

Questions Submitted in Writing – Council Meeting – 15 December 2021

James Judd, Colac

1. **Of the six claimed toilets managed by the Colac Otway Shire Council in Colac, how many of these are on private property or have requirements that must be provided before access to a location is granted, when at least four of those claimed to exist have restrictions on hours and days they can be accessed? Plus at least two cannot be used on any public holiday or Sunday when this Council is looking to stage some events that will have a large influx of people to the Colac area on some Sundays.**

Response from General Manager, Environment and Infrastructure

Of the public toilets owned and managed by Colac Otway Shire in Colac none are on private property, however three are on Crown Land (Colac Visitor Information Centre, Lake Foreshore car park and Barongarook Creek car park) for which Council is the Committee of Management. Of the six facilities: three are open 24 hours a day, seven days a week, including public holidays. The toilets at COPACC and the Visitor Information Centre are open during venue opening times and the Hesse Street Comfort Station is open all days of the year, however is locked at night from 6pm to 7am.

2. **Has the Colac Otway Shire Council yet established a reserve fund for the costs of replacement of solar panels when it has been claimed by Council that these only have a 10 year warranty on them. So, if to be replaced before end of warranty period, the first installed by Council will soon need to be replaced.**

Response from General Manager, Environment and Infrastructure

Council does not currently operate a reserve fund for asset renewal. We allocate renewal capital works each year in the budget, based on risk and priority of the asset.

3. **How does the Colac Otway Shire Council propose to obtain all the extra land for open space and playing fields needed if the Colac 2050 Growth Plan is to be introduced, since accepting money instead of land when an area is rezoned and subdivided will add no available land to what then exists? Do not forget the Council's claim from re-zoned land can only be paid out of proceeds provided by developers after any money calculated as due to the Victorian State Government is paid in full. When the State introduced a super tax on lands once rezoned by Councils in the Victorian State Budget for 2021-2022.**

Response from General Manager, Development and Community Services

Through residential land development, Council can acquire public open space contributions as a land and/or cash contribution. As Colac continues to grow, particularly to the west as per the Colac 2050 Growth Plan, it is likely that further land will be acquired from land developers for public open space. The Deans Creek Corridor Outline Development Plan will guide the type, amount and location of future public open space required to cater for the needs of our growing population.

4. **Were the rate notices issued by the Colac Otway Shire Council for the 2021-2022 rating year produced after all charges had been authorised by Council since Minutes for Closed Meetings on days submissions heard on rates and budget passed not presented to Council for authorisation until over two months after rate notices issued and sent out? Plus some had already been required to make some payment also well after final date to object to rate notices had long been passed prior to those Minutes presented to be passed by Council.**

Response from General Manager, Corporate Services

The 2021-22 Council budget and the 2021-25 Revenue & Rating Plan were adopted by Council on 24 June 2021. Minutes for that Council meeting were subsequently confirmed at the Council meeting on 28 July 2021. The 2021-

22 rates notices were issued on 10 August 2021. They therefore included rates and charges that had been duly adopted by Council in its budget.

Objections to valuations on the 2021-22 rates notice closed on 10 October 2021. People wishing to pay by instalments were required to pay the first Instalment by 30 September 2021. Any objection received that is ultimately successful results in the subsequent instalment amounts being amended.

- 5. Why has the Colac Otway Shire Council rushed ahead to find land that could be developed to accommodate a much larger population yet refused to make certain all needed facilities to cater for a larger population will exist first? This is typical of the shocking short sighted developments of extended Melbourne over many decades that I have watched closely since the end of WW2 in 1945 when many facilities were not in opened up areas over 40 years later.**

Response from General Manager, Development and Community Services

The Colac-Elliminyt Social Infrastructure Needs Assessment, which was undertaken as part of the Colac 2050 Growth Plan, indicated that Colac already has much of the social and community infrastructure required to cater for a population of 20,000. Further work will be undertaken as part of the Deans Creek Outline Development Plan to determine the community facilities required to service the growth in population.

- 6. Item 10.4 - Irrewillipe Road Planning Scheme Amendment C120cola - Bakerland Development Plan Under Key Information No. 3 the locations of roads is not all correct, so will this item be amended to show Sinclair Street South should be west not as claimed east as a boundary of the site?**

Response from General Manager, Development and Community Services

All planning scheme amendment documentation will be reviewed to ensure it is accurate before being placed on public exhibition early in 2022.

- 7. Is it legal to seek to sell land in Bruce Street Colac since officers claim this is in accordance with disposal of Council lands under the Local Government Act 1989 when the Victorian State Government introduced a new Local Government Act 2020 early in 2021 to replace the 1989 Act? Now much of this new Act is in use.**

Response from General Manager, Development and Community Services

The proposed land sale is compliant with both the *Local Government Act 1989* and *Local Government Act 2020*.

- 8. If the developers of the Bruce Street land now owned by the Colac Otway Shire Council are to be required to make sure facilities to sites are provided by them, when will the Council address the requirement to make sure the location always has access to Colac? As it now stands this area is at grave risk of having no access to Colac when this has happened many times.**

Response from General Manager, Development and Community Services

It is unclear what this question is asking of Council.

Jason Schram, Colac

Relating to the Bruce Street site:

1. **If no development can occur at the Council owned site in Bruce Street until an environmental cut off wall is to be constructed, why would Council have not sorted the cut off wall prior to going out to sell it via an Expression of Interest? As in theory Council could sell the land then determine not to build the wall therefore making the land undevelopable.**

Response from General Manager, Development and Community Services

By running components of the project concurrently this allows the development of land to occur in a more timely manner. It is possible that Council could sell the site and require a future developer to construct the wall.

2. **As stated by staff in an answer at November's OCM that in the EOI documents relating to the cut off wall it was clearly communicated what Council's intention was regarding this wall. In the Cut Off wall documents prepared by SMEC on behalf of council it clearly states "SMEC understands the Site is proposed to be sold by Council with the expectation it will be developed for low density residential housing. However, it is understood that Council will subdivide the property, and retain ownership of the strip of land where the cut-off wall will be constructed".**

When is the subdivision of this land to take place and if it is after the sale of the land will Council have to buy it back off the purchaser?

Response from General Manager, Development and Community Services

The strip of land along the northern boundary of the site to be developed with a cut-off wall will be transferred to Council as a reserve on a plan of subdivision that is certified under the Subdivision Act by Council when the purchaser subdivides the site. The land is vested in Council's ownership at no cost through this process.

3. **As Councillors should not make pre-determined decisions, why are Council staff forcing Council to make a decision on retaining ownership of this wall and paying for its construction out of the sale of the land when clearly that needs to be a decision of Council on how to spend public money?**

Response from General Manager, Development and Community Services

Council had previously proposed to construct the cut-off wall prior to transferring the land to a purchaser identified through an Expression of Interest process, with proceeds of the sale to potentially be used to fund the wall construction. Council is considering an officer report in tonight's agenda that reviews this approach.

4. **Are there current bore monitoring sites at Bruce St? If so how many years have they been there and what are the yearly costs of monitoring these bores and what would the yearly ongoing costs be for the proposed new cut off wall and bore monitoring system?**

Response from General Manager, Environment and Infrastructure

There is a network of landfill gas, groundwater and leachate monitoring bores at the former Bruce Street landfill. The initial bores were installed when the landfill was capped and rehabilitated in 2003-04. The cost of monitoring the former landfill annually is approximately \$15,000. The annual cost of managing the bentonite cut off wall and associated bores at the Council land to the south of the former landfill is estimated at an additional \$15,000 in the first year and \$8,000 thereafter depending on maintenance requirements.

5. **As Council under contract 2130 have already gone out for tender of the Cut Off wall with the close date of 20th August 2021, intended final evaluation date of 27th August 2021, intended contract award date 27th October 2021 and intended commencement of contract date 3rd of November 2021. How does Council intend to pay for these works and how can staff pre determine to use the sale of the land at Bruce Street to pay for its construction without a Council resolution to do so?**

Response from General Manager, Development and Community Services

Any works undertaken by Council to facilitate land development on 36-52 Bruce Street would need to be funded from Council's budget. No actions taken to date have committed Council to any course of action regarding the construction of a cut-off wall as no Contract has been entered into for the provision of any works.

6. **Would a Council officer admit tonight on public record that that they have stuffed up the entire process of selling the Bruce Street site by not determining what Council is to do with the cut off wall and bore sites, who will be responsible for its construction, who will retain ownership of the wall and its buffer land, how Council will pay for it and by going out for an EOI to sell the land prior to sorting out this mess?**

Response from General Manager, Development and Community Services

The project approach undertaken is a valid mechanism to achieve Council's aims and objectives intended through the sale of 36-52 Bruce Street, which is to open the land up for residential development, facilitate social housing outcomes for Colac and achieve a financial benefit to Council. However, having a greater understanding of the construction and land markets, Council now sees an opportunity to amend its approach to the sale of this land, including leaving the construction of all infrastructure to the purchaser.

Good project governance means Council continually monitors and considers new information, particularly in these uncertain times, and we are now seeking further direction from Council that takes into consideration our current market opportunities. This approach is a matter that will be considered at today's Council meeting.

7. **Will Council please end the EOI process and go back to the drawing board for the future development of the Bruce Street site so you can get it right and so the ratepayers of this community get something in return. You may even find a way to develop yourselves especially if you are to pay for the ongoing costs of the Cut Off wall or rid yourself of that ongoing risk altogether or make some extra cash to pay for the million dollars blown by dodgy deals with the radio contract.**

Response from General Manager, Development and Community Services

As already noted in the answer to the previous question, the project approach taken by Council to date has been a valid one, however a review of this approach will be considered at today's Council meeting.

8. **If council officers have determined that developing the land by Council is too risky by stating "The risks including reputation, financial, resource, cash flow etc. would be high or very high" why would this not be applied to Council purchasing residential lots of land to build social housing? Why would this point in the recommendation not give the State Government or social housing providers first option at purchasing lots as they are responsible for Social Housing and not local Councils.**

Response from General Manager, Development and Community Services

Should Council resolve to purchase land back at market value from a developer, this is considered to be a significantly lower risk to Council than undertaking a residential sub-division development.



Council will continue to work with Homes Victoria and housing providers to identify opportunities for the development of social housing in Colac through the Big Housing Build, including future residential land development at 36-52 Bruce Street.

9. **As the executive summary lists everything that was raised by submitters in the community consultation about the faults of the process and not getting the best outcomes for the ratepayers have the Council learnt any lessons from this that they probably should do community consultation as a starting point as we would be 6 months further along the track and based on the new recommended timeframes would have a development plan in progress by now and also saved many tens of thousands of dollars of public money?**

Response from General Manager, Development and Community Services

The consultation process undertaken through S189 of the *Local Government Act 1989* was appropriate for Council to determine if it should dispose of 36-52 Bruce Street. This process did not seek input on the manner in which the land would be sold.

Of the funds spent to date, much of the work remains useful and doesn't require re-work. Therefore, the majority of the costs incurred to date would have been expended whichever approach was taken.