

Maribyrnong City Council

ORDINARY MEETING OF COUNCIL MINUTES

Tuesday 20 November, 2018 6.30pm

Council Chamber Level 1 Maribyrnong Council Offices Corner Hyde and Napier Streets, Footscray

MEMBERSHIP

Mayor Councillor Martin Zakharov (Chair)
Councillor Sarah Carter
Councillor Simon Crawford
Councillor Catherine Cumming
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor

To be confirmed at the Ordinary Council Meeting to be held on 11 December, 2018

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.32pm.

The Chair, Cr Martin Zakharov made the following acknowledgement statement:

"We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present".

PRESENT

Councillor Martin Zakharov (Chair) Councillor Sarah Carter Councillor Simon Crawford Councillor Gina Huynh Councillor Cuc Lam

IN ATTENDANCE

Chief Executive Officer, Stephen Wall
Director Community Services, Clem Gillings
Director Corporate Services, Celia Haddock
Director Infrastructure Services, Steve Hamilton
Director Planning Services, Nigel Higgins
Manager Public Affairs and Community Relations, Deidre Anderson
Manager Governance and Commercial Services, Lisa King
Coordinator Governance, Danny Bilaver
Governance Support Officer, Adele Woolcock

2. APOLOGIES

An apology for this meeting was received from Cr Mia McGregor.

3. LEAVE OF ABSENCE

Councillor Catherine Cumming has been granted a leave of absence from this meeting.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

Question

Mr Simon Wilkins, resident of Seddon asked the following questions:

1. How long does Council anticipate it will take to fully assess each Rates Notice objection?

- 2. When does Council anticipate giving us the information individually requested at the October 2018 Council Meeting?
- 3. How many Councillors and Council officers present at the last meeting had rate increases and by how much, if they were City of Maribyrnong rate payers?

Response

The Chief Executive Officer, Mr Stephen Wall noted that the time that it takes to assess each objection sits with the Valuer-General who are required to reassess each valuation. Mr Wall further noted that Council had received over 600 objections.

The Director Corporate Services, Ms Celia Haddock confirmed that Council had received 638 formal objections. Ms Haddock further noted that rates objections would normally be dealt with over a 12-week period, but it may take longer than that unless the Valuer-General provides more resources to help with the reassessment process.

Mr Stephen Wall confirmed that Council had requested that a rates forum be organised, and that would be occurring next Wednesday evening at the Council offices at 6.30pm and that the forum would be advertised from tomorrow. Mr Wall noted that Council officers were gathering as much information as possible to respond to questions that had been raised at previous Council meetings. Mr Wall further noted that anyone who had asked a question at the Council meeting would be individually sent an invitation to the rates forum, and that there may be a requirement for multiple sessions. The Deputy Valuer-General would be attending the forum, a facilitator had been arranged to host the evening and a consultant would be at the forum to walk through the different rates modelling that had been done.

The Mayor, Cr Martin Zakharov confirmed that he had seen an increase in his rates, but not as much as in previous years. Cr Sarah Carter noted that as a new home-owner, she believed her rates in Kingsville had gone down from the previous year.

Question

Mr Mike St Clair-Miller, resident of Seddon asked the following questions:

- 1. At the last meeting there was considerable discussion about the level of funds that Council raised and if it was necessary to raise so much money. It was noted that Council had done considerable benchmarking around how much various services cost to provide, compared to other Councils. Is this Benchmarking publicly available? If not, will it be made publicly available?
- 2. Similarly, I asked a question about rates levied per head of population, compared with other Councils, which was 'taken on notice'. Has any progress been made with this and if not, is there any intention to follow up in the foreseeable future?

Response

The Chief Executive Officer, Mr Stephen Wall noted that as much information as possible was being gathered for the rates forum next week to provide a meaningful response to the questions that have been raised at the recent Council meetings.

The Director Corporate Services, Ms Celia Haddock directed residents to the Know Your Council website which provides the ability to compare Councils and their costs.

Mr Wall noted that Council was required to provide performance reporting as part of the annual budgeting and reporting cycle. This information is then used on the Know Your Council website to provide a meaningful set of information to the public. Mr Wall further noted that more information regarding Council expenses will be provided at the rates forum next week.

Question

Ms Maria Stogiannis, resident of Yarraville, asked the following questions:

- 1. When is the forum organised for the community rate payers to meet the Valuer-General to discuss the rates issues at hand?
- 2. In relation to works conducted in the area, i.e road works in particular, why are things done four time before an appropriate outcome is achieved?
- 3. In relation to other projects outsourced by the Council, how many quotes do you have to get to consider what is viable and is it set against a projected budget?

Response

The Chief Executive Officer, Mr Stephen Wall noted that Council would be hosting a rates forum next Wednesday evening at the Council offices. The rates forum will be a workshop as well as an information exchange and it is hoped that at the end of the forum, there will be clarity around what parts of the rating system Council controls, and what is governed by legislation.

Director Infrastructure Services, Mr Steve Hamilton noted that Council undertakes an annual roads preparation budget process which identifies roads and their conditions for works over the next year, and three, four and five years ahead of time. Council has a stringent procurement process which has values for quote limits and tender processes.

The Director Corporate Services, Ms Celia Haddock confirmed that Council has a rigorous and comprehensive procurement policy that is endorsed by Council each year. The policy is reviewed annually and it complies with the Act and Guidelines and Council's own stringent requirements. Mr Haddock noted that no piece of work is procured without a formal quotation. As per the policy, is works are under \$10,000 there is a requirement for one quote, but Council staff will often get more than one. Works between \$10,000 and \$50,000 requires two quotes; and works between \$50,000 and \$150,000 require three quotes. Anything over \$150,000 requires a tender process and there is legislative responsibilities as to how the tender process is run and assessed.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Gina Huynh, seconded by Cr Sarah Carter, that Council extend Public Question Time for 15 minutes.

CARRIED

Question

Mr Arthur Bregiannis, asked the following questions:

- 1. Who is taking ownership of the rates fiasco Maribyrnong Council has forced on its rate payers that benefit commercial enterprises and disadvantages residents. Maribyrnong Council blames the State Government for its valuations laws and the State Government says that it is only the Council who has the capacity to lower the rates. I ask who is taking responsibility of this toxic rating system here because it seems both you and the government are distancing vourselves from it?
- 2. Why is the Council charging higher NAV rates that does not add a differentials charge against businesses here in Maribyrnong?
- 3. In regards to the Solar Access Program (for low income earners), the funding being questionable with an already stressed ratepayer, and considering that the State Government is also implementing their program, how can the Council justify introducing this in a time when you have already received so many complaints on the level of your rates?

Response

The Chief Executive Officer, Mr Stephen Wall confirmed that Council has heard the concern and discontent of residents that more work needs to be done on the rates system. Council is looking to discuss further the future of rating in the City. Mr Wall further noted that legislation dictates the basis of the rates system, and that is the Valuation of Land Act which is the State Government's legislation. Council however, can decide on whether it operates under the CIV or NAV system. Modelling over the previous 16-20 years has shown that the NAV system shows benefits, on balance, to the residents. There are pockets of the municipality that have seen large rating increases, that does not mean that Council is saying that it is acceptable. Mr Wall noted that the rates forum is an avenue to help share information and discuss how to ease the rates burden for residents.

Mr Wall continued by noting that the NAV system uses a flat 5% of capital improved valuation for residential properties. Commercial rates are based on the actual rental return of the business. Valuers can easily secure that rental number, and generally, on balance, that figure is far greater than the flat 5% of residential properties. Commercial properties in general, are paying more proportionately than residential properties in the City.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Sarah Carter, seconded by Cr Cuc Lam, that Council extend Public Question Time by 15 minutes.

Question

Mr Dean Higgins, resident of Yarraville, asked the following questions:

- 1. Council has asked the CEO to prepare a business case and indicative timeline for implementation as soon as possible for the Solar Access Program. Did any Councillor do any preliminary costings for the program?
- 2. Did any Councillor provide the CEO with funding solutions outside of rates increases for the proposed program? If not, why not?

Response

The Chief Executive Officer, Mr Stephen Wall noted that Council is in the process of developing a business case to demonstrate the costs of the program. It is the intent of the program that it is fully recoverable, but that it enables residents to get solar panels with a deferred payment process. Residents will then benefit from reduced utility costs. Mr Wall confirmed that Council has not yet made a decision, and that the business case that will be presented to Council and will be considered prior to Council making any decision.

Question

Mr George Hatzikostas, resident of Yarraville, asked the following question:

1. Federally, budgets determine the services to be provided. It appears that Maribyrnong does it the other way around, i.e other arms of government generally live within their means. Will the Council recognise that residents find Council rates so large as to be crippling and that the situation must change?

Response

The Chief Executive Officer, Mr Stephen Wall noted that the rating system in Maribyrnong hasn't changed in structure in at least 20 years. Prior to rate capping, Council would annually build its budget, understand the cost implications of the budget, and set the rate increase to suit. The former Council's rating strategy was to increase the total amount of rate revenue by CPI + 2%. With the introduction of rate capping, the state government determines the rate cap which is a proportion of CPI and a proportion of wages growth.

Mr Wall continued by noting that Council is listening to residents' concerns, and this is shown particularly with the introduction of the rates forum next week. Mr Wall noted that the Council is working to try and find solutions to the residents' concerns.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Gina Huynh, seconded by Cr Cuc Lam, that Council extend Public Question Time by 15 minutes.

Question

Ms Helen Kotsianis, resident of Yarraville, asked the following questions:

- 1. Why are the rates calculated on the value of the property when we all receive the same services, e.g rubbish collection and street maintenance?
- 2. Why not have a break down on the rates notices of the services we are being charged for?
- 3. Why should rate payers pay for Council training, functions and other expenses?

Response

The Chief Executive Officer, Mr Stephen Wall noted that Council is in many ways governed by state government legislation, and that Council must use the valuation of the land as the basis for the rates. Council has provided publications in the past that provide a breakdown of where rates are spent on a service by service basis.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The purpose of this report was to present for confirmation, the minutes of the Ordinary Council Meeting held on 23 October 2018 and Special Council Meeting held on 7 November 2018.

Council Resolution

That Council confirms the minutes of the Ordinary Council Meeting held on 23 October 2018 and Special Council Meeting held on 7 November 2018.

Moved:

Cr Cuc Lam

Seconded:

Cr Simon Crawford

CARRIED

7. REPORTS FROM COMMITTEES

7.1. Noting of the Confirmed Minutes of Special Committees

The purpose of this report was to present for noting the confirmed minutes of the Council's Special Committees established under section 86 of the *Local Government Act 1989*.

Council Resolution

That Council notes the confirmed minutes of the Enterprise Maribyrnong Special Committee held on 7 August 2018 and the City Development Special Committee held on 18 September 2018.

Moved:

Cr Gina Huynh

Seconded:

Cr Sarah Carter

CARRIED

8. PETITIONS

8.1. Petition: Aged Care Services

The purpose of this report was to table a petition received in relation to Aged Care Services.

Council Resolution

That Council:

1. Receives and notes the petition in relation to Aged Care Services.

2. Requests the Chief Executive Officer consider the petition and determine the appropriate response.

Moved:

Cr Simon Crawford

Seconded:

Cr Sarah Carter

CARRIED

9. OFFICER REPORTS

9.1. Maribyrnong Libraries Plan 2019 - 2023

The purpose of this report was to provide Council with the draft Maribyrnong Libraries Plan 2019 - 2023 and outline proposed priorities for action.

Council Resolution

That Council:

- Note the key priorities and actions of the Maribyrnong Libraries Plan 2019 2023.
- 2. Endorse the Maribyrnong Libraries Plan 2019 2023 to be released for public comment.

Moved:

Cr Cuc Lam

Seconded:

Cr Simon Crawford

CARRIED

9.2. Gender Equity Strategy

The purpose of this report was to seek Council endorsement to place the City of Maribyrnong Gender Equity Strategy 2030 on public exhibition.

Council Resolution

That Council:

- Endorses the release of the Draft Gender Equity Strategy 2030 for community consultation, the outcomes of which will inform the final Strategy.
- 2. Notes that a further report will be presented to Council following community consultation, seeking adoption of the Maribyrnong City Council Gender Equity Strategy 2030.

Moved:

Cr Sarah Carter

Seconded:

Cr Simon Crawford

CARRIED

Cr Huynh left the meeting at 7:52 pm.

Cr Huynh returned to the meeting at 7:54 pm.

9.3. Re-establishing the Maribyrnong Arts and Culture Advisory Committee (to be known as the Arts Ambassadors Committee)

The purpose of this report was to present the Terms of Reference for the Maribyrnong Arts Ambassadors Committee (formally known as the Arts & Culture Advisory Committee) to Council for consideration.

Council Resolution

That Council:

- 1. Endorse the Terms of Reference for the Maribyrnong Arts Ambassadors Committee.
- 2. Endorse an Expression of Interest process seeking candidates for the Maribyrnong Arts Ambassadors Committee, with future membership to be approved by Council.

Moved:

Cr Simon Crawford

Seconded:

Cr Gina Huvnh

CARRIED

Cr Carter left the meeting at 7:59 pm.

Cr Carter returned to the meeting at 8:00 pm.

Cr Lam left the meeting at 8:00 pm.

Cr Lam returned to the meeting at 8:02 pm.

9.4. Footscray Park Regulations Update

The purpose of this report was to present options to update the regulations for Footscray Park.

Council Resolution

That Council:

- Note the outcome of consultations with the Department of Environment, Land, Water and Planning (DELWP).
- 2. Resolve to surrender ownership of the land in Crown Allotment 5 Section 15 Parish of Cut-Paw-Paw (for nil consideration) on the condition that DELWP:
 - a. Reserves the land for a 'public' or 'municipal' (or similar) purposes
 - b. Appoints Council as committee of management under s 14 of the Crown Land (Reserves) Act 1978.
- 3. Resolves to amend the existing reservation of the land in Crown Allotment 4A Section 15 Parish of Cut-Paw-Paw from 'conservation, recreation, leisure and tourism' to a broader 'public' or 'municipal' purpose so as to be consistent with the reservation under paragraph 2(a) above.

Moved:

Cr Simon Crawford

Seconded:

Cr Sarah Carter

CARRIED

9.5. Planning Scheme Review 2018

The purpose of this report was to report on the findings and seek endorsement of the Maribyrnong Planning Scheme Review Report 2018

Council Resolution

That Council:

- Endorse the Maribyrnong City Council Planning Scheme Review and forward the findings of the review to the Minister for Planning as required under Section 12B(5) of the Planning and Environment Act 1987
- 2. Progress the recommendations as identified in the report

Moved:

Cr Sarah Carter

Seconded:

Cr Simon Crawford

CARRIED

9.6. Geographic Naming Policy 2018

The purpose of this report was to present the Geographic Naming Policy 2018 (the Policy) to Council for consideration.

Council Resolution

That Council adopts the Geographic Naming Policy.

Moved:

Cr Gina Huynh

Seconded:

Cr Cuc Lam

9.7. Property Sale, Transfer and Acquisition Policy 2018

The purpose of this report was to present the updated Property Sale, Transfer and Acquisition Policy (the Policy) to Council for adoption.

Council Resolution

That Council adopts the revised Property Sale, Transfer and Acquisition Policy 2018 as attached to this report.

Moved:

Cr Simon Crawford

Seconded:

Cr Sarah Carter

CARRIED

9.8. Lease and Licence Policy 2018

The purpose of this report was to present the draft Lease and Licence Policy 2018 (the draft Policy) for Council to consider and approve the commencement of consultation.

Council Resolution

That Council:

- Approves the commencement of consultation of Council's draft Lease and Licence Policy 2018.
- Notes that a further report will be presented at an upcoming Council meeting presenting the consultation findings and recommending the endorsement of the Lease and Licence Policy taking into consideration the findings.

Moved:

Cr Simon Crawford

Seconded:

Cr Gina Huynh

CARRIED

9.9. Proposed Sale of Airspace Over Right of Way Abutting 22-28 Ford Street, Footscray

The purpose of this report was to consideration of written and verbal submissions pursuant to section 223 of the *Local Government Act 1989* (Act), this report seeks Council's authority to not proceed with the proposal to sell airspace to the abutting owners of 22-28 Ford Street, Footscray.

Council Resolution

That Council:

1. Notes Attachment 1 of this Report which provides a summary of the written

- and verbal submissions received pursuant to section 223 of the Local Government Act 1989 (Act) and the response from Council Officers.
- 2. Following consideration of the written and verbal submissions, resolves to not proceed with the proposal to sell the airspace at a height above 4 metres to the abutting owners of 22-28 Ford Street, Footscray for the following reasons:
 - It is reasonably foreseeable that any development above the airspace has the potential to impact the overall surveillance along the Council right of way impacting upon safety and security of its users; and
 - b. It is reasonably foreseeable that there will be a reduction of natural light to surrounding properties.
- 3. Notes that there are a number of concerns raised by the submitter (outlined in Attachment 1) which would be addressed through any future planning application. The probability of the concerns raised being addressed by any planning permit application is not certain and provides uncertainty to any additional future impacts (in addition to those identified in points 2a and 2b).

Moved:

Cr Simon Crawford

Seconded:

Cr Sarah Carter

CARRIED

9.10. Proposed Discontinuance and Sale of Right of Way Abutting 2 York Street, Yarraville

The purpose of this report was to seek Council's approval to finalise the discontinuance and sale of part of the road abutting 2 York Street, Yarraville being part of the road contained in Certificate of Title Volume 11837 Folio 884 shown outlined in red in Attachment 1 of this report.

Council Resolution

That Council:

- 1. Notes that no submissions were received in response to the public notice given under sections 207A and 223 of the Local Government Act 1989 (Vic) (Act).
- 2. Authorises the Chief Executive Officer to undertake all statutory procedures pursuant to its powers under clause 3 of Schedule 10 of the Act to:
 - a. discontinue part of the road abutting 2 York Street, Yarraville being part of the road contained in Certificate of Title Volume 11837 Folio 884 (shown outlined in red in Attachment 1) (Road) by publishing a notice in the Victoria Government Gazette; and
 - b. sell the Road to the owners of 2 York Street, Yarraville for the current market value of \$40,000 plus GST.

Moved:

Cr Simon Crawford

Seconded:

Cr Gina Huynh

CARRIED

9.11. Quarterly Performance and Financial Report - September 2018

The purpose of this report was to present the First Quarter, Performance Report on the Annual Council Action Plan 2018/2019 of the Council Plan 2017-2021 along with Council's financial operations and the Capital and Asset Improvement Program.

Council Resolution

That Council notes the 2018/2019 First Quarter Performance and Financial reports.

Moved:

Cr Cuc Lam

Seconded:

Cr Simon Crawford

CARRIED

9.12. Audit & Risk Committee Annual Report for Year Ending 30 June 2018

The purpose of this report was to Present to Council the Audit & Risk Committee Annual report for the year ending 30 June 2018.

Maribyrnong City Council Audit and Risk Committee Charter, Reporting and Transparency Responsibilities Clause 7.8.3.

"The Annual Committee Performance Report is to be presented to Council in November annually and published on the Council's website."

Council Resolution

That Council notes the Audit and Risk Committee report for year ending 30 June 2018.

Moved:

Cr Sarah Carter

Seconded:

Cr Simon Crawford

CARRIED

9.13. Councillor Appointments to Committees 2019

The purpose of this report was to appoint Councillor Representatives to Council Advisory Committees and other external bodies for 2019.

Council Resolution

That Council:

1. Approves the following Councillor appointments for 2019:

- a) Councillor Mia McGregor as representative to the Brooklyn Community Reference Group.
- b) All Councillors as representatives to the Chief Executive Officer Performance Review Committee.
- c) The Mayor (ex-officio) and Councillor Cuc Lam from the Stony Creek Ward, Councillor Mia McGregor from the Yarraville Ward and Councillor Gina Huynh from the River Ward as members of the Civic Awards Judging Panel.
- d) The Mayor (ex-officio) as representative to the Disability Advisory Committee and Councillor Mia McGregor as substitute.
- e) The Mayor as representative to the Heritage Advisory Committee and Councillor Gina Huynh as substitute.
- f) Councillor Simon Crawford and the Chief Executive Officer as representatives to LeadWest and Councillor Sarah Carter as substitute.
- g) Councillor Martin Zakharov as Chair of the Maribyrnong Arts Ambassadors Committee.
- h) The Mayor (ex-officio) as Chair and Councillor Mia McGregor as representative to the Maribyrnong Reconciliation Action Plan Advisory Committee.
- i) Councillor Lam as representative to the Metropolitan Local Government's Waste Forum and Councillor Simon Crawford as substitute.
- j) Councillor Martin Zakharov as representatives to the Metropolitan Transport Forum and Councillor Sarah Carter as substitute.
- k) Councillor Catherine Cumming as representative to the Municipal Association of Victoria and Councillor Cuc Lam as substitute.
- Councillor Mia McGregor as representative to the Older Persons Reference Group and Councillor Gina Huynh as substitute.
- m) Councillor Martin Zakharov as representative to the RoadSafe Westgate Community Road Safety Council.
- n) Councillor Sarah Carter as representative to the Victorian Local Governance Association and Councillor Cuc Lam as substitute.
- o) Councillor Gina Huynh as representative to the Youth Advisory Committee.
- 2. Amends the Terms of Reference of the Maribyrnong Active Transport Advisory Committee to have Councillor representatives appointed in November and appoints Councillor Simon Crawford as representative and Councillor Martin Zakharov as substitute.

Moved:

Cr Cuc Lam

Seconded:

Cr Gina Huynh

CARRIED

9.14. Council and Committee Meeting Dates 2019

The purpose of this report was to present the proposed schedule of dates for the 2019 calendar year for Ordinary Council Meetings (including a Special Meeting of Council to elect the Mayor to be held in November), the City Development Special Committee, the Enterprise Maribyrnong Special Committee and the Inner Melbourn Action Plan Implementation Committee.

Council Resolution

That Council:

- Approves the meeting dates for the 2019 Council Meetings and the Special Committee Meetings as attached to this report.
- 2. Authorise the Chief Executive Officer to amend the 2019 Meeting Schedule at required, to cover for workload or other special circumstances.
- 3. Request the Chief Executive Officer to ensure that the Schedule of Council Meetings and any meeting date changes are appropriately advertised in the local newspapers and Council's website.

Moved:

Cr Sarah Carter

Seconded:

Cr Gina Huynh

CARRIED

9.15. Mayor and Councillor Allowances

The purpose of this report was to allow Council to formally note the Minister for Local Government's adjustment of Mayoral and Councillor allowances.

Council Resolution

That Council note the 2 per cent adjustment to Councillor and Mayoral Allowances, to apply from 1 December 2018, as determined by the Minister for Local Government.

Moved:

Cr Simon Crawford

Seconded:

Cr Sarah Carter

CARRIED

9.16. Councillor Support and Expenses August 2018 to October 2018

The purpose of this report was to present the Councillor support and expenses for the period August 2018 to October 2018.

Council Resolution

That Council notes the Councillor Support and Expenses Report for August 2018 to October 2018 which will be made available via Council's website for the term of the current Council.

Moved:

Cr Gina Huynh

Seconded:

Cr Simon Crawford

CARRIED

9.17. Assembly of Councillors - October 2018

The purpose of this report was to receive and note the record of Assemblies of Councillors for October 2018.

Council Resolution

That Council notes the record of Assemblies of Councillors for October 2018.

Moved:

Cr Gina Huynh

Seconded:

Cr Cuc Lam

CARRIED

9.18. Delegates Reports - October 2018

The purpose of this report was to present the Councillor delegates' reports for the period October 2018.

Council Resolution

That Council notes the Councillor delegates' reports October 2018 which will be made available on Council's website for the term of the current Council.

Moved:

Cr Cuc Lam

Seconded:

Cr Gina Huynh

CARRIED

10. NOTICES OF MOTION

Nil

11. URGENT BUSINESS

Nil.

12. CONFIDENTIAL BUSINESS

Nil

13. MEETING CLOSURE

The Chair, Cr Martin Zakharov, declared the meeting closed at 8.25pm.

M. Zez

To be confirmed at the Ordinary Council Meeting to be held on 11 December, 2018.

Chair, Cr Martin Zakharov

