



# Agenda

## Extraordinary Council Meeting

5.30pm, Friday 9 December 2022

Ms 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.

Extraordinary Council meetings are a type of meeting that is scheduled to consider specific matters. Extraordinary Council meetings fall outside the usual meeting cycle and do not include Question Time or a number of other elements that are a feature of Ordinary Council meetings.

## Addressing the Council

It is anticipated that Council will provide an opportunity for members of the public to address Council in relation to the 2023 Council Meeting Schedule. Provided you have registered to address the Council, the Mayor will invite you to turn on your microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak (unless 10 or more register, in which case you will be provided with two minutes), but do not need to use all of this time.

### Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the 2023 Council Meeting Schedule;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

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

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily

## Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during 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.

## 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 Claudia Nguyen	Mayor
•	Cr Edward Crossland	Deputy Mayor
•	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

•	Sue Wilkinson	Chief Executive Officer
•	Rhys Thomas	Senior Governance Advisor
•	Mel Nikou	Governance Officer

#### Apologies

•	Cr Gabrielle de Vietri	Councillor
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## 3. 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.



#### 4. Council business reports

Item		Page	Rec. Page	Report Presenter
4.1	Adressing Council in relation to the Council Meeting Schedule 2023	5	6	Rhys Thomas - Senior Governance Advisor

#### 5. Notices of motion

Item		Page	Rec. Page	Report Presenter
5.1	Notice of Rescission No 2 of 2022 - Council Meeting Schedule 2023	7	8	Rhys Thomas - Senior Governance Advisor

#### 4. Council business reports (continued)

Item		Page	Rec. Page	Report Presenter
4.2	Council Meeting Schedule 2023	9	11	Rhys Thomas - Senior Governance Advisor

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## 4.1 Addressing Council in relation to the Council Meeting Schedule 2023

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<b>Reference</b>	D22/329279
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Chief Executive Officer

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### Purpose

1. To resolve to provide an opportunity for members of the public to address Council in relation to the 2023 Council Meeting Schedule.

### Critical analysis

#### History and background

2. On 6 December, Council adopted a meeting schedule for 2023. Following the meeting, Notice of Rescission No 2 of 2022 (Council Meeting Schedule 2023) was submitted in accordance with the Yarra City Council Governance Rules. This notice of motion is listed for consideration later in this meeting.

#### Discussion

4. While the Yarra City Council Governance Rules provide that, with some exceptions, there must be an opportunity for members of the public to address Council in relation to every matter included on the agenda at an Ordinary Council Meeting, there is no equivalent provision for Extraordinary Council Meetings.
5. In order to permit persons to address Council at an Extraordinary Council Meeting, Council may resolve to allow it, subject to whatever process Council determines.

#### Options

6. This report recommends that Council resolve to permit persons to address Council at this meeting, subject to most of the usual provisions of the Governance Rules. The one recommended departure from the Governance Rules is that persons be permitted to be address Council provided they registered by midday the day of this meeting. This reflects the fact that the urgency of this matter necessitated a shorter than usual notification of the community.

### Community and stakeholder engagement

7. In anticipation of Council's support for the recommendation, notification to the community has been made of the opportunity to address Council, subject to the Council's positive resolution in this matter.

### Policy analysis

#### Alignment to Community Vision and Council Plan

8. The Yarra 2036 Community Vision was developed by the Council and community in partnership, and articulates a vision for shared governance where the community *"is informed and empowered to contribute to the shared governance of Yarra. Decision-making is transparent through access, inclusion, consultations and advocacy."*
9. Among the articulated priorities in this community vision is a commitment to actively remove barriers to participation, support and empower everyone to get involved.
10. The key Council Plan strategies relevant to this report appear under Strategic Objective 6: "Democracy and governance" They are:

- (a) provide opportunities for meaningful, informed and representative community engagement to inform Council's decision-making; and
- (b) explore ways to amplify lesser-heard and underrepresented voices so that engagement is representative of all people and inclusive.

#### Climate emergency and sustainability implications

11. Climate emergency and sustainability implications have not been considered in this report.

#### Community and social implications

12. Providing an opportunity for members of the public to address Council at this meeting is consistent with an approach that seeks to maximise opportunities for members of the community to be heard.

#### Economic development implications

13. Economic development implications have not been considered in this report.

#### Human rights and gender equality implications

14. Human rights and gender equity implications have not been considered in this report.

### Operational analysis

#### Financial and resource impacts

15. There are no financial or resource impacts arising from a decision to permit person to address Council at this meeting.

#### Legal Implications

16. There are no legal implications arising from a decision to permit person to address Council at this meeting.

### Conclusion

17. This report recommends that Council resolve to provide an opportunity for members of the public to address Council in relation to the 2023 Council Meeting Schedule.

## RECOMMENDATION

1. That, in the exercise of its power set out in Chapter Two, Rule 54.6 of the Yarra City Council Governance Rules, Council permit persons to address Council in relation to the Council Meeting Schedule 2023, with the following provisions applying:
  - (a) Persons wishing to address Council must:
    - (i) have registered online by midday on 9 December 2022;
    - (ii) have provided their name and contact details to Council.
  - (b) If the person registering to address Council is present at the meeting:
    - (i) the Chair must offer the person registering to address Council the opportunity to make a statement in relation to the 2023 Council Meeting Schedule; and
    - (ii) the time permitted for each address will be three minutes or, where 10 or more people have registered to address Council in relation to that item, two minutes.
  - (c) The provisions of Chapter Two, Rules 54.4 (representative speakers), 54.5 (comments disallowed) and 74 (reasonable adjustments).

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## 5.1 Notice of Rescission No 2 of 2022 - Council Meeting Schedule 2023

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<b>Reference</b>	D22/329223
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Chief Executive Officer

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I, Councillor Jolly, hereby give notice that it is my intention to move the following motion at the next Council Meeting:

1. *“That the resolution of Council made on 6 December 2022 stating:*
  1. *That Council adopt a 2023 meeting schedule comprising:*
    - (a) *Planning Decisions Committee meetings at 6.30pm on 31 January, 28 February, 28 March, 2 May, 30 May, 4 July, 1 August, 29 August, 26 September, 24 October, 28 November and 19 December 2023;*
    - (b) *Revert to an (approximately) fortnightly Council meeting schedule, where Ordinary Council Meetings alternate with community engagement events and/or meetings:*
      - (i) *Ordinary Council Meetings at 6.30pm on 14 February, 14 March, 18 April, 16 May, 13 June, 18 July, 15 August, 12 September, 10 October, 14 November and 12 December 2023;*
      - (ii) *Community engagement events and/or meetings with the tentative dates of 7 February, 7 March, 4 April, 9 May, 6 June, 11 July, 8 August, 5 September, 3 October, 31 October, and 5 December, which may take the form of:*
        - a. *an Extraordinary Council Meeting;*
        - b. *a ward-based meeting with residents;*
        - c. *a pop-up consultation; or*
        - d. *a question and answer / feedback-style session (akin to past draft budget sessions); and*
    - (c) *an Extraordinary Council Meeting at 6.30pm on 15 November 2023 to elect a Mayor and Deputy Mayor for 2023/2024.*

*be rescinded.”*

## NOTICE OF RESCISSION

1. That the resolution of Council made on 6 December 2022 stating:
    1. That Council adopt a 2023 meeting schedule comprising:
      - (a) Planning Decisions Committee meetings at 6.30pm on 31 January, 28 February, 28 March, 2 May, 30 May, 4 July, 1 August, 29 August, 26 September, 24 October, 28 November and 19 December 2023;
      - (b) Revert to an (approximately) fortnightly Council meeting schedule, where Ordinary Council Meetings alternate with community engagement events and/or meetings:
        - (i) Ordinary Council Meetings at 6.30pm on 14 February, 14 March, 18 April, 16 May, 13 June, 18 July, 15 August, 12 September, 10 October, 14 November and 12 December 2023;
        - (ii) Community engagement events and/or meetings with the tentative dates of 7 February, 7 March, 4 April, 9 May, 6 June, 11 July, 8 August, 5 September, 3 October, 31 October, and 5 December, which may take the form of:
        - (iii) an Extraordinary Council Meeting;
          - a. a ward-based meeting with residents;
          - b. a pop-up consultation; or
          - c. a question and answer / feedback-style session (akin to past draft budget sessions); and
      - (c) an Extraordinary Council Meeting at 6.30pm on 15 November 2023 to elect a Mayor and Deputy Mayor for 2023/2024.
- be rescinded.



## 4.2 Council Meeting Schedule 2023

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<b>Reference</b>	D22/329247
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Chief Executive Officer

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**This report has been included in the agenda following the receipt of Notice of Rescission No 2 of 2022 (Council Meeting Schedule 2023). This item of business shall only be considered in the event that the Notice of Rescission is carried by Council.**

### Purpose

1. To formally adopt the meeting schedule for the 2023 calendar year.

### Critical analysis

#### History and background

2. The City of Yarra Governance Rules provide that:
  - (a) *“the dates and times of Ordinary Council Meetings will be fixed by Council from time to time”*; and
  - (b) *“Council may by resolution call, an Extraordinary Council Meeting.”*
3. In order to enable planning of key projects, it is beneficial to establish each year’s meeting schedule in advance.

#### Discussion

4. In developing a proposed meeting schedule, officers have taken into consideration the major meetings that need to be accommodated – Ordinary Council Meetings, meetings of the Planning Decisions Committee, Councillor Briefings and the annual Extraordinary Council Meeting to elect a Mayor and Deputy Mayor. It is only formal meetings of Council and the Planning Decisions Committee that require scheduling by Council resolution, so Councillor Briefings are not the subject of this report.
5. In developing a meeting schedule, there is value in developing a meeting cycle that can be simply understood, as well as occurring with sufficient frequency to enable Council decisions to be made in a timely fashion. In addition, there is value in scheduling each type of meeting on a fixed day of the week, as this assist sufficiently with developing consistent processes for the development and approval of reports, publication of agendas and minutes online and the deadlines for the receipt of public questions and registrations for public submissions at meetings.
6. In 2022, most Council meetings and all meetings of the Planning Decisions Committee were held on a Tuesday and followed a three-week cycle. It is proposed to continue this model in 2023, with meetings scheduled as follows:
  - (a) Week one – A Tuesday meeting of the Planning Decisions Committee at 6.30pm;
  - (b) Week two – A Tuesday Ordinary Council Meeting at 6.30pm; and
  - (c) Week three – A Tuesday Councillor Briefing at a time to be determined;with the cycle repeating again from the following week, with the exception of:
  - (d) Meeting cycle five, where the Ordinary Council Meeting will be held on Wednesday 26 April 2023 due to ANZAC Day falling on Tuesday 25 April 2023.
  - (e) Meeting cycle 14, where the Councillor Briefing will be held on Wednesday 8 November 2023 due to the Melbourne Cup falling on Tuesday 7 November 2023.

- (f) Meeting cycle 16, where an additional meeting of the Planning Decisions Committee will be held in week one instead of a Councillor Briefing due to the proximity to Christmas and the anticipated planning workload at the end of the year.
- 7. The proposed meeting schedule will result in 16 Council Meetings and 17 meetings of the Planning Decisions Committee being scheduled in 2023. This is the same number as were scheduled in 2022.
- 8. In addition to the Ordinary Council meetings, it is necessary to schedule an Extraordinary Council Meeting to elect a Mayor and Deputy Mayor for 2023/2024. That meeting is scheduled by a Council resolution which sets out the date and time of the meeting, as well as the business to be transacted.
- 9. The Local Government Act 2020 requires that the election of a Mayor following the conclusion of a one-year term take place *“on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.”* The Deputy Mayoral election takes place on the same date.
- 10. Council’s practice is to schedule the Mayoral election for the Monday nearest to the conclusion of the Mayor’s term.
- 11. Assuming Council has successfully elected a Mayor at this meeting, the one-year anniversary of the Mayoral election will fall on Tuesday 28 November 2023. As a result, it is recommended that Council schedule the Extraordinary Council Meeting for 6.30pm on Monday 27 November 2023.
- 12. The report also recommends that the only matters to be dealt with at the Extraordinary Meeting in 2023 are the election of the Mayor and Deputy Mayor for the year ahead. It is proposed that Council change the practice of also appointing members to committees and external groups and setting the following year’s meeting schedule at that meeting and instead consider those matters at the following Ordinary Meeting. This enables the Extraordinary Meeting to take a more ceremonial format and dispenses with the formal meeting procedures to the extent possible.

#### Options

- 13. Council has the option of altering the proposed meeting arrangements by alternate resolution, or by a resolution at a subsequent meeting throughout the year.

#### Community and stakeholder engagement

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

#### Policy analysis

##### Alignment to Community Vision and Council Plan

- 15. 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.”*
- 16. 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.”*
- 17. The establishment of a regular program of Council and Committee meetings underpins both the Yarra 2036 Community Vision and the City of Yarra Council Plan 2021-2025 and enables members of the public to attend and participate in the meetings in accordance with Council’s meeting procedures.

##### Climate emergency and sustainability implications

- 18. No climate emergency implications are presented in this report.

### Community and social implications

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

### Economic development implications

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

### Human rights and gender equity implications

21. No human rights implications are presented in this report.
22. Following the council elections in October 2020, Victoria leads the country in terms of the proportion of female councillors, representing a total of 43.8 per cent of councillors. This is a marked increase from the previous high of 38 per cent, but still falls short of gender parity. While the more than half of Yarra's Councillors are currently female, successive studies have shown that the significant demands on Councillors has resulted in fewer women seeking election (see <https://www.5050vision.com.au/research-on-women-in-local-government.html>). Establishing a predictable and fixed meeting schedule is one way that Council can support its Councillors to juggle home, employment and community responsibilities and encourage a diverse range of candidates to nominate at Council elections.

## Operational analysis

### Financial and resource impacts

23. Council's Budget 2022-2023 contains a necessary provision for the conduct of the Council and committee meeting program as set out in this report.

### Legal Implications

24. The setting of the Council Meeting schedule takes place in accordance with Chapter Two of the City of Yarra Governance Rules. Relevantly:
- (a) Rule 9.1 provides that Council fixes the dates and times of Ordinary Council Meetings;
  - (b) Rule 10.1 provides that Council may call an Extraordinary Council meeting;
  - (c) Rule 10.3 provides that a resolution to call an Extraordinary Council meeting must specify the date and time of the meeting and the business to be transacted; and
  - (d) Rule 9.2 provides that the CEO fixes the location of Council Meetings.

## Conclusion

25. It is recommended that Council adopt a meeting schedule for both Council and the Planning Decisions Committee throughout 2022.

## RECOMMENDATION

1. That Council adopt a 2023 meeting schedule comprising:
- (a) Planning Decisions Committee meetings at 6.30pm on 24 January, 14 February, 7 March, 28 March, 18 April, 9 May, 30 May, 20 June, 11 July, 1 August, 22 August, 12 September, 3 October, 24 October, 14 November, 5 December, and 19 December 2023;
  - (b) Ordinary Council Meetings at 6.30pm on 31 January, 21 February, 14 March, 4 April, 26 April, 16 May, 6 June, 27 June, 18 July, 8 August, 29 August, 19 September, 10 October, 31 October, 21 November, and 12 December 2022; and
  - (c) an Extraordinary Council Meeting at 6.30pm on 27 November 2023 to elect a Mayor and Deputy Mayor for 2023/2024.