



# Ordinary Meeting of Council Agenda

**to be held on Tuesday 8 October 2019 at 7.00pm  
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.

## **Recording and Publication of Meetings**

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## **Order of business**

- 1. Statement of recognition of Wurundjeri Woi-wurrung Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

## **1. Statement of Recognition of Wurundjeri Woi-wurrung Land**

*“Welcome to the City of Yarra.”*

*“Yarra City Council acknowledges the Wurundjeri Woi-wurrung as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present.”*

## **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 Bridgid 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)
- Graham Davis (Acting Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

## **4. Confidential business reports**

### **Item**

- 4.1      Personnel matters

## **Confidential business reports**

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

### **RECOMMENDATION**

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of personnel matters; and
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 24 September 2019 be confirmed.

## **6. Petitions and joint letters**

## **7. Public question time**

Yarra City Council welcomes questions from members of the community.

### Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- not raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

## **8. Delegate's reports**

## **9. General business**

## **10. Questions without notice**

## 11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Draft Consumption of Liquor in Public Place Local Law	8	15	Stewart Martin – Manager Compliance and Parking Services
11.2	Proposed Discontinuance of Road abutting 12-20 Victoria Crescent, Abbotsford.	16	19	Bill Graham – Coordinator Valuations
11.3	Review of the Health and Wellbeing Plan Advisory Committee (HWPAC)	21	25	Malcolm McCall - Unit Manager Social Policy and Research
11.4	Public health, amenity and safety update and actions taken in North Richmond and Abbotsford	26	45	Malcolm McCall - Unit Manager Social Policy and Research
11.5	Lourdes Site - Consideration of concept	47	60	Bruce Phillips – Director Planning and Place Making

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

### Public submissions procedure

When you are invited by the Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

## **12. Notices of motion**

<b>Item</b>		<b>Page</b>	<b>Rec. Page</b>	<b>Report Presenter</b>
12.1	Notice of Motion No. 15 of 2019 - Witness K and Bernard Collaery prosecutions	62	62	Cr Amanda Stone

## **13. Urgent business**

Nil

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## 11.1 Draft Consumption of Liquor in Public Place Local Law

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### Executive Summary

#### Purpose

Following the public consultation in accordance with the requirements of sections 119(2) and 223(1) (a) of the Local Government Act 1989 (Act). Council is now required to consider endorsing the proposed Consumption of Liquor in Public Places Local Law 2019 (Local Law).

#### Key Issues

To consider the adoption of the proposed Local Law which will enable the early intervention and prevention of potential anti-social behaviour and to declare areas or times to be 'alcohol free' depending on events, for example New Year's Eve.

#### Financial Implications

None perceived

#### PROPOSAL

The current Local Law is due to sunset on 19 October 2019. The proposed Local Law has been drafted, preliminary public and internal consultation along with formal consultation in accordance with the requirements of sections 119(2) and 223(1)(a) of the Local Government Act 1989 (Act) has also been undertaken.

Preliminary consultation:

- A notice was published advising members of the public of the proposed Local Law.
- A copy of the proposed Local Law and statement of changes was also available to the public.
- Surveys were conducted and completed in-person and online.
- Written feedback has been compiled.

Sections 119(2) and 223(1) (a) of the Local Government Act 1989 (Act) consultation:

- A notice was published in the Government Gazette.
- A copy of the proposed Local Law and statement of changes was also available to the public at all Council customer service counters.
- An opportunity for persons to be heard has been offered.
- Online consultation and feedback has been offered.

It is now proposed that Council consider the feedback received and thereafter determine whether any amendments are required to be made. If no further amendments are required, Council may resolve to endorse the proposed Local Law.



## 11.1 Draft Consumption of Liquor in Public Place Local Law

Reference: D19/158710

Authoriser: Director Corporate, Business and Finance

### Purpose

1. To endorse the proposed Consumption of Liquor in Public Places Local Law 2019 (Local Law)

### Background

2. The Local Law is due to sunset on 19 October 2019. In preparation, a review of the Local Law was conducted and a proposed Local Law was drafted by solicitors on behalf of Council. A Councillor's briefing report was also presented 27 May 2019.
3. The proposed Local Law seeks to strike the balance between the use and enjoyment of the municipality's public places and the safety and amenity factors which relate to, and result from, public liquor consumption.
4. Changes were made which were directed primarily at reducing the repetition of the Local Law and improving the readability of the document.
5. Section 119 of the *Local Government Act 1989 (Act)* requires that, prior to making a new Local Law, Council must allow any person affected by the proposed Local Law to make a submission relating to the proposed Local Law. This section relevantly provides:
  - (2) The Council must give a notice in the Government Gazette and a public notice Stating-
    - (a) the purpose and general purport of the proposed law; and
    - (b) that a copy of the proposed Local Law and any explanatory document can be obtained from the Council office; and
    - (c) that any person affected by the proposed Local Law may make a submission relating to the proposed local law under section 223.
  - (2A) The Council must ensure that –
    - (i) a copy of the proposed Local Law; and
    - (ii) an explanatory document setting out prescribed details in relation to the Local Law,

is available for inspection, at, and obtainable from, the Council office during ordinary business hours.
6. Section 223 of the Act requires Council to provide persons with the opportunity to be heard and requires Council to consider all submissions made, whether oral or written, in making the Local Law.

### External Consultation

7. A preliminary external consultation period was undertaken, running from 6 June to 4 July 2019. Notices were published advertising the intention to amend the Local Law, along with copies of the proposed Local Law, a statement of changes, and a current list of 'prescribed areas.'
8. Members of the general public, Victoria Police, Victorian Commission for Gambling and Liquor Regulation, and community groups were invited to complete an online or hard-copy survey or provide feedback in-person at a pop-up session.

9. 241 online responses and 8 hard-copy surveys responses were received and 30 discussions were had at pop-up sessions.
10. 30% of responses showed high levels of support for the proposed Local Law, 37% of those surveyed were moderately supportive, and 33% were not supportive, demonstrating a relatively even spread of views.
11. Those who were highly- supportive agreed that the regulation of the consumption of liquor by the Council was required and beneficial, that the use of prescribed areas takes a well-balanced approach which allows for the community to enjoy its parks and reserves and contributes to the 'vibrant' and 'lively' atmosphere.
12. Those who were moderately supportive expressed concerns with the issue of anti-social behaviour rather than the consumption of liquor itself, the times stipulated as 'day-time hours', particularly in summer, and the coverage of 'prescribed places.' In some responses however comments indicated that the restriction should be in fact stricter and they appear to have marked moderately supportive due to the Local Law not being restrictive enough.
13. Of those responses that were not supportive stated that the proposed Local Law was too restrictive and that consumption of liquor should be permitted in all public places. Concerns were also expressed in relation to an authorise officer's 'reasonable belief' as opposed to the actual observation of consumption or possession, with some believing that this may be 'misused' against marginalised and vulnerable members of the community. However some responses conveyed a different opinion and were unsupportive due to the Local Law actually allowing the public consumption of alcohol at all or that it was not restrictive enough in controlling public consumption of alcohol.

Summary of Responses from Public Survey	Officers Comments
<b>Approximately 30% were supportive.</b>	<b>General comments supporting the proposed Local law which enables some regulation. There is no proposed changes to the proposal</b>
Sensible changes	No comment
I think that it is a fair system and having the ability to drink in a park is a privilege	Times and ability to prescribe places allows for a fair system
It's a good balance of supporting community events while protecting public safety	As above
I like to have a drink in the local park with a BBQ and my family	Proposal allows for this during the day time
<b>Approximately 37% were moderately supportive</b>	<b>Comments were subjective to personal opinions relating to times and also to the individuals that may be affected. No changes were proposed to the draft. Times remained consistent with existing Local Law</b>
Think the 9.00 am is too early	No comment – personal opinions
These types of public drinking spaces are vital for some people's social engagement	Local Law allows for the flexibility and to socialise
The most vulnerable in our community will be disproportionately affected	No comment
Think 9.00 pm is too early, it should align with the sun setting in summer	No comment – personal opinion
<b>Approximately 33% were not supportive</b>	<b>General comments were around having no ban at all. This would not allow Council to place</b>

Summary of Responses from Public Survey	Officers Comments
	<b>restrictions during events and certain places or times i.e. New Year's Eve.</b>
The main objective should be to control anti-social behaviour. Blanket bans on alcohol do not achieve this.	The proposed Local Law doesn't put a blanket ban.
Casually drinking a beer in the street (while not being intoxicated) should not be an offence.	No comment
Local Law not required and drinking responsibly should be allowed, over regulation, not necessary	Proposed Local Law allows for responsible drinking
I am concerned with wording that no longer requires an officer to actually observe an infringement	An Officer would require evidence for any breach. ( see paragraph 14 & 15 below)

14. At the subsequent Council meeting on 13 August 2019, the term an Officer having 'reasonable belief' was changed to 'observes' as a part of the evidence required to prove an offence.
15. Therefore sections 10, 15 & 20 of the proposed Consumption of Liquor in a Public Places Local Law was updated and placed out for formal consultation.
16. As a result of the above changes from the Council meeting on 13 August 2019, the Community Impact Statement (**Attachment 8**) and Statement of Change (**Attachment 2**) have been updated accordingly.
17. The publication and 223 submission period (28 days) was completed 19 September 2019. Notices were published in the Government Gazette and The Age advertising the intention to amend the Local Law. Copies of the proposed Local Law, a statement of changes and a current list of 'prescribed areas' were available at all Council customer service centres. There was also promotion via the Website, Twitter, Facebook and Yarra Life.
18. 31 website and 2 email responses were received.
19. 9 people including Victoria Police registered to speak at the meeting 8 October 2019.
20. Submissions raised were similar to the earlier public consultation as per paragraphs 11, 12, 13. A full list of the latest 223 submission period along with Officer comments is attached. (**Attachment 5**)
21. Victoria Police submission attached. (**Attachment 4**)
22. The Police submission notes that the proposed Local Law has narrowed the definition of 'public place' from the previous Local Law. The new definitions restricts the Local Law to Council controlled land only and that is now does not include land owned or managed by the Department of Health and Human Services (DHHS) and other public authorities.
23. There has also been concerns raised by DHHS along with the Police regarding groups of people not all living on the Estates drinking on DHHS property and therefore having a negative impact on residents and other vulnerable persons.
24. On 30 September 2019, Victoria Police along with Council representatives met with representatives of the Aboriginal and Torres Strait Islander community to provide an outline of the proposed Local Law and to discuss the memorandum of understanding (Protocol) and to seek feedback

### **Internal Consultation (One Yarra)**

25. All City of Yarra Managers and advisory groups were invited to provide feedback via an online submission portal.
26. Senior Officers within the Compliance & Parking Services department also offered to attend individual department meetings to discuss any aspects of, or concerns regarding the proposed Local Law.
27. On 2 May 2019 Officers attended and consulted with the Yarra Aboriginal Advisory Group at their regular meeting regarding the Local Law.

### **Financial Implications**

28. None perceived

### **Economic Implications**

29. None perceived

### **Sustainability Implications**

30. None perceived

### **Social Implications**

31. Feedback from the public along with the Aboriginal and Torres Strait Islander communities raise concerns that the current and proposed Local Law is being, and will be, used to target Aboriginal and Torres Strait Islanders and other vulnerable persons such as those experiencing homelessness. It is noted that Authorised officers and Police officers understand that the Local Law is to be used as an education tool, to address potential anti-social behaviour and is supported by the enforcement mechanisms within it.
32. Concerns were also expressed in relation to the restriction of persons who wish to consume liquor in public places as part of social engagement. The proposed Local Law makes no changes to the coverage of the areas in which liquor is able to be consumed. This is dealt with by declarations of Council of 'prescribed areas' and 'festivals' pursuant to a power under the Local Law (which remains unchanged.)
33. A comprehensive discussion of the social implications of the proposed Local Law are addressed in the Community Impact Statement (**Attachment 8**).

### **Human Rights Implications**

34. The proposed Local Law has been drafted in accordance with the *Charter of Human Rights and Responsibilities Act 2006*. A complete discussion of the human rights implications are contained in the Statement of Compatibility with Human Rights and Responsibilities Charter (**Attachment 7**).

### **Communications with CALD Communities Implications**

35. On 2 May 2019 Officers consulted with the Yarra Aboriginal Advisory Group at their regular meeting. In addition, the Community Partnership Unit arranged for 'in-person' meetings with Aboriginal community members, including the group that refers to themselves as 'Parkies', Aboriginal organisations and the Yarra Aboriginal Support Network.
36. Concerns were also raised that the Local Law was being, or would be, used to target Aboriginal persons. The Aboriginal Advisory Group was advised in response that the Local Law is administered with a view to educate first and that enforcement by Police officers and Council Authorised officers followed educational action if, and when, necessary.

### **Council Plan, Strategy and Policy Implications**

37. The implementation of the proposed Local Law seeks to assist in achieving the following strategic objectives of the Council Plan 2017-2021:

*A Healthy Yarra*

1.4 Assist to reduce the harms from alcohol and drugs on individuals and the community in partnership with state agencies and key service providers.

### **Legal Implications**

38. The legal requirements for the making of a new Local Law are set out above.

### **Other Issues**

- 39. Public drunkenness is proposed to be decriminalised by the Victoria Government.
- 40. There is a distinct difference between the proposed decriminalised public drunkenness law and the proposed Consumption of Liquor in a Public Place Local Law in that the Local Law has been developed to prevent and deal with anti- social behaviour while the proposed decriminalised law deals with the social & health impacts of drinking and the end results.
- 41. While a number of States within Australia including New South Wales have had public drunkenness decriminalised for an extended period of time, Councils in those states still have an alcohol Local Law to control the public consumption of alcohol.
- 42. All of Yarra's surrounding Councils have an alcohol Local Law to control public consumption of alcohol. However some of these Local Laws are written in different ways such as Boroondara which allows Council to designate dry areas rather than declaring the whole municipality alcohol free and then having prescribed areas to publically consume alcohol. However the intent of the Local Laws to control public consumption of alcohol and prevention of anti-social behaviour remains the same with all adjoining Councils.
- 43. Therefore if Yarra Council does not have an alcohol Local Law, the municipality may become a draw card for any person wanting to drink in public or hold illegal events such as Rave parties etc.
- 44. On New Year's Eve 2014, there was an illegal event held at Edinburgh Gardens, where upwards of 20,000 people attended causing significant damage to the park and surrounding areas. This resulted in a massive clean-up cost to Council and ratepayers but more importantly created a situation where assaults, overdoses both drug & alcohol and sexual assaults occurred. Emergency services such as Police & Ambulance were unable to enter and treat any vulnerable or impacted persons and a very dangerous situation occurred where public safety was at risk.
- 45. As a result Council adopted a municipal wide alcohol ban on New Year's Eve which was only possible due to the existing Local Law and developed an ongoing strategy for maintaining public order in public spaces. Since this time no further instances have occurred.
- 46. Also in recent years spontaneous events after the AFL Grand final such as Swan St have become significant and potentially dangerous. The Local Law allows for the control of the public consumption of alcohol and therefore is a preventative measure in dealing with potential anti-social behaviour and public order matters.
- 47. If there is no Consumption of Liquor in Public Places Local Law then there will be occupational health and safety issues for Council Offices and Police in approaching groups of persons and in some instances individuals who have consumed large amounts of alcohol
- 48. The Proposed Consumption of Liquor in a Public Place Local Law also will assist in deterring and providing a mechanism for dealing with late night pre- load drinking in our commercial strips which has a detrimental impact on residents and public safety. It will also assist in reducing the possibility of assaults and other potential issues such as amenity concerns for residents which is a potential by product of the rapid consumption of alcohol by persons in the streets who may as a result also become more vulnerable.
- 49. The Police have prepared and agreed to enter into a memorandum of understanding (Protocol) with respect to their enforcement and actions undertaken in relation the Consumption of Liquor in Public Places Local Law. This memorandum is similar to what has been developed and is in practice within the City of Port Phillip.

- 50. No infringements or formal enforcement action has been undertaken in relation to the existing Local Law since July 2013.
- 51. Any formal enforcement action requires Council Officers approval to be pursued in relation to reviews of action taken, determining if a fine is pursued or dismissed.
- 52. Council will conduct an evaluation of the Local Law within 12 months of the Law being adopted. Council will then continue to conduct evaluations on an ongoing two yearly basis.

### **Options**

- 53. If Council does not consider any amendments to be required, Council may resolve to endorse the proposed Local Law.
- 54. Council does not endorse the proposed Local Law.

### **Conclusion**

- 55. A proposed Local Law, Statement of Changes, Community Impact Statement, and Human Rights Compatibility Statement have been drafted for the endorsement of the Local Law
- 56. The current Local Law is due to sunset on 19 October 2019. The proposed Local Law has been drafted, preliminary public and internal consultation along with formal consultation in accordance with the requirements of sections 119(2) and 223(1)(a) of the Local Government Act 1989 (Act) has also been undertaken.
- 57. The Proposed Local Law also allows for Council to designate and set times for public consumption of alcohol but also allows for public alcohol bans within festivals & events but also on New Year's Eve.
- 58. Council is to consider endorsing the Local Law along with any prescribed places.
- 59. If Council does not endorse the Local Law, Council will be without a Local Law that enables the regulation of drinking alcohol in public places. Council will not have the power to regulate drinking alcohol at any time, nor at events such New Year's Eve or any festival.

## RECOMMENDATION

1. That Council:
  - (a) note the submissions received in response to the proposed Consumption of Liquor in Public Places Local Law 2019;
  - (b) adopt the Consumption of Liquor in Public Places Local Law at **Attachment 1** for the reasons set out at clause 2 of that Local Law;
  - (c) pursuant to Part 4, clause 16 of the Consumption of Liquor in Public Places Local Law, declare:
    - (i) those areas of the municipal district listed at **Attachment 3** to be Prescribed Areas for the purposes of that Part 4; and
    - (ii) this declaration to apply from 9.00 am to 8.59 pm;
  - (d) Notwithstanding part (c) of this resolution, the areas listed at Attachment 3 are not declared as Prescribed Areas after 9am on 31 December, and before 9am on 1 January in each year.
  - (e) endorse the Memorandum of Understanding (Protocol) at **Attachment 6**;
  - (f) requests Officers conduct an evaluation of the Local Law within 12 months of the Law being adopted by Council. Then continue to conduct evaluations on an ongoing two yearly basis;
  - (g) requests Officers to investigate options of conducting regular meetings with the Aboriginal and Torres Strait Islander community and Victoria Police to discuss the operation of the Local Law;
  - (h) give notice in the Government Gazette and public notice specifying:
    - (i) the title of the Local Law;
    - (ii) the purpose and general purport of the General Local Law; and
    - (iii) that a copy of the Consumption of Liquor in Public Places Local Law may be inspected at the Council offices;
  - (i) thank all the submitters for their contribution and notify them of the decision; and
  - (j) send a copy of the Consumption of Liquor in Public Places Local Law to the Minister for Local Government.

**CONTACT OFFICER:** Steve Alexander  
**TITLE:** Coordinator, Civic Compliance  
**TEL:** 9205 5166

## Attachments

- [1⇒](#) Proposed- Consumption of Liquor in Public Places Local Law
- [2⇒](#) Statement of change- Proposed Consumption of Liquor in a Public Place Local Law
- [3⇒](#) Consumption of liquor in a public place-- list of prescribed places
- [4⇒](#) Victoria Police Submission proposed Consumption of liquor in public places
- [5⇒](#) Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.
- [6⇒](#) Protocol YCC & Victoria Police- Consumption of Liquor in a Public Place Local Law
- [7⇒](#) Statement of Compatibility with Human Rights and Responsibilities Charter
- [8⇒](#) Community Impact Statement

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## 11.2 Proposed Discontinuance of Road abutting 12-20 Victoria Crescent, Abbotsford.

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Reference: D19/159578

Authoriser: Director Corporate, Business and Finance

### Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989 (Act)* to consider discontinuing the road abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being the whole of the land contained in certificate of title volume 6260 folio 907 (**Road**), and shown as lot 1 on the title plan attached as Attachment 1 to this report.

### Background

2. The Road is shown highlighted red on the plan attached as Attachment 2 to this report (**Site Plan**).
3. CPG Office 1 Pty Ltd (**Owner**) is the registered proprietor of the properties which abut the Road, known as 12-20 Victoria Crescent, Abbotsford, shown delineated blue on the Site Plan, and being the land contained in certificates of title: volume 5320 folio 892, volume 6152 folio 305 and volume 6176 folio 042; together, the (**Owners Properties**).
4. The Road also abuts 32-68 Mollison Street, Abbotsford (Adjoining Property), being the land contained in certificate of title volume 9022 folio 073, and shown delineated green on the site Plan.
5. The Owner has requested that Council discontinue the Road and sell the Road to the Owner (**Proposal**).
6. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value (plus GST) for the transfer of the discontinued Road to the Owner.

### Road

7. The title to the Road is contained in certificate of title volume 6260 folio 907, being lot 1 on title plan no. TP383523N. A manual search of the title plan for the Road shows that the Road is encumbered as a carriageway easement and coloured blue on the title. A carriage way easement is a right of way which is a 'road' for the purposes of the Act and as such Council has the power to consider discontinuing. Copies of title plan no TP383523N and the manual search of the road are attached as Attachment 3 to this report.
8. Upon being discontinued, the Road will vest in Council.
9. The Road is not listed on Council's Register of Public Roads.

### Adjoining Owners

10. Council required as part of the preliminary consultation for the proposal for the Owner to seek consent to the Proposal from the Owners of 32-68 Mollison Street. Notwithstanding that 32-68 Mollison abuts the Road, it does not have a legal abuttal over the Road.
11. Prior to considering whether to commence the statutory procedures to discontinue the Road, Council received the following communications on 10 April 2019 in respect of the Proposal.
  - (a) Natasha Liddell of Meydan Group provided a written objection on behalf of AH Meydan (Property) Pty Ltd, the owner of 32-68 Mollison Street, on the basis that the owner requires access from the Road to its property through an access door located on its property which abuts the Road; and



- (b) Gintaras Simkus of Direct Planning provided a written objection on behalf of Abalbee Pty Ltd, the owner of 10A Victoria Crescent, Abbotsford, being the land contained in certificate of title volume 9762 folio 253 and shown delineated orange on the Site Plan. The objection was made on the basis that the Road is required to access 10A Victoria Crescent via a carriageway easement over 32-68 Mollison Street and through the access door located within the carriageway easement; and
  - (c) notwithstanding that 10A Victoria Crescent has the right of carriageway over that part of 32-68 Mollison Street which abuts the Road, 10A Victoria Crescent, does not have legal abuttal over the Road.
12. Copies of the correspondence received on behalf of the owners of 32-68 Mollison Street, and 10A Victoria Crescent are attached as Attachment 4 to this report.

### **Site Inspection**

13. A site inspection of the Road was conducted by DML Land Surveys on 25 June 2019. The site inspection report notes that:
- (a) the Road is constructed in bitumen;
  - (b) 12-20 Victoria Crescent, Abbotsford abuts the northern and eastern boundaries of the Road;
  - (c) a brick building and galvanised iron warehouse at 12-20 Victoria Crescent currently encroaches over the eastern section of the Road;
  - (d) unit 3/32-68 Mollison Street, Abbotsford has a rear access doorway which open onto the road;
  - (e) a number of down pipes and small service pits encroach onto the Road;
  - (f) the property at 12-20 Victoria Crescent, Abbotsford has access and frontage to both Victoria Crescent and Little Nicholson Street;
  - (g) the property at Unit 3,32-68 Mollison has access and frontage to Mollison Street; and
  - (h) notwithstanding that the Road may be used for pedestrian access to Unit3/32-68 Mollison Street and 12-20 Victoria Crescent, the Road is not required for general public access as it is a dead end.
14. A copy of the site inspection report is attached to this report as Attachment 5.

### **Public/Statutory Authorities**

15. The following public/statutory authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207c of the Act: City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services and Yarra City Council.
16. Yarra City Council, Ausnet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas and APA Gas have advised that they have no assets in or above the Road and no objection to the Proposal.
17. Optus advised that it has no assets in or above the Road.
18. On the 28 May 2019, Telstra advised that it has no assets located within or above the Road, and no objection to the Proposal, provided that the Owner:
- (a) calls Dial Before You Dig prior to any construction activities in the vicinity of Telstra's communication plant; and
  - (b) upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to conform the location of the plant.
19. A copy of the correspondence received from Telstra is attached as Attachment 6 to this report.

20. On 17 May 2019, City West Water advised that it has sewer assets in the Road. City West Water advised that it did not object to the Proposal, subject to the following conditions:
  - (a) 1 2 metre wide sewerage easement is created over the Road in favour of City West Water;
  - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
  - (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and
  - (d) any proposed to build over City West Water assets requires City West Water's prior written consent.
21. The Title plan has been prepared to include the easement in favour of City West Water as requested by City West Water.
22. A copy of correspondence received from City West Water is attached as Attachment 7 to this report.

#### **Public Notice**

23. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of the public notice, lodge a written submission regarding the Proposal.
24. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit a person who has lodged a submission be heard before a meeting of Council to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
25. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use in order to decide whether the Road should be discontinued.

#### **Planning Permit**

26. Planning permit PLN18/0239 "*for the use and development of the land for the construction of 2 office buildings with ground floor food and drinks premises, a reduction in car parking requirements and part demolition*" was issued for 12-20 Victoria Crescent by Council in January 2019.
27. Demolition works at the site have a permit condition that the portion of the building occupying the road cannot be demolished until the road is discontinued. Completion of the discontinuance process will facilitate the permit requirement.

#### **Internal Consultation (One Yarra)**

28. No Internal consultation is required for this report.

#### **Financial Implications**

29. There are no financial implications arising from this report.

#### **Economic Implications**

30. The Owner has agreed to acquire the Road for its market value (plus GST).
31. In addition to the market value of the Road (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the Proposal.

#### **Sustainability Implications**

32. There are no sustainability implications arising from the report.

#### **Social Implications**

33. There are no social implications arising from this report.

### **Human Rights Implications**

34. There are no human rights issues arising from this report.

### **Communications with CALD Communities Implications**

35. All notices and correspondence issued in respect of this proposal contain a reference to Yarralink Interpreter Services.

### **Council Plan, Strategy and Policy Implications**

36. There are no Council Plan, Strategy or Policy Implications.

### **Legal Implications**

37. If the Road is discontinued and sold to the Owner, Council will require the Owner:
- (a) to consolidate the title to the former Road with the title to the land contained in certificate of title volume 6176 folio 042, within 6 months of the date of transfer of the Road to the Owner, at the Owner's expense; and
  - (b) agree to observe the conditions imposed by City West Water in respect of the Road.

### **Other Issues**

38. There are no other issues

### **Options**

39. There are no options associated with this report.

### **Proposal**








40. It is proposed that: Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road and transfer the discontinued road to the Owner.

## **RECOMMENDATION**

1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
- (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being the whole of the land contained in certificate of title volume 6260 folio 907 (**Road**);
  - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the 'The Age,' the Weekly Review Melbourne Times' Newspapers and Council's Social Media.
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
  - (d) authorises the Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**CONTACT OFFICER:** Bill Graham  
**TITLE:** Coordinator Valuations  
**TEL:** 9205 5270

### **Attachments**

- 1**  Title Plan
- 2**  Site Plan
- 3**  Adjoining Titles
- 4**  Adjoining Owner response
- 5**  Site Inspection Report
- 6**  Telstra Response
- 7**  CWW Response

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### 11.3 Review of the Health and Wellbeing Plan Advisory Committee (HWPAC)

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Reference: D19/175677

Authoriser: Director Community Wellbeing

#### Purpose

1. To present findings from a review into the purpose and function of the Health and Wellbeing Plan Advisory Committee (HWPAC) and in light of the recent adoption of the *Council Committees Policy*, the means for the receiving of advice on municipal public health and wellbeing going forward.

#### Background

2. Under the Victorian Public Health and Wellbeing Act 2008 (the Act), Councils are required to take responsibility for public health and wellbeing planning on behalf of the community. Council is obliged to develop a Municipal Public Health and Wellbeing Plan every four years under the Act. The Municipal Health and Wellbeing Plan was incorporated into the current Council Plan (2017-2021) as *Objective One: A Healthy Yarra* within the Council Plan 2017-2021.
3. Yarra's HWPAC was originally formed to provide advice on local health and wellbeing matters, assist with advocacy and foremost, to help develop and then advise Council on the delivering the Municipal Public Health and Wellbeing Plan (now Objective One).
4. A review of the purpose and function of the Health and Wellbeing Plan Advisory Committee (the Committee) was conducted in late 2017. This was prompted by concerns raised by some Committee members that the group was not acting in accordance with their expectations of the Committee's purpose. The review sought to understand:
  - (a) Whether the Committee's activities are aligned with the Committee's purposes outlined in the Committee's Terms of Reference (ToR); and
  - (b) Member's perspectives about the role and purpose of the Committee.
5. Core membership of the committee is as follows:
  - (a) Two Councillors (from different wards);
  - (b) Three community representatives;
  - (c) Australian Catholic University;
  - (d) Cohealth;
  - (e) Department of Health and Human Services;
  - (f) Access Health and Community;
  - (g) Inner North West Primary Care Partnership;
  - (h) North Western Melbourne Primary Health Network;
  - (i) North Richmond Community Health;
  - (j) Neighbourhood Houses and Learning Centres;
  - (k) Project Respect;
  - (l) Women's Health in the North; and
  - (m) Yarra City Council officers including staff from the Social Policy and Research Unit and Community Wellbeing Division.

6. The review of the HWPAC comprised a member survey and an examination of the Committee's minutes for the previous two years (2015-2017). The review focused on aspects relating to the purpose and frequency of the Committee. As such, other pertinent issues such as ongoing Council Officer resourcing requirements, member recruitment processes and ToR were outside the scope of the review.
7. The member's survey was conducted to understand members' perspectives about the frequency, purpose and other features of the Committee. A total of 25 survey invites were emailed to Committee members. Thirteen completed and two partially completed responses were received, representing a 60% response rate and 87% completion rate.
8. At the time no report was taken to Council due to a review of Council Committees being scheduled for 2018/19 financial year.
9. It is noted that the *Council Committees Policy* was adopted by Council on 16 July 2019. The next action following adoption is for the Governance Unit to undertake a review of the ToR of all Council Committees prior to the election of the Mayor in late 2019.

### Issues

10. Upon review of the HWPAC minutes for the previous two years (2015-2017), it was noted that discussion topics, excluding those of an administrative nature, tended to focus on updates from Council, members, or, occasionally, from sector organisations. The updates tended to dominate the majority of the agenda, and were generally presented as an update rather than seeking input. Only a minority of agenda items specifically sought advice from the Committee.
11. The results from the member survey showed respondents generally rated the effectiveness of achieving the majority of purposes set out in the Committee's ToR low but the importance of each purpose considerably higher. This suggests that members consider the purpose of the Committee to be important, yet perceive that the Committee is not currently achieving its full purpose, as set out in the ToR.
12. Despite this, respondents to the member survey expressed that they saw considerable value in the Committee operating in an information-sharing capacity. The vast majority commented about the benefits of information-sharing and networking.
13. Overall, this suggests that the information-sharing and networking aspect of the Committee is both highly valued and well-functioning. However, further investigation has been conducted exploring whether the Committee is appropriately positioned in relation to its purpose and functionality, especially if it were to continue as an advisory function.
14. It is noted that Council currently has a number of committees that serve various purposes. These include:
  - (a) 2 x 'Section 86' committees with formal delegated authority (IDAC and IMAP);
  - (b) 16 x 'Advisory Committees' with Councillor and community members;
  - (c) 1 x 'Advisory Committee' comprised solely of Councillors (CEO Performance); and
  - (d) 1 x Audit Committee.
15. There are also a number of other consultative committees and working groups. These committees are primarily supported by Council officers with relevant portfolio responsibility, supported by advice and resources provided by the Governance Unit. The operation of each of these committees differs, with no articulated basis for the differences between them. This has made it difficult to provide advice to officers and made it impossible to develop standard resources, such as guidelines for Council officers or for committee members.

16. The recent adoption of the *Council Committees Policy* seeks to standardise this process across Council. One of the key components of the Policy is the inclusion of a definition of an 'Interest Group' as an alternative to an Advisory Committee – to account for committees that are designed for networking rather than providing advice to Council. The Policy also resolves an anomaly in the *Local Government Act* ("The Act") where Councils are required to publish a record of Assembly of Councillors for each meeting of an 'Advisory Committee' while The Act does not define what an 'Advisory Committee' is. The Policy defines Council Committee(s) as follows:

Council Committee	means any of the following types of Committee:	
	Advisory Committee	means a committee established by Council to provide advice to Council, a special committee or a Council officer.
	Interest Group	means a committee established by Council to facilitate networking among members (including Council) on a subject of mutual benefit.
	Project Consultative Group	means a Committee established by Council to provide advice and facilitate consultation in the delivery of a specific project.

17. Consideration of the purpose of the HWPAC as documented in the *Committee Overview 2018/2019* is as follows: To oversee the development and monitoring of the Municipal Public Health and Wellbeing Plan.
18. This definition does not correspond with the evidence obtained in the review, which highlights that the Committee is operating primarily as an information-sharing and networking function.
19. It is evident that the majority if not all of the information-sharing occurring within the HWPAC context is also being duplicated in other existing and well-attended Committees in Yarra which often overlap with the purpose of the HWPAC.
20. The HWPAC adopts a social determinants of health approach, considering the broader influences on health such as social, cultural, economic and environmental factors rather than focus directly on the disease or injury. This approach also exists within other active and well-attended advisory committees, where additional focus is applied in areas such as Active Ageing, Disability, Early Years, Youth and Aboriginal partnerships, to name a few. The existing integration of the social determinants of health principles and theory into these other advisory committees provides sufficient coverage of health and wellbeing issues when considering the relevant groups in the Yarra community. This is a preferred response as opposed to the generalist approach taken in the HWPAC.
21. As per s9 (c) of endorsed Terms of Reference (ToR) of the HWPAC, the Committee shall expire on 30 June 2019 unless extended by the Yarra City Council.
22. The tenure of the current committee members also remains unclear, particularly given that the ToR states that community representatives shall be appointed for a period of three years and that members may serve a maximum of two consecutive terms on the committee.
23. It is also noted that following the adoption of the *Council Committees Policy*, the next action is to undertake a review of the ToR of all Council Committees prior to the election of the Mayor in late 2019.

24. It is advised that the HWPAC has not acted in an advisory capacity for some time and therefore new opportunities should be explored, particularly in light of the recent adoption of the *Council Committees Policy* and when considering the duplication of function across other highly relevant advisory committees across Council.
25. It is noted that the *Council Committees Policy* specifies that all Council Committees will sunset on 30 June following each Council election. The next Council election is scheduled for October 2020 meaning all Council Committees will sunset on 30 June 2021 (prior to the adoption of the new Council plan).
26. Council's Governance Support Unit will be responsible for presenting a report to Council in advance of this date that recommends a committee structure to support the implementation of the Council Plan. This report would include recommendations on:
  - (a) The proposed committee structure;
  - (b) The endorsement of Terms of Reference for each committee; and
  - (c) The process for appointment of members to each committee.
27. In light of this work, and considering the timelines outlined above, the most effective way to address these issues would be to discontinue the HWPAC as it stands, and make that a permanent change. Subsequently, the outcomes of the ToR review undertaken by the Governance Support Unit in combination with the outcomes of the HWPAC review should be considered and a decision made to reinstate the HWPAC as a Project Consultative Group (as defined in the *Council Committees Policy*), to guide the development of the next municipal public health and wellbeing plan (i.e. in the preparation stage for the next Council Plan).

#### **External Consultation**

28. The current committee is made up of a range of external stakeholders including community members and a range of community based organisations. Each member of the committee was asked to participate in the survey (described above).

#### **Internal Consultation (One Yarra)**

29. There was no internal consultation undertaken.

#### **Financial Implications**

30. There are no financial implications.

#### **Economic Implications**

31. There are no economic implications.

#### **Sustainability Implications**

32. There are no sustainability implications.

#### **Social Implications**

33. There are no social implications for this briefing report. Ensuring Council remains strategically informed on community and industry views of health related matters will continue to be a focus into the future, particularly to inform the development of the next plan. These issues will be explored further when a report is brought to Council for consideration on 7 October.

#### **Human Rights Implications**

34. There are no human rights implications.

#### **Communications with CALD Communities Implications**

35. There are no CALD Communities Implications.



### **Council Plan, Strategy and Policy Implications**

36. Given that consultation for the next Council Plan occurs from late 2020, it would be recommended that a Health and Wellbeing Plan 'Project Consultative Group' committee be assembled in mid-2020, to guide the consultation and development of the Municipal Public Health and Wellbeing Plan in preparation for the new Council Plan. The Project Consultative Group could then conclude at 30 June 2021, upon adoption of the new Council Plan.

### **Legal Implications**

37. There are no legal implications.

### **Other Issues**

38. There are no other issues.

### **Options**

39. Not applicable.

### **Conclusion**

40. The HWPAC sets out to provide advice to Council on health and wellbeing matters and particularly, to oversee and assist with the implementation and evaluation of strategies and actions in the Yarra Health and Wellbeing Plan (incorporated into the Council Plan 2017-2021).
41. The recent feedback from existing HWPAC members along with an officer's analysis of meeting agendas over a two year period has found that the effectiveness of achieving the majority of purposes set out in the Committee's ToR is low but the importance of each purpose is considerably higher. It has become evident that the HWPAC has been operating in an information-sharing capacity and not its intended purpose as an advisory committee for some time.
42. The HWPAC should be discontinued and a Project Consultative Group be assembled to guide the development of the next Municipal Public Health and Wellbeing Plan no less than six months prior to the adoption of the next Council Plan i.e. 30 June 2021.
43. A report on this matter will be listed for the Council meeting on 7 October 2019.

### **RECOMMENDATION**

1. That Council:
- (a) note the findings of the recent review of the purpose, function and future of the Health and Wellbeing Plan Advisory Committee (HWPAC); and
  - (b) Authorise officers to replace the current HWPAC with a new Project Consultative Group to guide the development of the next Municipal Public Health and Wellbeing Plan, commencing no less than six months prior to the adoption of the next Council Plan.

**CONTACT OFFICER:** Julia Bennett-Mitrovski  
**TITLE:** Senior Planner Community Health and Safety  
**TEL:** 9205 5490

### **Attachments**

- 1➡ HWPAC ToR 2016 Dec endorsed
- 2➡ Health and Wellbeing Plan Advisory Committee - Review findings
- 3➡ Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

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## **11.4 Public health, amenity and safety update and actions taken in North Richmond and Abbotsford**

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### **Executive Summary**

#### **Purpose**

This report has been prepared in response to the Council resolution dated 10 September 2019 requesting that Officers bring forward a report the 8 October Council Meeting outlining:

- actions taken to date by Council on addressing the many amenity issues raised by residents and traders in the North Richmond/Abbotsford precinct;
- further actions which could be taken and any timeline for these; and
- interim measures which Council could undertake in place of the requested Taskforce, to provide a forum where resident issues can be raised and addressed, and which could inform the North Richmond Community Capacity Building Initiative when it is finally established.

#### **Key Issues**

An active street-based drug market, principally in the trade and consumption of illicit heroin, has existed in and around Victoria Street for well over two decades. The impacts of this trade for the community are manifold.

To reduce the harms from heroin use, the Victorian Government established a trial Medically Supervised Injection Room (MSIR) located at the site of North Richmond Community Health, with a transitional facility becoming operational in mid-2018 and a larger purpose built facility completed and operating by mid-2019.

Many members of the North Richmond and Abbotsford community advocated to the Victorian Government for a trial of an MSIR. However, the public health, amenity and safety of North Richmond and Abbotsford (the precinct) is a contested issue. While expressing dissatisfaction with safety and amenity in the area, the majority of the community continue to display compassion and support for people who inject drugs.

There is a considerable number of initiatives within the precinct to promote public health, safety and amenity, some of which pre-date the trial of MSIR and others of which are new. This includes a suite of responses from stakeholders servicing the space including but not limited to Council, Victoria Police and the Victorian Government and its agencies and commissioned services.

Due to the complexity of these issues, and the variety of stakeholders in the space, a coordinated and planned approach to achieving and maximising outcomes for our community is considered the best way forward.

Progressing further actions or interim measures will require community support and ownership, thoughtful consultation and engagement with local businesses, community and other stakeholders as will thorough consideration of likely costs, benefits and risks of each option.

#### **Financial Implications**

Funding has been allocated to those existing initiatives outlined within this report. With respect to potential new initiatives listed within the options section, there are financial and human resources that would need to be allocated to support implementation. If Council directs that new initiatives to be undertaken, resources will have to be redirected from existing initiatives. Resources can also be allocated to initiatives through the 2020–21 budget.

## **PROPOSAL**

This report provides a holistic account of all current and imminent initiatives, by Council and all other front line agencies, to promote community health, wellbeing, amenity and safety. Recently, Council significantly increased the resources allocated to ameliorate drug impacts and promote the amenity of the precinct. Given this, the second option provided is for Council to advance the needs of our community, vigorously engage with this initiative, and be instrumental in helping to shape its terms, objectives and implementation.

Within the options, an interim measure to provide a forum where resident issues can be raised and addressed has been included. Option one is to facilitate a time-limited Community Reference Group (discontinued within three months of the commencement of the North Richmond Community Capacity Building Initiative at Richmond Housing Estate).

The Victorian Government has made a three-year commitment to the Richmond Community Capacity Building Initiative. The place manager has been appointed and is already connecting with frontline agencies and meeting with community groups, residents, traders and others. Given this, the second option provided is for Council to advance the needs of our community, vigorously engage with this initiative, and to be instrumental in helping to shape its terms, objectives and implementation.

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## 11.4 Public health, amenity and safety update and actions taken in North Richmond and Abbotsford

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Reference: D19/165196

Authoriser: Director Community Wellbeing

### Purpose

1. This report has been prepared in response to the Council resolution dated 10 September 2019 requesting that Officers bring forward a report the 8 October Council Meeting outlining:
  - (a) actions taken to date by Council on addressing the many amenity issues raised by residents and traders in the North Richmond/Abbotsford precinct;
  - (b) further actions which could be taken and any timeline for these; and
  - (c) interim measures which Council could undertake in place of the requested Taskforce, to provide a forum where resident issues can be raised and addressed, and which could inform the North Richmond Community Capacity Building Initiative when it is finally established.

### Background

2. An active street-based drug market has existed in and around Victoria Street for well over two decades. It developed when law enforcement activity pushed the street trade in illicit drugs, particularly heroin, from Russell Street in the CBD to other areas of Melbourne, including the City of Yarra, initially relocating to Smith Street in Fitzroy and Collingwood before becoming entrenched in North Richmond and southern Abbotsford (the precinct).
3. People come to this area from all over Melbourne to purchase and use (in-situ) illicit drugs, principally heroin. Drug-related activity and impacts have been long standing concerns for the local community and include open dealing, public injecting, overdoses, inappropriately discarded syringes and associated waste and crimes to fund drug purchases.
4. In October 2017, the Victorian Government announced a two-year trial of a Medically Supervised Injecting Centre (MSIC) at North Richmond Community Health (NRCH).
5. In mid-2018, a transitional MSIR became operational in a refurbished space within the existing NRCH building.
6. A new purpose built facility opened in mid-2019 on the NRCH site, this new MSIR:
  - (a) Operates at effectively double the capacity of the transitional facility;
  - (b) Has extended operating hours (current) from 7:00am to 9:00pm weekdays and 8:00am to 7:00pm weekends; and
  - (c) Relocates the Needle and Syringe Program (NSP) internally instead of within the NRCH building.
7. There are a number of initiatives that have been undertaken within the precinct of North Richmond and Abbotsford (the precinct) to promote public health, safety and amenity, both prior and subsequent to the trial of the Medically Supervised Injecting Room (MSIR). These are outlined in this report.
8. Council officers have been monitoring public health and amenity impacts since the opening of the MSIR for both people who inject drugs (PWID) and the local community. There is, unfortunately, limited published data available to date. Council officers and other stakeholders are awaiting the release of data by the Victorian Government and its agencies on ambulance attendance, crime statistics at the smaller geography (i.e. below suburb level) and related information. It has been reported in the media and anecdotally that ambulance attendances have reduced. The Victorian Government has stated that the independent

evaluation, through which all aspects of the trial will be assessed, is currently underway, with findings reported in 2020.

9. Senior officers have met with the evaluation panel and given comprehensive feedback on the impacts of the MSIR, across a range of domains including health, amenity, safety, community engagement and working relationships.

#### MSIR Legislative Context

10. The legislation enabling the MSIR is the *Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2017* ('The Act'). It prescribes that the MSIR is to be:
  - (a) Established for an initial two-year period and an option to extend the trial beyond 29 June 2020 for a further three years, but only once; and
  - (b) That the permitted site (location) of the MSIR is the land described in Vol. 09195 Fol. 045 (i.e. North Richmond Community Health, 23 Lennox Street, Richmond).
11. That objectives of the trial are recorded in Part IIA of the Act, which are:
  - (a) to reduce the number of avoidable deaths and the harm caused by overdoses of drugs of dependence;
  - (b) to deliver more effective health services for clients of the licensed medically supervised injecting centre by providing a gateway to health and social assistance which includes drug treatment, rehabilitation support, health care, mental health treatment and support and counselling;
  - (c) to reduce attendance by ambulance services, paramedic services and emergency services and attendances at hospitals due to overdoses of drugs of dependence;
  - (d) to reduce the number of discarded needles and syringes in public places and the incidence of injecting of drugs of dependence in public places in the vicinity of the licensed medically supervised injecting centre;
  - (e) to improve the amenity of the neighbourhood for residents and businesses in the vicinity of the licensed medically supervised injecting centre; and
  - (f) to assist in reducing the spread of blood-borne diseases in respect of clients of the licensed medically supervised injecting centre including, but not limited to, HIV and hepatitis C.
12. The trial of the MSIR is the responsibility of the Victorian Government. The Victorian Government independently selected the location for the facility. The registered proprietor of the land is the Secretary to the Department of Human Services. In relation to planning permits and building approvals, for both the transitional and purpose built facility, Council was not the responsible authority. The Victorian Government has exclusively resourced the construction and operations of the facility. The Victorian Government commissions and directs the provision of health and social services and law enforcement activities.

#### MSIR Evaluation

13. Under the legislation, the Minister for Mental Health must arrange for an independent review to be conducted. A Medically Supervised Injecting Room Review Panel has been appointed by the Minister for Mental Health to conduct the review.
14. The Victorian Government has stated that the independent panel is currently undertaking a review of the MSIR and their report is to be tabled before each house of the Parliament in 2020. The panel is being chaired by Professor Margaret Hamilton AO, alongside fellow panel members Associate Professor Alex Cockram and Mr John Ryan. After considering the evidence collected by the panel during the trial, a decision will be made on whether the MSIR should continue.

15. The Victorian Government has stated that under the Terms of Reference, the Panel will oversee the conduct of a review as outlined in the Act, including:
  - (a) the operation and use of the licensed medically supervised injecting room;
  - (b) the extent to which the object outlined in Part IIA of the Act has been advanced during the period of the medically supervised injecting room licence; and
  - (c) how Part IIA and any regulations made for the purposes of this Part of the Act have operated and whether they require amendment.
16. The Victorian Government has stated that the responsibilities of the Panel are to:
  - (a) develop, with the Department of Health and Human Services, the review scope, structure (including any preliminary or interim reports) and data and evidence collection requirements;
  - (b) review data and evidence to closely monitor the objects of the Act;
  - (c) provide the Secretary of the Department of Health and Human Services with a draft copy of the review, to inform a decision on whether the trial should be extended; and
  - (d) provide an endorsed review to the Minister for Mental Health prior to the completion of the two year trial, meeting the requirements outlined above.
17. The Secretary of the Department of Health and Human Services may extend the trial by amending the licence (held by NRCH) to change the day specified and publish a notice in the Government Gazette. The trial may be extended for a maximum period of three years beyond June 29 2020.

MSIR Operational Update

18. In addition to the supervised injecting facilities, the newly completed MSIR has expanded spaces for consulting. Services currently being delivered include:
  - (a) Legal services;
  - (b) Two oral health clinics;
  - (c) Occupational health and mental health nursing staff from St Vincent's Health;
  - (d) A blood borne virus coordinator providing responsive pathology and treatment;
  - (e) Treatment for drug dependence from UnitingCare ReGen; and
  - (f) Launch Housing providing a trial of in-reach services for people who are homeless or at risk of homelessness.
19. In relation to outcomes for clients of the MSIR, the Victorian Government has recently provided (September 2019) the following update to Council officers:
  - (a) More than 3,400 clients have registered to use the facility;
  - (b) Staff are supervising approximately 300 injections each day (in the purpose-built facility);
  - (c) Staff have responded to more than 1,800 overdoses;
  - (d) Co-location of the MSIR at North Richmond Community Health Centre has made it easier to connect PWID to vital health and social support services;
  - (e) Approximately one quarter of clients have indicated they would like assistance to access drug treatment, while over a third would like support to access treatment for hepatitis C; and
  - (f) Other health and social support services, including primary health, oral health and legal services are also being well used. Many clients have also been referred to housing and mental health care providers to address co-occurring and complex needs.

#### Precinct economic development

20. A pilot program has involved working in close partnership with business/property owners on Victoria Street to improve shopfronts. To maximise program impact, the pilot has centred on the area between Church and Lennox Streets on the southern side of Victoria Street. Four shops participating in the pilot had shopfronts upgraded in July 2018.
21. It was envisaged that this program will run over a three-year period. The program will be evaluated to inform the implementation of a further roll out over the additional two-year period. Implementation for year two of the project commenced in September 2018.
22. The Economic Development unit will complete the third year of the shopfront refresh program. This year there will be an additional three shops that will receive a facelift, taking the total number of shops to 12 across the three years. In addition, up to five awning 'shade banners' will be replaced in the same area.
23. All traders who have been part of the three-year program will be invited to provide feedback at an upcoming consultation which will provide valuable insight into the success of the program.
24. Council is committed to supporting the Victoria Street Business Association to become an effective traders association and to promote Victoria Street as a visitor destination.
25. In late 2018 a campaign developed by Council's Economic Development and Communications units was launched to promote and support Victoria Street. The campaign was titled *Rediscover Victoria Street* and is ongoing.

#### *Richmond Retail Revitalisation Project*

26. The Victorian Government initiated the Richmond Retail Revitalisation Project (RRRP). Its stated purpose is to: 'bring together key stakeholders to identify and discuss the issues affecting the Victoria Street and Bridge Road precincts and identify short- and long-term actions that may be undertaken to improve the economic, environmental, social and cultural health of the precincts.'
27. Delegates to a series of round tables included members of the Victorian parliament, Yarra City Councillors, representatives of local community institutions and organisations (NRCH, Richmond West Primary School), business and trader representatives, Victoria Police, and officers from across Council, state government and its agencies selected on the basis of subject or content matter expertise.
28. A report synthesising the deliberations and recommendations of the RRRP is expected later in the year.

#### Precinct amenity

29. Council maintains its principal role as promoting public health and amenity pursuant to the *Local Government Act 1989*. To this end, Council has undertaken a number of initiatives both prior to and since the opening of the MSIR in mid-2018. These are discussed in detail below.
30. A number of enhancements have been made to Council's syringe management services and associated cleansing activities.
31. Council has intensified programs in relation to public amenity, including maintenance and repair of street furniture and signage, graffiti and poster removal from its assets, and road and footpath cleansing.
32. Operations in this precinct have centred upon, but are not limited to, the area bounded by Victoria Street, Lennox Street and Butler Park.

*Streetscape improvements*

33. A key project within the Victoria Street Streetscape Masterplan was the upgrade of the Lennox Street/Nicholson Street intersections. The Nicholson Street corner was completed in October 2018 and includes new seating, paving, lighting, plantings, and improvements for cyclists and pedestrians. These upgrades were partly funded by a grant from the Department of Justice and Community Safety (DoJCS) as part of the Public Safety Infrastructure Fund (PSIF).
34. A condition of the PSIF grant was to undertake an evaluation of the work's impact upon public amenity and community safety. The evaluation involves pre and post observational studies, street intercept surveys and analysis of various data sets. As part of the evaluation the following are to be considered:
  - (a) an increase in the number and diversity of people visiting, accessing and utilising the space;
  - (b) a reduction in criminal offences recorded across the different crime categories;
  - (c) decreases in drug activity;
  - (d) increases in perceptions of safety; and
  - (e) positive feedback from the community.
35. Evaluation of the upgrades funded by the PSIF are currently underway and are expected to be submitted to the Department of Justice and Community Safety (DoJCS) by October 2019.
36. Another Public Safety Infrastructure Fund grant application has recently been submitted to DoJCS regarding community safety improvements to the Victoria Street precinct under the PSIF Grant program. The Grant seeks funding for additional infrastructure in the Victoria Street Precinct spanning automated smart lighting, optimisation of syringe bin capacities via sensory technology, and graffiti sensory technology. Council will be notified by DoJCS on the outcome of this application in November 2019.
37. Council has approved capital works funding in 2019–20 to upgrade furniture, plantings, signage, tactiles and some pavement treatments along the full length of Victoria Street.

*Enhanced procedures and practices for syringe management services*

38. Council now directly manages all requests for syringe management services in the City. People can lodge service request by calling 9205 5555 or from the website by personal computer or telephone at <https://www.yarracity.vic.gov.au/services/cleaning-and-maintenance/syringe-disposal>.
39. All customer service requests are recorded in Council's customer relationship management system (CRM) from there they are directed to Council's Waste Management and Cleansing team who assign the request to either Council cleansing crews or the contractor InnerSpace (coHealth). Council officers, and now InnerSpace, receive and complete request electronically via tablets with cellular functionality. Council can monitor drug-use impacts in real time which enables the effective triaging of incidents (syringes, related waste/damage).
40. Innerspace continues to manage syringe disposal units across the municipality and proactively collects discarded needles/syringes from streets, footpaths and other public spaces. Innerspace also provides outreach services to PWID and education and engagement with the broader community.
41. Council is also preparing for the trial deployment of smart sensors in syringe disposal units to monitor real-time capacity data to enhance responsiveness and service delivery.

*Cleansing services*

42. In mid-2019, resourcing of cleansing services in the precinct doubled, comprising street sweeping and a two-person cleansing crew doing daily foot patrols, in some areas in north Richmond/southern Abbotsford as many as three times per day (see Fig. 1 overleaf).



## Community sentiment, dialogue and engagement

- | Sharing the space |                                | Servicing the space       |  |   | Talking in the space                                 |  |
|-------------------|--------------------------------|---------------------------|--|---|--|--|
| Traders           | Private tenants                | AmbulanceVictoria         | North Richmond Community Health                    | CoHealth  | VicGov (Local Reference Group, Gateway Group, et.al) | Residents for Victoria Street Drug Solutions |
| Estate tenants    | People who inject drugs (PWID) | YSAS                      | Salvation Army Richmond Community Support Services | Brotherhood of St Laurence Work and Learning Programs | Victoria Street Business Association                 | Richmond Estate Safety Committee             |
| Persons dealing   | Visitors                       | Yarra City Council        | Yarra Trams  | DHHS Housing @ Richmond Place                         | MRAC   | Print & Broadcast Media                      |
|                   |                                | VicTrack                  | VicRoads   | Metro Trains  |  |  |
|                   |                                | Wilson Security (Estates) | VicPol   | MFB   |  |  |

Fig. 2 – Stakeholders in the community

### Correspondence with Council

46. As of 2019, it is estimated that in the area of North Richmond and southern Abbotsford there are approximately 5,000 households with an estimated resident population of around 12,000 persons. (see Fig.3 below)

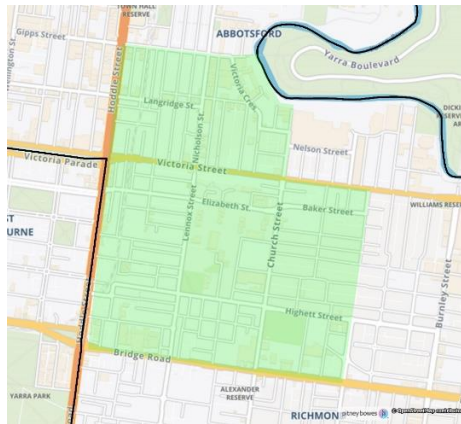


Fig. 3 – Locality measured for estimated households and population

47. Through its role in maintaining public amenity and as a community advocate, Council collects and tracks its own data. Council's customer relationship management (CRM) system enables tracking of the volume and nature of community inquiries and complaints.
48. For the calendar year of 2018, Council received a total of 36 formal inquiries/complaints on the topic of drug use impacts. As of September 2019, Council has received more than 50 such inquiries/complaints. It is noted that there are also additional, informal queries in the form of emails and phone calls on an on-going basis.
49. Officers also recently undertook a detailed assessment of customer feedback specifically related to the North Richmond and southern Abbotsford areas, for the period 2017–19. The search parameters were aligned to the key issues highlighted in the 2019 Annual Customer Satisfaction Survey. Results from this assessment once again highlighted drugs and related issues as being of greatest concern (51.5% of calls). These locations also featured heavily, with 51% of calls received during this time related to general amenity, liveability and neighbourhood decline of these two areas. (see Fig. 4 below)

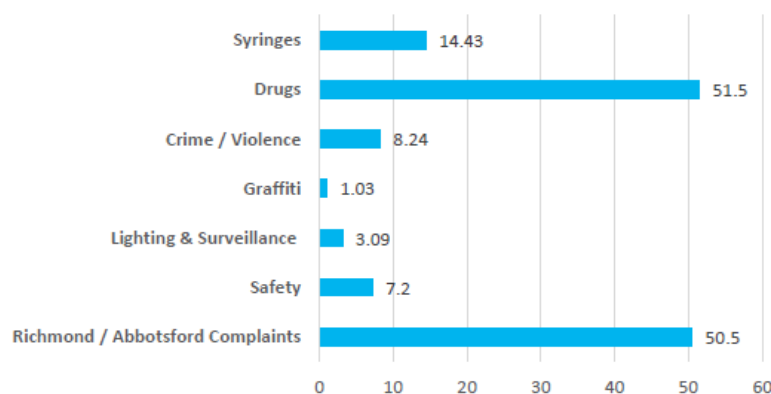


Fig. 4: Oracle Customer Feedback 2017 – 2019

50. Throughout various communications, the following impacts of the street-based drug trade/consumption include but are not limited to the following:
- (a) discarded needles;
  - (b) drug-related litter;
  - (c) human waste;

- (d) witnessing drug dealing, consumption (public injecting) and overdose or other health emergency;
- (e) crimes against property and concern for crimes against the person (assault or robbery);
- (f) behaviours of concern and perceptions of safety; and
- (g) impact on commercial conditions (sales).

*Other communications channels and inter-agency forums*

51. There are a number of channels through which the community can report their concerns, and receive information and advice and there are also a number of forums through which issues are considered and responses generated by various agencies. These channels and forums include:
  - (a) NRCH have a Media and Communications Manager and are engaging both proactively and reactively;
  - (b) DHHS are fielding enquiries through [aod.enquiries@dhhs.vic.gov.au](mailto:aod.enquiries@dhhs.vic.gov.au) and on (03) 9096 7183; and
  - (c) Council continues to respond to inquiries through phone and electronic means (Oracle), our social media (direct messages and posts) and through the website, and officers have been taking and making phone calls whenever they can (people don't always provide their numbers) and have met people in person.
52. All of the information coming in through these different organisations is being shared and considered at the various inter-organisational forums and will help inform practice on the ground.
53. Ongoing inter-agency meetings are held weekly and include the agencies abovementioned, as well as Launch (HomeGround) and Youth Support and Advocacy Service (YSAS). This is not an open group (although the existence of the group is not confidential), because many sensitive matters of funding and departmental negotiations and operational matters are discussed and it would not be appropriate for the community to participate in these discussions.
54. The Gateway Group – social and health agencies operating locally convened by DHHS NEMA – continues to meet regularly.
55. Also meeting monthly is the MSIR Local Community Reference Group, which includes residents (from both within the estate and outside), local school principals and traders, along with agencies and government. Community members are raising their concerns and ideas in-session and also out of session.

*North Richmond community drop-in information session*

56. In July 2019, the Victorian Government delivered the North Richmond community drop-in information session. The session was held on Thursday 25 July 2019 and saw approximately 330 people attend over the course of five hours. Representation spanned from the Department of Health and Human Services (Drug Policy and Reform, Social Landlord Framework, Office of Housing), Victoria Police, North Richmond Community Health and the City of Yarra, all of which actively engaged with attendees. The Victorian Government has stated that the objectives for the session were to:
  - (a) Share information about what is being done and planned in the local area to address concerns about drug use and the Medically Supervised Injecting Room (MSIR);
  - (b) Provide an opportunity for the local community to share their concerns about drug use and the MSIR, and to feel that their concerns are being heard and understood;
  - (c) Encourage the local community to identify solutions to address their concerns;
  - (d) Better understand the concerns of the local community and the opportunities to address them; and

- (e) Promote the collaboration of local agencies working together to address the concerns about drug use and the MSIR.
- 57. The session attracted a mix of local residents – residents from a range of socio-economic and cultural backgrounds, residents of both private and public residences, Victoria Street traders, parents of young children (including students of West Richmond Primary School) and residents of a range of ages.
- 58. The Vietnamese community were the largest culturally and linguistically diverse group in attendance and included Victoria Street traders, long-term residents and mothers who live in the housing estate.
- 59. Attendees were typically reasonable and measured in their responses. Many, while describing their negative experiences, displayed compassion and support for people who inject drugs.
- 60. The majority of attendees, including those who were dissatisfied with safety and amenity in the area, appeared to value the opportunity to discuss their views.

#### *Community action groups*

- 61. Since the opening of MSIR there have been a number of community-initiated public meetings on the subject of public health, safety and amenity in the precinct, while new resident community groups have also emerged, joining pre-existing groups in public debate and dialogue.
- 62. The (M)SIR (R)esident (A)ction (C)ommittee, or MRAC was established in 2019. Their website states the following in response to the MSIR and the precinct:
  - (a) *MRAC represents a strong coordinated voice for residents of the Richmond and Abbotsford area directly impacted by the current location and operating model of the Medically Supervised Injecting Room (MSIR), currently the only such facility in the whole of Victoria. Specifically, we seek to urgently address the significant detrimental impacts currently being experienced within the surrounding community;*
  - (b) *We are supportive of the MSIR as a progressive response to the issues associated with drug use and addiction in Victoria. We are, however, fundamentally opposed to the current trial location, as a result of the significant physical and psychological risks inherent in it being immediately adjacent to a primary school, community health centre, high density public housing, residential neighbourhood and significant (iconic) retail/dining precinct. It is the worsening detrimental impacts and ongoing risks to the local community that we are committed to addressing;*
  - (c) *These risks emerge from two key issues associated with what goes on around the MSIR, being the lack of active policing in the surrounding area (so as not to dissuade users from accessing the MSIR) and the release of drug affected individuals (including ice users) en masse into the surrounding community post using the MSIR; and*
  - (d) *We are sincerely requesting the Victorian Government to mitigate these extreme risks by relocating the MSIR to a more appropriate site, away from these incompatible land uses.*

Source: <https://mracgroup.com>

- 63. Recently, MRAC launched campaign: 'It's Not Ok - Kids And Drugs Don't Mix', related specifically to the location of the MSIR adjacent to Richmond West Primary School.
- 64. Victoria Street Drug Solutions is another group regularly participating in community dialogue in the precinct.
- 65. Officers have met with members of the MRAC executive on a number of occasions and have committed to on-going dialogue to further understand and respond to concerns raised.



66. Their website states the following:

- (a) *We are residents for Victoria Street drug solutions Inc. – a group of residents from the Victoria Street precinct. We are directly and personally affected by the high levels of public drug taking and illicit drug dealing within our neighbourhood and welcome the opening of the north Richmond MSIC; and*
- (b) *We welcome your support in ensuring that during the two year trial of this facility that facts about our MSIC are heard and widely shared.*

Source: <https://www.vicstreetdrugsolutions.org>

67. Their aims are recorded as follows:

- (a) *To provide a representative voice for residents of North Richmond and Abbotsford – highlighting the impacts of public drug dealing, using and overdosing on the community;*
- (b) *To educate the community on the benefits and facts about medically supervised injecting centres, especially their role in saving lives; and*
- (c) *To heal and reimagine the Victoria Street precinct creating a safer precinct with greater amenity and appeal for all who live, work and visit our neighbourhood.*

Source: <https://www.vicstreetdrugsolutions.org>

68. The Victoria Street Business Association Inc. remain important stakeholders within the precinct.

69. While their website does not offer a formal position on the MSIR or drug-related issues, evidence obtained by Council officers in the way of meetings, phone calls and the Victorian Government's July drop-in information session identify common concerns related specifically to detrimental public amenity and safety impacts on the viability of business on Victoria Street.

*Views expressed in other forums*

70. A number of opinions, ideas and solutions have been expressed by private citizens, commentators and others through public meetings, social and traditional media. In no particular order these include:

- (a) Move the location of the MSIR away from a sensitive land use (school);
- (b) Close the MSIR or don't extend the trial;
- (c) Provide additional MSIRs in other parts of Greater Melbourne;
- (d) Reduce criminal activity by providing better alternatives (i.e. than methadone or buprenorphine) to manage opioid dependence such as prescribing hydromorphone (an opioid painkiller) or diacetylmorphine (medical heroin);
- (e) Fund capital projects for urban renewal;
- (f) Additional law enforcement and police presence;
- (g) Additional affordable housing and mental health support services;
- (h) Revisit eligibility criteria to use the MSIR (currently excluding people with court orders or bail/parole conditions prohibiting drug use);
- (i) Additional outreach to support drug-affected people and to provide de-escalation support to complex behaviours exhibited in the community;
- (j) More private security services around the MSIR, Richmond West Primary School and Victoria Street;
- (k) More PSOs on public transport (trains and trams on Victoria Street) and have PSOs patrol beyond public transport hubs;
- (l) Social infrastructure investment in the precinct;

- (m) Increased cleansing and public amenity response to improve cleanliness;
- (n) Provision of more CCTV including overlooking laneways;
- (o) Council-funded private CCTV or security devices on private properties in the precinct;
- (p) Revitalisation of Victoria Street;
- (q) More information and transparency from authorities providing updates on the MSIR progress;
- (r) More face-to-face engagement opportunities;
- (s) Youth workers and activities between youth and Police;
- (t) Establishment of a Youth hub; and
- (u) Additional avenues for school community to voice concerns about MSIR.

#### Council and community education and engagement

71. A variety of Council officers recently participated in the community stakeholder workshop drop-in at the Belgium Avenue Neighbourhood House hosted by the Victorian Government, fostering face-to-face interactions with as many as 300 community members. This has been discussed earlier in the report at paragraphs 55–59.
72. Council officers continue to participate and contribute to a number of stakeholder groups including but not limited to the following:
  - (a) The MSIR Local Reference Group (established by the Victorian Government to facilitate dialogue with key local stakeholders and provide information on the operation of the facility);
  - (b) The Yarra Local Safety Reference Group, a quarterly committee convened by Council officers to coordinate a whole of community partnership response to community safety issues in the City of Yarra;
  - (c) Council officers participate in and contribute to monthly Richmond Safety Committee meetings, convened by DHHS at the Richmond Housing Estate; and
  - (d) Council officers participate and contribute to monthly Community Partnerships meetings convened by Victoria Police at Richmond Police Station.
73. Council officers have recently published a new ‘community safety and wellbeing’ page on the Council website, including information on the MSIR, Drug Help Locally (see below), syringe management services, closed-circuit television cameras (CCTV) and Rediscover Victoria Street.

#### *Drug Help Locally (Victoria Street Community Protocols)*

74. In 2012, Council, in partnership with several agencies, developed the *Protocol for the Management of Illicit Drug Use Issues in Yarra*. The protocol provided guidance on who to contact for a range of matters including but not limited to the removal of syringes, public injecting and threats to personal safety.
75. As a result of the MSIR being introduced, a functional review of the protocol was undertaken by officers from Council and DHHS, with support from front line agencies. This review included a thematic analysis of health and safety data from customer relations management systems and recent community consultations, interviews with staff from front line agencies. An interim factsheet was published in time for the opening of the MSIR – titled *Community health, safety and wellbeing in Richmond - Information for local residents, traders and visitors*.

76. In the lead up to the opening of the purpose-built MSIR, new educational resources were produced by Council to inform and empower the community on current protocols for the management of drug-related issues locally (social/health services, law enforcement and amenity). This involved further consultation with the local frontline agencies and testing and refining the resources through external and internal market research.
77. These new resources, known as *Drug Help Locally*, supersede both the 2012 protocols and interim factsheet of 2018 (See Attachment 1). The hard copy distribution strategy included a letterbox drop approximately 5,000 households, Estate residents and traders in the Victoria Street precinct (North Richmond/southern Abbotsford), and reactive and proactive delivery of the materials throughout the precinct including to frontline agencies, the Richmond Housing Estate, Victoria Police, Victoria Street Traders and the local primary and secondary schools. These resources are available for proactive and reactive distribution in electronic and hard copy.

#### Council and community development

##### *Outreach barbeques*

78. Council supported a series of outreach barbeques conducted at Butler Park to facilitate connections between people who are opiate-dependent and supportive agencies. This series has recently concluded with new options in consideration.

##### *Youth Hub*

79. Officers are continuing to work with representatives from DHHS to establish the Richmond Youth Hub. Council has signed a Funding DEED which acknowledges Council's financial contribution and interests in establishing a Youth Hub at 110 Elizabeth St. On 10 September, young people from the Drum program participated in a focus group with the DHHS appointed architect to inform the design of the Richmond Youth Hub. Officers from Family, Youth and Children's Services have also had some initial discussions with DHHS to establish a working relationship with the North Richmond Community Capacity Building Initiative including the opportunity to temporarily activate the space at 110 Elizabeth St with activities stemming from the Social Landlord program.
80. A separate report will be presented to Council in November 2019 which addresses a further NoM (13 August) seeking to establish and fund a 'Youth Employment officer' at the Richmond Estate, as well as some directions for future funding of youth programs on the Richmond and Collingwood Estates.
81. The contribution of content by MSIR Resident's Action Committee (MRAC), Victoria Street Drug Solutions, the media and other community groups remains a key information-source and influence on community sentiment and open dialogue continues with all members of the community.
82. Officers across Council continue negotiations with State authorities to seek additional funding for community development opportunities and safety and amenity improvements for the Victoria Street precinct.

##### *Council community grants*

83. Council continues to provide opportunities for cultural celebrations in the locality, including the Lunar Festival which is funded through the Celebrate Yarra Triennial Funding Grant. The Victoria Street Traders Association received an annual grant of \$7,000 in 2018 for strategic development and planning purposes and a small grant of \$1,000 through the small project grants program for the Moon Lantern festival.
84. In 2018, the Annual Community Grants program funded 42 projects situated in the Richmond and Abbotsford suburbs.

85. The recommendations of the 2019 Annual Community Grants program will be reported to Council in October 2019 where 150 of the 267 applications have been recommended. It is noted that 44 of the 150 recommended applications are situated in the Richmond and Abbotsford suburbs.
86. Council continues their funding contribution to the Yarra Drug and Health Forum including Council officer participation and contribution to monthly meetings.
87. Council has issued several other community grants to organisations that contribute to the local community, including to those who provide services to vulnerable groups.

#### Victorian Government initiatives

##### *North Richmond Community Capacity Building Initiative*

88. The Department of Health and Human Services is implementing the North Richmond Community Capacity Building Initiative which will help the local community to work with governments and service partners to identify and address their issues and concerns and build on what is good about the area.
89. The Initiative will support a socially, economically and environmentally sustainable neighbourhood where residents have the opportunity to learn, work, be connected and have a say in their community. It will also encourage community engagement to make the neighbourhood a safe and better place for all to live, socialise, and play.
90. The dedicated team based in North Richmond will work with residents of the housing estate and the neighbouring community, together with government, service partners and traders to design and deliver a community-led Action Plan. The initiative place manager commenced on Wednesday 25 September 2019.

##### *Health, amenity and safety*

91. The Victorian Government has increased the availability of needle and syringe disposal bins and introduced more frequent sweeps to remove needles on its own assets (within buildings and throughout the estate road and footpath network).
92. It has also increased the security presence on the North Richmond housing estate and improved lighting and installed a new school gate at Richmond West Primary School to better mark the boundaries of the school.
93. Through funded service providers, it has increased the resourcing of alcohol and other drug outreach teams to provide help on the street and have also commenced implementation of the *Outreach Coordination Project* to better support people with complex health and social needs
94. As reported earlier within this report, the Victorian Government is resourcing additional social and health services within the MSIR.

##### *Community engagement*

95. Further to the information provided earlier on North Richmond community drop-in information session on 25 July 2019, the Victorian Government reports that attendees sought the government and partner agencies to:
  - (a) ensure the community is clean and safe for everyone;
  - (b) help address long-standing health and social issues in the area including drug-related harm, including putting more outreach workers on the streets,
  - (c) improve security, particularly on Lennox and Elizabeth Streets and at local train stations and tram stops,
  - (d) support traders and other local businesses to enhance the vibrancy of the community; and



- (e) communicate better to enable community members to continue to have a say in activity planning and implementation.

96. There are plans for more drop-in sessions for community members to have their say.

*Economic development and training and employment*

- 97. As reported earlier in this report, the Victorian Government has initiated the *Richmond Retail Revitalisation Project* working group, focusing on Victoria Street and Bridge Road.
- 98. The Victorian Government have extended the *Hope for the Future* employment program to provide housing estate residents with a holistic case management service and linkages with National Training Providers.

Victoria Police initiatives

99. Victoria Police have stated the following:

- (a) *Victoria Police continues to provide a visible presence throughout the City of Yarra, including North Richmond and vicinity of the Medically Supervised Injecting Room. This includes regular proactive police patrols and ongoing enforcement activity to hold drug traffickers and dealers to account, as well as intelligence-led operations in high risk community locations. Tasking of Transit police and Protective Services Officers (PSOs) to the North Richmond Railway Station and tram lines on Victoria Street also continues in response to community concern about safety in and around public transport in the area;*
- (b) *The Yarra Tasking Team, based out of the Richmond Police Complex, which has been in operation since July 2019 has made numerous arrests for street level drug trafficking in and around the North Richmond precinct. This team plays a key role in Victoria Police's covert response to illicit drug trafficking and aims to ensure that Victoria Street and the surrounding area is seen as a hostile environment for drug traffickers to operate; and*
- (c) *The Yarra Bicycle Patrol, based out of the Richmond Police complex, also commenced in July 2019. Their objective is to provide a highly visible and agile response to traffic, crime and public order issues across the City of Yarra, which is a major thoroughfare for cycling commuter traffic in inner Melbourne. The team patrols around the DHHS Richmond Housing Estate, Richmond West Primary School and Victoria Street on a daily basis. The Yarra Bicycle Patrol will also be deployed for public events within the City of Yarra in order to manage traffic and operate in parklands and other areas inaccessible to police vehicles.*

100. Victoria Police also have Eyewatch Yarra <https://www.facebook.com/eyewatchyarra/> and members of the community are encouraged to phone the Local Area Command to discuss non-emergency matters.

101. Victoria Police have also recently undertaken Crime Prevention Through Environmental Design (CPTED) analysis through their Crime Prevention team and will be working with agencies to implement recommendations as they come to fruition.

**External Consultation**

102. Council obtained information regarding key initiatives in the precinct from a number of external agencies comprising government, Victoria Police and community organisations.

**Internal Consultation (One Yarra)**

103. Council obtained information regarding key initiatives in the precinct from a number of internal departments including Economic Development, City Works and Community Partnerships.

**Financial Implications**

104. Funding has been allocated to those existing initiatives outlined within this report.

105. As there are new initiatives listed within the options section, there are no financial or human resources already allocated. If Council directs that one or more of these options are to be undertaken resources will have to be redirected. Alternatively, resources could be allocated through the 2020–21 budget.

### **Economic Implications**

106. Shopping strips across Greater Melbourne are being negatively impacted by changing commercial conditions driven by online shopping, more dining at home, reduced discretionary household spending and other factors.
107. Council is endeavouring to promote the Victoria Street Precinct as a dining and retail destination through its economic development initiatives and street scaping, maintenance and cleansing.

### **Sustainability Implications**

108. There are no sustainability implications identified in this this report.

### **Social Implications**

109. For people who inject drugs (PWID), drug use brings with it the risk of overdose, deleterious effects on physical and mental health (potentially exacerbating pre-existing conditions), being the victim (or perpetrator of crime) and the associated criminal sanctions, and affronts to personal dignity resulting from the judgement of others.
110. For the broader community there are negative impacts to neighbourhood amenity and community wellbeing from discarded syringes and associated waste, crimes against the property and concern for crimes against the person, and distress from observing drug dealing, consumption and overdose or other health emergency.
111. Council recognises that drug use and dependence results from the complex interplay of psychological, biological and social factors which cannot simply be eradicated and supports a harm minimisation approach which includes: reducing demand, reducing supply and reducing harm to individuals, and the broader population, by employing practical and proven public health measures to limit the negative consequences accompanying drug use.
112. The ongoing and new initiatives listed within this report by the Victorian Government and its agencies, Council, and the community, are designed to ameliorate the negative impacts of drug use for PWID and promote public health and community wellbeing for the precinct.

### **Human Rights Implications**

113. Council recognises the importance of a more compassionate, evidence-based approach to drug use and dependence and related issues.
114. In Australia's obligations as a signatory of the Universal Declaration of Human Rights, it is acknowledged that we agreed as a nation that everyone has the right to life and everyone has the right to a standard of living adequate for the health and wellbeing of themselves and of their family, including housing, medical care and necessary social services.
115. These principles apply to our entire community and underlie all of our responses.

### **Communications with CALD Communities Implications**

116. The community of North Richmond and southern Abbotsford is culturally diverse and vibrant, with one-in-two residents speaking a language other than English and one-in-five residents having cultural ties to South East Asia.
117. There are no issues with specific implications identified for CALD communities within this report.

## Council Plan, Strategy and Policy Implications

### *Council Plan*

118. The Council Plan 2017–2021 identifies higher rates of drug and alcohol abuse, and lower perceptions of safety in some parts of Yarra as key issues. It notes that the drug trade and associated health behaviours and outcomes affect the community from both a community safety perspective and a health and wellbeing perspective. Relevant strategies include:
- (a) *promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing; and*
  - (b) *assist to reduce the harms from alcohol and drugs on individuals and the community in partnership with state agencies and key service providers.*
119. The Council Plan also includes actions to:
- (a) *work with local partners and agencies to increase health and education, community partnerships and harm minimisation from the abuse of drugs and alcohol.*

### *Community Infrastructure Plan*

120. Council plays a direct role in the planning and delivery of community infrastructure and an indirect role by coordinating other providers in this space. This includes the provision of flexible and well-designed community infrastructure that addresses community needs and will contribute to generating the best outcomes for our community.
121. Council's vision for community infrastructure planning is: *To identify current and future needs so that Council can deliver and influence the provision of quality, flexible and responsive community infrastructure to support a prosperous, liveable and sustainable City of Yarra.*
122. Council's three goals of community infrastructure planning are to:
- (a) *build and support a safe, healthy and cohesive community;*
  - (b) *create a sustainable city with responsive and flexible community infrastructure; and*
  - (c) *embed a holistic approach in planning and delivery.*
123. The Community Infrastructure Plan notes an opportunity *to achieve good public space (or public realm) outcomes through forming partnerships between Council, community, businesses, service authorities and developers. Building strong relationships with key stakeholders will support public space improvements and emerging public spaces. For example, encourage improvements of shopfronts, encourage building design to support public places and curate legal street art were relevant.*

## Legal Implications

124. The responsibilities Councils have in terms of public health and amenity are prescribed under the *Local Government Act* (1989) and *Public Health and Wellbeing Act* (2008).

## Other Issues

125. Not applicable.

## Options

### Option 1

126. Facilitate a time-limited Community Reference Group (discontinued within three months of the commencement of the North Richmond Community Capacity Building Initiative at Richmond Housing Estate):
- (a) This option would seek to provide a neutral, inclusive platform for all of the community to come together and participate in a dialogue on the public health, wellbeing, amenity and safety issues they are encountering;

- (b) Council's responsibility would be framed to facilitate the meetings and 'broker' the issues raised, to assist in determining commonalities in themes or locations which require more support throughout the precinct, and provide a data-collection forum to gather information to assist core operational requirements;
- (c) Officers would make every effort to action issues raised, while it is likely that some will fall outside the remit of Council authority. Council would also report important findings to responsible stakeholders including any actions raised;
- (d) Resourcing implications include the following as a minimum:
  - (i) Chairing of meetings by Councillor(s);
  - (ii) Council officer(s) secretariat support including:
    - Convening agendas and speakers;
    - Sourcing a suitable location to hold the forum;
    - Organising duration, frequency and timing of meetings;
  - (iii) How actions raised will be actioned, informed and distributed;
- (e) Other considerations include the following as a minimum:
  - (i) Whether it is an open or closed forum;
  - (ii) Frequency of meetings, terms of reference, communications plan and membership;
  - (iii) The capacity of other stakeholders (such as DHHS, VicPol, DET, NRCH, etc.) to effectively participate in a further forum;
  - (iv) Security or OHS implications;
  - (v) The participation, contribution and cooperation of key stakeholders, particularly those servicing the space;
  - (vi) Frustration and/or risk of 'over consultation' with members of the community who may feel that issues have been raised consistently without resolution to a 'satisfactory' level. E.g. moving the location of MSIR;
  - (vii) Replicating or undermining the work of North Richmond Community Capacity Building Initiative as the project commences with the same objectives;
  - (viii) Time required to establish this forum and associated logistics; and
  - (ix) Consideration of any unintended conflicts with the work underway with the North Richmond Community Capacity Building Initiative;
- (f) Further analysis of the viability and suitability of this option is strongly recommended including liaison with the Victorian Government's North Richmond Community Capacity Building Initiative, MRAC, Victoria Street Drug Solutions and Victoria Street Business Association, as a minimum; and
- (g) It is expected that pursuing this option directly with the community will still take some time to organise / commence and will impact officer's capacity to deliver on other priorities.

## Option 2

127. Given the very recent commencement of the Place Manager for the Victorian Government's North Richmond Community Capacity Building Initiative, officers could continue to work with local stakeholders to support their establishment of an appropriate and representative community engagement committee (or similar), focusing on ensuring on-going community dialogue on wider precinct amenity and safety. This would include but not be limited to:

- (a) Establish a collaborative and proactive relationship with the new Place Manager of the Victorian Government's Social Landlord project at Richmond Housing Estate, who commenced in the role in a full-time capacity in September 2019;
- (b) Report back to Council before the end of 2019 with an update on community sentiment, any new actions undertaken in the interim period by stakeholders servicing the space and an update on progress of the North Richmond Community Capacity Building Initiative; and
- (c) Resourcing implications would be minimal – it is anticipated that this option can be achieved at no financial cost (officer time only), through existing budgets (at low cost and with officer time) and actioned immediately.

## **Conclusion**

- 128. Council's current resources are at capacity in an attempt to deliver additional services to the area in relation to public health, wellbeing, amenity and safety responses.
- 129. Progressing either of these options or other opportunities will, by necessity, require thorough consideration of likely costs, benefits and risks (including resourcing implications).
- 130. Furthermore, progressing further actions or interim measures will require community support and ownership, thoughtful consultation and engagement with local businesses, community and other stakeholders.
- 131. Consideration will need to be given to the frequency of any future initiatives and the length of time that initiatives are in place, and the extent to which future initiatives operated by the Victorian Government may duplicate or contradict the intention of such engagement. To have a substantial impact on the precinct, and to support the physical and social infrastructure investments, longer-term, strategic initiatives could be required.
- 132. Due to the magnitude of the issue at hand, and the variety of stakeholders in the space, a coordinated and planned approach to achieving and maximising outcomes for our community is considered the best way forward.
- 133. Given the commencement of the new Place Manager of the North Richmond Community Capacity Building Initiative, officers suggest that, regardless of the gaps to date, pursuing a unilateral approach to engagement at this time is not recommended due to the objectives of the project, likely duplication and that the project scope geographically is the estates and the surrounding area.

## **RECOMMENDATION**

- 1. That Council:
  - (a) note the existing, on-going and upcoming initiatives in place to address public health, wellbeing, amenity and safety in the north Richmond / southern Abbotsford precinct from a wide variety of stakeholders;
  - (b) note that progressing any of the listed options (or other) opportunities will require a systematic assessment of costs, benefits, risks and impacts, including consideration of community support and ownership;
  - (c) Endorse option 2 and authorise officers to work with the Place Manager of North Richmond Community Capacity Building Initiative Social Landlord and other stakeholders to establish a representative community engagement committee or similar; and
  - (d) seek a further report from officers before the end of 2019 providing an update on progress of initiatives in the precinct including in relation to the Victorian Government's North Richmond Community Capacity Building Initiative.

**CONTACT OFFICER:** Julia Bennett-Mitrovski  
**TITLE:** Senior Planner Community Health and Safety  
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**Attachments**

1  CoY - Drug use issues in your local area - A4 Poster - September 2019

## 11.5 Lourdes Site - Consideration of concept

Reference: D19/144806

Authoriser: Director Planning and Place Making

### Purpose

1. This report provides an outline of a concept regarding the 'Lourdes site' in St Heliers Street, Abbotsford and seeks Council in-principle support.

### Background

#### The Precinct

2. The precinct of the Abbotsford Convent and Children's Farm is very significant in a number of ways; it is large parcels of land on a peninsula of land abutting the Yarra River.



AERIAL VIEW - EXISTING

3. The precinct is bound by Johnston Street to the north, Clarke Street to the west, the river to the east and is dissected by St Heliers Street.
4. The western part of the precinct abuts Clarke Street which contains residential properties on the west of Clarke Street and the Melbourne University Early Learning centre (child care) on the east side of Clarke Street (which backs onto the land known as the Lourdes site).
5. Johnston Street is a major road servicing the east west traffic and also bus routes – at present there is no direct vehicle access from Johnston Street to the Convent facilities / tenancies or the Children's Farm.
6. In short, the area has limited access. The only vehicle travel path is via Clarke Street and into St Heliers Street which means vehicles, pedestrians and cyclists all need to navigate a local street and an indirect route compared to if an access point existed off Johnston Street.
7. The Convent Car Park located off St Heliers is a fee paying carpark which is operated by the Abbotsford Convent Foundation. It contains a boom gate at the St Heliers Street entrance for payment to park vehicles.
8. There is a master plan for the Convent Precinct which is an Incorporated Document in the Yarra Planning Scheme.



9. The Abbotsford Convent MasterPlan was approved by the Minister for Planning on 28 June, 2006. As far as relevant to this report (under The Site), at page 5 it says in part:

*On 8 July, 2005 the land to the north of St Heliers Street was transferred to the Abbotsford Convent Foundation to operate on behalf of the precinct including the Collingwood Children's Farm. This land is currently used as carparking and lies between St Heliers Street on the south and Johnston Street as its northern boundary. The western boundary is formed by the Lourdes building precinct and the hotel at the corner of Johnston Street and Clarke Street. A narrow strip of land runs between the hotel and the neighbouring child care centre, which affords access to Clarke Street. The eastern boundary is formed by the public footpath adjacent to the Collingwood Children's Farm, and the escarpment alongside the Johnston Street Bridge.*

See extract of the MasterPlan below

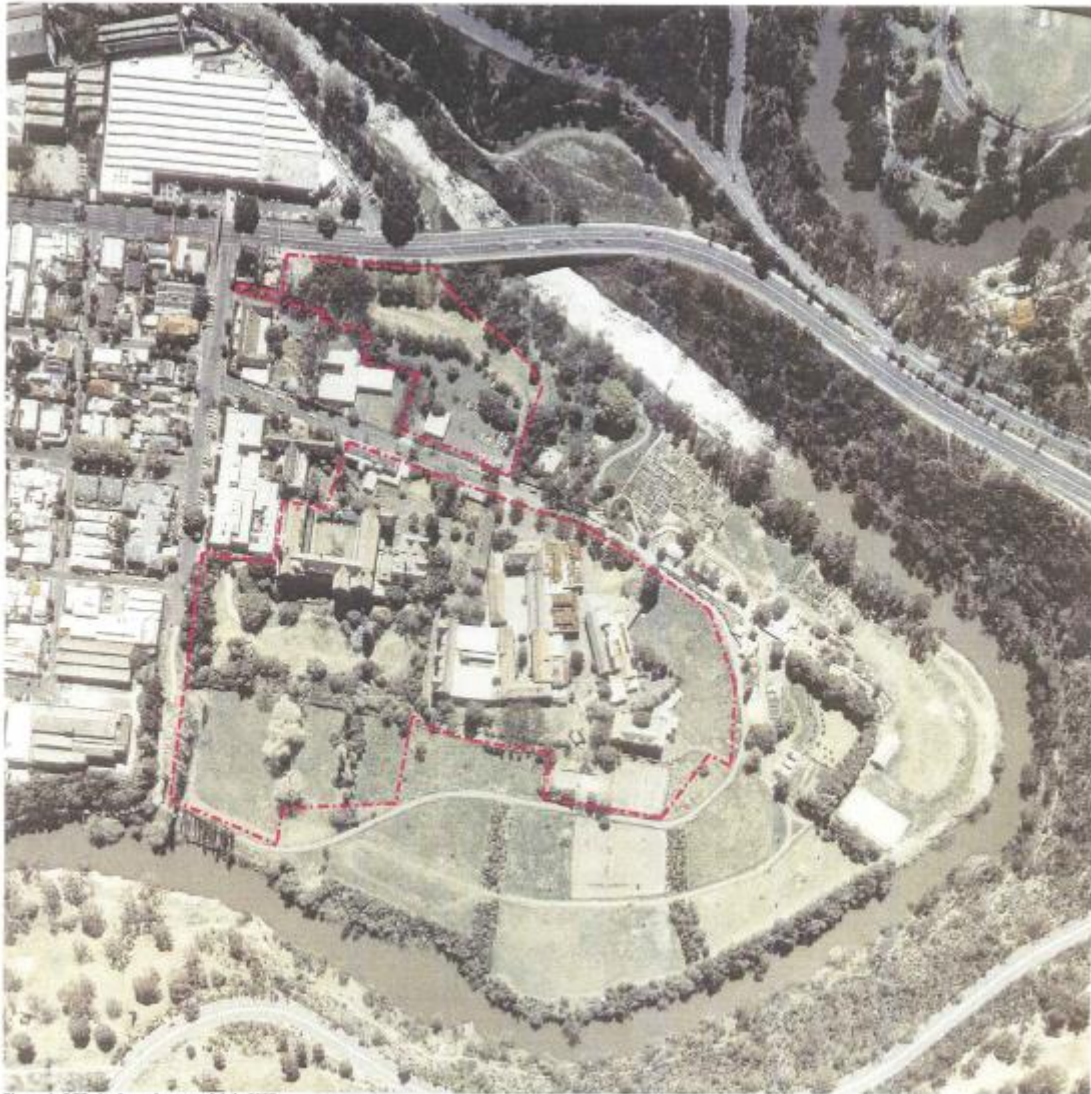


Figure 1. ACF site boundary as of July 2005.





Figure 3. Land Use and Activities

*Note: The above diagram shows both the current carpark to the north of St Heliers Street; and also the 'Lourdes site' in relation to the carpark and the Early Learning Centre located on the corner of Clarke St and St Heliers St.*

#### Previous traffic calming measures

- As the landuses at the Convent site began operating some 13 years ago, traffic congestion started to occur in local streets. With St Heliers street being a dead-end street, the traffic flow progressively became further congested when paid parking was introduced into the carpark

area by the Convent Foundation (i.e. the boom gate restricted turnarounds if people did not wish to pay).

11. In order to provide some '*traffic calming*' some temporary vehicle traffic management measures (a chicane) was installed in Clarke Street some 8-10 years ago (between St Heliers Street and Abbottsford St), as a means of reducing through-traffic in the northern part of Clarke Street, and also to avoid motorists using Clarke Street as a thoroughfare.
12. Some *down grading* of St Heliers Street (visual clues) has also occurred in the past few years with the removal of kerbside parking, some treatments in the kerbside area (bike hoops etc.) and threshold treatments to reduce traffic speed. A turnaround area was also inserted near the convent entry point in St Heliers to enable drivers of cars not wishing to enter the carpark (where the boom gate exists) to turn around without needing to undertake 3 point turns in St Heliers Street.
13. These measures have been somewhat successful in informing motorists that it is a go-slow area and also to lower traffic speeds more appropriate to an area with many pedestrians and cyclists. However, more permanent solutions are required within resources available.

#### Johnston Street – direct access option

14. A concept for the creation of a '*vehicle access / egress point*' from Johnston Street direct into the Carpark area of the Convent has been advocated by senior officers for a number of years as a means of unlocking some of the improvement opportunities in this overall precinct.
15. By a new access / egress point into Johnston Street, vehicles would not need to necessarily enter Clarke Street and St Heliers Street and would enable the unlocking of future (medium term) opportunities for the pedestrianisation St Heliers Street.
16. The State Government has pledged new traffic lights at this notional new access point into Johnston Street – however, a planning permit is needed for the access point into the Convent carpark due to the planning scheme zone and overlays. VicRoads are currently preparing a planning application to be lodged with Council for consideration shortly.
17. It is noted that the mooted new vehicle access off Johnston Street into the convent carpark would require some 70 of the existing carspaces to be lost (due to a required driveway leading off Johnston Street to enable safe vehicle flow); but the benefit of that project is considered significant (see other comments in this report).

#### The Lourdes site

18. The site, opposite the Convent chapel, on the north side of St Heliers Street, is commonly known as the Lourdes site. To the west it abuts the Melbourne University Early Learning Centre; to the east is the Convent carpark which serves the landuses in the immediate area.
19. The Lourdes site at 2-4 Heliers St, Abbottsford is Crown Land; it is temporarily reserved for *Public Purposes (Childcare and Community Purposes)* of which Council is Committee of Management.
20. Some years ago Council were provided the Committee of Management status to the Lourdes site enable a Child Care facility to be built. Concepts were formally discussed with Council but have never progressed.
21. Subsequently, the former building on the Lourdes site was demolished about 4-5 years ago. Since then the site has remained unoccupied and vacant. It is noted that the Council has incurred certain expenses in the demolition of the former building on the site and also the consultant work on previous concepts, documentation and plans.
22. The use of the Lourdes site needs to be resolved as it has been idle for over a decade.
23. The development of that site is also very important due to its setting being adjacent to the important heritage buildings of the Convent to the immediate south of the St Heliers roadway.

### Importance of the Lourdes site in the Precinct

24. The Lourdes site is directly opposite the Convent Chapel, and improved sightlines and creation of vista's from the north to the chapel (and the Convent ground generally) are important aspects that should be explored and preserved.
25. Opportunities are presented in the consideration of the built form options of the Lourdes site in order to maintain and enhance these vistas' and, importantly, provide opportunities for improvements to the urban design treatments to create better visual presentations of the Convent and the Farm precinct to Johnston Street.
26. In short, providing a 'front address' to Johnston Street to these facilities, and a much improved visual presence of the peninsula precinct to a main road, is considered a very useful vision.
27. A broad vision for these improvements to the overall precinct has been outlined briefly to Councillors previously – this has outlined some notional concepts as a 'pathway' to unlock the opportunities and to seek to improve the urban design outcomes of the precinct.
28. The mooted new direct vehicle access point to Johnston Street has been considered by senior officers as the 'turnkey' opportunity to open up the broader potential of improvements to this important precinct. By enabling most vehicle traffic to enter / egress direct off Johnston Street would importantly create urban design *opportunities* for creating more of a presence and front door of the Convent and Farm to Johnston Street, reduces traffic into Clarke Street and St Heliers Street and then create more of a predestination opportunity for St Heliers Street in the medium term.
29. In this context, senior officers have been, over a number of years, continuing to explore how these visions could be progressed and what 'pathways' might exist to progress these.

### Lourdes site restrictions

30. As stated above, the Lourdes site has a temporary reservation as part of the Crown Land status – the reservation is for *Public Purposes (Childcare and Community Purposes)*. This restricts the landuses that can occur on this site.
31. Melbourne University run the Early Learning Centre in Clarke Street which abuts the Lourdes site and have expressed a keen interest to expand the early learning centre by utilising the Lourdes site. Discussions have been held with Melbourne University over the past few years and importantly, the landuse would accord with the Crown Land reservation.

### Abbotsford Convent considerations

32. The Convent rely on the existing car parking revenue (from the current carpark) as a substantial component of its annual revenue – the Convent has expressed concerns about the loss of parking (some 70 spaces) in the mooted Johnston Street access project (although strongly supports that new mooted access / egress point). The Lourdes site presents an opportunity for an offset of the losses of these parking spaces and also for the improved setting of the Chapel and other sightlines matters raised elsewhere in this report. The Convent Foundation consider that the Lourdes site, at least in part, should be used for some parking arrangements as well as an alternate land use such as an extension of the Early Learning Centre.
33. In summary, the Convent administration has indicated over the past few years that any loss of parking space numbers would very substantially impact on the Convent annual financial situation and would hamper its ability to progress its operations.
34. The Convent administration has also expressed opinions about the built form of any redevelopment of the Lourdes site due to its proximity to the historic Chapel directly opposite the Lourdes site.
35. The Convent site is in a Heritage Overlay under the Yarra Planning Scheme and is also on the National Heritage List (Federal).

Built Form aspects of the Lourdes site - process

36. As a consequence, the built form of any development on the Lourdes site is a key matter to consider having particular regard to the heritage context of the Convent Chapel. As said, it is also important as there are important sightlines that should be maintained to improve the setting to the convent precinct, and indeed, create the potential for urban design improvement opportunities from the north to the Convent area south of St Heliers Street.
37. Over the past 2 years constructive dialogue has been occurring between senior Yarra Executives and those from the Abbotsford Convent and the Melbourne University Property department.
38. These meetings have considered how a built form on the Lourdes site could be accommodated and best meet the various objectives of each organisation. These discussions occurred during mid-2018.
39. This engaged all 3 parties on the various (broad) built form and layout options regarding the possible built forms of a development on the Lourdes site, offset some carpark loss from the Johnston Street project and also other options in the precinct that would also preserve sightlines for future further improvements to the precinct.
40. Seven options were explored (for the purpose of dialogue) with the assistance of architects employed by Melbourne University; and an *objectives achievement evaluation* process was then undertaken amongst the senior officials of the three parties – this enabled the participants to analyse which option best met the various objectives (noting that not all objectives were capable of being completely met due to some competing aspects).
41. Attachment 1 shows the exploration of the many and varied options (expressed by the architects as options A to F) – these are the ‘*what if*’ scenario’s presented to the officer working group to see how an early learning centre could be located in the precinct, but also with the preservation of the majority of car parking space numbers that would be lost through the mooted new access point off Johnston Street (some 70 spaces).
42. Attachment 2 shows the format of the ‘*Objectives Achievement Matrix*’ – this is outlined to illustrate how the conversation was structured for an evaluation of the 7 layout and built form options by the officer working group.
43. The consensus of the group was that Option D was considered the preferred, and most balanced option, in meeting the key objectives including:
  - (a) maintaining important views, and setting, to the Chapel and to the Convent precinct;
  - (b) minimising the loss of carspaces to the Convent carparking (through the anticipated direct access to Johnston St – being a different project); and
  - (c) yet enabling some viable and economic use of the Lourdes site with the restrictions of landuse as outlined in the Crown Land Temporary Reservation status.
44. This option, in summary, suggests that ‘division’ of the Lourdes site Crown Reserve land, broadly into two halves (but not quite; percentages to be finally determined, but more like approx. 43 % of the Lourdes site to the Convent carpark, and 57 % to the Melbourne University for early learning centre expansion).
45. It was considered this approach is the best outcome having regard to the many important objectives and vision for the improvements to the precinct over a period of time.
46. That is, creating a ‘*pathway*’ forward and also keeping options open for staged improvement approaches to the overall precinct; so that an overall vision of improved urban design, amenity, ambience and improved safe ‘access and movement’ can be achieved over the medium to longer term.

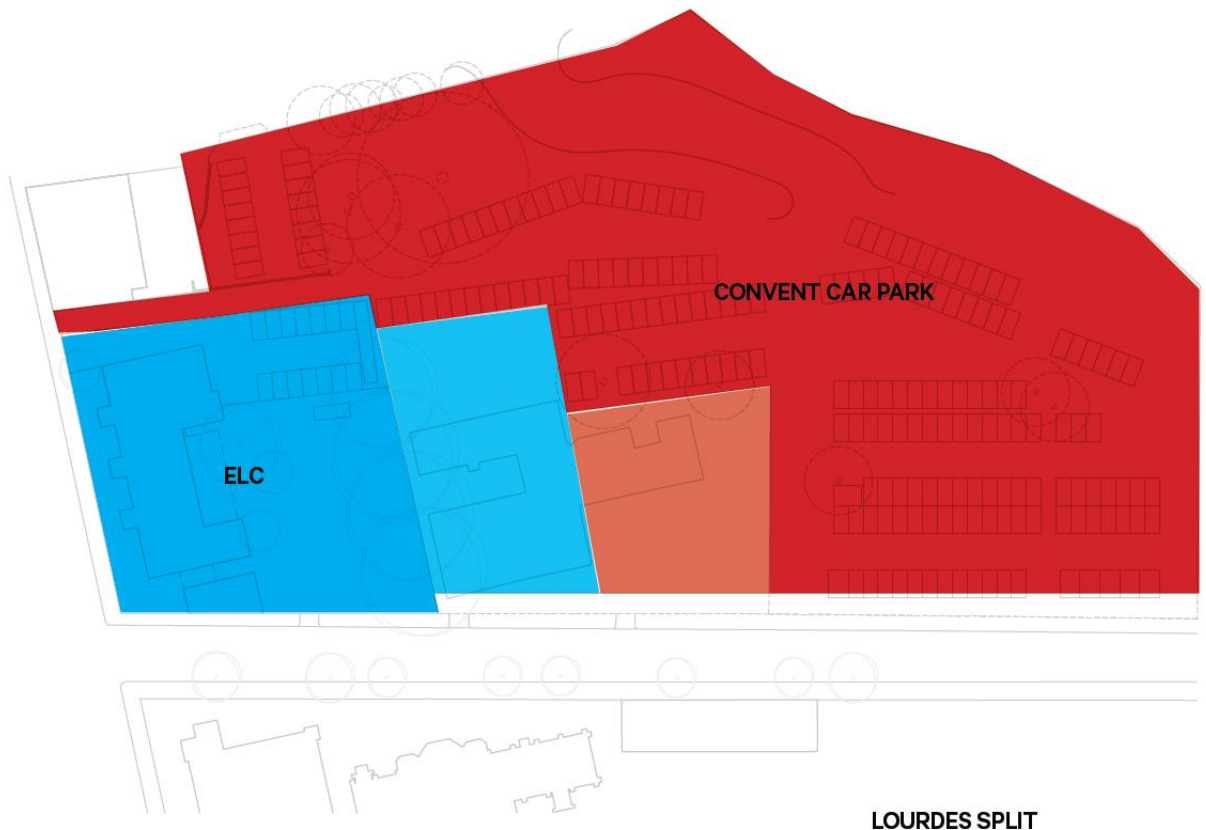
47. It would also include the transfer of the small strip of land off Clarke Street abutting the existing Early Learning Centre immediately to the north, for a similar strip of land currently in the Lourdes Committee of Management in order to round off the Early Learning Centre land – this would maximise the quality of the outdoor play area of the existing early learning centre and maximise the efficiency of the carpark.

Preferred Built Form option of the Lourdes site

48. As said, various options were explored in the broad precinct of how an extended child care facility could be developed in the immediate precinct abutting the existing Early Learning Centre (see Attachment 1).
49. These options ranged from *rotating* the siting of a possible new build of an optimum size building for Child Care around the Lourdes site, and nearby, whilst seeking to retain as many carparks as possible in the current Convent carpark arrangement. The challenge was to seek to avoid the 70 (approx.) carspace that would be lost with the Johnston Street access point project and if the Lourdes site was simply used for a built form without being used in part for some carparking spaces.
50. Option D presents as predominantly a one storey building (two storey in part) on the western half of the current Lourdes site, directly abutting the current Melbourne University Early Learning centre. See notional divide of the Lourdes site in Attachment 3.
51. This option would enable an 88 place child care facility, and yet retain (through relocation) of approx. 57 of the carparking spaces that would be lost with the direct access to Johnston Street project. That is, some 70 spaces would be lost in the Johnston Street access project and some 57 spaces added in the notion above; leaving approx 13 less spaces overall in the Convent 'paid carpark'.

(see option D below).



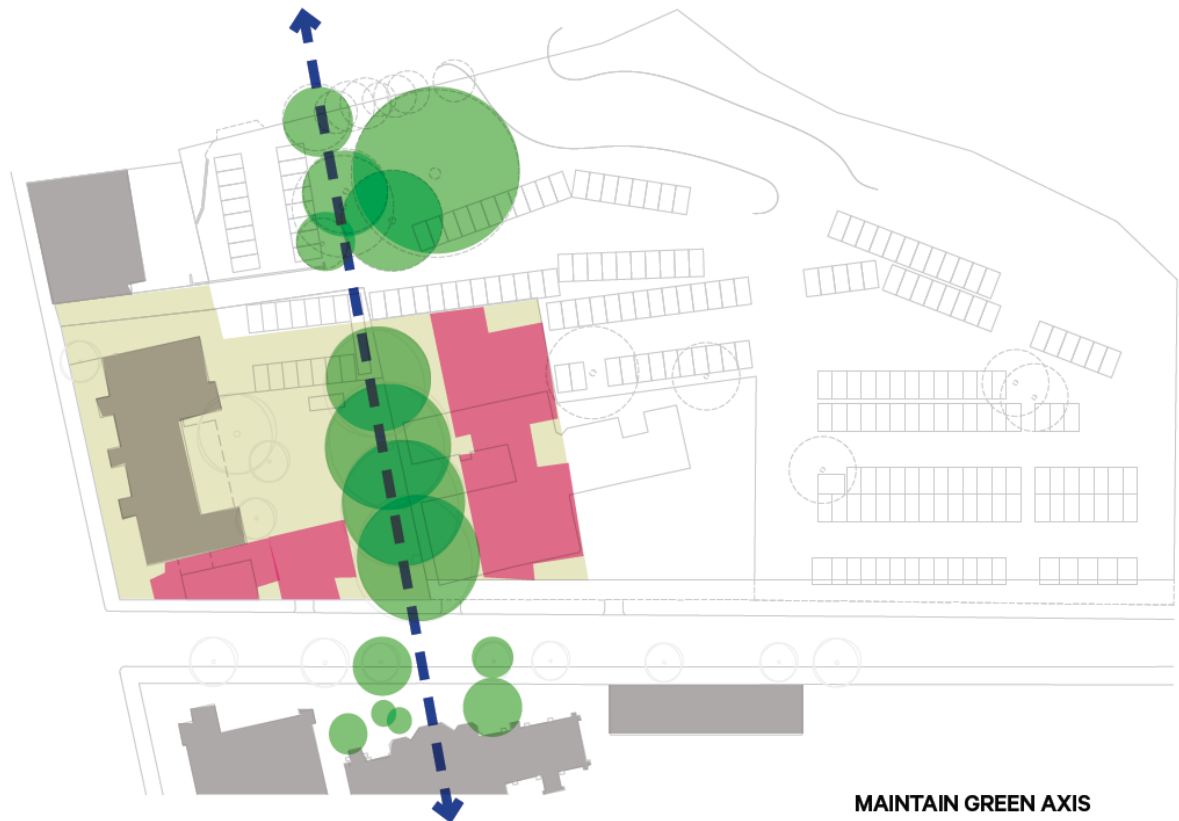


52. In summary, both the Convent Foundation and the Melbourne University Executives expressed support for Option D as a notional layout and development concept for the Lourdes site.

*Note: As part of the Early Learning Centre expansion by the Melbourne University that landuse would also need to rely on the 'precinct parking' abutting the site, being the paid Convent carpark. That is, the built form option would not have onsite parking.*

53. From a planning, urban design and heritage point of view, the Yarra Executives involved believe that option D presents as a reasonably well-balanced approach that also achieves the important objectives for Council insofar as:
- (a) heritage setting of the convent buildings,
  - (b) streetscape setting (and possible improvements to St Heliers Street later on),
  - (c) retains the majority of carparking that would be lost by the Johnston Street access / egress project;
  - (d) importantly, the future urban design opportunities preserved through the eastern half of the Lourdes site not having building bulk; and
  - (e) the row of significant trees on the axis opposite the Convent Chapel are able to be retained.
54. This would retain views and vistas to the chapel that can be improved, over time, through creative urban design treatments in the area to the north of the St Heliers Street (e.g. sightlines, vista creation through alignment of tree plantings etc., and other urban design creative ways), and also other means of creating more of a *front door address* for the Convent and Children's Farm facilities / entry points to Johnston Street.





(See Attachments for further illustrations)

What is the 'Pathway' to changes to the Lourdes site crown reservation

55. The next key step has been to determine how this 'notional outcome' could be pursued having regard to the Crown Land status. That is, how the land could be 'divided' to enable half (approx.) to be used for a child care facility (western part) and the other half preserving the use for carparking at this point in time.  
*NB. It may be in future that the carpark area could be modified to more pedestrian and community space (but that is a future what if and would be a consideration in the medium term future).*
56. As previously stated, the direct vehicle access to the Convent carpark is a *turnkey* matter to enable a possible different future for St Heliers Street as a more of a pedestrianised area in the future (maybe with service vehicles in off-peak time like CAD lanes etc.).
57. Recently, Yarra Executives have held constructive dialogue with senior Government staff in DELWP to determine how this could be progressed and what steps would be required to 'divide' the Crown Land parcel to enable the use in two parts (conceptually).
58. The relevant DELWP officer has now acknowledged that Yarra City Council, in collaboration with Melbourne University and Abbotsford Convent, has been exploring if the Lourdes site can be 'divided' to improve utilisation of both properties (expanded child care centre and retention of parking for the Convent).
59. To progress the matter, the DELWP staff of the Port Phillip Region now seeks an *in principle* agreement, in the form of a letter and indicative plan, confirming that all parties agree to the proposed division of the subject land and the creation of two (2) Crown Allotments to facilitate the concept.
60. DELWP would then, in response, formally outline the administrative process, timeframes and associated survey costs. They indicate that the administrative timeframes associated with steps ahead could take up 6 months.

61. The Convent Foundation have provided a letter of support for the division of the Lourdes site (to enable a built form option as shown in Option D) which would also minimise the loss of any carparking (see attached).
62. Melbourne University have also provided a letter of support for the same outcome (see attached).

### **Summary Points**

63. This report outlines conversations that have been occurring regarding the Lourdes site (St Heliers Street) in the context of both the Convent and the Melbourne University interest.
64. The Lourdes site is an important site to resolve regarding landuse and built form.
65. In this context, this reports outlines the:
  - (a) concepts being put forward to determine a future use of the Lourdes site;
  - (b) the constructive dialogue to date with the Convent Foundation executives and Melbourne University officials with senior Yarra CC executives, and
  - (c) seeks Council consideration of the matter (and if approved), so that *approval in principle* can be forwarded to DELWP senior officials in order to be able to progress the *pathway* for a divide of the Lourdes site broadly to enable:
    - (i) further child care facility (constructed and operated by Melbourne University);
    - (ii) maintain a majority of parking for the Convent precinct;  
and importantly,
    - (iii) maintaining options into the future, for improved urban design treatments to provide more of a front entrance to the Convent precinct from Johnston Street (tbd).
66. Specifically, if the Council are supportive of this outcome, then a resolution from Council expressing this *approval in principle* is sought to that can be provided to DELWP.
67. Should Council be supportive, and the process is followed through to a conclusion, then the Lourdes site would be progressed towards a 'division', divided into the two halves (broadly) through a process (ultimately) with the Surveyor General Office of the Land Use Victoria Department of the State Government.
68. It is important to note that a town planning application would need to be lodged by Melbourne University for a child care facility (early learning etc.) that would meet the objectives of built form option D, and satisfy planning scheme provisions – that application would then need to be processed in the normal statutory planning manner and determinations made.
69. It is also noted that the mooted vehicle access / egress from Johnston Street also needs a planning permit application lodged for formal assessment – that is to be lodged shortly by VicRoads for 'due process' consideration.

### **External Consultation**

70. The Abbotsford Convent and Melbourne University have been actively involved in this process. There has not been any community consultation.

### **Internal Consultation (One Yarra)**

71. Senior Executive staff.

### **Financial Implications**

72. The pathway to 'divide' the land, if supported by Council, would have some relatively minor costs.
73. Council has incurred other costs to date in prior studies and concepts of the Lourdes site (including demolition of the former building). Some cost recovery will be sought.



### **Economic Implications**

74. The viability of the Convent Foundation operations is a matter that Council should consider having regard to the obligations under the Master Plan.

### **Sustainability Implications**

75. There are no direct sustainability implications out of the decisions being sought at this stage.

### **Social Implications**

76. The Abbotsford Convent Foundation activities and Children's' Farm are very significant landuses and cultural aspects for Yarra, Melbourne and beyond.

### **Human Rights Implications**

77. There are no known human right implications.

### **Communications with CALD Communities Implications**

78. There are no implications regarding communications with CALD communities.

### **Council Plan, Strategy and Policy Implications**

79. As further relevant background, the following April 2017 Council resolutions is provided regarding the then YCC proposal at the Lourdes site;
- (a) *"Council resolve not to proceed with development of a Council funded Family and Children's Services Hub on the Lourdes site at 2-4 St Heliers Street, Abbotsford;*
  - (b) *Officers negotiate an agreement with University of Melbourne, whereby Council agree to formally relinquish its role as Committee of Management for the Lourdes site, and support University of Melbourne's claim to become Committee of Management for the site, subject to University of Melbourne making a goodwill payment to Council for its interest in the site and in recognition of the site improvement works carried out by Council, to be paid upon University of Melbourne being appointed Committee of Management for the site;*
  - (c) *If agreement can be reached with University of Melbourne for a goodwill payment as outlined above, Council advise DELWP of its decision to relinquish its role as Committee of Management, and advise DELWP of its support for University of Melbourne's request to become Committee of Management for this site, for the purposes of developing a Family and Children's Services Hub;*
  - (d) *Officers report back to Council following negotiations with University of Melbourne; and*
  - (e) *Officers report back to Council and relevant stakeholders including the design reference group and wider community".*
80. Working up new opportunities for the enhancement of the Convent / Farm precinct is consistent with the thrust of many Council policies.

### **Legal Implications**

81. The proposal outlined in this report regarding a possible 'division' of the Lourdes site would require changes to the boundaries of the current Crown allotment. This can be achieved through Land Use Victoria processes.

### **Other Issues**

82. Melbourne University would seek to become the Committee of Management for the western portion of the site developed for an early learning centre facility.
83. Council would need to also determine if it wishes to remain Committee of Management for the eastern half of the Lourdes site that would be used, for the foreseeable future, as car parking area.

84. The Crown Land status may need to be adjusted according to what is determined as a reasonable outcome insofar as Committee of Management arrangements.
85. The Abbotsford Convent Master Plan, which is an 'Incorporated Document' in the Yarra Planning Scheme, needs to be considered.

### Options

86. In relation to the subject matter of this report, there are two options, being:
  - (a) option 1: Council support the notional concept which would enable the 'pathway' for the division of the Lourdes site into two halves (generally) as outlined in this report; or
  - (b) option 2: Council could determine not to support that proposed division of the Lourdes site.
87. It is recommended that Council determine to support option 1 to enable a solution to the use of this land within the precinct (that is, option 1 above). If that is the case, then the 'pathway process' can be formally explored further with the DELWP.

*NB. Land Use Victoria may have other aspects requiring further Council decisions. However, the initial formal exploration cannot be progressed without a formal Council position on the 'in principle' matter under discussion in this report.*

### Conclusion

88. The Abbotsford Convent and Children Farm precinct is a very important precinct. It is also recognised by the National Heritage List at Federal level.
89. The access off Johnston Street is being pursued but a planning application is required to be submitted for town planning assessment and determination. That will be processed once it is submitted (lodgement expected shortly by VicRoads) and include being advertised. That project would see the loss of some 70 carspaces in the Convent carpark.
90. The current 'carpark' area was transferred to the Convent Foundation by the State Government in 2005 for carparking purposes. Carparking numbers is a key consideration for the Convent Foundation as it provides a significant level of revenue to the foundation for its heritage conservation work and its general operations.
91. The Convent Foundation are supportive of the new access / egress to Johnston Street (for many reasons), but are seeking to find an offset of the loss of carparking by part usage of the Lourdes site.
92. The future of the Lourdes site is the subject matter of this report. The site is temporarily reserved for *Public Purposes (Childcare and Community Purposes)* of which Council is Committee of Management.
93. The built form of any development on the entire Lourdes site would be potentially detrimental to the heritage setting of the Convent chapel; and restrict future urban design improvements to the presence and setting of the Convent / Children's Farm precinct.
94. In this context, a process has been occurring of dialogue amongst the senior executives of the Abbotsford Convent Foundation, Melbourne University and senior Executives of YCC, to seek a way forward for a landuse and development in a form that would enable further child care facilities yet maintain the carparking for the precinct.
95. A planning and design enquiry exercise occurred as part of this dialogue and a number of options were explored with the benefit of the Melbourne University consultant architects – this produced a number of options which were then evaluated as to what is the *best fit* amongst a number of objectives. Option D, or a division of the Lourdes site to enable the western half to be developed for an early learning centre facility and the eastern half retained as carparking for the foreseeable future. This is shown in Attachment 2 and 3).

96. The expansion of the early learning centre for children is consistent with the Crown Land reservations (*Childcare*); further it is considered the carparking suggested on the Lourdes site in the notion expressed in this report, would also be consistent with the *Community Purposes* part of the reservation.
97. Letters of support for this outcome have been provided by both the Abbotsford Convent Foundation and the Melbourne University which, if Council supports this concept, can be provided to DELWP officials to have serious consideration of the division of the current Crown lot as outlined.
98. Council is requested to consider an approval *in principle* position to the 'division' of the Lourdes site with the western half (approx.) being used and developed for an early learning centre facility by Melbourne University, and the eastern half used as a paid carpark in the foreseeable future, until such time as further urban design work can be funded to enliven the precinct, present an improved presence to Johnston Street and also an improved pedestrianisation approach to St Heliers Street.
99. The recommendation outlined below seeks this approval in principle from Council so that the matter may be further progressed via the Land and Built Environment Division of the Department of Environment, Land, Water and Planning (DELWP of State Government, with a view to have the Lourdes site divided into two parts to enable the concept outlined in this report to be realised (with the additional requirement of planning permission to be undertaken via due process).

## RECOMMENDATION

1. That Council:
  - (a) note the officer report on the overall precinct known generally as the Abbotsford Convent precinct, and in particular the future of the Lourdes site;
  - (b) note the current status of the Lourdes site at 2-4 Heliers St, Abbotsford is Crown land; and is temporarily reserved for *Public Purposes (Childcare and Community Purposes)* of which Council is Committee of Management;
  - (c) note the officer report regarding a concept for the Lourdes site that has been discussed with the Abbotsford Convent Foundation senior executives, Melbourne University property executives and Yarra Council senior executives including the CEO;
  - (d) note the considerable importance of this precinct, and the high level discussions amongst the Convent Foundation and Melbourne University that have occurred over recent times in order to progress a future for the Lourdes site that best meets the various objectives for the immediate area;
  - (e) note that important future urban design opportunities exist in this precinct that should be retained for the future providing maximising public benefit, improved presence of the key facilities of the precinct in having a main road address, improved view lines and vistas to the Convent more generally and the improved pedestrianisation and safety of persons in St Heliers Street;
  - (f) notes the Attachments that show the various options explored by the executives of the three organisations for the Lourdes site in the overall precinct;
  - (g) note that the proposal, through dialogue with Convent Foundation and Melbourne University, includes the 'division' of the Lourdes site to enable the western half to be developed by Melbourne University for an early years children learning centre expansion (approx 57 % of the site), and the eastern half (approx) to be used (for the foreseeable future) for carparking for the precinct (approx 43 % of the site); and
  - (h) note the layout and built form Options explored, and that Option D as shown in the attachments, which broadly divides the Lourdes site in two, has been considered by the working group of officers from the three organisations to present the optimal outcome for the precinct, and the site.
2. That Council, in the context of the above, now resolves to provide *in principle* support to Option D as a proposed division of the Lourdes site, being that it be divided approximately in half for an early learning centre facility on the western portion, and for car parking in the foreseeable future in the eastern portion, along with the transfer of the two small rectangular shaped areas as shown in the Attachments.
3. That Council resolve to authorise the CEO to provide a letter of *in principle* support to the DELWP Executives, with the letters of support from the Abbotsford Convent Foundation and the Melbourne University property department, for the division of the Crown Land known as the Lourdes site, so that a formal approach can be pursued with the DELWP Land and Built Environment Port Phillip Division for the purposes of an extended Early Learning Centre on the western position of the Lourdes site, and the remainder (east side) being used for carparking.
4. That Council note that a town planning application would be required to be lodged by Melbourne University for the proposed development of an Early Learning Centre.
5. That Council, as part of this *in principle* arrangement, authorise the CEO for seeking consideration from Melbourne University and the Abbotsford Convent Foundation for reimbursement of Council expenses incurred to date for the demolition of the former building on site, site testing for sensitive uses and other related pre development aspects.

**CONTACT OFFICER:** Bruce Phillips  
**TITLE:** Director Planning and Place Making  
**TEL:** 9205 5300

**Attachments**

- 1 [⇒](#) Options re Lourdes site by Melbourne University (Sept 2018)
- 2 [⇒](#) Lourdes site - Final Concept by Melbourne University (Oct 2018)
- 3 [⇒](#) Action Sheet 4 1 Proposed Lourdes Family and Children s Services Hub
- 4 [⇒](#) Objective Achievements Matrix

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**12.1 Notice of Motion No. 15 of 2019 - Witness K and Bernard Collaery prosecutions**

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Reference: D19/178289

Authoriser: Group Manager Chief Executive's Office

I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 8 October 2019:

1. *That Council:*

- (a) *calls on the Attorney General of the Commonwealth of Australia Christian Porter to exercise his powers under section 71 Judiciary Act 1903, to discontinue the prosecutions against 'Witness K' and Bernard Collaery in the Australian Capital Territory Courts; and*
- (b) *resolves to write to the Prime Minister and to the Attorney General of the Commonwealth Christian Porter to inform them of this resolution.*

### **Background**

Background information has been provided in the attached Friends of Baucau Delegate's Report which will be tabled by Cr Stone at the meeting.

### **RECOMMENDATION**

1. *That Council:*

- (a) calls on the Attorney General of the Commonwealth of Australia Christian Porter to exercise his powers under section 71 Judiciary Act 1903, to discontinue the prosecutions against 'Witness K' and Bernard Collaery in the Australian Capital Territory Courts; and 2; and
- (b) resolves to write to the Prime Minister and to the Attorney General of the Commonwealth Christian Porter to inform them of this resolution.

### **Attachments**

- 1 ➡ Friends of Baucau Delegate's Report Oct 2019