



Minutes

Council Meeting

7.03pm, Tuesday 23 August 2022

Richmond Town Hall

1. Statement of recognition of Wurundjeri Woi-wurrung Land

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

Council officers

| | |
|--------------------|--|
| • Sue Wilkinson | Chief Executive Officer |
| • Brooke Colbert | Group Manager Advocacy and Engagement |
| • Malcolm Foard | Director Community Wellbeing |
| • Ivan Gilbert | Group Manager Chief Executive's Office |
| • 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 Gabrielle de Vietri | Councillor |
|--------------------------|------------|

Council's Municipal Monitor, Yehudi Blacher watched the meeting via the livestream.

3. Announcements

It is the final Council meeting for our Director Corporate Business and Finance, Diarmuid McAlary. We are very sad to lose Mr McAlary, he's been a really, really valuable addition to the Yarra team and as far as I'm concerned, an integral and preeminent part of the team and has always been here since I have been here and I will be very sad to lose you personally as I'm sure the other Councillors will be as well. We look forward to what you achieve in the future and thank you for all of your service here at Yarra.

4. Declarations of conflict of interest (Councillors and staff)

No declarations were made.

5. Confidential business reports

Nil

Following consideration of Confidential business, the meeting resumed in open session.

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Mohamud

That the minutes of the Council Meeting held on Tuesday 2 August 2022 be confirmed.

CARRIED UNANIMOUSLY

7. Public question time

| Item | Page |
|------------------|------|
| Public Questions | 5 |

8. Council business reports

| Item | Page | Res. Page |
|---|------|-----------|
| 8.1 Governance Rules Review 2022 | 6 | 10 |
| 8.2 2022 Ceremonial Council Meeting Date | 13 | 13 |
| 8.3 Membership of Yarra Heritage Advisory Committee 2022-2026 | 14 | 15 |

9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

| Item | | Page |
|------|---|------|
| 11.1 | Councillor Stone – 30k trials in Richmond and Fitzroy | 16 |
| 11.2 | Councillor Stone – Recent decision at VCAT on 2, 1G Marine Parade, Abbotsford | 16 |

12. Delegates' reports

Nil

13. General business

Nil

14. Urgent business

Nil

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

| Questioner | Question | Refer to |
|-----------------------|--|--|
| Victoria Chipperfield | Could the Councillors advise what processes are in place to enable residents with a disability and those from culturally and linguistically diverse communities to be provided access and support to participate in the Council decision making process? | The Group Manager Chief Executive's Office provided a response. |
| Christine Maynard | When is the Mayor and Monitor going to make Councillors adhere to the Code of Conduct that each Councillor takes before being sworn in? | The Mayor provided a response. The Group Manager Chief Executive's Office also provided a response. |
| Dorothy James | Can you provide an update on the roads and pavements issue I have previously raised? There appears to be an inequity in service delivery to the Burnley Pocket where I reside. For example, newsletter delivery is perennially late and street sweeping and nature strip maintenance seem rare at best. | The Mayor provided a response. The Director City Works and Assets provided a response. Question relating to newsletter delivery was taken on notice. |
| Martha Vazenios | On a couple of occasions in the last month there have been bottlenecks created on Old Heidelberg Road and Lucerne Crescent by a crane inhibiting the flow of vehicles at peak times. I submit to Council that perhaps you rethink traffic management during peak times but more specifically in relation to cranes on these roads at peak times. I sent a complaint to Council several weeks ago and its now bordering on months and I am yet to receive a response to that complaint and given the discussion that was had earlier today, I am wondering how I can follow-up on an answer to that complaint? | The Mayor took the questions on notice. |

8.1 Governance Rules Review 2022

| | |
|-------------------|---|
| Reference | D22/144844 |
| Author | Rhys Thomas - Senior Governance Advisor |
| Authoriser | Group Manager Chief Executive's Office |

RECOMMENDATION ONE

Start time: 7.33pm

1. That Council adopt the Commitment to Respectful Community Relationships at **Attachment Two**.

RECOMMENDATION TWO

1. That Council conclude the community engagement process conducted under section 60(4) of the Local Government Act 2020 and:
 - (a) revoke the Governance Rules (including election period policy) adopted by Council on 20 August 2020;
 - (b) revoke the Council Meetings Operations Policy adopted by Council on 15 December 2020; and
 - (c) adopt the Governance Rules (including election period policy) at **Attachment Four**; with these changes taking effect on 1 September 2022.

RECOMMENDATION THREE

Changes to the Councillor Code of Conduct require the support of six Councillors.
A Division is required to enable the necessary majority to be recorded.

1. That Council proscribe the personal criticism on social media by one Councillor of another and:
 - (a) insert the following new clause 7.8.3(e) in the Councillor Code of Conduct:

“(e) not engaging in personal and unprofessional criticism of other Councillors”; and
 - (b) insert the following new clause 8.3 in the Councillor Social Media Policy:

“8.3 engage in personal and unprofessional criticism of other Councillors
Example - A Councillor publishes a post on Facebook expressing disappointment in a Council decision. A member of the community posts a comment reading “I’m not surprised that Cr A voted in favour – he is without doubt the stupidest person I’ve ever been unfortunate enough to meet.” The Councillor ‘likes’ the comment. The Councillor should not endorse the comment by ‘liking’ it.”

and renumbering the remaining clauses accordingly.

RECOMMENDATION FOUR

Changes to the Councillor Code of Conduct require the support of six Councillors.
A Division is required to enable the necessary majority to be recorded.

1. That Council ensure that Council itself it not seen to be supporting or endorsing a candidate for election and:
 - (a) adopt the Councillor Candidature Policy at **Attachment Six** and

- (b) amend the Councillor Code of Conduct by replacing the existing clause 7.13 with:

“7.13 Councillors as candidates

7.13.1 A Councillor who stands for a seat in a state or federal election or other similar election must comply with the Councillor Candidature Policy.”

Public Submissions

The following people addressed Council on the matter:

Glen McCallum;

Adam Promnitz;

Lyndy U'Ren;

Lucas Moon;

Sally Gatenby; and

Martha Vazenios.

MOTION

Moved: Councillor Stone

Seconded: Councillor Landes

1. That Council conclude the community engagement process conducted under section 60(4) of the Local Government Act 2020 and:

- (a) revoke the Governance Rules (including election period policy) adopted by Council on 20 August 2020;
- (b) revoke the Council Meetings Operations Policy adopted by Council on 15 December 2020; and
- (c) adopt the Governance Rules (including election period policy) at **Attachment Four** subject to the following changes:
 - (i) Chapter Two, sub-Rule 27.2.3 to read “after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite speakers for and against the motion alternately until this is exhausted. Then the *Chair* may invite any Councillor who has not spoken and wishes to speak to the motion to do so.”;
 - (ii) Chapter Two, sub-Rule 45.6 – to be deleted;
 - (iii) Chapter Two, sub-Rule 53.2 to read “Questions asked of Council should, where possible.”;
 - (iv) Insertion of a new rule at Chapter Two, sub-Rule 53.3 reading “Notwithstanding sub-Rule 53.2, any person can ask a question of *Council* without completing these steps if they are present at the *Council meeting*.”;
 - (v) Renumbering of Chapter Two sub-Rules 53.3, 53.4, 53.5, 53.6, 53.7 and 53.8 to 53.4, 53.5, 53.6, 53.7, 53.8 and 53.9 respectively.
 - (vi) Chapter Two, sub-Rule 54.2 to read “Persons wishing to address Council should, where possible.”;
 - (vii) Insertion of a new rule at Chapter Two, sub-Rule 54.3 reading “Notwithstanding sub-Rule 54.2, any person can address *Council* without completing these steps if they are present at the *Council meeting*.”;
 - (viii) Renumbering of Chapter Two sub-Rules 54.3, 54.4, 54.5 and 54.6 to 54.4, 54.5, 54.6 and 54.7 respectively.

with these changes taking effect on 1 September 2022.

Councillor O'Brien suggested the following amendments be included under 1.(c):

- (i) Chapter Two, sub-Rule 53.2.2 to read “the time permitted for asking a question will be five minutes; and”;
- (ii) Chapter Two, sub-Rule 53.4 to read: “No person may ask or submit more than two questions to be answered at any one meeting.” and to be renumbered Chapter Two, sub-Rule 53.5;
- (iii) Chapter Two, sub-Rule 54.3.2 to read “the time permitted for each address will be five minutes. [delete remainder of sentence]”;

Councillor Stone accepted amendments (ii) and (iii), but not (i). Councillor Landes did not accept the amendments and withdrew as seconder. The Mayor then asked for another seconder.

MOTION

Moved: Councillor Stone

1. That Council conclude the community engagement process conducted under section 60(4) of the Local Government Act 2020 and:
 - (a) revoke the Governance Rules (including election period policy) adopted by Council on 20 August 2020;
 - (b) revoke the Council Meetings Operations Policy adopted by Council on 15 December 2020; and
 - (c) adopt the Governance Rules (including election period policy) at **Attachment Four** subject to the following changes:
 - (i) Chapter Two, sub-Rule 27.2.3 to read “after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite speakers for and against the motion alternately until this is exhausted. Then the *Chair* may invite any Councillor who has not spoken and wishes to speak to the motion to do so.”;
 - (ii) Chapter Two, sub-Rule 45.6 – to be deleted;
 - (iii) Chapter Two, sub-Rule 53.2 to read “Questions asked of Council should, where possible.”;
 - (iv) Insertion of a new rule at Chapter Two, sub-Rule 53.3 reading “Notwithstanding sub-Rule 53.2, any person can ask a question of *Council* without completing these steps if they are present at the *Council meeting*.”;
 - (v) Chapter Two, sub-Rule 53.4 to read: “No person may ask or submit more than two questions to be answered at any one meeting.” and to be renumbered Chapter Two, sub-Rule 53.5;
 - (vi) Renumbering of Chapter Two sub-Rules 53.3, 53.4, 53.5, 53.6, 53.7 and 53.8 to 53.4, 53.5, 53.6, 53.7, 53.8 and 53.9 respectively.
 - (vii) Chapter Two, sub-Rule 54.2 to read “Persons wishing to address Council should, where possible.”;
 - (viii) Insertion of a new rule at Chapter Two, sub-Rule 54.3 reading “Notwithstanding sub-Rule 54.2, any person can address *Council* without completing these steps if they are present at the *Council meeting*.”;
 - (ix) Chapter Two, sub-Rule 54.3.2 to read “the time permitted for each address will be five minutes. [delete remainder of sentence]”;
 - (x) Renumbering of Chapter Two sub-Rules 54.3, 54.4, 54.5 and 54.6 to 54.4, 54.5, 54.6 and 54.7 respectively.

with these changes taking effect on 1 September 2022.

LAPSED

MOTION

Moved: Councillor Nguyen

Seconded: Councillor Crossland

1. That Council conclude the community engagement process conducted under section 60(4) of the Local Government Act 2020 and:
 - (a) revoke the Governance Rules (including election period policy) adopted by Council on 20 August 2020;
 - (b) revoke the Council Meetings Operations Policy adopted by Council on 15 December 2020; and
 - (c) adopt the Governance Rules (including election period policy) at **Attachment Four** subject to the following changes:
 - (i) The insertion of a new rule at Chapter Two, sub-rule 53.3.4 reading “if required, the Chair must offer the person asking the question a further one minute to ask a question of clarification that relates to the prior question asked.”;
 - (ii) The insertion of a new rule at Chapter Two, sub-rule 53.3.5 reading “the Chair, or a person nominated by the Chair shall provide a further response to the question of clarification.”; and
 - (iii) Chapter Two, sub-rule 53.4 to read “Aside from the follow up question described at sub-Rule 53.3.4, no person may ask more than one question at any one meeting.”; and
 - (iv) The insertion of a new note before Chapter Two, Rule 53 reading “It is Council’s view that public participation in Council decision making processes makes a significant and positive contribution to the process of democratic governance.”;
 - (v) Chapter Two, sub-rule 74.1 to read “To the extent practicable, the Chair must make reasonable adjustments to these Rules to accommodate the participation in meeting proceedings by persons with special needs or in exceptional circumstances. Such adjustments may include:”

with these changes taking effect on 1 September 2022.

Councillor O'Brien suggested adding the following amendments under 1. (c):

- (i) Chapter Two, sub-Rule 53.2 to read “Questions asked of Council may:”;
- (ii) Chapter Two, sub-Rule 54.2 to read “Persons wishing to address Council must may:”;

The amendments were not accepted by the mover.

AMENDMENT

Moved: Councillor O'Brien

Seconded: Councillor Jolly

- (i) Chapter Two, sub-Rule 53.2 to read “Questions asked of Council may:”;
- (ii) Chapter Two, sub-Rule 54.2 to read “Persons wishing to address Council must may:”;

LOST

CALL FOR A DIVISION

For: Councillors Jolly, Stone and O'Brien

Against: Councillors Crossland, Mohamud, Nguyen, Landes and Wade

LOST

Councillor O'Brien suggested adding an amendment under 1. (c):

- (i) Chapter Two, sub-Rule 45.6 – to be deleted;

The amendments were not accepted by the mover.

AMENDMENT

Moved: Councillor O'Brien

Seconded: Councillor Jolly

- (i) Chapter Two, sub-Rule 45.6 – to be deleted;

LOST

CALL FOR A DIVISION

For: Councillors Jolly, Stone and O'Brien

Against: Councillors Crossland, Mohamud, Nguyen, Landes and Wade

LOST

Councillor Landes suggested the following amendment:

The words, "or in exceptional circumstances", in paragraph 5, to read, "where certain circumstances are warranted."

The amendment was not accepted by the mover.

Councillor Stone suggested adding an amendment under 1. (c):

- (i) Chapter Two, sub-Rule 27.2.3 to read "after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite speakers for and against the motion alternately until this is exhausted. Then the Chair may invite any Councillor who has not spoken and wishes to speak to the motion to do so.";

The amendment was accepted by the mover and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Crossland

1. That Council conclude the community engagement process conducted under section 60(4) of the Local Government Act 2020 and:
 - (a) revoke the Governance Rules (including election period policy) adopted by Council on 20 August 2020;
 - (b) revoke the Council Meetings Operations Policy adopted by Council on 15 December 2020; and
 - (c) adopt the Governance Rules (including election period policy) at **Attachment Four** subject to the following changes:
 - (i) Chapter Two, sub-Rule 27.2.3 to read "after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite speakers for and against the motion alternately until this is exhausted. Then the Chair may invite any Councillor who has not spoken and wishes to speak to the motion to do so.";
 - (ii) The insertion of a new rule at Chapter Two, sub-rule 53.3.4 reading "if required, the Chair must offer the person asking the question a further one minute to ask a question of clarification that relates to the prior question asked.";

- (iii) The insertion of a new rule at Chapter Two, sub-rule 53.3.5 reading “the *Chair*, or a person nominated by the *Chair* shall provide a further response to the question of clarification.”; and
- (iv) Chapter Two, sub-rule 53.4 to read “Aside from the follow up question described at sub-Rule 53.3.4, no person may ask more than one question at any one meeting.”; and
- (v) The insertion of a new note before Chapter Two, Rule 53 reading “It is Council’s view that public participation in Council decision making processes makes a significant and positive contribution to the process of democratic governance.”;
- (vi) Chapter Two, sub-rule 74.1 to read “To the extent practicable, the Chair must make reasonable adjustments to these Rules to accommodate the participation in meeting proceedings by persons with special needs or in exceptional circumstances. Such adjustments may include:”

with these changes taking effect on 1 September 2022.

CARRIED

CALL FOR A DIVISION

For: Councillors Crossland, Mohamud, Nguyen, Landes and Wade

Against: Councillors Jolly, Stone and O'Brien

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Nguyen

1. That Council adopt the Commitment to Respectful Community Relationships at **Attachment Two**.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Mohamud

1. That Council proscribe the personal criticism on social media by one Councillor of another and:

- (a) insert the following new clause 7.8.3(e) in the Councillor Code of Conduct:

“(e) not engaging in personal and unprofessional criticism of other Councillors”; and

- (b) insert the following new clause 8.3 in the Councillor Social Media Policy:

“8.3 engage in personal and unprofessional criticism of other Councillors

Example - A Councillor publishes a post on Facebook expressing disappointment in a Council decision. A member of the community posts a comment reading “I’m not surprised that Cr A voted in favour – he is without doubt the stupidest person I’ve ever been unfortunate enough to meet.” The Councillor ‘likes’ the comment. The Councillor should not endorse the comment by ‘liking’ it.”

and renumbering the remaining clauses accordingly.

CARRIED

CALL FOR A DIVISION

For: Councillors Crossland, Stone, Mohamud, Nguyen, Landes and Wade

Against: Councillors Jolly and O'Brien

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

1. That Council ensure that Council itself it not seen to be supporting or endorsing a candidate for election and:

- (a) adopt the Councillor Candidature Policy at **Attachment Six** and
- (b) amend the Councillor Code of Conduct by replacing the existing clause 7.13 with:

"7.13 Councillors as candidates

7.13.1 A Councillor who stands for a seat in a state or federal election or other similar election must comply with the Councillor Candidature Policy."

CARRIED UNANIMOUSLY

8.2 2022 Ceremonial Council Meeting Date

| | |
|-------------------|---|
| Reference | D22/198079 |
| Author | Rhys Thomas - Senior Governance Advisor |
| Authoriser | Group Manager Chief Executive's Office |

RECOMMENDATION

Start time: 9.08pm

1. That Council schedule a Council meeting for 7.00pm on Monday 28 November 2022 for the purpose of:
 - (a) establishing the governance arrangements for the next Mayoral term;
 - (b) electing a Mayor and, if applicable, a Deputy Mayor for the agreed term;
 - (c) appointing Councillors to advisory committees and external organisations; and
 - (d) establishing the Council meeting schedule for 2023.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Landes

1. That Council schedule a Council meeting for 7.00pm on Monday 28 November 2022 for the purpose of:
 - (a) establishing the governance arrangements for the next Mayoral term;
 - (b) electing a Mayor and, if applicable, a Deputy Mayor for the agreed term;
 - (c) appointing Councillors to advisory committees and external organisations; and
 - (d) establishing the Council meeting schedule for 2023.

CARRIED UNANIMOUSLY

8.3 Membership of Yarra Heritage Advisory Committee 2022-2026

| | |
|-------------------|---|
| Reference | D22/181975 |
| Author | Richa Swarup - Senior Advisor City Heritage |
| Authoriser | Group Manager Chief Executive's Office |

RECOMMENDATION

Start time: 9.10pm

1. That Council, having considered the applications received for community representative positions, appoint the following applicants to the City of Yarra Heritage Advisory Committee:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____
 - (f) _____
 - (g) _____
 - (h) _____
 - (i) _____
 - (j) _____
 - (k) _____
 - (l) _____
2. That Council endorse the retention of the list of the other applicants for future membership in the event of a vacancy during 2022-2026.
3. That Council authorise officers to thank all persons who nominated their interest for the Heritage Advisory Committee.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Mohamud

1. That Council, having considered the applications received for community representative positions, appoint the following applicants to the City of Yarra Heritage Advisory Committee:
 - (a) Jeff Atkinson;
 - (b) Greg Chenhall;
 - (c) Malcolm Macdonald;
 - (d) Ian Wight;
 - (e) Kirsteen Thomson;
 - (f) Alexis Arrowsmith;
 - (g) Ursula Chandler;
 - (h) Robert Crawford;
 - (i) Graeme Butler;
 - (j) Leo John Showell;
 - (k) Kristianna Scheffel; and
 - (l) Felicity Watson.
2. That Council endorse the retention of the list of the other applicants for future membership in the event of a vacancy during 2022-2026.
3. That Council authorise officers to thank all persons who nominated their interest for the Heritage Advisory Committee.

CARRIED UNANIMOUSLY

9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Questions Without Notice) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

11.1 Councillor Stone – 30k trials in Richmond and Fitzroy

Question:

We get regular requests from neighbourhoods who are wanting 30k speed zones, particularly in the area around schools. Is there any update on the VicRoads guidance on 30k speed zones and if its moved forward at all?

Response:

The Director City Works and Assets provided a response.

11.2 Councillor Stone – Recent decision at VCAT on 2, 1G Marine Parade, Abbotsford

Question:

VCAT made a determination around the importance of the Yarra corridor in approving high rise buildings that aren't right in that buffer zone, but just outside it. What implications might this have on the Yarra Planning Scheme?

Response:

The Acting Director Planning and Place Making provided a response.

12. Delegates' reports

Nil

13. General Business

Nil

Conclusion

The meeting concluded at 9.16pm.

Confirmed Tuesday 13 September 2022

Mayor