

Minutes

Hearing of Submissions Committee
Tuesday, 7 May 2019

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 5.00pm

Committee:

Cr Rose Hodge (Chair)
Cr David Bell
Cr Libby Coker (Leave of Absence)
Cr Martin Duke
Cr Clive Goldsworthy
Cr Carol McGregor
Cr Brian McKiterick
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 7 MAY 2019 COMMENCING AT 5.00PM

PRESENT:

Cr Rose Hodge (Chair)
Cr Martin Duke
Cr Clive Goldsworthy
Cr Carol McGregor
Cr Brian McKiterick
Cr Margot Smith
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance and Infrastructure – Anne Howard
Acting General Manager Environment and Development – Matt Taylor
General Manager Culture and Environment – Chris Pike
Acting Manager Governance and Risk – Danielle Foster

9 members of the public
0 member of the press
3 members of staff

PLEASE NOTE: These minutes have been amended at 4:56pm, Tuesday, 21 May 2019, due to an administrative error being identified where it was recorded that 8 Councillors voted, when it was in fact, per the meeting attendance, only 7 Councillors who were present and voted at this meeting.

APOLOGIES:

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKiterick

That an apology be received from Cr Bell..

CARRIED 7:0

CONFIRMATION OF MINUTES

Committee Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Martin Duke

That the Hearing of Submissions Committee note the minutes of the meeting held on 16 April 2019 as a correct record of the meeting.

CARRIED 7:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

1. Cr Wellington nominated by Susan and Ralph Peters
2. Cr Wellington nominated by Susan and Ralph Peters
3. 3228 Residents Association Inc. (Represented by Andrew Cherubine)
4. Stewart Mathison
5. The Committee Greater Torquay Alliance (Represented by Andrew Cherubine)
6. Rhonda Bentley
7. Sue O'Shanassy
8. Cr Wellington nominated by Rebecca Ramsden
9. Ian Kelly
10. Rusty Listens – *not listed in the agenda*

BUSINESS:

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1. OTHER MATTERS

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

Author's Title: Coordinator Governance & Corporate Planning **General Manager:** Anne Howard

Department: Governance & Risk **File No:** F18/1898

Division: Governance & Infrastructure **Trim No:** IC19/642

Appendix:

1. Order of Speakers - Draft Local Law No. 2 Meeting Procedures and Common Seal (D19/59537)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present submissions received during the public exhibition of the draft Local Law No. 2 of 2019 – Council Meeting Procedures and Common Seal 2019 (draft Local Law) to the Hearing of Submissions Committee (the Committee), and allow submitters to be heard where they have requested to address the Committee in person.

Summary

At its meeting on 26 February 2019, Council resolved to publicly exhibit the draft Local Law and publish a public notice inviting submissions in accordance with section 223 of the *Local Government Act 1989*.

As a consequence of the public exhibition period, 49 public submissions were received of which six submitters have requested to be heard in person by the Committee, and Cr Heather Wellington has been nominated to speak on behalf a further three submitters. An organisation submission to the draft Local Law has also been included.

Council will consider the draft Local Law for adoption at its Ordinary Council meeting scheduled on 28 May 2019.

Officers have written to all submitters thanking them for making a submission to the draft Local Law and providing a summary of the process.

Summary of Submissions

A total number of 50 submissions were received including 49 community submissions and one organisation submission, all of which are summarised as follows:

Public Submissions

No.	Submitter	Summary of Submission
1.	Individual	Generally opposes changes to the Local Law including: <ul style="list-style-type: none"> The requirement for 3 Councillors to sign a Notice of Motion Changes to public question time Communication and public access to Council more generally.
2.	Individual	Concerned about the requirement for 3 Councillors to sign a Notice of Motion - noted that 2 is enough to start a debate.

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
3.	Individual	Concerned about: <ul style="list-style-type: none"> • Democracy/transparency • Communication and public access to Council more generally • The requirement for 3 Councillors to sign a Notice of Motion • The word limit on Notices of Motion • Community engagement in general.
4.	Joint x2	Opposes change in general. Concerned about communication and public access to Council more generally.
5.	Joint x2	Concerned about requirement for 3 Councillors to sign a Notice of Motion and communication/public access to Council more generally.
6.	Individual	Supports proposed changes in the Local Law.
7.	3228 Residents Association Inc.	Comprehensive 5-page submission. Opposes change in general including: <ul style="list-style-type: none"> • Timing of review • Disagrees with Community Impact Statement general comments • Changes to Clause 21 – Notice of Motion and to Clause 20 – Public Question • Provided suggested alternatives.
8.	Individual	Concerned about: <ul style="list-style-type: none"> • Communication and public access to Council more generally • Requirement for 3 Councillors to sign a Notice of Motion • Questions 'being answered by staff' • Communication and public access to Council more generally.
9.	Individual	Concerned about: <ul style="list-style-type: none"> • Democracy and spontaneity • Opposes changes in general - no specifics.
10.	Individual	Concerned about community involvement and public access to Council more generally.
11.	Individual	Concerned about communication and public access to Council more generally. Opposes changes - no specifics included.
12.	Individual	Concerned about: <ul style="list-style-type: none"> • Communication and public access to Council more generally • Opposes change in general • The requirement for 3 Councillors to sign a Notice of Motion • Proposed changes to questions without notice

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
		<ul style="list-style-type: none"> Perceived attitude of some Councillors towards community Cites Community Satisfaction Survey and an improvement area being 'Making Community Decisions'.
13.	Individual	<p>Opposes proposed changes including:</p> <ul style="list-style-type: none"> Changes to questions without notice Questions being answered by staff Communication and public access to Council more generally Word limit on public questions Requirement for 3 Councillors to sign a NOM Word limit on NOM Livestream option - an invasion of privacy Chairperson's right to disallow a question.
14.	Individual	Opposes proposed changes - no specifics provided.
15.	Individual	Opposes changes relating to transparency and access to Council.
16.	Individual	<p>Does not fully understand changes.</p> <p>Opposed on grounds of restriction on Councillors to represent community.</p>
17.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> Democracy/transparency Requirement for 3 Councillors to sign a Notice of Motion Communication and public access to Council more generally Proposed restriction of questions regarding matters that will be considered at the meeting or a future meeting of Council Word limit on public questions.
18.	Individual	<p>Opposes change in general - no specifics provided.</p> <p>Concerned about communication and public access to Council more generally.</p>
19.	Individual	<p>Opposes changes in general - no specifics provided.</p> <p>Concerned about communication and public access to Council more generally.</p>
20.	Individual	<p>Opposes changes in general - no specifics provided.</p> <p>Concerned about communication and public access to Council more generally.</p>
21.	Joint x2	<p>Opposes changes in general - no specifics provided.</p> <p>Concerned about communication and public access to Council more generally.</p>

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
22.	Moriac Community Network Inc.	<p>Comprehensive 4-page submission.</p> <p>Concerned about:</p> <ul style="list-style-type: none"> • Democracy/transparency • Communication and public access to Council more generally • Proposed restriction of questions regarding matters that will be considered at the meeting or a future meeting of Council. • Questions 'being answered by staff' • Word limit on public questions • Confusing statement/s • Requirement for 3 Councillors to sign a Notice of Motion • Word limit on Notices of Motion • Proposed changes to questions without notice.
23.	Growing Winchelsea Inc.	<p>Concerned about:</p> <ul style="list-style-type: none"> • Updated Local Law differs to other Councils • Transparency/democracy • Requirement for 3 Councillors to sign a Notice of Motion • Timing of review.
24.	Individual	<p>Comprehensive 24-page submission with attachments. Analysis of Local Law and comparisons to others.</p> <p>Opposes:</p> <ul style="list-style-type: none"> • General changes that could affect public engagement with Councillors • Structure of some sections • Process of approving the updated Local Law • The requirement for 3 Councillors to sign a NOM • Proposed changes to questions without notice • Questions being answered by staff • Has other concerns around meetings structure, the law firm's brief for the review and questions around Leave of Absence and the current LG Act.
25.	Individual	<p>Opposes:</p> <ul style="list-style-type: none"> • Proposed changes to questions without notice • Requirement for 3 Councillors to sign a NOM • Word limit on public questions • Word limit on NOM • Communication and public access to Council more generally.
26.	Individual	<p>Concerned about:</p>

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
		<ul style="list-style-type: none"> • Requirement for 3 Councillors to sign a Notice of Motion • Councillors' ability to represent community • Timing of review • Democracy/transparency.
27.	Joint x 2	<p>Comprehensive 3-page submission.</p> <p>Concerned about:</p> <ul style="list-style-type: none"> • Democracy/transparency • Proposed changes to questions without notice • Restriction on Councillors answering public questions • Questions being answered by staff • Word limit on public questions • Requirement for 3 Councillors to sign a Notice of Motion • Word limit on Notices of Motion • Removal of the five minute introduction by a Councillor for their Notice of Motion • Livestreaming of Council Meetings • Timing of review.
28.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> • Requirement for 3 Councillors to sign a Notice of Motion • Timing of review.
29.	Greater Torquay Alliance	<p>Opposes changes in general - no evidence that the current law is not working Efficiently or there are issues with governance.</p> <p>The proposed changes to questions without notice.</p> <p>The requirement for 3 Councillors to sign a NOM.</p> <p>Communication and public access to Council more generally.</p>
30.	Joint x2	<p>Concerned about communication and public access to Council more generally.</p> <p>Perceives restriction on Councillors to represent community.</p>
31.	Individual	<p>Opposes changes generally:</p> <ul style="list-style-type: none"> • Communication and public access to Council more generally • Proposed changes to questions without notice • Questions being answered by staff • Word limit on public questions • Requirement for 3 Councillors to sign a NOM.
32.	Joint x2	<p>Concerned about:</p>

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
		<ul style="list-style-type: none"> • Communication and public access to Council more generally • Proposed changes to questions without notice • Word limit on public questions • Requirement for 3 Councillors to sign a Notice of Motion • Removal of 5 minute introduction by a Councillor for Notice of Motion • Democracy/transparency in general.
33.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> • Proposed changes to questions without notice • Word limit on public questions • Requirement for 3 Councillors to sign a Notice of Motion • Proposed restriction of questions regarding matters that will be considered at the meeting or a future meeting of Council.
34.	Individual	<p>Concerned that:</p> <ul style="list-style-type: none"> • Local Law differs to other Councils - no specifics provided • Democracy/transparency • Perceived restriction on Councillors to represent community • Democracy and representation.
35.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> • Timing of review • Consultation with public • Democracy/transparency • Proposed changes to questions without notice.
36.	Joint x2	<p>Concerned about:</p> <ul style="list-style-type: none"> • Timing and need for a review • Democracy/transparency for the community • Word limit on public questions and changes to public questions in general • Communication and public access to Council more generally.
37.	Individual	<p>Considers changes undemocratic - no specifics provided.</p>
38.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> • Proposed changes to questions without notice • Democracy/transparency • Requirement for 3 Councillors to sign a Notice of Motion • Communication and public access to Council more generally • Perceived restriction on Councillors to represent community.

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
39.	Joint x2	Opposes changes in general - no specifics provided Concerned about: <ul style="list-style-type: none"> • Democracy/transparency • Communication and public access to Council more generally.
40.	Individual	Opposes the proposed changes to questions without notice Concerned about: <ul style="list-style-type: none"> • Communication and public access to Council more generally • Oppose changes to Notices of Motion.
41.	Individual	Concerned about: <ul style="list-style-type: none"> • Proposed changes to public questions • Requirement for 3 Councillors to sign a Notice of Motion • Transparency in general • Restriction on Councillors to answer questions • Perceives restriction on Councillors to represent community • Livestreaming of Council Meetings.
42.	Individual	Concerned about: <ul style="list-style-type: none"> • Timing of review • Proposed changes to questions without notice • Requirement for 3 Councillors to sign a Notice of Motion.
43.	Surfers Appreciating Natural Environment (SANE)	Concerned about: <ul style="list-style-type: none"> • Communication and public access to Council more generally • Timing of review • Proposed changes to questions without notice • Notices of motion - no justification to change existing process.
44.	Individual	Concerned about: <ul style="list-style-type: none"> • Proposed changes to questions without notice • Councillors other than chairperson not being permitted to answer questions • Communication and public access to Council more generally.
45.	Joint x2	Concerned about: <ul style="list-style-type: none"> • The proposed changes to questions without notice • Restriction on Councillor to answer questions • Proposed restriction of questions regarding matters that will be considered at the meeting or a future meeting of Council • Word limit on public questions

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

No.	Submitter	Summary of Submission
		<ul style="list-style-type: none"> • Questions being answered by staff • Removal of the five minute introduction by a Councillor for Notice of Motion • Requirement for 3 Councillors to sign a Notice of Motion • Communication and public access to Council more generally • Democracy/transparency in general.
46.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> • Communication and public access to Council more generally • Perceived restriction on Councillors to represent community • Community's ability to understand and question Council decisions • Democracy/transparency.
47.	Individual	<p>Concerned about:</p> <ul style="list-style-type: none"> • Requirement for 3 Councillors to sign a Notice of Motion • Transparency in general • Perceived restriction on Councillors to represent community • Ability for community to ask questions.
48.	Individual	Perceived restriction on Councillors to represent community
49.	Individual	Opposes the requirement for 3 Councillors to sign a Notice of Motion

Officers also suggest the inclusion of the following provision:

Organisation Submission

No.	Clause No.	Officers' Suggested Change	Comments
50.	20.16 (Add)	To add 'Where multiple questions requiring broadly similar responses have been received, the Chair may read out one statement that answers the matters raised, without the need for each question to be read out individually. The questions and statement shall be recorded in the minutes'.	In order to clarify that this is acceptable practice to improve efficiency of the meeting.

The issues raised in the submissions will be considered in a report to be presented to the Council meeting on 28 May 2019.

Recommendation

That the Hearing of Submissions Committee receives and notes the submissions relating to draft Local Law No. 2 of 2019 - Council Meeting Procedures & Common Seal, and forwards to Council for consideration.

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That the Hearing of Submissions Committee receives and notes the submissions relating to draft Local Law No. 2 of 2019 - Council Meeting Procedures & Common Seal, and forwards to Council for consideration.

CARRIED 7:0

1.1 Submissions to Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal

APPENDIX 1 ORDER OF SPEAKERS - DRAFT LOCAL LAW NO. 2 MEETING PROCEDURES AND COMMON SEAL



Hearing of Submissions
Tuesday 7 May 2019, 5pm
Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

1. Governance and Infrastructure

**1.1 Draft Local Law No. 2 of 2019 - Council Meeting Procedures and Common Seal
Public Submissions Hearing**

Speaker No.	Submission No.	Submitter Name
1.	4	Cr Wellington nominated by Susan & Ralph Peters
2.	5	Cr Wellington nominated by Susan & Ralph Peters
3.	7	3228 Residents Association Inc
4.	28	Stewart Mathison
5.	29	The Committee Greater Torquay Alliance
6.	35	Rhonda Bentley
7.	40	Sue O'Shanassy
8.	44	Cr Wellington nominated by Rebecca Ramsden
9.	46	Ian Kelly

Close: There being no further items of business the meeting closed at enter time 5:50pm.