



City of Whitehorse

MINUTES

Special Committee of Council Meeting

**Held in the
Council Chamber
Whitehorse Civic Centre**

379 Whitehorse Road Nunawading

on

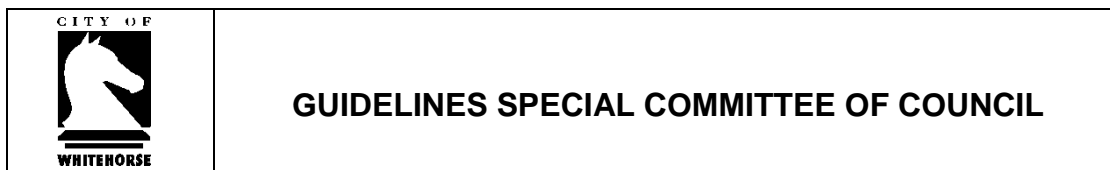
Tuesday 14 March 2017

at 8.00pm

Members: Cr Denise Massoud (Mayor) , Cr Bill Bennett,
Cr Raylene Carr, Cr Prue Cutts, Cr Andrew Davenport,
Cr Sharon Ellis, Cr Tina Liu, Cr Andrew Munroe,
Cr Ben Stennett, Cr Tanya Tescher

Ms Noelene Duff
Chief Executive Officer





OBJECTIVE

To enhance the consultative process and facilitate public participation and involvement of the community in Council decision making in accordance with Council's Corporate Plan strategies – good governance.

PURPOSE OF GUIDELINES

To facilitate public participation and involvement in meetings of the Special Committee. These Guidelines complement Council's Meeting Procedures and Common Seal Local Law 2013.

PROVISION FOR PUBLIC PARTICIPATION

The public has two opportunities to participate in this meeting – either by a submission which may be heard at the start of the meeting, (i.e. **Public Submissions**, refer below) or if the item is on the agenda, immediately prior to consideration of the item, and by **Public Comment** later in the meeting. There is no public interjection during the meeting and speakers are heard in an orderly manner.

Public Submissions:

A submission may be made on any matter, providing it is not in contravention of Council's Meeting Procedures and Common Seal Local Law 2013.

A maximum of 10 speakers will be permitted to make a submission and they will be determined in order of registration.

No individual submission shall exceed three minutes.

Where submissions have been made, under the provisions of any statutory process, further submissions shall not be heard, unless the matter is listed as an item of business on the Special Committee of Council agenda.

Procedures for Public Submissions:

Persons wishing to make a submission to the Special Committee on matters other than land planning matters must directly notify the Committee Clerk, Civic Services Department by 4pm on the day of the meeting and register to speak, by telephoning 9262-6337. The person who registers to speak shall be the person who will make the submission to the Special Committee.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337. The person who registers to speak, shall be the person who will make the submission to the Special Committee.

At the time of registering to speak, that person must indicate whether he or she will be speaking in support of or opposition to any planning permit application or Planning Scheme Amendment (or proposed planning permit application or proposed Planning Scheme Amendment). The Special Committee must not listen to or read anything said by that person unless it is satisfied that, at least four working days before the day of the Special Committee Meeting, a member of Council staff has contacted the person(s) whose interests are inimical to the person who has registered to speak (eg has contacted the planning permit applicant if the person who has registered to speak has indicated that he or she will speak in opposition to the grant of a planning permit application) and invited the first-mentioned person (or a person authorised by him or her) to also register by 4pm on the day of the meeting to attend the Special Committee Meeting and speak.

Persons wishing to table written material must provide 15 copies to the Committee Clerk prior to the commencement of the meeting to enable distribution to Councillors prior to the start of the meeting. No material will be distributed during the meeting by any person, including Council staff.

Requests to speak will be registered strictly in the order of receipt. Speakers for topics not listed on the Special Committee Agenda for the meeting will be heard first, then speakers who wish to cover more than one topic (3 minutes in total, not 3 minutes per topic).

In instances where a number of persons wish to address the Special Committee on the same matter, the Chairperson at his or her discretion may request they nominate a speaker/speakers to represent them.

In accordance with Clause 48.5 of Council's Meeting Procedures and Common Seal Local Law 2013. It is not necessary for Standing Orders to be suspended to allow a person to address the Special Committee, subject to compliance with these Guidelines.

Public Comment:

After the "Other Business" Section of the meeting has concluded, the Mayor will invite members of the gallery to indicate by show of hands if they wish to make a comment. *Only matters pertaining to this evening's meeting are to be commented on, (i.e. a Council Officer report or presentation, and any "Other Business" matters) and a 3 minute period per speaker applies.* A maximum period of 15 minutes shall be provided for public comment. The Mayor will call individuals forward to be heard and they should begin by clearly stating their name. This is a period for comment, not questions or debate *and there is no opportunity for any further **Public Submissions***

ADOPTION AND AMENDMENT OF THESE GUIDELINES

These guidelines were adopted by resolution of Council dated 19 August 2013 and may be further amended by resolution of Council from time to time. The Chairperson at his or her discretion may vary procedures under these Guidelines, at any meeting of the Special Committee.

SUBMISSIONS UNDER S223 OF THE LOCAL GOVERNMENT ACT 1989

A person who makes a written submission under section 223 of the *Local Government Act* 1989 may also request to be heard by a Committee of Council appointed to consider and hear submissions.

Council at its meeting held 30 January 2017 considered a report on Review of Mayoral and Councillor Allowances – Public Submissions; at that meeting Council authorised to give public notice of the proposed allowance and call for submissions under Section 223 of the Local Government Act 1989 (the Act).

In that report the Special Committee of Council meeting to be held Tuesday 14 March 2017 at 8.00pm was identified as the Special Committee Meeting to hear and consider any submissions.

One person requested to be heard in support of their written submission on Review of Mayoral and Councillor Allowances - Public Submissions In line with statutory requirements this speaker has up to five minutes for their verbal submission. (Refer to page 4 of the minutes)

Meeting opened at 7.00pm

Present: Cr Massoud (Mayor), Cr Bennett, Cr Carr, Cr Cutts, Cr Davenport,
Cr Ellis, Cr Liu, Cr Munroe, Cr Tescher

1 PRAYER

1a Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

1b Aboriginal Reconciliation Statement

"In the spirit of reconciliation, Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past and present."

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES:

Cr Stennett has sought a leave of absence for tonight's Special Committee of Council Meeting 14 March 2017.

SPECIAL COMMITTEE RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

That the apology from Cr Stennett be received and that leave of absence be granted for tonight's Special Committee of Council Meeting 14 March 2017.

CARRIED

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES

Minutes of the Special Committee Meeting 13 February 2017

SPECIAL COMMITTEE RESOLUTION

Moved by Cr Carr, Seconded by Cr Ellis

That the minutes of the Special Committee Meeting 13 February 2017 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 PUBLIC SUBMISSIONS

Interested parties who wish to address the Special Committee of Council during the Public Submissions period of the Special Committee Meeting must register with the Civic Services Department by telephoning 9262 6337 by 4pm on the day of the meeting.

Persons speaking will be identified and recorded for Council Minutes and become part of a permanent record of the Council. Please indicate if you do not wish your name to be recorded.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337.

5.1 General Submissions (Other speakers up to 3 minutes each speaker)

- 5.1.1 Ms R Nicholls, Blackburn spoke in opposition to the development at 4-6 Frankcom Street Blackburn.
- 5.1.2 Ms J Lewis, Blackburn spoke in opposition to the development at 4-6 Frankcom Street Blackburn.
- 5.1.3 Mr R Lloyd, Blackburn spoke on the Whitehorse Centre and Budget Surplus.
- 5.1.4 Ms H Favero, Mont Albert spoke on television reception and aerials in Box Hill.

5.2 Review Of Mayoral And Councillor Allowances - Public Submissions (Submissions under Section 223 of the Local Government Act 1989 up to 5 minutes each speaker)

Refer to Agenda Item 6.1 and Attachment 1 & 2

- **Ms Diana Yallop**
Submission 2

N.B Ms Yallop submitted an amended submission prior to the meeting and chose not to present to Special Committee of Council.

6 REPORTS FROM OFFICERS

6.1 Review of Mayoral and Councillor Allowances - Public Submissions

FILE NUMBER:
ATTACHMENT

SUMMARY

The purpose of this report is to hear and consider public submissions received in regard to the review process of Mayoral and Councillor allowances as required under the Local Government Act 1989. Two (2) Submissions have been received and are attached.

SPECIAL COMMITTEE RESOLUTION

Moved by Cr Ellis, Seconded by Cr Munroe

That the Special Committee of Council having noted and considered all written submissions in accordance with section 223 of the Local Government Act 1989, refer all submissions to the Ordinary meeting of Council to be held on Monday 20 March 2017 for further consideration and resolution.

CARRIED

BACKGROUND

Section 74(1) of the *Local Government Act 1989* (the Act) requires Councils to “*review and determine the level of Mayoral and the Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later.*”

This review is a public process and any person has a right to make a submission under section 223 of the Act. This review will determine the allowances that will be payable from the range available for the next four years. The Allowances assist the Mayor and Councillors to perform and fulfill their role as a councillor representing the community.

DISCUSSION

Councillor allowances are indexed annually by the State Government under section 73B of the Act, having regard to movements in the levels of remuneration of executives within the meaning of the *Public Administration Act 2004*, with the most recent adjusted by the Minister for Local Government effective from the time of the new Council taking the Oath of Office. The Minister also advised that payment of allowances cannot exceed more than one month in advance.

Whitehorse Council is a Category 3 – and the range for allowances are:

- Part A Mayor up to \$94,641pa
- Councillors \$12,367pa - \$29,630pa

Council at its meeting held on 30 January 2017 resolved of its intention for the purpose of public consultation and submission to set the allowances at the maximum level of the range.

Part B An amount equivalent to the superannuation guarantee – currently 9.5% is an additional component added to the allowance

To date, Whitehorse Council has paid the maximum amount. A quick survey of a number of other metropolitan Councils has revealed that they also pay the maximum level, with the only exception being City of Kingston.

6.1

(cont)

The Mayor is not entitled to receive a Councillor allowance if receiving the Mayoral allowance. Further Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

Councillors can enter into an arrangement to effectively sacrifice their remuneration before they derive these amounts. Such sacrifice arrangements can be made into a complying superannuation fund and be designated before the payment is made.

Council at its Ordinary Council Meeting to be held on Monday 20 March 2017 will consider all submissions and will resolve on the level of what the limit of the allowances will be for the next four years. Council has received two submissions as attached, with one of the submitters wishing to be heard ie. Ms Diana Yallop. Following the publication of the Special Committee of Council Meeting agenda Ms Yallop submitted an amended submission (as per amended attachment 2) and chose not to present to the Special Committee of Council.

Any such changes are effective from the date of the Council Resolution.




CONSULTATION

Consultation was undertaken with other Councils to compare allowances paid.

FINANCIAL IMPLICATIONS

Budget allocation required to meet statutory requirements.

ATTACHMENT

- 1 Submission 1 
- 2 Submission 2 (Original) 
- 3 Submission 2 (Amended) 

7 OTHER BUSINESS

Nil

8 PUBLIC COMMENT

Persons speaking will be identified and recorded for Council Minutes and become part of a permanent record of the Council. Please indicate if you do not wish your name to be recorded.

Nil

9 CONFIDENTIAL ITEMS

Nil

10 CLOSE MEETING

Meeting closed at 8.26pm

Confirmed this 10th day of April 2017

CHAIRPERSON