



# 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	23	24	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 McCassey;
  - (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

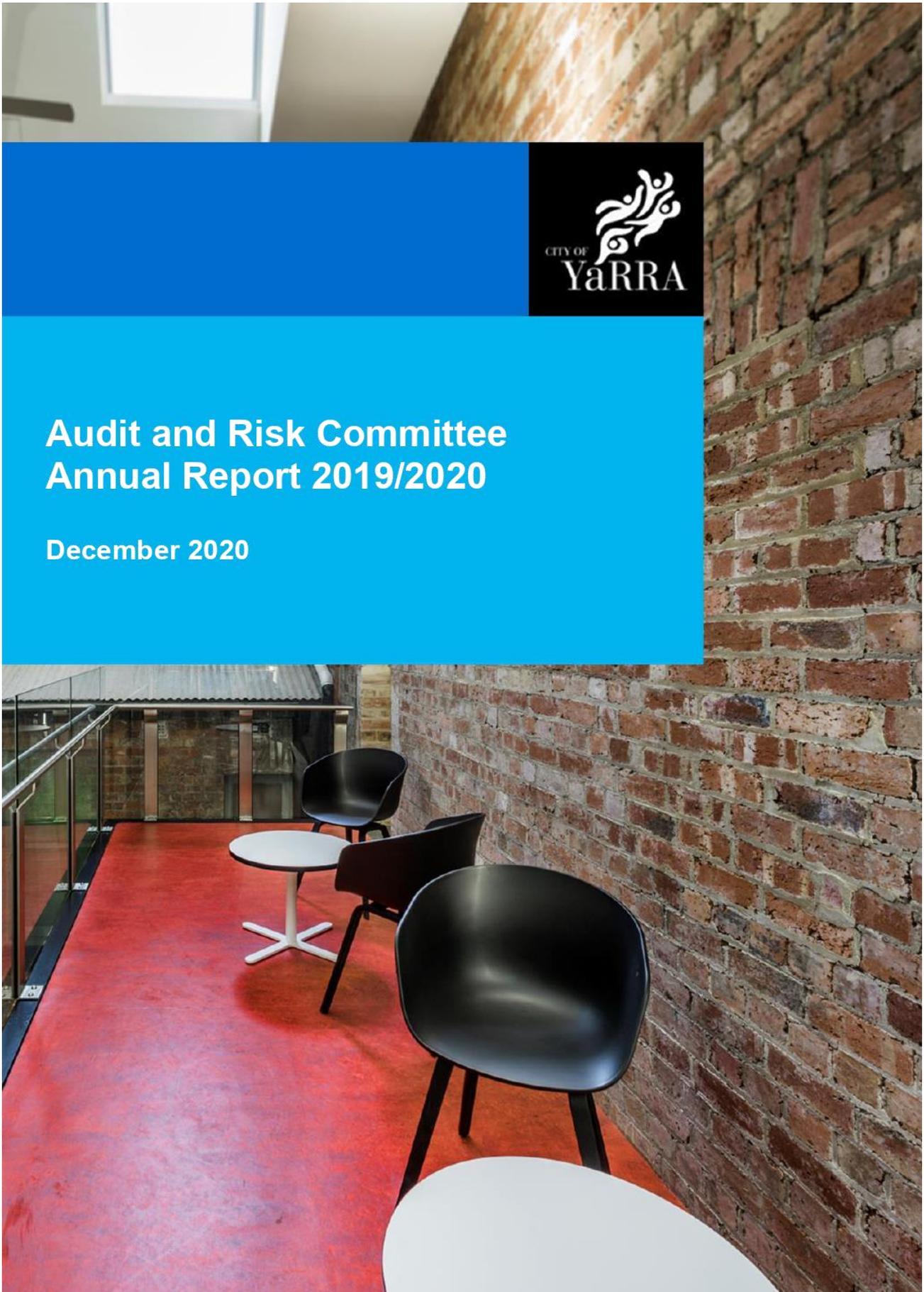
22. This report recommends that Council receive the 2019/2020 annual report of the Yarra City Council Audit and Risk Committee and appoints the committee’s nomination (Helen Lanyon) as the committee chair for 2021.

## 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



# Audit and Risk Committee Annual Report 2019/2020

December 2020

## Attachment 1 - Audit Committee Annual Report 2019-2020



### A note on terminology

*On 18 August 2020, Council responded to the commencement of the Local Government Act 2020 and dissolved the Audit Committee (previously constituted under the Local Government Act 1989) and constituted an Audit and Risk Committee in its place. The new committee had the same membership as before and a broader, but similar, Charter.*

*For the purposes of this Annual Report, the term "Committee" will be used, to refer to the activities both of the Audit Committee (to 18 August 2020) and the Audit and Risk Committee (from 18 August 2020).*

### Message from the Chair

*The Committee Terms of Reference provides that the Committee report annually to Council, describing the Committee's responsibilities and how they were discharged during the period, and any other information considered pertinent or which is required by regulation.*

I am pleased to present this 2019/2020 Annual Report for Council's consideration.

The key purposes of this report are to:

- achieve greater awareness of the purpose, role and objectives of the Committee and the work undertaken;
- act as a communication link between the Internal and External Auditors and Council;
- outline the outcomes achieved by the Committee; and
- provide Council with information on the future objectives of the Committee.

Committee members during the audit year (October to September) were Misha Coleman (former Mayor) and James Searle (former Councillor). The independent members were myself, David Ashmore and Vincent Philpot.

#### **An unpredictable environment**

In my report to Council 2019, I described that year as "one of significant change for the Audit Committee" – something that given the year we have just had, seems like a significant understatement.

This year began with the arrival of a new committee member upon the election of

Misha Coleman to the office of Mayor, followed shortly afterward by the arrival of a new internal auditor in HLB Mann Judd.

In early 2020, the Local Government Act 2020 passed the Victorian Parliament, triggering a review of the Audit Committee that ultimately led to its dissolution and the establishment of an Audit and Risk Committee in its place. This new Committee is charged with a new Charter, a reinvigorated workplan and an entirely new set of legislative responsibilities – the implications of which are only just becoming clear.

In October, Council elections resulted in the election of a new Councillor group, and two new Councillors joined the Committee. At the time of writing this report, these new Councillors (Cr Gabrielle de Vietri, Mayor and Cr Herschel Landes) have not yet had the opportunity of participating in a meeting, and I am looking forward to their contribution.

#### **A State of Emergency**

Of course, the impact of the COVID-19 pandemic cannot be ignored – it has been something which left no part of the Committee's operations untouched.

On a very practical level, the Committee moved its meetings online, with the May, August and September meetings conducted in a virtual environment. The internal and external audits were also conducted virtually – something that had never been done before.



### **Business, but not as usual**

Against this backdrop, the Committee's work continued, with a program of internal and external audits, a continued focus on Council's risk exposure on a range of fronts and ongoing monitoring of the implementation of previous audits and management commitments.

There have been significant improvement in these processes, but our work is not yet complete and 2021 promises to consolidate these improvements as well as broaden the scope of the Committee's role in light of the legislative change.

### **Thank you**

As the Chair of the committee, I extend my thanks to the Councillors that left the Council at the 2020 election (Misha Coleman and James Searle) and my welcome to the newly elected Councillors (Cr Gabrielle de Vietri and Cr Herschel Landes). I also extend my appreciation to my colleagues, David Ashmore and Vincent Philpot who, as independent committee members remain a consistent and valuable presence in our Committee.

I also extend a thank you on behalf of the Committee to Council's Chief Executive Officer, Vijaya Vaidyanath; the Director Corporate Development, Diarmuid McAlary; the Group Manager People and Culture, Gracie Karabinis; the Chief Financial Officer, Mark Montague and the Manager Risk and Safety, Gavin Dyche – all of whom were regular contributors this year. The Committee also thanks Rhys Thomas, Senior Governance Advisor and Grace Wong, Executive Assistant, who have both risen to the challenge of virtual meetings to ensure the Committee has been able to continue to function.

To Council's auditors, Mark Peters and the team at HLB Mann Judd (Council's internal auditor) and Kathy Teasdale and staff at RSD Audit (VAGO's appointed agent for the external audit) I say thank you.

I commend this Annual Report to Council.

### ***Helen Lanyon***

*Independent Member and Chair  
Yarra City Council Audit and Risk Committee*



### The Committee

The role of Committee is set out in the Audit and Risk Committee Charter, adopted by Council on 18 August 2020.

The role of the Committee is to provide independent and objective assurance and assistance to the Yarra City Council and its Chief Executive Officer on Council's risk management, control and compliance framework, and its external financial and performance accountability and responsibilities.

In addition, the Committee provides advice to Council that will assist Council in fulfilling its corporate governance and oversight responsibilities.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated authority. The Committee does not have any management functions and is therefore independent of management.

The Council authorises the Committee, within the scope of its role and responsibilities to:

- Obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- Discuss any matters with the external or internal auditor, or other external parties (subject to confidentiality considerations);
- Request the attendance of any Council Officer (including the Chief Executive Officer), Councillors, and/or the internal and external auditors, at Committee meetings;
- Request that Council Officers obtain external legal or other professional advice, as the Committee considers necessary to meet its responsibilities, at Council's expense;
- Require reports from Council Officers, the internal auditors and external auditors on any significant proposed regulatory, accounting or reporting issue, to assess the potential impact upon the Council's financial reporting process; and
- Request that the Chief Executive Officer table a report from the Committee at a meeting of the Council.



**Meeting and Membership**

The Committee comprises five members, three of which are independent members and two Councillors. In addition, all Councillors are invited to attend any meeting of the Committee in an ex-officio capacity.

During 2019/2020, the Committee members were:

**Helen Lanyon, Chair**

*Ms Lanyon is a Fellow of CPA Australia and is a graduate of the Australian Institute of Company Directors. Over a 40-year career, Ms Lanyon has held numerous senior executive roles, primarily in local government and has broad experience in the corporate services portfolio disciplines. Ms Lanyon also has extensive experience on a range of advisory committees.*

**David Ashmore**

*David is a Fellow of the Institute of Chartered Accountant and was in public practice working predominately as an Audit Partner. He is also a graduate of the Australian Institute of Company Directors and a Fellow of the Financial Services Institute of Australia. David has for the past 15 years been appointed to a variety of Audit Committees mainly for Local Government entities and also has an appointment as Chairman for an ASX listed public Company.*

**Vince Philpot**

*Vince Philpot had a varied and interesting career across global operations in the Oil and Gas industry, moving later into the Non-Governmental aid agency space and finally into the social services sector. As a Certified Internal Auditor, Vince brings his subject matter expertise in enterprise risk management, internal control frameworks and internal audit to his committee work. Vince also has wide experience on a range of advisory committees in Local Government and Public Service entities.*

**Cr Misha Coleman**

*Cr Coleman was elected to the Yarra City Council in October 2012 as a representative of Melba Ward, then re-elected in 2016 in Nicholls ward. After two terms as Deputy Mayor, Cr Coleman was elected Mayor in November 2019 and was appointed to the Committee for the first time.*

**Cr James Searle**

*Cr Searle was elected to Yarra City Council in October 2016 and is a representative of the Melba ward. Cr Searle was appointed to the Audit Committee in November 2018 and reappointed in November 2019.*

**Committee Attendance 2019/2020**

The Committee met five times during 2019/2020.

<b>Member</b>	<b>Meetings attended</b>
Helen Lanyon (Chair)	5 of 5
David Ashmore	5 of 5
Vincent Philpot	5 of 5
Cr Misha Coleman (Mayor)	4 of 5
Cr James Searle	5 of 5



### Committee Outcomes 2019/2020

The Committee would like to highlight the following outcomes to Council.

#### *Internal Audit*

Council had two internal auditors during the 2019/2020 audit year; Pitcher Partners Consulting Pty Ltd (to December 2019) and HLB Mann Judd (from January 2020).

Each year, the internal auditors develop an Internal Audit Plan which is presented each quarter to the Committee for monitoring. In 2019/2020 the transition to a new internal auditor resulted in a smaller than usual program of internal audits, with the following audit being considered by the Committee:

- Contract Management – Pitcher Partners
- Review of Organisational Compliance – HLB Mann Judd
- Review of Essential Services – HLB Mann Judd

These internal audit reports contained recommendations in regard to process and/or control improvements. Management responses and comments were provided in respect of these recommendations, together with an agreed action plan. The Committee periodically reviews the implementation of these recommendations to ensure that suggested audit initiatives are enacted thus continually improving Council's procedural and control environments.

The key outcomes of these reviews were:

#### Contract Management

This report was considered in December 2019.

Pitcher Partners conducted an internal audit to assess the organisation's level of adherence with key controls and procedures outlined in Council's 'Operational Contract Management Guidelines' for the mechanical street sweeping contract with Spotless.

Following the audit, management provided a response to the recommendations made and has undertaken to take a series of specific actions. The audit (together with a management response) was finalised in December 2019.

Pitcher Partners assessed that overall Yarra are largely compliant with its policies and procedures relating to contract management.

Two low priority and low effort process improvement opportunities were identified throughout the audit process.

Management accepted all recommendations and developed an action plan to implement them.

#### Review of Organisational Compliance

This report was considered in August 2020.

In August 2020, HLB Mann Judd finalised a review of Council's practices with respect to Organisational Compliance.

The objective of the internal audit was to evaluate internal controls and processes in place to maintain council's compliance with relevant acts/regulations/legislations and identify any potential risks and/or opportunities to improve related practices.

The review identified that the Council has adequate processes in place to identify and manage its responsibilities in relation to organisational compliance and identified a number of minor opportunities to improve the processes and associated controls in place.

**Attachment 1 - Audit Committee Annual Report 2019-2020**

## Audit and Risk Committee Annual Report 2019/2020



The audit resulted in five recommendations, with one assessed as medium risk and four as low risk.

Management accepted all recommendations and developed an action plan to implement them.

#### Review of Essential Services

This report was considered in August 2020.

In July 2020, HLB Mann Judd conducted a review of Council's practices with respect to Essential Safety Measures (ESM) Compliance.

The objective of the internal audit was to assess the adequacy and effectiveness of internal controls embedded in ESM Compliance processes at the Council.

The audit found a number of positive business practices that were noted regarding Council's ESM management practices.

The audit resulted in six recommendations with three assessed as high risk and three as medium risk.

Management accepted all recommendations and developed an action plan to implement them.

#### External Audit

Extensive liaison was held with the RSD Audit (the Victorian Auditor General's appointed agent) in respect of the 2019/2020 Financial Statements and Performance Statement, culminating in the Committee endorsing the draft statements to Council.

The Committee has further monitored actions noted in the 2019/2020 Audit Management letter.

#### COVID-19 Response

Yarra City Council – like many others across Australia – started to experience the significant social and economic effects of the coronavirus (COVID-19) pandemic from March 2020, when the Victorian Government implemented restrictions to curb the spread of the virus.

Council immediately refocused its energy and resources to respond to the impact of COVID-19, and met on 2 April 2020 at Fitzroy Town Hall amid strict social distancing protocols to adopt a \$7.46 million package of immediate and short-term support for Yarra's community members and economy.

This package included more than \$250,000 in emergency funding to support residents and vulnerable people, over \$470,000 in grants for Yarra's business community, and a range of resources for people experiencing loneliness and isolation.

While a specific governance body was established to oversee the delivery of the package, Helen Lanyon, in her capacity as Chair of the Committee, was invited by the Chief Executive Officer to provide an independent perspective on the design and rollout of the program.

In addition to the regular updates by the Chief Executive Officer, the Committee received a full briefing on the ongoing rollout of this package and the impacts of the pandemic on Council's operations at its meeting August 2020.

#### General

The Committee receives a verbal briefing from the Chief Executive Officer at each meeting, and has an opportunity to raise any issues directly with management. In addition to this general forum, the Committee received specific presentations from management in relation to the following issues:

- Risk Management Policy and Framework
- State of the kerbside recycling industry
- Local Government Act 2020

**Attachment 1 - Audit Committee Annual Report 2019-2020**

## Audit and Risk Committee Annual Report 2019/2020



- Council owned tree maintenance
- Computer Network boundary testing
- Purchase order compliance
- Review of the Committee Charter

The Committee received presentations and status reports to assist in the discharge of the following responsibilities of its Charter:

- status reports and reviews of Council's risk register
- updates on major legal or insurance matters
- notifications of any findings of fraud or corruption
- ensure that Council's auditors (both internal and external) are free to conduct enquiries and investigations without hindrance

The Committee received reports summarising the outcomes and management responses to the following documents released by the Victorian Auditor General's Office and the other industry bodies:

- Mildura Cemetery Trust (Victorian Ombudsman)
- Ninety Mile Beach (Victorian Ombudsman)
- Council Libraries (VAGO)
- Operation Sandon (IBAC)

The Committee takes a keen interest in public reports released by these Statutory Bodies and seeks a management view on the implications of findings and recommendations relevant to the City of Yarra. A specific management response is provided for each major report recommendation.

In summary, the 2019/2020 year has been a productive one for the Committee with the outcomes adding value to the overall management of Council's financial, risk and governance responsibilities.

### Outlook for 2020/2021

In 2020/2021, the Committee will welcome two new members, with Council recently appointing Cr Gabrielle de Vietri (Mayor) and Cr Herschel Landes to join the committee.

The first order of business will be to establish a workplan for 2021 which reflects the broader scope of the Committee under the Local Government Act 2020 and its newly adopted Charter. This work is based on a model provided by Local Government Victoria and, at the time of writing this report, proposes that the committee introduce an additional meeting to the program.

A key focus of the Committee will continue to be working with management to drive continuous improvement in control identification and risk reduction across the organisation. Through a program of audits, policy reviews and evaluations of internal processes, the committee will support the organisation in its ongoing strengthening of the control framework.

In addition to a formal external audit program, the program of internal audits is expected to be a heavy one, with HLB Mann Judd delivering a number of reports on their work in the latter part of 2020 after the brief pause associated with the transition to a new auditor.

The Committee will also continue to seek briefings and advice on a range of matters from management. The Committee will stay up to date with any applicable matters raised by the Victorian Auditor General, Victorian Ombudsman, the Local Government Investigations and Compliance Inspectorate, the Independent Broad-based Anti-Corruption Commission or the Office of the Victorian Inspectorate.

## 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.