



City of Whitehorse

MINUTES

Special Committee of Council Meeting

Held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading
on

Monday 2 December 2019

at 7:00pm

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

Mr Simon McMillan
Chief Executive Officer

Recording of Meeting and Disclaimer

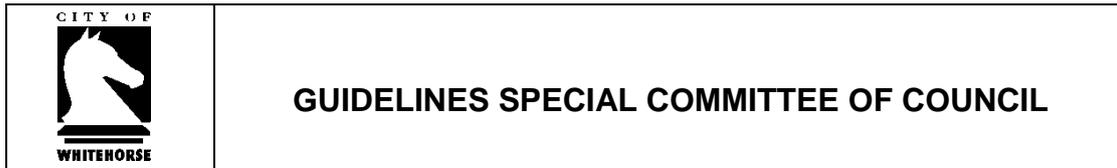
Please note every Special Committee of Council Meeting (other than items deemed confidential under section 89(2) of the Local Government Act 1989) is being recorded and streamed live on Whitehorse City Council's website in accordance with Council's Live Streaming and Recording of Meetings Policy. A copy of the policy can also be viewed on Council's website.

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All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of Whitehorse City Council. Council therefore accepts no liability for any defamatory remarks that are made during a meeting.



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 21 August 2017 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.

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 *21 October 2019*, considered a report on Council Land; at that meeting Council authorised giving public notice of Council's intention to lease land to four not-for-profit organisations, in accordance with Sections 190 and 223 of the *Local Government Act 1989* (the Act).

In that report the Special Committee of Council meeting to be held Monday 2 December 2019 at 7:00pm was identified as the Special Committee Meeting to hear and consider any submissions.

Two people have requested to be heard in support of their written submissions on Intention to Lease Land to Not-For-Profit Organisations, in accordance with Sections 190 and 223 of the Act.

In line with statutory requirements these speakers have up to five minutes for their verbal submission.

Meeting opened at 7:00pm

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

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: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

Cr Carr declared an indirect conflict of interest in Item 6.1.1 Section 223 Submission Hearing: Intention to Lease Land to Not-For-Profit Organisations as she is a member on the board of Family Access Network (FAN).

4 CONFIRMATION OF MINUTES

Minutes of the Special Committee of Council Meeting 11 November 2019.

SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That the minutes of the Special Committee of Council Meeting 11 November 2019 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 submitter)

Nil

5.2 223 Submissions (Speakers: up to 5 minutes each submitter)

The following speakers were heard in support of their written submission:

- Ms. Sue Carlile, Chief Executive Officer Family Access Network Incorporated
Submission 1
- Mr. Michael B Smith, Chief Executive Officer Eastern Community Legal Centre
Submission 2

Attendance

Cr Carr having declared a conflict of interest in Item 6.1.1 Section 223 Submission Hearing: Intention to Lease Land to Not-For-Profit Organisations, left the chamber at 7:18pm, prior to discussion and voting on the item.

6 REPORTS FROM OFFICERS

6.1 CORPORATE

6.1.1 Section 223 Submission Hearing: Intention to Lease Land to Not-For-Profit Organisations

FILE NUMBER: SF08/271
ATTACHMENT

SUMMARY

Council resolved on 21 October 2019 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989 to lease Council owned land to four not-for-profit organisations.

A public notice of Council's proposal was placed in The Age on Saturday 26 October 2019 and displayed for twenty eight (28) days on Council's website. Council received two (2) written submissions by the closing date of Monday 25 November 2019.

RECOMMENDATION

That Council:

- 1. Hear the organisations who have requested to speak in support of their written submissions.***
- 2. Consider the written submissions as part of Council's deliberations.***

SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Bennett

That the Special Committee having received written submissions and having heard from those who requested to speak to their written submissions, refer those submissions to the Ordinary Council meeting to be held on 9 December 2019 for further consideration and for a Council decision.

CARRIED UNANIMOUSLY

BACKGROUND

At the Ordinary Council meeting of 21 October 2019, Council resolved to give notice of its intention to lease land in accordance with Section 190 of the *Local Government Act 1989* to the not-for-profit organisations shown below.

Council also resolved to appoint Council's Special Committee to hear from persons/organisations who have made submissions in accordance with Section 223 of the *Local Government Act 1989* and have requested to be heard in support of their submission.

Proposed Leases:

Address: Part 2-10 Harrow Street, Box Hill
Tenant: Family Access Network Incorporated
Terms:

Proposed Use: Not-for-profit community use
Length of Agreement: Five (5) years with one further term of two (2) years
Commencing Rental: Nine Thousand Dollars (\$9,000) excluding GST

Address: Part 27 Bank Street, Box Hill
Tenant: Box Hill Community Information and Support Incorporated
Terms:

Proposed Use: Not-for-profit community use
Length of Agreement: Five (5) years with one further term of two (2) years

6.1.1
(cont)

Commencing Rental: Three Thousand Nine Hundred and Seventy Dollars (\$3,970) excluding GST

Address: Part 27 Bank Street, Box Hill
Tenant: Eastern Community Legal Centre Incorporated

Terms:
Proposed Use: Not-for-profit community use
Length of Agreement: Five (5) years with one further term of two (2) years
Commencing Rental: Twenty Thousand Dollars (\$20,000) excluding GST

Address: Part 27 Bank Street, Box Hill
Tenant: The Migrant Information Centre (East Melbourne) Limited
Terms:
Proposed Use: Not-for-profit community use
Length of Agreement: Five (5) years with one further term of two (2) years
Commencing Rental: Fifty Nine Thousand Two Hundred and Eighty Dollars (\$59,280) excluding GST

DISCUSSION

The following two written submissions were received:

Submissions	Name & Address	Representing	Summary of Issues Raised
1 (Refer to Attachment 1)	Ms. Sue Carlile Chief Executive Officer Family Access Network Incorporated 1030 Whitehorse Road, Box Hill	Family Access Network Incorporated	<ul style="list-style-type: none"> The tenancy will support young people, young families and children experiencing or at risk of homelessness Strong collaborative history within the City of Whitehorse The foundation of the Family Access Network Incorporated emerged from a Council employee approximately forty (40) years ago
2 (Refer to Attachment 2)	Mr. Michael B Smith Chief Executive Officer Eastern Community Legal Centre Suite 3 Box Hill Town Hall Hub 27 Bank Street, Box Hill	Eastern Community Legal Centre Incorporated	<ul style="list-style-type: none"> Writes in support of the proposal (the intention to lease) Eastern Community Legal Centre Incorporated provides free legal assistance to approximately 3,000 community members each year Priority assistance provided to people experiencing either; family violence, elder abuse, homelessness, disability/metal illness, language/cultural barriers and Aboriginal/Torres Strait Islander peoples Operates a 'Night Service' three nights a week The Box Hill Town Hall Hub Facilities have fallen behind modern expectations and requirements The following matters remain unclear: <ol style="list-style-type: none"> 1) What basis/methodology determined lease rental fees? 2) Is there a maintenance plan/program? 3) Is there a technology plan or upgrade? The proposed \$5,000 increase each year seems excessive and will impact on services

6.1.1
(cont)

The full text of the two submissions are attached.

Within their written submissions both the Family Access Network Incorporated and Eastern Community Legal Centre Incorporated have requested to speak in support of their submissions at Council's Special Committee meeting of 2 December 2019.

CONSULTATION

The consultation timetable for the proposed not-for-profit organisation leases included the following dates:

Statutory advertisement (The Age Public Notice): Saturday 26 October 2019
Closing date for submissions: Monday 25 November 2019
Meeting to hear submissions: Monday 2 December 2019

FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

ATTACHMENT

- 1 Submission 1: Family Access Network 
- 2 Submission 2: Eastern Community Legal Centre 

Attendance

Cr Carr returned to the chamber at 7:28pm, after discussion on Item 6.1.1

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 7:30pm

Confirmed this 10th day of February 2020

CHAIRPERSON