



City of Whitehorse

MINUTES

Special Committee of Council Meeting

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

379 Whitehorse Road Nunawading

on

Monday 10 August 2015

at 8.00 p.m.

Members: Cr Andrew Munroe (Mayor), Cr Bill Bennett,
Cr Raylene Carr, Cr Robert Chong AM,
Cr Andrew Davenport, Cr Philip Daw,
Cr Helen Harris OAM, Cr Sharon Ellis,
Cr Denise Massoud, Cr Ben Stennett

Ms Noelene Duff
Chief Executive Officer



GUIDELINES SPECIAL COMMITTEE OF COUNCIL

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 information below refers to 'General' submissions. Please refer to Page 2 of these guidelines for information on submissions under section 223 of the Local Government Act 1989 heard at Special Committee of Council meetings).

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 22 June 2015 considered a report on *Intention to Sell Land in Accordance with Section 189 of the Local Government Act 1989 (property known as 3 Poplar Street Box Hill)*. In that report the Special Committee of Council meeting to be held Monday 10 August 2015 at 8.00pm was identified as the Special Committee Meeting to hear any submissions.

One person requested to speak in support of their written submission on *Intention to Sell Land in Accordance with Section 189 of Local Government Act 1989*.

In line with statutory requirements this speaker has up to five minutes for their verbal submission.

Meeting opened at 8.00pm

Present: Cr Munroe (Mayor), Cr Bennett, Cr Carr, Cr Chong AM, Cr Daw,
Cr Ellis, Cr Harris OAM, Cr Massoud, 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 we acknowledge the Wurundjeri as the traditional owners of the land on which we are gathered."

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES:

Cr Davenport has sought leave of absence for tonight's meeting and the Special Committee of Council meeting to be held 14 September 2015.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Massoud

That the apology from Cr Davenport be received and that leave of absence be granted for tonight's meeting and the Special Committee of Council meeting to be held 14 September 2015.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES

Minutes of the Special Committee of Council Meeting 13 July 2015

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

That the minutes of the Special Committee of Council Meeting 13 July 2015 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 Intention to Sell Land - 3 Poplar Street, Box Hill – Hearing of s223 Submissions – Refer to report Item 6.1 and Attachment 1 (Speaker – up to 5 minutes)

Mr Tim Ryder, Director of Pro Urban was heard by the Special Committee of Council.

5.2 General Submissions (Other Speakers – up to 3 minutes each speaker)

Nil

6 REPORTS FROM OFFICERS

6.1 Intention to Sell Land - 3 Poplar Street, Box Hill – Hearing of s223 Submission

ATTACHMENTS

SUMMARY

Council resolved on 22 June 2015 to commence the statutory procedures under section 189 and section 223 of the Local Government Act 1989 to sell the Council owned land known 3 Poplar Street Box Hill via Public Tender.

A public notice of Council's proposal was placed in The Age on Saturday 27 June 2015 and on Council's website. Council received one (1) written submission by the closing date of Monday 27 July 2015.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Chong

That Special Committee:

- 1. Hear the person who has requested to speak in support of their written submission.***
- 2. Consider the written submission as part of Council's deliberations.***

CARRIED UNANIMOUSLY

BACKGROUND

The former City of Box Hill purchased the property known as 3 Poplar Street Box Hill (the subject property) in 1972 for \$2,300 and the subject property has been an unimproved since purchase.

The 1972 purchase of the subject property by Council was not funded by a Special Rate Scheme and Council is not bound by any trustee obligations.

Currently, the subject property is being used as an unsealed "at-grade" car park.

Site Features:

The subject property is known as Lot 2 on Plan of Subdivision 71055 with its title description being Volume 8621 Folio 346.

The land area is approximately 594m².

Lease:

In March 1986, Council granted a lease to Box Hill Bowling Club Inc (BHBC) with a term of five (5) years for the bowling club site known as 835 Whitehorse Road Box Hill and that lease included the subject property. Refer Location Plan below.

In December 1990, Council consented to BHBC holding over the lease on the understanding that either party would be required to provide the other with 12 months written notice to vacate.

6.1

(cont)

On 2 July 2012, BHBC was amalgamated with another incorporated association, that association being Box Hill RSL Sub-Branch Inc (Box Hill RSL), and according to Council's lawyers the following applies:

"The amalgamation of the two associations resulted in the formation of the occupant entity and all of BHBC's property vested in the occupant entity pursuant to Section 31(5) of the *Associations Incorporations Act 1981*, which provides that in the event of an amalgamation ***'the property (which includes interests in land) of each incorporated association vests in the incorporated association formed by the amalgamation...without the necessity for any conveyance, transfer or assignment'***."

The new single entity continues to be in occupation of both sites on this basis.

Zoning:

The subject property is zoned "Residential Growth Zone-Schedule 3" (RGZ3) in accordance with the Whitehorse Planning Scheme.

Additionally, the subject property is located within "Activity Precinct D" and "Built-Form Precinct F" of the "*Box Hill Transit City Activity Centre-Structure Plan*" dated June 2007.

The existing zoning of RGZ3 is considered to be the appropriate zoning and it is also considered to be the zoning that will enable the highest possible sale price to Council.

Consequently, the subject property does not require rezoning in accordance with the *Planning and Environment Act 1987*.

Strategic Review:

In 2013 Council's Property & Rates Department undertook a strategic review of all Council owned properties and the subject property was identified as being an underperforming property that was potentially surplus to Council's requirements.

The findings of this strategic review were presented to Council at the Strategic Planning Session in November 2013 where further consideration was supported.

CONSULTATION

The consultation timetable for 3 Poplar Street, Box Hill included the following dates:

Statutory advertisements (Public Notice):	The Age Saturday 27 June 2015
Closing date for submissions	Monday 27 July 2015
Meeting to hear submissions	Monday 10 August 2015

6.1

(cont)

DISCUSSION

The following one (1) written submission has been received:

	Name	Location	Issues Raised
1	Mr. Tim Ryder Director Pro Urban Planning & Project Management (Mr. Ryder represents the purchaser of 837 Whitehorse Road Box Hill)	Box Hill	<ul style="list-style-type: none">• Supports Council's Proposal to Sell the land• Supports Council's finding that the land is surplus to Council's needs and is under utilised• Wishes to see the land available for redevelopment• Wishes Council to consider a private treaty sale because it could realise a greater financial return to Council• If Council consider a private treaty sale method it could consider engaging a Probity Advisor• Selling by private treaty to an adjoining owner via private treaty will allow an amalgamated development site

The full text of the submission is attached.

Mr. Ryder has requested to be heard in support of his submission.

4.1
(cont)

LOCATION PLAN



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 8.12pm

Confirmed this 14th day of September 2015

CHAIRPERSON