



City of Whitehorse

MINUTES

Special Committee of Council Meeting

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

379 Whitehorse Road Nunawading

on

Monday 11 April 2016

at 8.00 p.m.

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

Meeting opened at 8.00pm

Present: Cr Daw (Mayor & Chair Person), Cr Bennett, Cr Carr, Cr Chong,
Cr Davenport, Cr Ellis, Cr Harris, 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 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: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed.

4 CONFIRMATION OF MINUTES

Minutes of the Special Committee of Council Meeting 15 March 2016.

SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud

That the minutes of the Special Committee of Council Meeting 15 March 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 Ms Claire Miller, Blackburn South spoke on over development in the Blackburn area and in opposition to Planning Application 25 Holland Road, Blackburn South.
- 5.2 Ms Susan Schreiber, Blackburn South spoke in opposition to Planning Application 25 Holland Road, Blackburn South
- 5.3 Ms Lorraine Palmer, Blackburn South spoke in opposition to Planning Application 25 Holland Road, Blackburn South
- 5.4 Mr Lorenzo Rigoni, Terrain Consulting Group, spoke on behalf of applicant for Planning Application 25 Holland Road, Blackburn South.
- 5.5 Ms Coral Miles, Blackburn South spoke in opposition to Planning Application 25 Holland Road, Blackburn South

6 REPORTS FROM OFFICERS

- 6.1 Proposed Sale of Land known as 2-4 Bruce Street and 7 Elland Avenue Street Box Hill and Proposed Road Discontinuance adjacent to 7 Elland Avenue, Box Hill 5

6.1 Proposed Sale of Land known as 2-4 Bruce Street and 7 Elland Avenue Street Box Hill and Proposed Road Discontinuance adjacent to 7 Elland Avenue, Box Hill.

FILE NUMBER: SF15/541

SUMMARY

Council resolved on 14 December 2015 to commence the statutory procedures under sections 189 & 223 and Clause 3 of Schedule 10 of the Local Government Act 1989 to sell the Council owned land known 2-4 Bruce Street and 7 Elland Avenue Box Hill and to discontinue the section of road adjacent to 7 Elland Avenue, Box Hill. A public notice with accompanying site plan of Council's proposal was placed in The Age newspaper on Saturday 20 February 2016 and placed on Council's website. Council received forty seven (47) written submissions by the closing date of Monday 21 March 2016.

MOTION

Moved by Cr Harris, Seconded by Cr Ellis

That that Special Committee having noted the written submissions and that no submitter had requested to speak in regard to their submission, refer all submissions to the Ordinary Meeting of Council to be held on Monday 18 April 2016 for further consideration and for final decision.

AMENDMENT

Moved by Cr Davenport, Seconded by Cr Chong

That that Special Committee having noted the written submissions and that no submitter had requested to speak in regard to their submission, refer all submissions to the Ordinary Meeting of Council to be held on Monday 16 May 2016 for further consideration and for final decision.

LOST

A Division was Called

For	Against
Cr Chong	Cr Bennett
Cr Davenport	Cr Carr
	Cr Daw
	Cr Ellis
	Cr Harris
	Cr Massoud
	Cr Munroe
	Cr Stennett

On the results of the Division the amendment was declared LOST

The Motion moved by Cr Harris, Seconded by Cr Ellis was then put and CARRIED

6.1

(cont)

A Division was Called

For	Against
Cr Bennett	Cr Chong
Cr Carr	Cr Davenport
Cr Daw	
Cr Ellis	
Cr Harris	
Cr Massoud	
Cr Munroe	
Cr Stennett	

On the results of the Division the motion moved by Cr Harris, seconded by Cr Ellis was declared CARRIED

BACKGROUND

The current use of 2-4 Bruce Street and 7 Elland Avenue Box Hill is a sealed at-grade eighty four (84) space car park with associated infrastructure such as flood-lighting and ticket machines.

CONSULTATION

The consultation timetable for 2-4 Bruce Street & 7 Elland Avenue, Box Hill included the following dates:

Statutory advertisement (Public Notice with site plan):	The Age Saturday 20 February 2016
Closing date for submissions:	Monday 21 March 2016
Special Committee Meeting to hear submissions:	Monday 11 April 2016 (this meeting)

Site plan displayed in public notice:



6.1

(cont)

DISCUSSION

No submissions were received regarding the proposed road discontinuance adjacent to 7 Elland Avenue, Box Hill.

However, Forty seven (47) written submissions were received regarding Council's intention to sell 2-4 Bruce Street and 7 Elland Avenue, Box Hill and all submissions were written on a template and contained the following:

"I have reviewed your notice of intention to sell council owned land at Bruce Street, and I am opposed to the sale on the basis that there is no proposed condition to retain public car parking on the site.

A reduction of car parking within the Box Hill area will reduce the viability of business opportunities in the Box Hill area as it will reduce the number of customers who can park near the trading areas.

Please consider adding a condition to the proposed Section 173 agreement, which will retain at 40 public car parking spaces on site."

None of the forty seven (47) submissions requested to be heard in support of their submission.

Table #1: List of Submission:

Submission Number	Name
1	Philip Chui
2	D Ong
3	Jia Qian Tan
4	Andrew O'Rourke
5	Tony Crisafi
6	Marcus Chen
7	Li Xin Zhou
8	Tony Kim
9	Gordon Li
10	Bill Au
11	Stephen Ng
12	Rui Ming Luo
13	Cathy Wu
14	Jeremy Tyrrell
15	Sam Li
16	Yang Li
17	Asian Business Association
18	Allan Young
19	(name illegible)

Submission Number	Name
20	Joseph Teoh
21	Zhanpeng Wu
22	Shi Wen Li
23	(name illegible)
24	David Tang
25	Spencer Wong
26	Youwen Zheng
27	David Lee
28	Xia Ting Lin
29	Huan Wu
30	William Wu
31	Kean Kok Wong
32	Zhi Wei Liang
33	Yu Tang Zheng
34	Hongwu Liu
35	Linda Yang
36	Oian Ran Gao
37	Ning Zhang
38	Mary Yang
39	Hee Sung Yang
40	(name illegible)
41	Paul Chen
42	George Mei
43	Ronald Ng
44	Wu Wei Dong
45	Po Shing Chu
46	John Teng
47	Tian Yang Zhang

7.1 Shaoxing Friendship City Conference - 24 - 26 May 2016

Moved by Cr Stennett, Seconded by Cr Bennett

That Council approve the attendance of Councillor Ben Stennett to the Shaoxing (China) Friendship City Conference to be held between the 24th - 26th May 2016 in accordance with Council's policy on travel and attendance at conferences.

CARRIED UNANIMOUSLY

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.

8.1 Mr Colin Carter spoke on Item 6.1

8.2 Mr Martin Friendship spoke on Item 6.1

9 CONFIDENTIAL ITEMS

Nil

10 CLOSE MEETING

Meeting closed at 9.00pm

Confirmed this 9th day of May 2016

CHAIRPERSON