

Ceremonial Meeting of Council Agenda

to be held on Thursday 28 November 2019 at 6.30pm Richmond Town Hall

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.

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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. Acknowledgement 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 survived European invasion and never ceded sovereignty.

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

We acknowledge that Fitzroy and Collingwood are areas of special significance to Aboriginal and Torres Strait Islander people—as the cradle of Aboriginal and Torres Strait Islander affairs in Victoria, the birthplace of important Aboriginal and Torres Strait Islander organisations, the centre of political activism and a meeting place for Aboriginal and Torres Strait Islander people to link in with family, community and services.

We acknowledge the role played by past federal and state government policies in the social and cultural dispossession of Aboriginal and Torres Strait Islander people—and the dispossession of land—which has caused the current disadvantages faced by many Wurundjeri Woi Wurrung Aboriginal and Torres Strait Islander people. And we believe that having an awareness of, and taking steps towards, mending this disadvantage is the shared responsibility of all residents in the City of Yarra.

Council pays its respects to all in the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community and Elders from all nations here today—and to their Elders past, present and future."

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Brigid O'Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- 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)

3. Declarations of Conflict of Interest

4. Council business reports

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4.1 Welcome Address

Trim Record Number: D18/132774 Responsible Officer: Group Manager Chief Executive's Office

The Chief Executive Officer will formally open the Ceremonial Meeting.

4.2 Reflection

Trim Record Number: D18/132777 Responsible Officer: Group Manager Chief Executive's Office

The Chief Executive Officer will invite the outgoing Mayor to address the meeting.

4.3 Appointment of Acting Chairperson

Trim Record Number: D18/132780 Responsible Officer: Group Manager Chief Executive's Office

Purpose

- 1. Under section 72(1)(a) of the Local Government Act 1989, the office of Mayor became vacant at 6.00 am on the day of this Ceremonial Meeting, 28 November 2019.
- 2. The Chief Executive Officer will call for nominations for the role of Acting Chairperson in order to assume the chair of this meeting and conduct the election of the Mayor for the 2019/2020 year.
- 3. It is to be noted that under the terms of Council's Meeting Procedures Local Law 2011:
 - (a) the Acting Chairperson cannot be a candidate for the election of Mayor;
 - (b) no seconder is required; and
 - (c) in the event of there being more than one nomination, the CEO will call for a show of hands for each of the nominees to decide the appointment of Acting Chairperson.

4.4 Governance arrangements

Trim Record Number: D18/132789 Responsible Officer: Group Manager Chief Executive's Office

Purpose

- 1. This report seeks a Council resolution on:
 - (a) the length of the term of office for Mayor; and
 - (b) if it wishes to continue with the arrangement of electing a Deputy Mayor.

Background

Term of Office of Mayor

- 2. Section 71 of the Local Government Act 1989 provides that, at a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be Mayor of the Council.
- 3. The Act further provides that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of two years. If no decision is made, the term of Mayor remains as one year.
- 4. In its submission to the recent review of the Local Government Act 1989, Council confirmed that it does not support two year terms for the Mayor.
- 5. In part, this opposition was based on the fact that the Act places no restriction on Mayors serving multiple consecutive terms. In this way, there is no reason why an effective Mayor who enjoys the support of colleagues could not continue to serve for a second year or more.

Deputy Mayoral role

- 6. In 2017, Council determined to appoint a Deputy Mayor for the first time.
- 7. The Municipal Association of Victoria says this of the role of Deputy Mayor:

"With the exception of the City of Melbourne and the City of Greater Geelong, the LG Act does not provide for the statutory position of deputy mayor for councils. Councils may choose to elect one of the councillors to hold the position of deputy mayor, bearing in mind that the deputy mayor will not have any function or powers under the LG Act. If a council chooses to elect a deputy mayor, it will also need to determine the role of the deputy mayor."

Municipal Association of Victoria, New Councillor Resource Guide 2016

- 8. While the role of Deputy Mayor is not one that is prescribed in the Local Government Act, it is an established practice within the sector, with an increasing number of Councils appointing a Deputy Mayor. Yarra City Council established the position of Deputy Mayor in November 2017.
- 9. Section 73(3) of the Local Government Act 1989 provides that if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- 10. This report proposes to retain the position of Deputy Mayor such that, if the Mayor is absent, incapable of acting or refusing to act, the Deputy Mayor would automatically assume the role of acting Mayor in accordance with section 73(3) of the Local Government Act 1989. In practice, this would apply only in the case of a Mayor being absent from a Council Meeting, where the Deputy Mayor would assume the chair without the need for a formal resolution to this effect.
- 11. In the event of a vacancy in the office of Mayor (such as after a resignation, disqualification or death), a Special Council Meeting would be required, as the Deputy Mayor would not automatically assume the role in such circumstances.

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12. The only other role for the Deputy Mayor would be to act as a spokesperson for Council in the event that the Mayor is unavailable. In every other respect, the Deputy Mayor would have the same role as every other Councillor. No additional allowance is payable.

Options

- 13. <u>Term of Office</u> Council may determine to elect a Mayor for a period of one year as recommended or may (by altering point one of the recommendation) elect a Mayor for a period of two years.
- 14. <u>Deputy Mayor</u> Council may determine to establish the position of Deputy Mayor as recommended, or may (by omitting point 2 of the Recommendation) determine not to establish the role.

RECOMMENDATION

- 1. That Council elect a Mayor for a period of one year.
- 2. That Council establish the position of Deputy Mayor as follows:
 - the Deputy Mayor be appointed under section 73(3) of the Local Government Act 1989 as the acting Mayor in the event that the Mayor is absent, incapable of acting or refusing to act;
 - (b) the Deputy Mayor shall act as spokesperson for the Council in the event that the Mayor is unavailable;
 - (c) the Deputy Mayor shall go out of office at the same time as the Mayor;
 - (d) the Deputy Mayor be elected following the election of the Mayor according to the provisions at Clauses 8 to 19 of the Yarra City Council Meeting Procedure Local Law 2011, as for the election of the Mayor; and
 - (e) for all purposes other than that outlined in (a) and (b) above, the Deputy Mayor shall have the role and responsibilities of a Councillor.

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Attachments

There are no attachments for this report.

4.5 Election of Mayor and Deputy Mayor

Trim Record Number: D18/132794 Responsible Officer: Group Manager Chief Executive's Office

Purpose

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

Background

- 16. Any Councillor is eligible for election (or re-election) to the office of Mayor or Deputy Mayor.
- 17. The Yarra City Council Meeting Procedures Local Law 2011 sets out the process for the receipt of nominations and the conduct of an election (if required).
- 18. The process for receipt of nominations provides:
 - (a) Any number of Councillors may be nominated.
 - (b) No seconder is required.
 - (c) The nominee(s) must consent to their nomination.
 - (d) If nominees are not present, the Acting Chairperson will require the immediate presentation of written notification.
- 19. The process for election of a Mayor or Deputy Mayor provides:
 - (a) Once nominations have closed, no candidate can withdraw their candidacy.
 - (b) If only one candidate is nominated, that candidate is deemed to be duly elected.
 - (c) If more than one nomination is received, then an election is conducted.
 - (d) Voting is by show of hands.
 - (e) Councillors shall be asked to raise their hands in support of each candidate.
 - (f) A candidate who receives an absolute majority of votes shall be deemed duly elected.
 - (g) If no candidate receives a majority in the first round, the candidate with the fewest votes is declared the defeated candidate.
 - (h) The process is repeated until such time as a candidate receives an absolute majority.
 - (i) In the event of three or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the result will be determined by lot.
 - (j) The Acting Chairperson does not have a casting vote.
 - (k) The CEO is responsible for conducting a lot.

4.6 Mayor, Deputy Mayor and Councillor Address

Trim Record Number: D18/132796 Responsible Officer: Group Manager Chief Executive's Office

An opportunity will be provided for the newly elected Mayor to deliver an inaugural address.

Following the Mayor's address, an opportunity will be provided to the Deputy Mayor to address the meeting.

Following the Deputy Mayor's address, an opportunity will be provided to any Councillor who wishes to address the meeting.

4.7 Appointment of Delegates to Internal and External Bodies

Trim Record Number: D18/132798 Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To appoint Councillors and staff as delegates to Council's Special Committees, Advisory Committees and external bodies for the 2019/2020 Council year.

Background

- 2. In order to assist the Council to undertake its extensive range of functions, Council has:
 - (a) constituted Special Committees with delegated powers and responsibilities;
 - (b) established Advisory Committees, to which it appoints Councillors and community representatives; and
 - (c) appointed delegates to represent it on a range of external organisations.
- 3. Details of each body requiring an appointment are set out below.

Special Committees

- 4. Council has Special Committees which are formally constituted under section 86 of the Local Government Act 1989. Each of these Committees has specific delegated powers set out in an Instrument of Delegation adopted by Council.
- 5. Council does not appoint a Chairperson to either of its Special Committees, as the Chairperson is appointed by the Committee itself.

Special Committee	Purpose	Nominees required
Inner Melbourne Action Plan Implementation Committee	The Committee is a collaborative partnership between the Cities of Yarra, Melbourne, Port Phillip, Stonnington and Maribyrnong. These inner Melbourne councils work together to strengthen the liveability, attraction and prosperity of the region.	Mayor Chief Executive Officer
Internal Development Approvals Committee	 The Internal Development Approvals Committee has the power to: consider planning applications; and consider Heritage Victoria Referrals in accordance with the Instrument of Delegation from Council dated 22 October 2019. 	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.

6. These Special Committees are:

Advisory Committees

- 7. 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.
- 8. 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.
- 9. The progress, advice and recommendations of Advisory Committees is reported to Council through Delegate's Reports by Councillors and progress reports from Council officers.
- 10. These Advisory Committees are:

Advisory Committee	Purpose	Nominees required
Active Ageing Advisory Committee	 The Active Ageing Advisory Committee will provide information, support and advice to Council on the needs, interests and well-being of people aged 50 +, with regard to: Development and implementation of the Active Healthy Ageing Strategy and Action Plan Integration of the eight Age Friendly Cities domains across Council's planning, community development and service provision activities; and Relevant Federal, State and local government policies and programs. 	One Councillor
Arts Advisory Committee	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
Audit Committee	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 and to provide advice to Council that will assist Council in fulfilling its corporate governance and oversight responsibilities.	Two Councillors
Bicycle Advisory Committee	To provide the local community with an opportunity to provide regular input to Council on bicycle infrastructure and policy development in Yarra.	One Councillor
Business Advisory Group	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
Community Awards Committee	To provide recommendations on the recipients of the Yarra Community Awards.	Three Councillors (one from each ward)

Advisory Committee	Purpose	Nominees required
Disability Advisory Committee	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
Early Years Reference Group	To facilitate networking and dialogue among those promoting and advocating for the needs and aspirations of children and their families in Yarra with a particular focus on vulnerable and disadvantaged children and families.	One Councillor
Environment Advisory Committee	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
Heritage Advisory Committee	To provide advice to Council on heritage matters including Yarra's natural, built and cultural heritage.	Three Councillors (one from each ward)
Multicultural Advisory Group	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
Performance Review Committee	The role of the Committee is to support the Council in the performance management process for the Chief Executive Officer.	All Councillors are automatically appointed
Yana Ngargna Advisory Group	The Yana Ngargna Advisory Group has been established as a partnership between Yarra City Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community.	One Councillor
Yarra Libraries Advisory Committee	To provide advice on issues relating to public library services across the City of Yarra.	Two Councillors

External Bodies

11. 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.

12. These external bodies are:

Special Committee	Purpose	Nominees required
Australian Local Government Women's Association	To promote participation and representation by women in Local Government	One Councillor
Collingwood Children's Farm Management Committee	To oversee management of the Collingwood Children's Farm.	One Councillor
Friends of Baucau	To promote governance and friendship to the city of Baucau in East Timor.	One Councillor plus one substitute Councillor
Mayors for Peace	An international organisation of cities dedicated to the promotion of peace.	One Councillor
Merri Creek Management CommitteeA 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
Metropolitan (Local Government) Waste Management Forum	To develop, support and promote waste reduction and recycling programs.	One Councillor plus one substitute Councillor
Metropolitan Transport Forum	To develop recommendations pertaining to transport in Melbourne, with particular emphasis on advocating for improved public transport.	One Councillor plus one substitute Councillor
Municipal Association of Victoria	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
Northern Alliance for Greenhouse Action	To promote community understanding and support for Greenhouse actions.	One Councillor
Victorian Local Governance Association	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

13. Due to the Annual General Meeting for the Yarra Energy Foundation being scheduled for Wednesday 27 November 2019, appointment of Council's delegate has been presented separately to the Council at its meeting on 26 November 2019 and is not included here.

Process

- 14. Before considering the officer's recommendation, Council should seek nominations for the 2019/2020 vacancies. In the case of Special 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.
- 15. 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 clause 21 of Council's

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Meetings Procedures Local Law (Local Law No.1 of 2011) and is conducted using the procedure for electing the Mayor set out in clauses 10 to 19.

- 16. 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 Meetings Procedures Local Law; 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.
- 17. 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.

RECOMMENDATION

1. That Council ratify the following Special Committee appointments for the 2019/2020 Council year:

Special Committee	Appointments for 2019/2020 Council Year
Inner Melbourne Action Plan Approvals Committee	Mayor Chief Executive Officer
Internal Development Approvals 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 Advisory Committee listed below for 2019/2020 Council year:

Advisory Committee	Appointments for 2019/2020 Council Year
Active Ageing Advisory Committee	Cr
Arts Advisory Committee	Cr Cr
Audit Committee	Cr Cr
Bicycle Advisory Committee	Cr
Business Advisory Group	Cr
Community Awards Committee	Cr Cr Cr
Disability Advisory Committee	Cr Cr
Early Years Reference Group	Cr

Environment Advisory Committee	Cr
Heritage Advisory Committee	Cr Cr Cr
Multicultural Advisory Group	Cr
Performance Review Committee	All Councillors
Yana Ngargna Advisory Group	Cr
Yarra Libraries Advisory Committee	Cr Cr

3. That Council appoint the following Councillors to the external bodies listed below for the 2019/2020 Council year:

Organisation or body	Appointments for 2019/2020 Council Year	
Australian Local Government Women's Association	Cr	
Collingwood Children's Farm Management Committee	Cr	
Friends of Baucau	Cr (substitute)	
Mayors for Peace	Cr	
Merri Creek Management Committee	Cr	
Metropolitan (Local Government) Waste Management Forum	Cr (substitute)	
Metropolitan Transport Forum	Cr (substitute)	
Municipal Association of Victoria	Cr (substitute)	
Northern Alliance for Greenhouse Action	Cr	
Victorian Local Governance Association	Cr (substitute)	

CONTACT OFFICER: TITLE: TEL:

Rhys Thomas Senior Governance Advisor 9205 5302

Attachments

There are no attachments for this report

4.8 Council Meeting Schedule 2020

Trim Record Number: D18/132812 Responsible Officer: Group Manager Chief Executive's Office

Purpose

20. To formally adopt the meeting schedule for the 2020 calendar year.

Background

- 21. The proposed meeting cycle follows the same frequency as was used in 2019 and prior years. Some minor adjustments have been required to accommodate public holidays. The times and dates have been established as follows:
 - Council Meetings commence at 6.30pm for closed sessions and 7.00 pm for public sessions on Tuesday evenings approximately every two weeks from the start of February; and
 - (b) Internal Development Approvals Committee Meetings commence at 6.30pm on Wednesday evenings approximately every two weeks from mid-January.
- 22. Council Meetings have traditionally been held at both Richmond and Fitzroy Town Halls. For operational reasons, meetings of the Internal Development Approvals Committee are held at Richmond Town Hall. It is proposed that from 2020, the move from Richmond to Fitzroy be aligned with the Ceremonial Meeting at the end of November, and the move from Fitzroy to Richmond occur at the end of April. As a result, the following locations are proposed:
 - (a) Council Meetings be held at Fitzroy Town Hall in the months of February, March, April, November and December 2020 and at Richmond Town Hall in the months of May, June, July, August, September and October 2020; and
 - (b) Internal Development Approvals Committee meetings be held at Richmond Town Hall.
- 23. It is further proposed that the Chief Executive Officer be provided with the delegated authority to relocate any meeting without the need for a further Council resolution in the event that the proposed venue is unavailable or unsuitable. This power is subject to compliance with public notification requirements of the Local Government Act.
- 24. Additional Special Council Meetings may also be called during the 2020 year as the need arises, and appropriate notice will provided in accordance with legislative requirements.

Legal Implications

- 25. Section 89 (4) of the Local Government Act 1989, generally provides that a Council must give at least 7 days' notice when holding an Ordinary or Special Council Meeting or a Special Committee comprising solely of Councillors (such as the Internal Development Approvals Committee). Where urgent or extraordinary circumstances prevent Council from complying with section 89(4), Council is required to give such public notice as is practicable and specify the urgent or extraordinary circumstances which prevented normal notice in the Minutes.
- 26. Further, Clause 36 of Council's Meeting Procedures Local Law 2011, provides that "the date, time and place for all Ordinary Meetings and Special Committee Meetings shall be fixed by the Council from time to time".

RECOMMENDATION

- 1. That Council adopt the following Meeting Schedule for 2020:
 - Ordinary Council Meetings at Fitzroy Town Hall commencing at 6.30pm for closed sessions and 7.00pm for public sessions on 4 February, 18 February, 3 March, 17 March, 7 April, 21 April, 24 November, 8 December and 22 December 2020;
 - (b) Ordinary Council Meetings at Richmond Town Hall commencing at 6.30pm for closed sessions and 7.00pm for public sessions on 5 May, 19 May, 2 June, 23 June, 7 July, 21 July, 4 August, 18 August, 1 September, 15 September, 6 October and 20 October 2020; and
 - Internal Development Approvals Committee Meetings at Richmond Town Hall commencing at 6.30pm on 15 January, 29 January, 12 February, 26 February, 11 March, 25 March, 15 April, 29 April, 13 May, 27 May, 10 June, 1 July, 15 July, 29 July, 12 August, 26 August, 9 September, 23 September, 14 October, 18 November, 2 December and 16 December 2020.
 - That Council authorise the Chief Executive Officer to alter the location of Ordinary Meetings of Council and the Internal Development Approvals Committee (IDAC) under clause 36 of the Yarra City Council Meeting Procedures Local Law 2011 if required, subject to public notification in accordance with the Local Government Act 1989.

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Attachments

There are no attachments for this report.

4.9 Conclusion

Trim Record Number: D18/132815 Responsible Officer: Group Manager Chief Executive's Office