



MINUTES OF THE HEARING OF SUBMISSIONS COMMITTEE MEETING

MONDAY, 11 MAY 2015

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**MINUTES OF THE MEETING OF THE HEARING OF SUBMISSIONS
COMMITTEE OF THE DAREBIN CITY COUNCIL
HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 11 MAY 2015**

THE MEETING OPENED AT 7.01 PM

1. PRESENT

Councillors

Cr Steven Tsitas (Mayor) (Chairperson)
Cr. Greco
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Angela Vilella
Cr Oliver Walsh (Deputy Mayor)
Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Steve Hamilton – Director Assets and Business Services
Jacinta Stevens – Manager Corporate Governance and Performance
Katia Croce – Coordinator Council Business

2. APOLOGIES

Cr. Vince Fontana is on leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

**4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS
HEARING OF SUBMISSIONS COMMITTEE MEETING**

COMMITTEE DECISION

MOVED: Cr. J. Williams

SECONDED: Cr. T. McCarthy

THAT the Minutes of the Hearing of Submissions Committee meeting held on 25 August 2014 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 PROPOSED GENERAL LOCAL LAW 2015 – HEARING OF SUBMISSIONS

AUTHOR: Manager Economic Development and Civic Compliance

REVIEWED BY: Director Asset and Business

SUMMARY

At its meeting on 16 March 2015, Council resolved to give public notice of its intention to make the proposed General Local Law No.1 2015.

Statutory procedures under the *Local Government Act* 1989 have been completed and 70 submissions have been received.

Six of the submitters have requested to be heard in support their submission. The submitters have been invited to attend the Hearing of Submissions Committee Meeting.

CONSULTATION

- Council has received 70 submissions between 27 March and 27 April 2015. Some of the new proposals that attracted resident's attention most related to the proposed fine for leaving bins out for over 24 hours, storing trailers, boats and caravans on Council roads and the provision to prevent camping in backyards.
- Council officers received 62 news items that were published including front page coverage in The Age, Talk back on 3AW, ABC radio and several commercial television news broadcasts. The media focused on the headlines: 'Suspicious fines', 'Plot Lost At Clown Hall', 'Residents, Minister Rubbish Plans', and 'Backyard Camping Band'. The issue also attracted significant interest on Twitter and Council's Facebook page.
- An information session was held on Friday 17 April 2015 where 12 people attended and a presentation on the proposed General Local Law No.1 2015 was given to Darebin's Environment and Resource Advisory Group.
- Council consulted Neami National (lead mental health agency) and also the Council to Homeless Persons regarding the proposed General Local Law 2015. The Council to Homeless Persons will provide an integrated response as many of their clients deal with the complexities of multiple morbidities on a day to day basis. Therefore the Council to Homeless Persons is best placed to respond to the compounding issues as they may be present 'on the street'. No formal submission has been received to date but the Council to Homeless Persons have indicated they will provide feedback at their earliest convenience.

- Other stakeholders consulted directly:
 - Manager City Development
 - Manager Leisure and Public Realm
 - Manager Community Planning and Customer Service
 - Manager Communications and Marketing
 - Manager Assets and Properties
 - Manager City Works
 - Manager Parks and Vegetation
 - Manager Creative Culture
 - Manager Environment and Natural Resources
 - Manager Major Projects, Engineering & Transport
 - Manager Aged and Disability
 - Officers, team leaders and coordinators from the above departments of Council.
 - Active and Healthy Ageing Community Advisory Board
 - Darebin Aboriginal Advisory Committee
 - Darebin Anti-Racism Strategy Steering Committee
 - Darebin Bicycle Advisory Committee
 - Darebin Community and Kite Festival Reference Group
 - Darebin Disability Advisory Committee
 - Darebin Environmental Reference Group
 - Darebin Health Steering Committee
 - Darebin Housing Advisory Committee
 - Darebin Interfaith Council
 - Darebin Local Safety Committee
 - Darebin Transport Advocacy Committee
 - Darebin Domestic Animal Management Plan Reference Group
 - Neighbourhood Houses
 - Victoria Police
 - Australia Post
 - Disability Groups
 - Liquor Licensing Commission

RECOMMENDATION

THAT Council officers prepare a report for the 1 June 2015 Council meeting addressing the written submissions received and verbal presentations heard in respect of the proposed General Local Law No.1 2015.

REPORT**INTRODUCTION AND BACKGROUND**

At its meeting on 16 March 2015, Council resolved to give public notice of its intention to adopt the proposed General Local Law No.1 2015. A public notice was placed in The Government Gazette on 26 March 2015, the Preston and Northcote Leaders on 24 and 25 March and on Council's website.

Copies of the proposed General Local Law 2015 and the Draft Community Impact Statement were also available at Council Customer Service Centres between March 27 and April 27.

Those persons wishing to make a submission in relation to the proposed General Local Law No.1 2015 were invited to do so by Wednesday 6 May 2015 with any person requesting to be heard in support of their written submission to be heard by a Special Council Meeting of Hearing of Submissions Committee at 7.00 pm on 11 May 2015.

ISSUES AND DISCUSSION

Council has received 70 written submissions in relation to the proposed General Local Law No.1 2015. The following six submitters have requested to be heard in support of their written submissions:

- Doug Sceney
- Rob Mackay-Sim
- Ida and Anthony Elliott
- Jenny Harris
- Ben Crisfield-Smith
- Owen Gager

Copies of all submissions have been circulated separately to Councillors for their information.

Consideration of Submissions

In accordance with sections 119 and 223 of the *Local Government Act* 1989, the Council is required to take into consideration all submissions received in relation to the proposed General Local Law No.1 2015 and after it has made a decision, notify all persons who have made a submission of the decision and the reasons for the decision.

Council has organised the Hearing of Submissions Committee to hear and report to Council on submissions received by Council under section 223 of the Act.

POLICY IMPLICATIONS

Environmental Sustainability

Improvement of the environmental amenity and the protection of wildlife and waterways is a strong consideration in the development of the new local law.

Human Rights, Equity and Inclusion

Darebin's demographics and cultural identity is recognised through the development of the new Local Law 2015.

Darebin's Equity and Inclusion Planning Tool (EIPAT) was developed to determine the key stakeholders that were consulted for the new Local Law 2015. A number of EIPAT groups were identified who were likely to be affected by changes to the local law and these groups were consulted directly. Council's advisory structures and identified external stakeholders were consulted on the development of the new Local Law 2015. Consideration was given to their input and they will be included in the EIPAT prior to endorsement of the Local Law 2015.

In addition to the EIPAT, the Community Impact Statement provides a background to the development of the new law and was prepared in line with best practice principles. The Community Impact Statement details the matters considered when conducting the review. Legal considerations are addressed and it explains reasons for adopting particular approaches.

Economic Development

The objective of the proposed Local Law 2015 is to introduce a robust, transparent and consistent local law which will make it easier for businesses to comply with the requirements. The proposed local law will also address the issues that have been of concern to businesses over the last 10 years.

Other

The proposed Local Law 2015 supports the strategic direction of the Council Plan 2013-2017 in the area of Open and Accountable Democracy:

- Encourage active community engagement in Council decision-making.
- Advocate for equity and social inclusion and always act responsibly and in the best interest of the whole City of Darebin community.
- Govern in accordance with Darebin City Council's Charter of Good Governance.

Other related plans which are important in the proposed local law are:

- Goods on Footpath Activities Policy 2010
- Animal Management Strategy 2009
- Domestic Animal Management Plan 2013-2017
- Open Space Strategy 2012
- GreenStreets Streetscape Strategy 2012-2020
- Recreational Trades in Open Spaces Policy 2014

- Graffiti Management Strategy 2014-2018
- Community Safety Strategy 2012-2016

FINANCIAL AND RESOURCE IMPLICATIONS

The costs associated with community consultation and the statutory processes to develop the new Local Law 2015 are funded from Council's Economic Development and Civic Compliance Department operational budget.

A Post Adoption Community Engagement and Implementation Program for \$40,000 has been submitted through Darebin's 2015-2016 budget new initiatives process. This will fund a comprehensive communication program featuring development and printing of a range of educational materials, marketing and community engagement on the provisions of the new Local Law. This program will also include a series of interactive workshops for Council Officers on the implementation of the new Local Law.

FUTURE ACTIONS

Following the Hearing of Submissions Committee meeting, a report in relation to all submissions received will be submitted for consideration of the Council scheduled for 1 June 2015. The report will include a management response to the issues raised in the submissions.

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

Council Minutes 16 March 2015

Public advertisement:

- The Government Gazette on 26 March 2015
- The Preston and Northcote Leaders on 24 and 25 March 2015
- Council's website
- Darebin Community News

Cr. Walsh temporarily left the meeting during verbal presentation at 7.08 pm and returned at 7.13 pm

PRESENTATIONS

At the invitation of the Chairperson, Cr. Tsitas, the following people spoke in support of their written submission.

(1) Mr Doug Sceney

Mr Sceney spoke to his written submission dated 31 March 2015. Points made during his presentation included:

- *Objection in regard to the proposed Clause 40(c) of the draft Local Law 2015*
- *Disagreed with the Community Impact Statement that the control will not disadvantage the community as it was putting him at a disadvantage.*
- *Mr Sceney also advised Councillors that there are other controls in place to ensure the roads are free of potential hazards and these are controls for oversized and heavy vehicles.*

(2) Mr Rob Mackay-Sim

Mr Mackay-Sim spoke to his written submission dated 27 April 2015. Points made during his presentation included:

- *Not supportive of two controls proposed in the new General Local Law 2015.*
- *The first being Clause 17 Asset Protection of the vehicle crossing.*
- *Clause 17 imposes a new obligation on property owners to maintain Councils asset being a vehicle crossing.*
- *This is not a fair use of power and Mr Sim doesn't understand how costs to repair damage caused to the crossing, by the public, could be recovered by the property owner of the abutting land.*
- *The other control that Mr Sim was not supportive of was the prohibition on the removal of hard waste left out for collection by Council.*
- *It is not clear why this control has been introduced and this will remove the ratepayers the right to salvage through private reuse materials abandoned by their fellow ratepayers/property occupiers through the current disposal arrangements.*

(3) Mr Anthony and Ida Elliott

Mr and Mrs Elliott spoke to their written submission dated 10 April 2015. Points made during their presentation included:

- *Congratulating Council on opening up the general local laws to residential input.*
- *Mr Elliott explained his concern with the current situation of a neighbouring property. The condition of the property and whether the proposed Local Law could be reviewed to include a control to prevent this situation from proliferating.*
- *Mr Elliott is looking for a control that bans clothing from being hung out to dry in the front garden of a property which the visual impact is causing much distress to him and his family.*

- *Mr Elliott advised that Council could address this problem in the same way it is looking to control bins and their location. The same needs to apply to the provision of laundry space issues arising from dual or multiple dwelling developments.*

(4) Ms Jenny Harris

Mr Harris spoke to her written submission dated 26 April 2015. Points made during her presentation included:

- *Ms Harris began with some words congratulating Council on the controls introduced in the proposed new laws.*
- *Ms Harris advised that the issue experienced by the previous person making a presentation could be addressed with the proposed new laws by applying the Clause 29(3) Land and buildings condition and appearance.*
- *There were another number of clauses that were discussed and with each of them Ms Harris reported on her experiences and why she was happy with the new controls.*
- *In closing she also mentioned she was supportive of the new controls about the vehicles left on roads and mentioned how important it was that we kept our streets clear for our cars and how she has had cause to contact Council regarding an abandoned car in the past and fully appreciated that the trailers, caravans and trucks are not to be stored outside houses for long periods of time.*

(5) Mr Owen Gager

Mr Gager spoke to his written submission dated 31 March 2015. Points made during his presentation included:

- *The proposed new laws fail to provide good government.*
- *This being an important policy decision should have been communicated at the last Council elections.*
- *The new laws provide cohesive measures to manage all land, public and private in the Council areas.*
- *Management of any land constitutes a claim by Council which invades common law rights of private ownership of residential land.*
- *Council's power to make local laws are general but Council is using them to make a third rate imitation of a Crimes Act and this is unacceptable.*
- *The laws delegates' power of enforcement to Authorised Officers but there is no information on how these officers are to be trained or of their qualifications.*
- *The proposed local law is not specifically local issues – most of the issues raised are in the same form under discussion in all municipalities.*
- *A particular mention was made in regards to section 29 of the proposed new laws and concerns of those who are not able to spend money on the appearance of their land and building will be fined. The main concern seems to be with house frontages – as assessed by an estate agent selling houses in the street. Or a developer.*
- *The local law constantly claims to protect the community but Council's idea of consultation excludes the placing of proposals before an electorate at an election.*

- *The thrust of this draft is in breach of the Local Government Act – the minister has already condemned certain provisions (bins). The controls fail to limit the other concerns in relation to the provision of waste collection (traffic, bins left upside-down, only half emptied).*
- *The proposed new laws entrenches its own position as a rent – seeking body in local commercial space.*
- *Mr Gager also mentioned that the draft new laws are inconsistent with the common law rights and as such are invalid.*

With leave of the Mayor Mr Alan Hale (resident) addressed the meeting and stated he submitted a written submission and would like to make a verbal presentation although he was not listed to be heard on the Agenda.

MOTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. B. Li

THAT the Hearing of Submissions Committee hears the verbal presentation of Mr Hale.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

COMMITTEE DECISION

MOVED: Cr. T. McCarthy
SECONDED: Cr. B. Li

THAT the Hearing of Submissions Committee hears the verbal presentation of Mr Hale.

CARRIED

(6) Mr Alan Hale

Mr Hale spoke to his written submission dated 31 March 2015. Points made during his presentation included:

- *Mr Hale was fully supportive of the new laws and rejected the claims that they were not representative of what most members of the community want.*
- *Mr Hale believes the controls for the bins are not new and that all neighbouring Councils already have this control in place and has done so for many years.*
- *Mr Hale also was supportive of the controls in connection with the parking of trailers and caravans – he attended a public meeting held in April and was surprised that the residents that attended thought that their registration fees entitled them to ‘parking rights’ – clearly this is not so.*

- *Mr Hale also raised the issue of resourcing and is keen to see how Council intends to implement the new laws – he remains unconvinced that Council will ensure the new local laws are effectively implemented.*

At the conclusion of the presentation, the Chairperson, Cr. Tsitas, thanked the presenters for addressing the Committee in support of their written submissions.

COMMITTEE DECISION

MOVED: Cr. T. McCarthy

SECONDED: Cr. B. Li

THAT Council officers:

- (1) Prepare a report for the 1 June 2015 Council meeting addressing the written submissions received and verbal presentations heard in respect of the proposed General Local Law No.1 2015.
- (2) Writes to all submitters and speakers to thank them for their submissions.

CARRIED UNANIMOUSLY

6. CLOSE OF MEETING

The meeting closed at 7.44 pm.