability and supporting its communities.

5. **Council permits are required for Airbnb (accommodating >5 people) to operate. Due to lack of long term planning, Council rushed to allow a large number of Airbnb in the region (especially Apollo Bay-Forrest-Colac). Consequently, this placed pressure on housing supply and squeezed permanent residents out changing the fabric of local communities. It is not only the businesses' loud voices that should shape the Council decisions. Instead of the Council addressing the deeper issue at hand with long term solutions and owning to their lack of foresight, they declared a crisis!**

5.1 Would the Council consider establishing policies to maintain long term balance between economy, livability and social responsibility?

Response from Acting General Manager, Development & Community Services

Short term rental accommodation in our municipality has been occurring for a long time, particularly in coastal towns in the peak holiday period, but has become increasingly popular with the advent of Air B'n'B and other similar ventures. This is a world wide phenomenon and is not particular to Colac Otway Shire. Local authorities across the world are looking at ways in which the adverse impacts of this form of accommodation can be addressed to improve the availability of housing for local workers. Until a few years ago, planning permits were not required to use housing for short term accommodation – most of this accommodation was established during that time and has existing use rights to continue operating that way into the future under State planning laws. Council has a strong commitment to working with the community to explore ways in which housing affordability and availability issues can be addressed.

5.2 Does the Council have data pertaining to actual housing characteristics in these three towns – e.g. long term rentals, short term rentals (airbnb)?

Response from Acting General Manager, Development & Community Services

Council does not have access to data pertaining to housing characteristics in any town within Colac Otway e.g. long term rentals. Council has data relating to the number of properties in each rating categories.

5.3 Why did the Council’s “Key and Essential Housing Supply Action Plan” fail to include Birregurra and Forrest?

Response from Acting General Manager, Development & Community Services

The Key & Essential Worker Housing Supply Action Plan focussed on Colac and Apollo Bay as the larger urban centres in the municipality experiencing challenges with housing availability for key workers, but it is recognised that these same issues are also being experienced in the smaller towns.

5.4 What is the status of completion of actions CO3-CO6 in Council’s “Key and Essential Housing Supply Action Plan”?

Response from Acting General Manager, Development & Community Services

Council is participating in a project with other Great Ocean Road councils as Stage 2 of the Key and Essential Worker Housing Project to progress actions arising from Stage 1. Of particular relevance to our Shire will be work in that project to develop a model for management of future key worker housing by a community housing trust. Officers are also working with a group in Apollo Bay and other agencies to push for temporary short term accommodation to be made available in Apollo Bay this summer to meet the needs of the peak holiday period, as well as exploring options for longer term accommodation. Council officers are also supporting advocacy efforts to Government for funding support. In Colac there are a range of housing related projects which Council has prioritised to bring on line new housing from greenfield subdivision, including the potential sale and development of land it owns at Bruce Street.