



# Agenda

## Council Meeting

7.00pm, Tuesday 2 February 2021

Teams

## Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

## Public Question Time

Yarra City Council welcomes questions from members of the community.

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- don't raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

## Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

## Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (tel. 9205 5110).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

## Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

## Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Petitions and joint letters**
8. **Public question time**
9. **Delegates' reports**
10. **General business**
11. **Questions without notice**
12. **Council business reports**
13. **Notices of motion**
14. **Urgent business**



## 1. Acknowledgment of Country

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

- |                          |              |
|--------------------------|--------------|
| • Cr Gabrielle de Vietri | Mayor        |
| • Cr Claudia Nguyen      | Deputy Mayor |
| • Cr Edward Crossland    | Councillor   |
| • Cr Stephen Jolly       | Councillor   |
| • Cr Herschel Landes     | Councillor   |
| • Cr Anab Mohamud        | Councillor   |
| • Cr Bridgid O'Brien     | Councillor   |
| • Cr Amanda Stone        | Councillor   |
| • Cr Sophie Wade         | Councillor   |

#### Council officers

- |                     |  |
|---------------------|--|
| • Vijaya Vaidyanath | Chief Executive Officer                  |
| • Brooke Colbert    | Group Manager Advocacy and Engagement    |
| • Ivan Gilbert      | Group Manager Chief Executive's Office   |
| • Lucas Gosling     | Director Community Wellbeing             |
| • Gracie Karabinis  | Group Manager People and Culture         |
| • Chris Leivers     | Director City Works and Assets           |
| • Diarmuid McAlary  | Director Corporate, Business and Finance |
| • Bruce Phillips    | Director Planning and Place Making       |
| • Rhys Thomas       | Senior Governance Advisor                |
| • Mel Nikou         | Governance Officer                       |

## 3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

## 4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

## **5. Confidential business reports**

Nil

## **6. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Council Meeting held on Tuesday 1 December and Tuesday 15 December 2020 be confirmed.

## **7. Petitions and joint letters**

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration

## **8. Public question time**

An opportunity is provided for questions from members of the public.

## **9. Delegate's reports**

An opportunity is provided for Councillors to table or present a Delegate's Report

## **10. General business**

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

## **11. Questions without notice**

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer

## 12. Council business reports

Item		Page	Rec. Page	Report Presenter
12.1	Active Ageing Advisory Committee membership	8	11	Adrian Murphy
12.2	Audit and Risk Committee Annual Report and appointment of Chair	12	14	Rhys Thomas - Senior Governance Advisor

## 13. Notices of motion

Item		Page	Rec. Page	Report Presenter
13.1	Notice of Motion No. 1 of 2021 - Outdoor Dining	15	16	Sophie Wade - Councillor

## 14. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of urgent business.

## 12.1 Active Ageing Advisory Committee membership

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<b>Reference</b>	D21/4031
<b>Author</b>	Cheryle Gray - Coordinator Community Planning
<b>Authoriser</b>	Director Community Wellbeing

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### Purpose

1. To inform Council that a public Expression of Interest (EOI) process has been completed, as required, to recruit new members for the fourth term of the Active Ageing Advisory Committee (“AAAC”).
2. To seek Council’s endorsement of the proposed new members.

### Critical analysis

#### History and background

3. In 2007 when Council adopted its first River of Life Positive Ageing Action Plan (“the Plan”), it resolved to establish the AAAC. The AAAC is a community committee representing interests of older people living in Yarra. The Terms of Reference state that the purpose of the AAAC is to provide information, support and advice to Council on the needs, interests and well-being of people aged 50 +, with regard to:
  - (a) Development and implementation of the Active Healthy Ageing Strategy and Action Plan;
  - (b) Integration of the eight Age Friendly Cities domains across Council’s planning; community development and service provision activities; and
  - (c) Relevant Federal, State and local government policies and programs.
4. The objectives of the AAAC is to collaborate with Council and the community in raising awareness of ageing and promoting a Yarra culture that responds to the needs and aspirations of all people aged 50+.
5. The Advisory Committee is therefore required to:
  - (a) Support a human-rights based approach, where people of all ages and abilities are included, respected and welcomed;
  - (b) Provide information and strategic advice to Council on matters affecting the needs, interests and well-being of Yarra’s people aged 50+;
  - (c) Act as a conduit for the exchange of information and views between community, Council and other representative bodies on issues affecting the lives of people aged 50 +;
  - (d) Promote independence, well-being and quality of life for all people as they age; and
  - (e) Promote the positive social and economic contribution people aged 50+ make to families and the community.
6. The term of appointment is for four (4) years, with all appointments terminating on the 30 June, following each Council election.
7. The membership consists of eight (8) members who live, work or study in the City of Yarra and one (1) Councillor (appointed annually).
8. Members are not required to be aged 50+, but need to be able to demonstrate an understanding of the issues and challenges facing people aged 50+ to age well in Yarra.



### Discussion

9. To ensure the greatest possible reach emails were also issued via Council to its contacts network which includes seniors clubs, U3A, Neighbourhood Houses and relevant agencies.
10. Nominations were open from the 16<sup>th</sup> November 2020 to 29<sup>th</sup> November 2020.
11. Council sought applicants who could demonstrate their:
  - (a) Capacity to consult and represent a wide range of views;
  - (b) Understanding of the needs of people aged 50+ from diverse backgrounds;
  - (c) Willingness to work with Council to inform stakeholders of activities, outcomes and achievement of the committee;
  - (d) Capacity to analyse information and advice on issues affecting people aged 50+; and
  - (e) Strong knowledge of issues facing people aged 50+ now and into the future.
12. Residents who represented the following backgrounds were encouraged to apply:
  - (a) Different cultural and linguistic background and;
  - (b) Gay, Lesbian, Bisexual, Trans and Intersex (GLBTI) background.
13. The Selection Panel (“the Panel”) comprised three Officers - Manager Aged & Disability Services, the Coordinator Community Planning and Aged and Disability Project Officer.
14. Applications were assessed individually against the above criteria (paragraph 12) and the Panel then reviewed the overall mix and potential membership. Consideration was also given to age, suburb of abode, and gender to ensure that the membership is as representative as possible of the Yarra community.
15. Council received 22 applications for the eight (8) positions available. The Panel was extremely impressed with the diversity of knowledge, skills and community representation reflected in the applications. A two stage assessment process was implemented to ensure that the selection of applicants would be as thorough and reflective of the selection criteria as possible.
16. Whilst all participants responded to the key selection criteria, the final eight (8) selected provided comprehensive responses and showed clear understanding and capacity to meet the objectives of being a member of the AAAC. The nominated applicants also ensure a strong mix of technical and/or professional skills, cultural background, geographic location, age and gender on the AAAC moving forward.

### Options

17. Twenty-two applications were received for the eight vacant positions. The Panel has reviewed and assessed the applicants based on their skills, knowledge, experience, demographic and cultural profile, and ability to represent and assist Council to engage with the community.
18. Officers recommend Council support the appointment of the following eight nominees:
  - (a) Anney Forde;
  - (b) Sandra Heeps;
  - (c) Yen Kim;
  - (d) Bruce McCCasey;
  - (e) Jonathon Morris;
  - (f) Mary Natoli;
  - (g) Ragini Wheatcroft; and
  - (h) Katerina Yakimov.

19. The eight nominees comprise:
  - (a) One each from the suburbs of Abbotsford, Carlton, Carlton North, Clifton Hill, Cremorne, Fitzroy, Fitzroy North and Richmond;
  - (b) Six females, two males; and
  - (c) Aged from 41 to 80.
20. Collectively, the nominees have knowledge and community experience in the areas of:
  - (a) Neighbourhood houses and life-long learning (U3A);
  - (b) Community health, leisure and recreation activity;
  - (c) LGBTI community engagement, CALD community networks;
  - (d) Experience on a range of community based committees;
  - (e) Impact of social and physical environments on ageing; and
  - (f) Lived experience of the formal aged care system, including supporting relatives.

### [Community and stakeholder engagement](#)

21. In line with the “Appointment of Members to Council Committees Procedure”, Council officers placed notices on the Council’s public website, newsletters, social media feeds and/or and any other relevant media:
  - (a) Summarising the purpose of proposed Committee and its makeup;
  - (b) Noting any desired attributes or skills of interested community or other non-Councillor representatives;
  - (c) Inviting expressions of interest from suitably qualified or experienced persons seeking to be considered; and
  - (d) Noting that the Council will, following consideration of EOI’s received, formally resolve to appoint the selected members.
22. The Governance Unit and Communications Unit provided advice and support on the requirements of the public EOI process.

### [Policy analysis](#)

#### [Alignment to Council Plan](#)

23. The Council Plan 2017 – 2021 and Active & Healthy Ageing in Yarra Strategy 2018 – 2024 (AHA Strategy) both outline Council’s commitment’s to being an Age Friendly City and a welcoming and inclusive community for people of all ages, race, culture, gender, sexual orientation and lifestyles. It also includes specific actions relating to Council determining its future role in the delivery of the assessment service (Goal 7.1.3.).

#### [Climate emergency and sustainability implications](#)

24. There are no climate emergency or sustainability implications associated with this report.

#### [Community and social implications](#)

25. The membership has been chosen to reflect the social diversity of the Yarra community from the nominations received.

#### [Economic development implications](#)

26. There are no economic development implications associated with this report.

#### [Human rights and gender equality implications](#)

27. The Active Healthy Ageing Strategy 2018 – 2024 vision is for an Age-Friendly Yarra, which is welcoming and inclusive for people of all ages (a human-rights based approach).

28. The AAAC plays an important role in representing the issues facing older people and supporting Council in its planning and advocacy roles. Continuing to support the AAAC demonstrates Council's commitment to human rights and to ensure that the voices of older people are heard.

## Operational analysis

### Financial and resource impacts

29. There are no financial or resource impacts associated with this report.

### Legal Implications

30. There are no legal implications associated with this report.

## Conclusion

31. The Selection Panel have undertaken a public EOI process to recruit new members to the AAAC in accordance with the Terms of Reference and Council's requirements relating to community advisory committees.
32. The community responded with 22 nominations for eight vacant positions. A diversity of interests and skills is apparent in the nominees proposed for AAAC membership. Continuing to support the AAAC will maintain a strong and active committee to represent the interests of older Yarra residents.

## RECOMMENDATION

1. That Council appoint the following persons to the eight vacant community member positions on the Active Ageing Advisory Committee:
- (a) Anney Forde;
  - (b) Sandra Heeps;
  - (c) Yen Kim;
  - (d) Bruce McCassey;
  - (e) Jonathon Morris;
  - (f) Mary Natoli;
  - (g) Ragini Wheatcroft; and
  - (h) Katerina Yakimov.
2. That Council write to all members of the community who expressed interest, advising of this decision and thank them for nominating to be members of the Active Ageing Advisory Committee.

## Attachments

There are no attachments for this report.

## 12.2 Audit and Risk Committee Annual Report and appointment of Chair

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<b>Reference</b>	D20/173333
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. This report presents the 2019/2020 annual report of the Yarra City Council Audit and Risk Committee and seeks Council approval for the appointment of the committee chair for 2021.

### Critical analysis

#### History and background

2. On 1 September 2020, Council dissolved the Audit Committee and established an Audit and Risk Committee in its place. This change was made in response to the making of the Local Government Act 2020.
3. While the Charter of the new Audit and Risk Committee requires that it report to Council on its activities every six months, the former Audit Committee required that an Annual Report be presented. This report provides an 'Annual Report' that satisfies both these obligations, in that it provides a report on the Audit Committee from November 2019 to August 2020 and the Audit and Risk Committee from September 2020 to November 2020.
4. The Charter of the Audit and Risk Committee carried over the existing provisions related to the appointment of the committee chair, which requires that an annual appointment be made by Council.

#### Discussion

##### Annual Report

5. The Audit and Risk Committee Charter requires that the committee report twice annually to Council, describing the activities of the Committee together with findings and recommendations. Similarly, former Audit Committee Charter required an annual report to Council describing the Audit Committee's responsibilities and how they were discharged during the period.
6. At its meeting on 10 December 2020, The Audit and Risk Committee considered its annual report, and endorsed the Audit Committee Annual Report 2019/2020, found at **Attachment One**.

##### Chairperson

7. The Audit and Risk Committee Charter states that "The Chairperson of the Committee will be an independent member and will be appointed by the Audit Committee annually. The nomination for the position of Chairperson will be submitted to Council for approval."
8. The three current external Independent Members are:
  - (a) David Ashmore – appointed 2015;
  - (b) Helen Lanyon – appointed 2017; and
  - (c) Vince Philpot – appointed 2015.
9. At its meeting on 8 December 2020, The Audit and Risk Committee nominated Helen Lanyon as its nominee for the position of chair throughout 2021. Ms Lanyon held the position of chair of the former Audit Committee from December 2018 and was appointed as the inaugural chair of the Audit and Risk Committee in September 2020.

### Options

10. With both the Annual Report and the committee chair already having been ratified by the committee, it is not open to Council to resolve to alter the report or make a different appointment.
11. Should Council determine a course of action other than set out in the recommendation is warranted, a resolution to send the matters back to the Audit and Risk Committee for further consideration would be the appropriate mechanism.

### Community and stakeholder engagement

12. Aside from consideration of both the draft annual report and the appointment of the 2021 chair at the Audit and Risk Committee meeting 10 December 2020, no community or stakeholder engagement was undertaken in developing this report.

### Policy analysis

#### Alignment to Council Plan

13. The City of Yarra Council Plan 2017-2021 commits Council to *“maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making”*.
14. The transparent publication of the Audit and Risk Committee Annual Report and the public appointment of the committee chair underpins this commitment.

#### Climate emergency and sustainability implications

15. There are no climate emergency or sustainability implications arising from this report.

#### Community and social implications

16. There are no community or social implications arising from this report.

#### Economic development implications

17. There are no economic development implications arising from this report.

#### Human rights and gender equality implications

18. Of the three external committee members, one identifies as female and two as male. The fact that the committee has nominated a female candidate for the position of chair suggests that there is no inherent gender bias in the nomination process.
19. Aside from this issue, there are no human rights or gender equality implications arising from this report.

### Operational analysis

#### Financial and resource impacts

20. There are no financial impacts of this report.

#### Legal Implications

21. The Audit Committee is an advisory committee to Council and the Committee Charter, as adopted by Council, requires Council to report annually to Council.

### Conclusion

22. This report recommends that Council receive the 2019/2020 annual report of the Yarra City Council Audit and Risk Committee and appoints the committee’s nomination (Helen Lanyon) as the committee chair for 2021.



## RECOMMENDATION

1. That Council:
  - (a) note the Audit and Risk Committee Annual Report 2019/2020, found at **Attachment 1**;
  - (b) appoint Helen Lanyon as the Audit and Risk Committee Chair for 2021; and
  - (c) thank the Audit Committee for its contribution to good governance at the City of Yarra during the 2019/2020 audit year.

## Attachments

- 1 Audit Committee Annual Report 2019-2020

## 13.1 Notice of Motion No. 1 of 2021 - Outdoor Dining

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<b>Reference</b>	D21/6191
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 2 February 2021:

*“That Council:*

- (a) notes the success of many of the pop-up outdoor dining parklets in Yarra in our recovery from the pandemic;*
- (b) notes that the benefit has been felt not only in the economic recovery of our small, local businesses and sole traders, but has aided our social recovery and wellbeing by encouraging our communities to occupy public space in a way that brings life to our streets and encourages safe socialising in the time of COVID-19;*
- (c) notes that these benefits would be felt regardless of the public health situation;*
- (d) notes that there has been both positive and negative feedback from members of the community on various outdoor dining parklets;*
- (e) undertake a review of the program to date, involving traders, residential neighbours, community members and experts to explore the appetite for and feasibility of extending the temporary permits and/or making them permanent or recurring and consultation with the community to include such methods as:
  - (i) letter drop to neighbours in the immediate vicinity of each parklet; and*
  - (ii) a YourSayYarra page where participants can give feedback on specific sites or the overall program; and**
- (f) provide Councillors with a report on the review by March 2021 to enable a decision on the future of the program before the current expiry of the outdoor dining permits, including, but not limited to:
  - (i) an overview of the information collected above;*
  - (ii) financial data or estimates about the forgone revenue from any parking spaces and permit waivers used in the program and costs associated with the program; and*
  - (iii) financial data or estimates (where available) of revenue made by the participants in the outdoor dining program, from their outdoor tables/spaces.**

## RECOMMENDATION

1. That Council:
  - (a) notes the success of many of the pop-up outdoor dining parklets in Yarra in our recovery from the pandemic;
  - (b) notes that the benefit has been felt not only in the economic recovery of our small, local businesses and sole traders, but has aided our social recovery and wellbeing by encouraging our communities to occupy public space in a way that brings life to our streets and encourages safe socialising in the time of COVID-19;
  - (c) notes that these benefits would be felt regardless of the public health situation;
  - (d) notes that there has been both positive and negative feedback from members of the community on various outdoor dining parklets;
  - (e) undertake a review of the program to date, involving traders, residential neighbours, community members and experts to explore the appetite for and feasibility of extending the temporary permits and/or making them permanent or recurring and consultation with the community to include such methods as:
    - (i) letter drop to neighbours in the immediate vicinity of each parklet; and
    - (ii) a YourSayYarra page where participants can give feedback on specific sites or the overall program; and
  - (g) provide Councillors with a report on the review by March 2021 to enable a decision on the future of the program before the current expiry of the outdoor dining permits, including, but not limited to:
    - (i) an overview of the information collected above;
    - (ii) financial data or estimates about the forgone revenue from any parking spaces and permit waivers used in the program and costs associated with the program; and
    - (iii) financial data or estimates (where available) of revenue made by the participants in the outdoor dining program, from their outdoor tables/spaces.

## Attachments

There are no attachments for this report.