

**QUESTIONS AND RESPONSES TO QUESTION TIME
TUESDAY, 25 OCTOBER 2016**

The following questions were addressed to the above meeting. Some questions were adequately responded to at the meeting, however others required a more detailed response in writing.

This document includes both verbal and written responses.

Roland Orchard addressed the Administrators in relation to the Saleyards:

- 1) Can the Administrators make such a decision that is detrimental to a large farming community legally in the absence of a democratically elected Council? Is this not exceeding a mandate where the Administrator's action cost shift and the consequences cause financial hardship to a section of ratepayers having to meet unreasonable transport costs to Ballarat and Colac?

Kathy Alexander responded that yes, we can make that decision as we have all the powers of the previous Council.

- 2) Is the closure of the Saleyards more of a business opportunity if properly managed, rather than the economic penalty on the farming community. Isn't the viability of the yards, the jobs available and the protection of rural ratepayers more important than the frivolous use of funds on flags and street decorations at least until Geelong stabilises economically?

Kathy Alexander understood the sentiment by which the above opinion was made but pointed out the previous Council resolved to close the facility. Obviously that closure has happened earlier than expected. We support the need for strategic investment in Geelong farming and we have agreed to consider the views of those affected. We have asked people to put options to us and to date I don't believe we have heard a lot of alternate options. We are also interested to talk to farmers about how Council can support the industry going forward.

Eric Gold expressed concerns regarding Council's use of herbicides in the children's playground in Katoomba Court, Hamlyn Heights. The areas where the herbicides have been applied have shown no signs of regrowth in the past twelve months or more. This leads me to believe that one or all of the following may be occurring:

- 1) The concentrate dilution ratio is excessive;

Vicki Shelton responded that Council uses the recommended chemical rate of 10ml per litre of water and at this site uses the small 5litre hand held spray units.

- 2) The application rate per square metre is excessive;

Vicki Shelton responded that Round-up is a contact herbicide and will only kill green material it comes in contact with. Once it hits the soil it becomes deactivated and breaks down.

- 3) The reapplication interval is excessive.

Vicki Shelton responded that the reserve is sprayed at 6 monthly intervals.

Will Council please provide a copy of its procedures which ensure that none of the above are occurring?

Vicki Shelton indicated she would provide a copy of the information.

Will Council please provide a copy of the sprayers log book for the past twelve months to verify that none of the above have been occurring?

Vicki Shelton advised that the log book is available for our dedicated spray operator not for crews. Parks crews undertake maintenance at Katoomba Park approximately every four weeks. Spraying is generally every six months due to the site conditions (soil etc) being relatively slow growing.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for submitting your questions regarding Council's use of herbicides in the children's playground in Katoomba Court, Hamlyn Heights.

I have provided answers to each of your questions below.

1. The concentrate dilution ratio is excessive

Council uses the recommended chemical rate of 10 ml per litre of water and at this site uses the small 5Lt hand held spray units.

2. The application rate per sq. metre is excessive

Round-up is a contact herbicide and will only kill green material it comes in contact with. Once it hits the soil it becomes deactivated and breaks down.

3. The reapplication interval is excessive

The reserve is sprayed at 6 monthly intervals

4. Will the council please provide a copy of its procedures which ensure that none of the above are occurring?

Copy of our spraying Standard Operating Procedure attached.

5. Will the Council please provide a copy of the sprayers log book for the past 12 months to verify that none of the above have been occurring?

The log book is available for our dedicated spray operator not for crews. Council uses Round-up for its weed control operations. Round-up is a non residual, broad – spectrum contact herbicide which works through the translocation of the chemical through contact with the green leaves of plant material. Parks crews undertake maintenance at Katoomba Park approximately every four weeks. Spraying is generally every 6 months due to the site conditions (soil etc) being relatively slow growing. The odd infrequent spot spraying may occur in between these 6 monthly intervals. Crews brush cut any edges.

If you require additional information please do not hesitate to contact me on 5272 4317.

Gray Barton asked question in relation to Amendment C321:

My understanding is that the developer has submitted a new or adjusted building/permit plan for Amendment C321: the new plan entails no retail/commercial shops bar booking agent and 48 units for accommodation. I await with interest all actual plans and how Portarlington Panel Recommendations have been addressed.

1. Will the building be three or four storeys high or mid level development as panel recommended beside Jenkins Fish Sales (2 storey next door)?

Peter Bettess responded that at this stage Council has not received any development plans for the site.

2. Will road construction be part of the development to reduce congestion and parking due to this development?

Peter Bettess responded that until Council receives a development proposal he is unable to provide an answer.

3. Will the new development comply with all residential compliance codes for both homes beside and around the development including setbacks, bike parking – see panel criteria?

Peter Bettess indicated it has been acted on through the Revisions to the Structure Plan.

Michael Loughnan asked for costs related to subdivisional development (eg road repairs, roundabouts, slip lanes, bus access, drainage, pedestrian safety, land acquisition for all transport and pedestrian movements) to the Council and ratepayers per approved subdivision allotment in the last full tax year?

Please advise as to the contribution from developers per approved subdivision allotment in the last full tax year.

While there is a lag, the current picture of subdivision before Council funded infrastructure should show a clear financial boost to Council funds. This will be needed to meet the heavy investment required to minimise the growing traffic business and personal costs?

Kathy Alexander advised there was a report on this subject presented to Council on 27 September.

Peter Bettess responded that it is actually a complicated issue and it's not possible to answer fully as subdivision applications are considered in the framework of the Planning and Environment Act and the Subdivision Act.

Peter Bettess added the report Kathy referred to is the annual report to Council which only applies to sub divisions where Development Contribution Plans exist.

A written response will be forwarded.

Colin Wallace asked:

At the Ordinary Meeting of Council on 27 September the Minutes of the previous Ordinary Meeting, 16 August were confirmed without any clarification, discussion or dissent among the three Administrators.

Also, arising out of that meeting on 27 September, it was established on public record that the Manager Customer Service and Council Business who is Tim McDonald was responsible for the Co ordinator Governance and Legal Services and therefore had line responsibility for the Minutes of 16 August that were confirmed.

Administrators Kathy Alexander and Peter Dorling were present on both 16 August and 27 September and therefore were in a position to know that the first of my two questions at Public Question Time on 16 August was altered in the Minutes to the extent vital parts of it were omitted without trace – altered so much that my question went from being about this Council to being about a State Government panel – and that the second of my two questions was omitted without trace from the Minutes.

Bearing in mind that the Local Government Act requires the Minutes to be clearly expressed and self-explanatory, which I take to mean clearly expressed and self-explanatory about what did happen, nor clearly expressed and self-explanatory about what did not happen, I am seeking to know if Administrator Laurinda Gardner, who was absent on 16 August, knows about and approves of what was done to the two questions as read out and handed in by me on 16 August and since, even if something was shown to her, I have no way of knowing if it was my questions as read out and handed in and since, in the Minutes of 16 August, it says Council acknowledges the question which on the face of it is a fraudulent statement, for which Manager Tim McDonald, present at the confirmation of the Minutes, in fact sitting right next to the Chair Administrator, bears line responsibility, I am asking would Administrator Laurinda Gardner take a photocopy I have here with me of my two questions as read out and handed in on 16 August to look over and consider for herself, and then compare them to what is in the Minutes that were confirmed without any clarification, discussion or dissent, confirmed in her presence and in her name?

Laurinda Gardner responded she would accept a photocopy of the questions.

**A subsequent written response was provided by the
Manager Customer Service & Council Business in the following terms:**

I refer to your questions raised during Question Time at Council Meeting held on 25 October 2016.

You may be aware that members of the public are entitled to view the proceedings of council meetings, ask appropriate questions and receive responses to those questions.

You may also be aware that my organisation needs to ensure the health and safety of staff and comply with their OH&S and duty of care obligations as employers.

I can confirm that only one question can be derived from what you provided at the Council Meeting dated 16th of August 2016, which was a request to meet with the Chair Administrator. I can confirm that this was noted in the Minutes pertaining that meeting and that a written response was provided to you by the Chair Administrator dated 22 August 2016.

We dispute your assertion that not all questions were included in the minutes, rather, the remaining portion of your submission was determined by a qualified legal practitioner to comprise a series of statements rather than questions. Accordingly, and as you have previously been advised, statements are not recorded in the minutes.

Please be aware that council in accordance with its Meeting Procedure Local Law 2013 has the right to disallow questions or comments that for example embarrass or insult staff, are defamatory, offensive, abusive, vexatious or deemed objectionable.

May I take this opportunity to inform you of your right to refer the matter to the Victorian Ombudsman if you are unhappy with this outcome. The Victorian Ombudsman can be contacted by telephoning (03) 9613 6222 or 1800 806 314 or via the following email address:

Stephen Voorwinde asked a question in relation to the Waurn Ponds Shopping Centre:

Would it be within Council's power to assure the public that more toilets are constructed? The present arrangement is quite inadequate for pregnant women, mothers of small children and the disabled. Even shop assistants complain sometimes about the distance they have to walk to the nearest toilets. I am also speaking on behalf of my wife who has been suffering from MS for the past 45 years.

Peter Bettess responded it wasn't Council's responsibility but would follow up with the Centre Management.

Kathy Alexander thanked Mr Voorwinde for his question and indicated Council would follow up.

Mary Wallace asked:

- 1) Since it is now established that the Co ordinator of Governance and Legal Services Ms Rhiannon Bourke reports to Manager of Customer Service and Council Business Mr Tim McDonald, when did she start reporting to him?
- 2) When was the formal change in Mr Tim McDonald's title, from Manager of Customer Service and Councillor Support to Manager Customer Services and Council Business?
- 3) When Mr Tim McDonald, previously Co ordinator of Customer Services, was appointed Manager of Customer Service and Councillor Support, was the position of Manager of Customer Service and Councillor Support a newly created position and when was the appointment?

Kathy Alexander took the questions on notice.

A subsequent written response was provided by the Manager Customer Service & Council Business in the following terms:

I refer to your questions raised during Question Time at Council Meeting held on 25 October 2016.

Please be aware that Council does not discuss personnel related matters in an open forum.

I can advise that Rhiannon Bourke started reporting to me following the formal amendment of my duties which occurred on 2 September 2015.

My appointment as Manager Customer Service and Councillor Support began on 2 June 2008 following the position being advertised.

Fiona Conroy asked the following in relation to the Saleyards:

Some municipalities across Victoria have managed to support their saleyards and continue to offer a service to their rural communities, despite changing markets. Mt Macedon Shire is an example – that Shire promotes its saleyards via a contemporary web page, has invested in regular maintenance and offers weekly sheep and cattle sales, with through out that is not substantially higher than Geelong's even though our saleyards have not been promoted or maintained for many years.

A quote from the Kyneton Saleyards plan of 2016 "The Kyneton Saleyards are a significant part of the Shire's asset base and facilitate substantial economic activity within the local community. Supporting livestock remains a central focus of the Shire's strategic planning for agribusiness".

Would City of Greater Geelong officers join the Geelong Saleyards Users Group on a fact-finding visit to the Kyneton Saleyards, to see what we can learn that could help us maintain a service for small rural producers in Geelong?

Vicki Shelton responded that Melinda McKenzie (Council's Engineering Department) has made contact and researched local saleyards in Victoria, including Kyneton. We would consider a joint visit following the consultation workshop to be held on the 11 of November.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for submitting your question and comments regarding the operation of the Kyneton Saleyards located within the Macedon Ranges Shire.

Fortnightly sales at Geelong Saleyards have been in place for a number of years and are based on the volume of stock available for sale. Stock numbers do not warrant a weekly sale. During 2016 agents cancelled sales and reduced them to one per month.

In regard to maintenance on the facility the following information is provided. Annual operating budget is around \$410k per annum which covers salaries, utility costs and maintenance. \$50k is allocated to facilities maintenance per annum. \$120k new capital funding was allocated between 2013 and 2016 towards renewal works including concrete flooring and building repair works. \$600k was allocated to the building refurbishment.

Melinda McKenzie, Team Leader Graffiti and Saleyards has been in contact with officers from Macedon Ranges to discuss the operation and management of their saleyards.

We have viewed the web page for the Kyneton Saleyards and note it has good information about the facility. Your suggestion to review our website is noted. We are always looking at new ways to be able to promote the 126 services that the City provides to the community. It's crucial that all community assets service the objective of integrating communities in a safe, cost –effective way. The City wants to ensure the strategic allocation of funding so that Geelong meets the challenges of a large, growing and thriving regional city.

As advised at the Council meeting, site visits to other regional saleyards with Council staff will be considered following the facilitated workshop on the 11th November 2016.

If you require additional information or have any further questions please do not hesitate to contact me.

Lex Gugger asked how are the small farmers going to get stock to market if the Saleyards are closed, and what is the actual reason for doing so?

Kathy Alexander responded that Council is working towards identifying a regional space for the farmers. What happened was that the closure all happened much too quickly. We were wanting to talk to the farmers about how we can support people to transport their sheep and how we could keep the Saleyards open, considering the safety aspects and costs involved.

William Tieppo added he had emailed the Chief Executive Officer of Colac Shire outlining the issues around the sales being held on Thursday. Advice is that they will be getting back to us.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for submitting your question regarding the Geelong Saleyards.

Early in August 2016 safety concerns were raised regarding the condition of the saleyards facility. An engineers report was received on the overhead and pedestrian walkways and other components including loading ramps which identified risks to users. This prompted immediate temporary closure of the Geelong Saleyards to sheep and cattle sales on 22 August 2016.

A report to Council on 9 June 2015 supported the staged withdrawal from Saleyards operations.

I understand that you have been sent an invitation to attend the facilitated stakeholder engagement workshop scheduled for the 11 November to further explore options for the staged withdrawal from saleyards operations.

Invitations are being sent to representatives from the VFF, producers, buyers, agents and transport operators to attend this workshop and will provide the opportunity to discuss the issues you have raised in relation to transport of stock to market.

If you require additional information or have any further questions please do not hesitate to contact me.

Alison Williams asked the following in relation to the Saleyards:

Would you please advise when the forum is to be conducted, its specific purpose and who will be on the invitation list?

Could the Geelong Saleyards Users Group please be provided with a reasonable opportunity to formally present its concerns and solutions to the forum?

Vicki Shelton indicated that a forum conducted by an independent facilitator will be taking place at the Geelong West Supper Room on Friday, 11 November between 1pm and 3pm.

Invitations will be extended to relevant stakeholders such as the VFF, Transport Buyers and Producers and representatives of Surfcoast, Golden Plains, Queenscliffe and Colac Otway Shires to discuss the options and way forward. Representatives from the Geelong Saleyards Users Group to forward names to be included in the invitation.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for submitting your questions regarding the Geelong Saleyards.

The facilitated stakeholder engagement workshop is scheduled for the 11 of November from 1:00 to 3:00pm at the Geelong West Town Hall.

The purpose of the workshop is to ensure all stakeholders have an opportunity to be involved in the discussions relating to suggestions and opportunities to assist local farmers during the current period. The resulting report from the workshop will be used by the Administrators to make decisions about the future of the Geelong Saleyards.

Invitations are being sent to representatives from neighbouring Councils, the VFF, producers, buyers, agents and transport operators as well as the local members of parliament to attend this workshop.

The Geelong Saleyards Users Group shall receive an invitation to the workshop.

If you require additional information or have any further questions please do not hesitate to contact me.

Lex Chalmers addressed Council as follows in relation to the Saleyards:

I understand that the Saleyards decision ('transition') by the previous Council can't be overturned. But Council has overturned the Council's previous (April 2015) decision to retain the Old Geelong Gaol and work with the community to achieve maintenance and its potential?

Why can it overturn the Gaol decision, but not others made by the former Council?

Kathy Alexander responded we can actually overturn the decision of the previous Council. We haven't as yet made a decision on the Saleyards, but have made a decision on the Old Geelong Gaol.

Ian Kelly asked question in relation to the Saleyards:

City of Greater Geelong officers have advised the Geelong Saleyards Users Group that the presence of buyers in sheep yards poses an unacceptable occupational health and safety risk. Contemporary media photos are available of auctioneers in sheep yards from all across Australia, proving this is a common and safe practice. In fact, a photo on the Macedon Shire Saleyards website shows agents and/or buyers in pens with sheep.

We have supplied relevant photos to officers, and others are readily available from almost any edition of the rural press.

- 1) Will the City of Greater Geelong review its position on this common practice, which is both safe and necessary for buyers to select the stock they want?
- 2) Will the City of Greater Geelong disclose to Geelong Saleyards Users Group the full occupational health and safety assessment of the Geelong Saleyards, that was the basis for the sudden and highly disruptive closure of this critically important facility so we can work with you to re-open it as soon as possible?

Kathy Alexander advised there was no reason why you shouldn't have a copy of the Engineer's report.

Vicki Shelton added she had just received the O H & S report on Friday outlining 21 recommendations.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for your question submitted on behalf of the Geelong Saleyards Users Group and the proposal to our officers to utilise pens for sheep sales, rather than the need for auctioneers to use overhead walkways.

The information gathered from the on-site meeting will form part of a further report and actions to inform how the pens can be used for future sales. Some of the areas of concern were the fencing of ramps, gates to holding yards, overhead walkways, timber rails and flooring.

Prior to sales proceeding, access to sheep pens by registered agents and buyers will necessitate an induction of users onto the site. The inductions will include the preparation of Safe Work Method Statements and in the case of agents evidence of public liability insurance. These actions are considered reasonable for the safety of all users of the site.

Quotes are currently being sought for the repair works and once received we will have a better understanding of the extent of works and the timing to complete them.

Early in August 2016 safety concerns were raised regarding the condition of the saleyards facility. An engineers report was received on the overhead and pedestrian walkways and other components including loading ramps which identified risks to users. This prompted immediate temporary closure of the Geelong Saleyards to sheep and cattle sales on the 22 August 2016. A copy of this report has been issued to you.

If you require additional information please do not hesitate to contact me.

Geoff Gugger asked:

The Geelong Saleyards Users Group has put forward a proposal to your officers to use alternate pens for sheep sales, to avoid the need for auctioneers to use overhead walkways.

This is a practical, low cost and sensible solution to officers' concerns about the safety of the walkways.

Would you please advise when we can expect a considered response to our proposal?

Vicki Shelton responded that as a result of the on-site meeting with users, information gathered will form part of the report and actions, which is being prepared at the moment. Some of the areas of concern were the fencing of ramps, gates to holding yards, overhead walkways, timber rails, and induction of users onto the site including the preparation of SWMS.

Kathy added as a result of the reports a lot of things were identified as needing repair. It is a difficult situation when you're thinking there is nothing wrong, yet engineers do. At some point we need to work out what we are going to do in the interim.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for your question submitted on behalf of the Geelong Saleyards Users Group and the proposal to our officers to utilise pens for sheep sales, rather than the need for auctioneers to use overhead walkways.

The information gathered from the on-site meeting with users along with Council's internal OH&S report, will form part of a further report and actions to inform how the pens can be used for future sales. Some of the areas of concern were the fencing of ramps, gates to holding yards, overhead walkways, timber rails and flooring.

Prior to sales proceeding, access to sheep pens by registered agents and buyers will necessitate an induction of users onto the site. The inductions will include the preparation of Safe Work Method Statements and in the case of agents evidence of public liability insurance. These actions are considered reasonable for the safety of all users of the site.

Quotes are currently being sought for the repair works and once received we will have a better understanding of the extent of works and the timing to complete them.

If you require additional information please do not hesitate to contact me.

Jennifer Bantow asked questions in relation to the Old Geelong Gaol:

Are Administrators aware that the City of Greater Geelong advertised on 16 October 2015 for submissions for the Council to retain ownership of the Old Geelong Gaol, and a community committee would be formed to develop ways to maximize its cultural, tourist and community benefit? It was not an advertisement inviting 'Expressions of Interest' to buy the Gaol.

Kathy Alexander responded she would follow up, but understood that it had asked for Expressions of Interest.

Stephen Jumas asked, "Has there already been a decision made to sell the Saleyards"?

Kathy Alexander responded, "No there has been no discussion amongst the Administrators to sell the Saleyards".

Daniel Ryan asked:

Having put forward a practical and constructive proposal to reopen the sheepyards, the Geelong Saleyards Users Group now wishes to work with your officers to develop a solution to enable resumption of local cattle trading.

We believe a practical, low cost and sensible solution to the current block to trading is achievable quickly. Would you please advise when we can meet with officers to progress discussion on a solution?

Kathy Alexander advised there is an opportunity to discuss at the public forum on Friday, November 11 between 1pm and 3pm at the Geelong West Town Hall.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for submitting your question regarding the Geelong Saleyards.

As you are aware all current actions are focused on the sheep pens and the potential to allow sales to resume. Your request for a similar approach to the cattle yards is not considered practicable at this time given the OH&S issues regarding the walkways and that there is no suitable alternate method of selling.

Quotes are currently being sought for the repair works to the sheep pens and once received we will have a better understanding of the extent of works and the timing to complete them.

If you require additional information or have any further questions please do not hesitate to contact me.

Andrew Sloan asked is there a plan, and have any steps been taken to address the occupational health and safety risks identified by Council officers that led to the closure of the Saleyards other than the recent activity resulting from users request to urgently reopen the sheepyards?

Kathy Alexander responded that a detailed report and costing is currently being progressed.

**A subsequent written response was provided by the
Acting General Manager City Services in the following terms:**

Thank you for submitting your question regarding the Geelong Saleyards.

Early in August 2016 safety concerns were raised regarding the condition of the saleyards facility. An engineers report was received on the overhead and pedestrian walkways and other components including loading ramps which identified risks to users. This prompted immediate temporary closure of the Geelong Saleyards to sheep and cattle sales on the 22 August 2016.

Meetings have been held on site with stakeholders and council staff to assess the OH&S risks and actions to rectify and repair loading ramps, railings, flooring and review access to the site to allow for temporary sale of sheep.

Quotes are currently being sought for the repair works.

If you require additional information or have any further questions please do not hesitate to contact me on 5272 4317.