



# Agenda

## Ceremonial Council Meeting

6.30pm, Tuesday 16 November 2021

[www.yarracity.vic.gov.au/webcast](http://www.yarracity.vic.gov.au/webcast)

## Ceremonial Council Meeting

Each year in November, Council conducts a special meeting to elect the Mayor, Deputy Mayor and appoint Councillors to a number of committees and organisations.

Due to the failure to elect a Mayor at the Ceremonial Meeting on Monday 15 November 2021, this second Ceremonial meeting has been scheduled to conduct a further Council election.

## 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 and video recording is made of all public Council Meetings, streamed live and published on Council's website. By participating in proceedings, 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.

Meeting recordings can be viewed at <http://webcast.yarracity.vic.gov.au>.

## Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Declarations of conflict of interest (Councillors and staff)**
4. **Council business reports**

## 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 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                       |

#### Leave of absence

- |                   |            |
|-------------------|------------|
| • Cr Anab Mohamud | Councillor |
|-------------------|------------|

### **3. Declarations of conflict of interest (Councillors and staff)**

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.

### **4. Council business reports**

Item		Page	Rec.	Report Presenter Page
4.1	Election of Mayor and Deputy Mayor	6	9	Rhys Thomas - Senior Governance Advisor
4.2	Appointment of Council delegates	10	16	Rhys Thomas - Senior Governance Advisor

## 4.1 Election of Mayor and Deputy Mayor

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**Reference** D21/156556

**Author** Rhys Thomas - Senior Governance Advisor

**Authoriser** Group Manager Chief Executive's Office

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### Purpose

1. To elect Councillors to the office of Mayor and Deputy Mayor of the Yarra City Council.

### Critical analysis

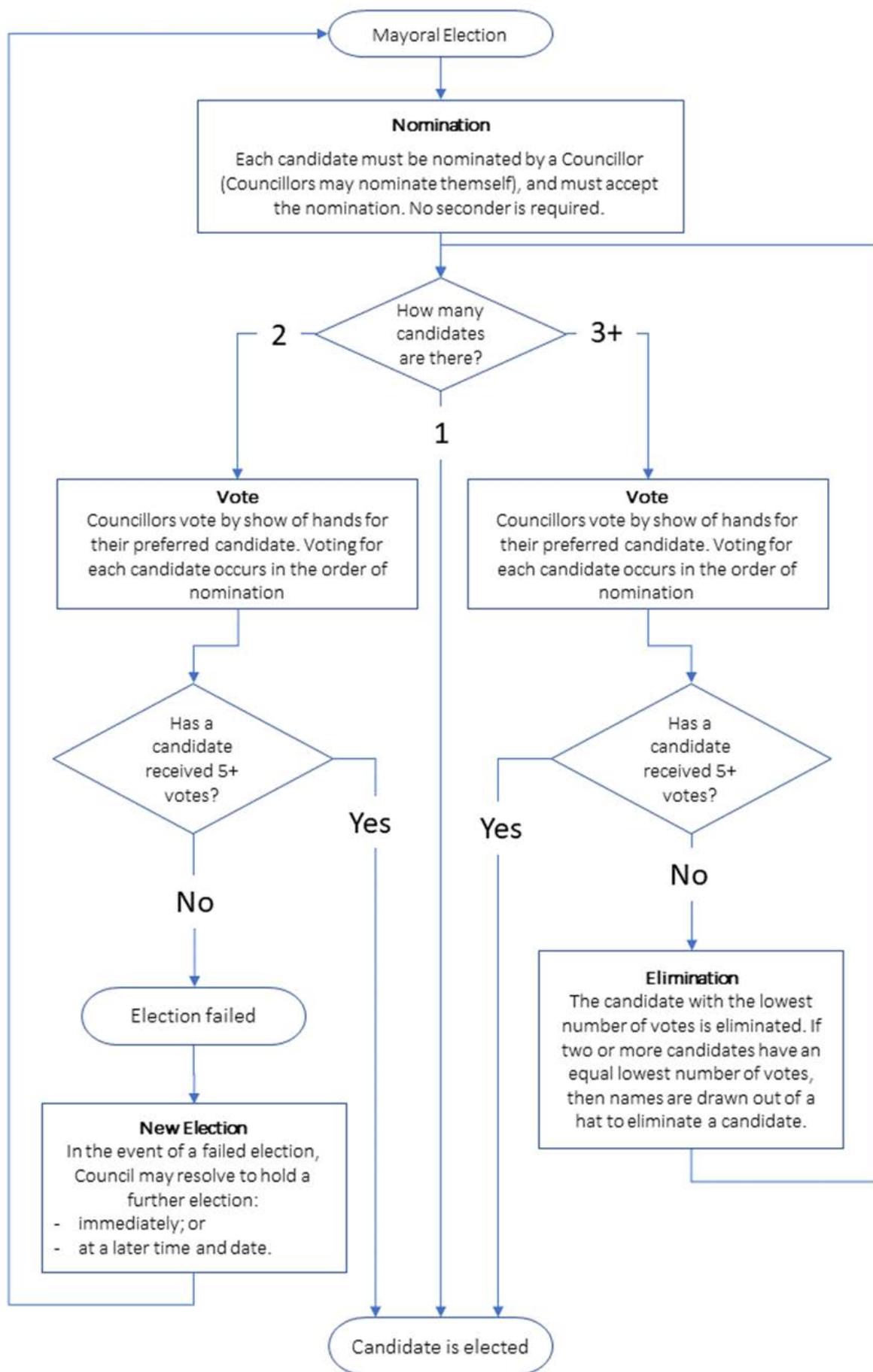
#### History and background

2. Any Councillor is eligible for election to the office of Mayor or Deputy Mayor. The City of Yarra Governance Rules set out the process for the conduct of an election.

#### Discussion

3. The Chief Executive Officer invites nominations for the office of Mayor, which must be:
  - (a) moved by a Councillor (which can be themself); and
  - (b) accepted by the nominee, either in person at the meeting or in writing.
4. Once nominations have been received, the election is conducted as follows:
  - (a) If there is one nomination, the candidate nominated is declared to be duly elected;
  - (b) If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;
  - (c) If a candidate receives an absolute majority of the votes, that candidate is declared to have been elected;
  - (d) If there are two candidates remaining and neither receives an absolute majority of the votes, then the election is declared invalid;
  - (e) If there are three or more candidates remaining, and no candidate receives an absolute majority of the votes, and, the candidate with the fewest number of votes must be declared to be a defeated candidate. If two or more candidates have an equal lowest number of votes, then the declaration will be determined by lot;
  - (f) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
    - (i) the name of each candidate shall be placed in a receptacle;
    - (ii) the Chief Executive Officer shall draw one name from the receptacle; and
    - (iii) the candidate whose name is drawn shall be declared a defeated candidate;
  - (g) Following the declaration of a defeated candidate, the election returns to Step (b) above, and Councillors present at the meeting must vote for one of the remaining candidates; and
  - (h) If the election is declared invalid, the Council may resolve to:
    - (i) conduct a further election immediately; or
    - (ii) conduct the election at a later time or date.

## Mayoral Election process



5. Following the election of the Mayor, the election of the Deputy Mayor is conducted in the same manner, except that the references to the Chief Executive Officer in the process shall be replaced with the Mayor.

### Options

6. Council is required to elect a Mayor and, optionally, a Deputy Mayor.
7. Should it not be possible to achieve an absolute majority of votes for a candidate (five votes), then Council has the option of resolving to conduct a further election immediately, or at a later time or date.

## Community and stakeholder engagement

8. No community engagement has been undertaken in the development of this report.

## Policy analysis

### Alignment to Community Vision and Council Plan

9. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is “*informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy.*”
10. The City of Yarra Council Plan 2021-2025 commits Council to “*provide opportunities for meaningful, informed and representative community engagement to inform Council’s decision-making*” and to “*practice good governance, transparency and accountable planning and decision-making.*”
11. The community leadership provided by a democratically and transparently elected Mayor and Deputy Mayor underpins both the Yarra 2036 Community Vision and the City of Yarra Council Plan 2021-2025 and demonstrates Council’s ongoing commitment to good governance.

### Climate emergency and sustainability implications

12. No climate emergency implications are presented in this report.

### Community and social implications

13. No community or social implications are presented in this report.

### Economic development implications

14. No economic development implications are presented in this report.

### Human rights and gender equity implications

15. No human rights or gender equity implications are presented in this report.

## Operational analysis

### Financial and resource impacts

16. There are no financial or resource impacts arising from the election of a Mayor and Deputy Mayor.

### Legal Implications

17. Council is required under the Local Government Act 2020 to elect a Mayor and, optionally, a Deputy Mayor.
18. Should it not be possible to achieve an absolute majority of votes for a candidate and Council resolving to conduct a further election immediately, or at a later time or date, it would be advisable to adjourn the meeting so as to ensure that the remaining business is considered after a duly elected Mayor is in place.

## Conclusion

19. This report sets out the process for the election of a Mayor and Deputy Mayor.
20. Following the election, it would be appropriate to provide an opportunity for the newly elected office holders to address the meeting.

## RECOMMENDATION

The election of the Mayor and Deputy Mayor is conducted in accordance with the Yarra City Council Governance Rules 2020. No Council resolution is required.

## Attachments

There are no attachments for this report.

## 4.2 Appointment of Council delegates

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**Reference** D21/156260

**Author** Rhys Thomas - Senior Governance Advisor

**Authoriser** Group Manager Chief Executive's Office

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### Purpose

1. To appoint Councillors as delegates to the Planning Decisions Committee, Audit and Risk Committee, Advisory Committees and external bodies for the 2021/2022 Council year.

### Critical analysis

#### History and background

2. In order to assist the Council to undertake its extensive range of functions, Council has:
  - (a) constituted the Planning Decisions Committee with delegated powers and responsibilities;
  - (b) constituted the Audit and Risk Committee under section 53 of the Local Government Act 2020;
  - (c) established Advisory Committees, to which it appoints both Councillors and community representatives; and
  - (d) appointed delegates to represent it on a range of external organisations.

#### Discussion

3. Details of each body requiring an appointment are set out below.

#### Planning Decisions Committee

4. Council's Planning Decisions Committee is a delegated committee which is formally constituted under Part 3, Division 2 of the Local Government Act 2020. The committee has specific delegated powers set out in an Instrument of Delegation adopted by Council.
5. Council does not appoint a Chairperson to the Planning Decisions Committee, as the membership is rotated throughout the year, and the Chairperson is appointed by the Committee itself.
6. The details of the committee are:

<b>Delegated Committee</b>	<b>Purpose</b>	<b>Nominees required</b>
<b>Planning Decisions Committee</b>	<p>The Planning Decisions Committee has the power to:</p> <ul style="list-style-type: none"><li>• consider planning applications; and</li><li>• consider Heritage Victoria Referrals</li></ul> <p>in accordance with the Instrument of Delegation from Council dated 18 August 2020.</p>	All Councillors, subject to the Chief Executive Officer, in consultation with Councillors, determining a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.

### Audit and Risk Committee

7. Council's Audit and Risk Committee is formally constituted under section 53 of the Local Government Act 2020. This committee has specific duties set out in an Audit and Risk Committee Charter adopted by Council.
8. Council appoints a Chairperson to the Audit and Risk Committee at its first meeting in each calendar year. The Chairperson must be one of the three external members.
9. The details of the committee are:

Committee	Purpose	Nominees required
<b>Audit and Risk Committee</b>	The role of the Audit and Risk 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.	Two Councillors (the Mayor has the option of taking up one of the two Councillor places at their sole discretion)

### Advisory Committees

10. Council's advisory committees operate in accordance with the adopted Council Committees Policy. That policy contains a provision relating to the sunset of all advisory committee which reads:

*All Council Committees will sunset on 30 June following each Council election.*

*Council's Governance Support Unit will be responsible for presenting a report to Council in advance of this date that recommends a committee structure to support the implementation of the Council Plan. This report will include recommendations on:*

- *the proposed committee structure;*
- *the endorsement of Terms of Reference for each committee; and*
- *the process for appointment of members to each committee.*

*Where it is recommended that an existing committee continue in operation, the report will provide advice on the treatment of the existing Terms of Reference and the existing membership.*

11. With the transition to the Local Government Act 2020, the deadline for adoption of the Council Plan changed to 4 November 2020, not 30 June as been the case in prior years. As the intention of the committee review was to ensure that the committee structure responds to Council's priorities, it was not conducted in June this year as had been planned.
12. Instead of the review, a number of targeted reviews were conducted throughout since the adoption of the Council Committees Policy in July 2019. They were:
  - (a) Establishment of the Health and Wellbeing Plan Project Reference Group and the dissolution of the Health and Wellbeing Plan Advisory Committee;
  - (b) Establishment of the 'Your Say Yarra Youth' discussion groups and the dissolution of the Yarra Youth Advisory Committee;
  - (c) Establishment of M9 and the dissolution of the Inner Melbourne Action Plan Implementation Committee;
  - (d) Establishment of the Rainbow Advisory Committee;
  - (e) Establishment of the Edinburgh Gardens Reference Group; and
  - (f) Establishment of the Active Transport Advisory Committee and the dissolution of the Bicycle Advisory Committee.

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13. On this basis, it is proposed that the planned Advisory Committee review not be undertaken in 2021, and that the existing Advisory Committee arrangements be “rolled over” for the 2021/2022 Council year.
  14. The Advisory Committees are structured to facilitate community participation and input to policy and service development by Council, or to assist with facility, project and event management by the Council.
  15. Advisory Committees typically comprise one or more Councillors and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right, or representatives of service authorities, support agencies or community organisations.
  16. The progress, advice and recommendations of Advisory Committees is reported to Council through Delegate’s Reports by Councillors and progress reports from Council officers.
  17. The details of the committees are:

<b>Advisory Committee</b>	<b>Purpose</b>	<b>Nominees required</b>
<b>Active Ageing Advisory Committee</b>	To provide information, support and advice to Council on the needs, interests and well-being of people aged 50+.	One Councillor
<b>Active Transport Advisory Committee</b>	In recognition of the climate emergency, to provide Council with advice to support its objective of reducing car dependency in the community and increasing the use of active transport throughout the municipality.	Two Councillors
<b>Arts Advisory Committee</b>	To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in arts and cultural planning and development.	Two Councillors
<b>Business Advisory Group</b>	Create and maintain a forum for business representatives to provide Council with feedback and practical advice regarding ways in which Council can engage with and further assist key sectors within the business community.	One or more Councillors
<b>Chief Executive Officer Employment and Remuneration Committee</b>	To support the Council in the performance management process for the Chief Executive Officer and, where required, the employment of a new Chief Executive Officer.	All Councillors
<b>Community Awards Committee</b>	To provide recommendations on the recipients of the Yarra Community Awards.	Three Councillors (one from each ward)
<b>Disability Advisory Committee</b>	To provide information, advice and guidance to Council at both a strategic and operational level on universal access and mainstream participation of people with disability and ongoing support to Council in ensuring that disability rights are integrated into the core business of Council.	Two Councillors
<b>Environment Advisory Committee</b>	To represent interests pertaining to all aspects of urban environmental sustainability including (but not limited to) climate change; resource efficiency across water, waste and energy; urban greening and natural capital; local food systems; and the built environment, by providing advice to Council on policy, strategy and other strategic opportunities to progress the organisation’s response to these issues.	Two Councillors

<b>Advisory Committee</b>	<b>Purpose</b>	<b>Nominees required</b>
<b>Heritage Advisory Committee</b>	To provide advice to Council on heritage matters including Yarra's natural, built and cultural heritage.	Three Councillors (one from each ward)
<b>Multicultural Advisory Group</b>	To provide a structure for on-going communication and consultation between multicultural communities and Yarra City Council across a broad range of issues impacting on those communities.	One Councillor
<b>Rainbow Advisory Committee</b>	To provide information, support and advice, and a mechanism for communication and consultation between LGBTIQA+ communities and Council, on issues affecting the LGBTIQA+ community.	Two Councillors
<b>Yana Ngargna Advisory Group</b>	A partnership between Yarra City Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community.	One Councillor
<b>Yarra Libraries Advisory Committee</b>	To provide advice on issues relating to public library services across the City of Yarra.	Two Councillors

#### External Bodies

18. As a member of or stakeholder in a range of external bodies and organisations, Council has the opportunity to appoint a delegate to represent its interests on the Committee, Board of Management or similar. The appointment of the delegate is made in accordance with the rules or procedures of the external organisation.
19. The details of the external bodies are:

<b>Special Committee</b>	<b>Purpose</b>	<b>Nominees required</b>
<b>Australian Local Government Women's Association</b>	To promote participation and representation by women in Local Government	One Councillor
<b>Collingwood Children's Farm Management Committee</b>	To oversee management of the Collingwood Children's Farm.	One Councillor
<b>Friends of Baucau</b>	To promote governance and friendship to the city of Baucau in East Timor.	One Councillor plus one substitute Councillor
<b>Mayors for Peace</b>	An international organisation of cities dedicated to the promotion of peace.	One Councillor
<b>Merri Creek Management Committee</b>	A not-for-profit organisation, established to ensure the preservation of natural and cultural heritage, and the ecologically sensitive restoration, development and maintenance of the Merri Creek and tributaries, their corridors and associated ecological communities.	One Councillor
<b>Metropolitan (Local Government) Waste Management Forum</b>	To develop, support and promote waste reduction and recycling programs.	One Councillor plus one substitute Councillor
<b>Metropolitan Transport Forum</b>	To develop recommendations pertaining to transport in Melbourne, with particular emphasis on advocating for improved public transport.	One Councillor plus one substitute Councillor

<b>Special Committee</b>	<b>Purpose</b>	<b>Nominees required</b>
<b>Municipal Association of Victoria</b>	A peak representative and lobbying body for Victorian Councils which provides leadership to Councils by supporting them to achieve the highest levels of respect and recognition through improved performance.	One Councillor plus one substitute Councillor
<b>Northern Alliance for Greenhouse Action</b>	To promote community understanding and support for Greenhouse actions.	One Councillor
<b>Victorian Local Governance Association</b>	A peak local government body which aims to promote good governance and sustainability by supporting local governments through programs of advocacy, training, information provision and support.	One Councillor plus one substitute Councillor

### Process

20. Before considering the officer's recommendation, Council should seek nominations for the 2021/2022 vacancies.
21. Where the number of nominations exceeds the number of appointments Council intends to make, Council is required to conduct an election to determine which candidates shall be presented for ratification. The process for these elections is set out in the City of Yarra Governance Rules 2020 and is conducted using the procedure for electing the Mayor set out at Chapter Two, Part A.
22. In summary, this process is as follows:
  - (a) any number of Councillors may be nominated for each vacancy;
  - (b) no seconder is required;
  - (c) the nominee must consent to their nomination;
  - (d) Councillors present shall vote by a show of hands;
  - (e) in the event that no candidate receives a majority, candidates shall be eliminated in accordance with the provisions of the Governance Rules 2020; and
  - (f) in the event of an election being required for a Committee with multiple vacancies, an election shall be conducted for the first vacancy, then a further election for the second vacancy, and so on.
23. Following the conduct of any election or elections as required, Council then ratifies these outcomes (together with the appointment of representatives where the number of nominations matched the number of vacancies) in accordance with the officer's recommendation.

## Options

24. In the case of Delegated Committees and External Bodies, the number of appointments must match the number of vacancies. In the case of Advisory Committees (which are constituted by Council), it is open to Council to appoint a different number of representatives than the number of vacancies.

## Community and stakeholder engagement

25. No community engagement has been undertaken in the development of this report.

## Policy analysis

### Alignment to Community Vision and Council Plan

26. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is “*informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy.*”
27. The City of Yarra Council Plan 2021-2025 commits Council to “*provide opportunities for meaningful, informed and representative community engagement to inform Council’s decision-making*” and to “*practice good governance, transparency and accountable planning and decision-making.*”
28. The ongoing operation of community advisory committees and the appointment of Councillors to all committees in an open and transparent process underpins both the Yarra 2036 Community Vision and the City of Yarra Council Plan 2021-2025 and demonstrates Council’s ongoing commitment to good governance.

### Climate emergency and sustainability implications

29. No climate emergency implications are presented in this report.

### Community and social implications

30. No community or social implications are presented in this report.

### Economic development implications

31. No economic development implications are presented in this report.

### Human rights and gender equity implications

32. No human rights or gender equity implications are presented in this report.

## Operational analysis

### Financial and resource impacts

33. The financial and resource impacts of operating the committee set out in this report are minimal and included in the operational budgets of the relevant Council programs.

### Legal Implications

34. The recommendations of this report have been structured to ensure that where necessary, committee members to Delegated Committees, the Audit and Risk Committee and external organisations are lawfully appointed in accordance with the relevant provisions of the body.
35. In the case of Advisory Committees, Council is free to appoint any number of members, regardless of the number specified in its Terms of Reference.

## Conclusion

36. This report recommends the appointment of delegates to a range of Delegated Committees, the Audit and Risk Committee, Advisory Committees and external bodies.

## RECOMMENDATION

1. That Council ratify the following Delegated Committee appointments for the 2021/2022 Council year:

<b>Delegated Committee</b>	<b>Appointments for 2021/2022 Council Year</b>
Planning Decisions Committee	All Councillors, subject to the Chief Executive Officer, in consultation with Councillors, determining a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.

2. That Council appoint the following Councillors to the Audit and Risk Committee for 2021/2022 Council year:

<b>Committee</b>	<b>Appointments for 2021/2022 Council Year</b>
Audit and Risk Committee	Cr _____ Cr _____

3. That notwithstanding the sunset provisions of the Council Committees Policy, the advisory committees below continue to operate in accordance with their adopted Terms of Reference and community membership and that Council appoint the following Councillors to the Advisory Committee listed below for 2021/2022 Council year:

<b>Advisory Committee</b>	<b>Appointments for 2021/2022 Council Year</b>
Active Ageing Advisory Committee	Cr _____
Active Transport Advisory Committee	Cr _____
Arts Advisory Committee	Cr _____ Cr _____
Business Advisory Group	Cr _____ ...
Chief Executive Officer Employment and Remuneration Committee	All Councillors
Community Awards Committee	Cr _____ Cr _____ Cr _____
Disability Advisory Committee	Cr _____ Cr _____
Environment Advisory Committee	Cr _____ ...
Heritage Advisory Committee	Cr _____ Cr _____ Cr _____
Multicultural Advisory Group	Cr _____
Rainbow Advisory Group	Cr _____ Cr _____
Yana Ngargna Advisory Group	Cr _____ Cr _____
Yarra Libraries Advisory Committee	Cr _____ Cr _____

4. That Council appoint the following Councillors to the external bodies listed below for the 2021/2022 Council year:

<b>Organisation or body</b>	<b>Appointments for 2021/2022 Council Year</b>
Australian Local Government Women's Association	Cr _____
Collingwood Children's Farm Management Committee	Cr _____
Friends of Baucau	Cr _____ Cr _____ (substitute)
Mayors for Peace	Cr _____
Merri Creek Management Committee	Cr _____
Metropolitan (Local Government) Waste Management Forum	Cr _____ Cr _____ (substitute)
Metropolitan Transport Forum	Cr _____ Cr _____ (substitute)
Municipal Association of Victoria	Cr _____ Cr _____ (substitute)
Northern Alliance for Greenhouse Action	Cr _____
Victorian Local Governance Association	Cr _____ Cr _____ (substitute)

## Attachments

There are no attachments for this report.