



Special Meeting of Council Agenda

**to be held on Tuesday 7 January 2014 at 6.30pm
Richmond Town Hall**

Disability - Access and Inclusion to Committee and Council Meetings:

Facilities/services provided at the Richmond and Fitzroy Town Halls:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond)
- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
- Electronic sound system amplifies Councillors' debate
- Interpreting assistance (*by arrangement, tel. 9205 5110*)
- Disability accessible toilet facilities

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Council business reports**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land. Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Jackie Fristacky (Mayor)
- Cr Geoff Barbour
- Cr Roberto Colanzi
- Cr Misha Coleman
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers

- Guy Wilson-Browne (Acting Chief Executive Officer)
- Jack Crawford (Director Corporate and Financial Services)
- Justin Hanrahan (Acting Director Infrastructure Services)
- Ivan Gilbert (Executive Manager Governance)
- Adrian Murphy (Acting Director Community Programs)
- David Walmsley (Acting Director City Development)
- Margaret Elvey (Governance Officer)

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

4. Council business reports

Item	Page	Rec. Page	Report Presenter
4.1 Australia Day Celebrations 2014	-	-	Ivan Gilbert – Executive Manager Governance

4.1 Australia Day Celebrations 2014

Trim Record Number: D14/256

Responsible Officer: Executive Manager Governance

Purpose

1. To consider and determine on the format of celebrations at Edinburgh Gardens for Australia Day 2014.

Background

2. The scene:
 - (a) Edinburgh Gardens is a Crown Land Public Park and is therefore a place for community use;
 - (b) public venues will potentially attract crowds on special celebratory occasions (e.g. New Year's Day, Australia Day, etc);
 - (c) the celebration of New Year's Eve in general, was heavily promoted across all forms of media in the lead up to the event. The specific promotion of activities at Edinburgh Gardens was evident via social media (e.g. twitter, face-book, etc);
 - (d) Council as the responsible management authority has responsibility:
 - (a) under the *Local Government Act* 1989, for the best outcomes for the local community having regard to the long term and cumulative effects of decisions which includes:
 - acting as a representative government by taking into account the **diverse needs** of the local community in decision making;
 - advocating and promoting proposals which are in the **best interests** of the local community;
 - planning for and **providing services and facilities** for the local community;
 - **providing and maintaining community infrastructure** in the municipal district;
 - making and **enforcing** local laws;
 - exercising, performing and discharging the duties, functions and powers of Councils under this Act and other Acts;
 - any other function relating to the peace, order and good government of the municipal district; and
 - acting as a responsible partner in government by taking into account the needs of other communities (e.g. with Police and/or other emergency authorities);
 - (b) under its "Environmental Local Law No 3 to enforce:
 - that a person who is present in any of Council's Parks and Gardens must not, without a permit, operate any internal combustion generator or like object for the purpose of powering a sound producing device, or play or operate any sound producing device in the nature of:

- (i) a drum or other form of percussion instrument; and
 - (ii) a CD, DVD or any other device powered player powered by anything more potent than five or more "D" cell batteries; and
 - that a person who is present in any of Council's Parks and Gardens must not, without a permit, play or operate any sound producing device at a volume that may be heard outside the boundaries of the particular park or garden where the source of the sound producing device is located; and
 - (c) under its "*Consumption of Liquor in Public Places*" Local Law 8:
 - that a person must not in a public place: consume liquor or be in possession of liquor in an open container, unless otherwise approved by the Council.
3. Having regard to the outcome of the 2012/13 New Year's Eve activities, Council Officers had been meeting with Victoria Police since November to arrange for additional services and facilities on order to manage additional crowd numbers. Facilities (calculated on the basis of estimated numbers which had attended the Gardens in 2012/13) included:
- (a) additional portable toilets placed around the Gardens area;
 - (b) additional rubbish bins placed across the Gardens area;
 - (c) additional staffing by both Council and Victoria Police;
 - (d) specific arrangements for Police and Council staff to liaise closely throughout the activities; and
 - (e) inspections of the Gardens area conducted by Council Local Laws Officers through the afternoon of 31 January to advise people that they could not set up amplifiers and instruct them to remove the equipment.
4. The crowds which turned up at Edinburgh Gardens grossly exceeded expectations and simply overwhelmed the authorities and the significant additional facilities as provided.
5. Councillors will by now be aware of the incidents which occurred at the Edinburgh Gardens during New Year's Eve celebrations, a summary of which include:
- (a) crowd (estimated by Victoria Police) of 15,000 – 20,000 people and suggested as "more than twice the numbers which attended the 2012/13 function;
 - (b) a Police woman was physically assaulted;
 - (c) a man from Noble Park was assaulted;
 - (d) inappropriate crowd behaviour resulting from high use of alcohol and/or drugs;
 - (e) some six dance parties with amplified music;
 - (f) risk issues arising from limited lighting in some areas of the Gardens, not suited to this type of event;
 - (g) very extensive rubbish left, including broken glass in lawn areas;

- (h) complaints from Ambulance Victoria officers about lack of accessibility to some areas of the Gardens to service injured/ill persons;
 - (i) vandalism caused to - tennis courts fence, International House and a power box; and
 - (j) grass lawns damaged.
6. The outcome of the 2013/14 activities has drawn into focus, the need for the Council as the Committee of Management, to more formally either control, or take over the management of, the activities at the Edinburgh Gardens on significant special occasions, if for no other reason than to ensure responsible risk management and public safety issues are effectively in place and able to be implemented.

Consultation

7. Both Councillors and the Office have received considerable emails from residents lodging complaints about the activities. Conversely there have also been some emails complimenting Council on the promptness of the clean-up next day.
8. The Acting Chief Executive Officer convened a de-briefing on Thursday 2 January, 2014 at Richmond Town Hall, attended by the Mayor, senior Victoria Police officials and Council staff responsible for the various services provided at the Gardens.
9. The debriefing focussed on the following key elements:
- (a) **Crowd numbers, including:**
 - (a) being estimated to be around twice the number attending New Year's Eve function of 2012/13;
 - (b) that crowd attendance was considered reasonably well controlled until around midnight when it became more chaotic and uncontrolled; and
 - (c) considerable additional numbers of people appeared to arrive later allegedly when patrons from other licenced venues in the general locality closed and their patrons relocated to the Gardens;
 - (b) **Public Safety and Amenity**, which included:
 - (a) inadequate lighting in areas of the Gardens created difficulty for each of, attendees, local laws officers, Council staff and contractors, police and emergency services officers to properly patrol and to access those particular areas of the Gardens;
 - (b) inadequate lighting and excessive crowding also appeared to dissuade people from using the rubbish bins and toilet facilities provided, with significant complaints about public urination;
 - (c) public order and bad behaviour became a significant concern and posed unacceptable risk to those in attendance to assist, i.e. local laws officers, Council staff and contractors, police and emergency services personnel;
 - (d) uncontrolled alcohol and drug use made a significant contribution to "out of control" crowd behaviour which extended from the Gardens into some nearby streets and lanes; and
 - (e) overcrowding led to people seeking treatment or assistance needing to be brought to the perimeter of the Gardens as Emergency Service Officers could not safely access internal sections of the Gardens;
 - (c) **Rubbish and Waste**, which included:
 - (a) whilst considerable provision had been made to manage rubbish throughout the evening, (many additional rubbish bins placed around the

Gardens) the excessive crowds, inadequate lighting in some areas and out of control behaviour as the night progressed, made it impossible for staff and contractors to safely manage and remove the excessive rubbish; and

- (b) thousands of rubbish bags and “corflute” rubbish bins distributed on the evening to encourage responsible management of rubbish were not used due to the crowding, lighting and behaviour issues;
- (d) **Music and Entertainment**, which included:
 - (a) an estimated six music systems being established during the evening and these provided a focus for the crowd and maintained a momentum into the early hours of the morning;
 - (b) Local Laws Officers had specifically intervened during the day and afternoon to advise people of the Local Law requirements on prohibition of amplified music and, as no permits had been issued, to therefore prevent the setting up of sound systems. Several groups were thus advised to remove equipment and whilst initially agreeing to do so, later advised Officers that they had since obtained permission to stay;
 - (c) Police indicated that “pills” and “GHB” were the drugs most likely being used in association with the several dance parties, with evidence of these substances found during the clean-up; and
 - (d) agreement was that stronger affirmative action in enforcing the Local Law provisions of no amplified music should apply in future events.
- (e) **Key Issues Identified by Victoria Police**, included:
 - (a) because of the repeat of similar anti-social and behavioural issues to last year, there is now a high need to better plan for events such as Australia Day 2014 and also New Year’s Eve 2014/15;
 - (b) only 8 police being rostered on for duty due to heavy resources being diverted to the CBD, resulted in inadequate resources for the crowd which evolved at Edinburgh Gardens supported in particular by the evidence of fighting, alcohol and substance abuse and the high potential for sexual abuse;
 - (c) the only one arrest at Edinburgh Gardens was due primarily to lack of resources rather than good crowd behaviour;
 - (d) alcohol consumption was out of control and the cause of many of the behavioural issues which therefore leads to the Police seeking a Council ban on alcohol being adopted to create an “immediate different sense for the evening”;
 - (e) music parties are often associated with drug taking which together with the added uncontrolled consumption of alcohol at the Gardens, contributed to the chaotic and lack of capacity to control the crowd; and
 - (f) the lack of lighting within the Gardens contributed to a perceived unsafe environment for Police and other Authorised and Emergency Service Officers, including a reluctance and refusal to enter “dark” overcrowded areas occupied by intoxicated and abusive people.
- (f) **Police Requests to Council**, included to:
 - (a) engage additional agencies to assist in management of issues;
 - (b) establish an incident operation centre similar to the City of Melbourne;

- (c) establish an Emergency Coordination or Incident Control Centre or similar arrangement;
- (d) review Maribyrnong and Port Phillip for guidance and support in terms of managing the process;
- (e) look to using a mix of police and local laws powers to effectively control the land and behaviour;
- (f) control alcohol consumption during the day and evening to prevent the situation getting out of control;
- (g) possibly introduce 'family friendly' events prior to event;
- (h) potentially control access to the Gardens and provide a means of safe egress / escape, (public safety issues with crowds of this size – need to control size of crowd and behaviour); and
- (i) introduce designated walkways and access and egress points.

Financial Implications

10. The estimated staffing and contractor costs for New Year's Eve and New Year's Day is some \$21,300, to which is to be added the costs of hire for portable toilets and additional garbage bins and skips.
11. For comparative purposes, Officers have prepared preliminary estimates for conduct of a full event, inclusive of hired entertainment. These are summarised as follows:
- | | |
|--|-----------------|
| (a) Staffing | \$6,000 |
| (b) Equipment hire (toilets, lighting rubbish bins) | \$17,000 |
| (c) Security | \$4,000 |
| (d) Signage | \$3,600 |
| (e) Additional cleaning, etc | \$21,480 |
| (f) Entertainment (include additional security, cleaning, etc) | \$40,500 |
| (g) First aid, etc. | \$2,300 |
| (h) Miscellaneous/contingencies | <u>\$4,400</u> |
| <u>Preliminary Est. Total</u> | <u>\$99,280</u> |

Economic Implications

12. The cost of managing the activities at Edinburgh Gardens, have been considerable and can only increase if activities are allowed to continue and require to be appropriately managed.

Sustainability Implications

13. Include the effective management of parks and reserves to ensure their sustainability and to seek to limit and manage rubbish and waste creation in a manner which minimises waste and maximises recycling.

Social Implications

14. It is important for Council to encourage and promote appropriate social activities for the diverse community within the municipality and conversely manage and dis-allow considered inappropriate activities. Ideally, Council should seek a balance in the promotion of activities which in turn provide a balance of social benefit to the wide range of interests across the community. To this end, it is suggested that Council consider taking over the management of key events at Edinburgh Gardens (and indeed

any other locations) on special occasions (e.g. such as Australia Day or New Year's Day) when public celebration is considered a normal and expected activity.

Human Rights Implications

15. The direct and indirect human rights and/or inclusion implications related to this proposal will include such as:
 - (a) freedom of movement;
 - (b) freedom of expression;
 - (c) peaceful assembly and freedom of association;
 - (d) protection of families and children; and
 - (e) taking part in public life.
16. In assessing the above rights, the legislation require a balance to be struck between people's rights and a need for Government departments and other public authorities to protect broader public interest.

Council Plan, Strategy and Policy Implications

17. Council's wide ranging service provisions includes safe use of public facilities, promotion of cultural and celebratory activities each of which are relevant in this matter.

Legal Implications

18. The *Local Government Act 1989* (the Act) provides Council's with a range of powers and function including the power to make and enforce local laws. The objective of powers delegated to Council is to ensure the peace, order and good government of the municipality.
19. In adopting Local Law No 8 in 2009, the key elements of Council's resolution included as follows:
 - (a) "to make Local Law 8 – Consumption of Liquor in Public Places including definitions, "day-time hours" means 9.00 am to 8.59 pm and "night-time hours" means 9.00 pm to 8.59 am"; and
 - (b) "that under clause 18 of Part Four of the local law, the following prescribed areas are declared all of Yarra City Council open space reserves as outlined in Attachment 4 to that report".
20. Prescribed areas as noted in the 2009 resolution, include: Edinburgh Gardens Oval, W.T. Peterson Community Oval and Edinburgh Gardens.

Other Issues

21. Having regard to the outcome of the notably expanded crowds and repeat of activities on the 2013/14 New Year's Eve and in particular, the risks identified from the debriefing session, Officers now propose that Council consider the following:
 - (a) by formal resolution, take control of specified events;
 - (b) commence the process to "break" the reputation of the Gardens as a place to congregate for significant events (e.g. New Year's Eve, Australia Day, etc.);

- (c) to establish an “Incident Control Centre” facility at the venue (Edinburgh Gardens Community Rooms underneath the Grandstand), to ensure effective management and control is enabled for reasons of public safety, risk minimisation and any emergencies that arise;
 - (d) determine to limit attendance numbers to ensure safe use of the Gardens (specific numbers will be determined on the type of activity allowed);
 - (e) promoting a better understanding of the powers under the Local Law and increasing the commitment to enforcement and seeing matters through;
 - (f) that ‘music’ and entertainment within the Gardens be absolutely controlled and managed in accordance with the Local Law;
 - (g) that nominated events be alcohol free or at least limited alcohol for specified times;
 - (h) improved lighting (either temporary or permanent) be provided throughout the Gardens to enable proper management of public safety;
 - (i) that access and egress pathways be provided for emergency services and general people movement and safety;
 - (j) investigate whether specified ‘event’ closures can/should occur at dusk; and
 - (k) family friendly focus for the specified events (in particular the Australia Day 2014 weekend).
22. The Officers have initiated arrangements to formulate a Safety and Risk Management Plan normally associated with such events. Such a Plan is essential for events of this nature to ensure Council’s compliance as Committee of Management, with issues including, but not limited to legal obligations for risk management and public safety, ensuring safe access and egress pathways from the event to enable Police to restore the “public place” at the conclusion of the activities.
23. Other relevant aspects include seeking to have the area “glass free” by preventing people bring alcohol into the site.

Options

24. The following suggested Options are proposed for Council consideration:

Option 1. Family Friendly Event (No Alcohol/No Entertainment)

25. To under the provisions of the “*Consumption of Liquor in Public Places*” Local Law No 8; declare by resolution, that the Australia Day 2014 event (*and potentially the New Year’s Eve 2014/15 event*) is a “public event” for the purposes of Part Three of the Local Law. Such a declaration would incorporate:
- (a) the period over which the “public event” is to be conducted (e.g. for Australia Day Sunday 26, 2014);
 - (b) define the area of the municipal district within which the “public event” is to be conducted (*e.g. the entirety of Edinburgh Gardens Oval, W.T. Peterson Community Oval and Edinburgh Gardens*); and
 - (c) define the area of the municipal district that a person must not consume liquor OR be in possession of liquor in an open container (*e.g. the entirety of Edinburgh Gardens Oval, W.T. Peterson Community Oval and Edinburgh Gardens*).

26. Such a declaration formally comes into operation upon publication in a newspaper circulating in the municipal district.
27. The effect of such a declaration acts to “remove” for the period of the declaration, the right to consume liquor or be in possession of liquor in an open container during day-time hours (*being 9.00 am to 8.59 pm*) within the defined area.
28. This option would also include enforcement of Local Law 3 i.e. no amplified music.
29. There will be significant costs to Council in engaging services including:
 - (a) qualified security personnel;
 - (b) additional toilets and rubbish bins; and
 - (c) additional staffing compliment.

Option 1A. Family Friendly Entertainment Event (No Alcohol)

30. Council could consider the provision of entertainment and in this regard preliminary discussion has taken place with a potential provider.
31. There will be a significant cost associated with such an arrangement (as noted in clause 11(f) above) and also the Council would be obligated to obtain a place of public entertainment (POPE) permit.

Option 2. Community Event with Entertainment (with Defined, Alcohol Free and Alcohol Serving, Areas)

32. In this option, Council could define **two specified areas of Edinburgh Gardens** with:
 - (a) **one** to be **alcohol free**; and
 - (b) **the other**, to **allow the responsible service of alcohol during specified times**.
33. To achieve such an outcome Council would under the provisions of the “*Consumption of Liquor in Public Places*” *Local Law No 8*; declare by resolution, that the Australia Day 2014 event (*and potentially the New Year’s Eve 2015 event*) is a “public event” for the purposes of Part Three of the Local Law. Such a declaration would incorporate:
 - (a) the period over which the “public event” is to be conducted (e.g. for Australia Day Sunday 26, 2014);
 - (b) define the area of the municipal district within which the “public event” is to be conducted (e.g. the entirety of Edinburgh Gardens Oval, W.T. Peterson Community Oval and Edinburgh Gardens);
 - (c) further define the two specific areas within the “public event” that are designated as:
 - (a) area one, **not allowing** a person to consume liquor OR be in possession of liquor in an open container allowing the responsible service of alcohol (**i.e. alcohol free**); and
 - (b) area two, **allowing** responsible service of alcohol during specified times.
34. An arrangement as noted in clause 33(c)(ii) above:
 - (a) would prohibit bringing of alcohol into the site; but
 - (b) could enable an arrangement for the controlled sale of alcohol in plastic containers similar to events such as the Australia Tennis Open, AFL Football

events, etc. Such a service would be provided by an engaged contractor (possibly a locally based provider).

35. The declaration likewise would come into operation upon publication in a newspaper circulating in the municipal district.
36. The effect of such a declaration acts to “remove” for the period of the declaration, the current right to consume liquor or be in possession of liquor in an open container during day-time hours (*being 9.00 am to 8.59 pm*) at that designated site.
37. There will be significant costs to Council in engaging the required services including:
 - (a) qualified security personnel and a risk and event safety manager;
 - (b) entertainment hire;
 - (c) additional toilets and rubbish bins;
 - (d) additional staffing compliment;
 - (e) temporary liquor licence; and
 - (f) a place of public entertainment permit (POPE).

Option 3. Alcohol and Entertainment (Status Quo Retained plus Entertainment)

38. To retain and enforce the current arrangements under the provisions of the “*Consumption of Liquor in Public Places*” Local Law No 8, (the capacity to consume liquor or be in possession of liquor in an open container during day-time hours (being 9.00 am to 8.59 pm).
39. In noting this Option, it is however not supported by Victoria Police on the basis of being potentially difficult, if not impracticable, to enforce.
40. There will be significant costs to Council in engaging the required services including:
 - (a) qualified security personnel and a risk and event safety manager;
 - (b) additional toilets and rubbish bins; and
 - (c) additional staffing compliment.
41. In the event that Council considered the additional provision of entertainment, there would be the added costs including: entertainment hire, temporary liquor licence and a place of public entertainment permit (POPE).

Conclusion

42. That:
 - (a) Council note the report as presented;
 - (b) having regard to:
 - (a) the considered need to “break” the reputation of “alcohol party” status of the Edinburgh Gardens as a place to congregate for significant events (e.g. New Year’s Eve, Australia Day, etc.);
 - (b) the short time available to properly organise an appropriate event for Australia Day 2014;
 - (c) the significant costs associated with conducting what would effectively be a half day event; and
 - (d) limited available Council resources due to commitments allocated in arranging the coming Lunar Festival;

the recommendation of the Joint Officers Working Party is that Council adopt Option 1. being a *Family Friendly Event (No Alcohol/No Entertainment) for Australia Day 2014*;

- (c) Council meet with Victoria Police to finalise details of staffing and event management arrangements for Australia Day 2014; and
- (d) Council request the Officers to bring forward a report to the March/April meeting cycle concerning planning for the 2014/15 New Year's Day event.

RECOMMENDATION

1. That:

- (a) Council note the report as presented;
- (b) having regard to:
 - (i) the considered need to "break" the reputation of "alcohol party" status of the Edinburgh Gardens as a place to congregate for significant events (e.g. New Year's Eve, Australia Day, etc.);
 - (ii) the short time available to properly organise an appropriate event for Australia Day 2014;
 - (iii) the significant costs associated with conducting what would effectively be a half day event; and
 - (iv) limited available Council resources due to commitments allocated in arranging the coming Lunar Festival;

the recommendation of the Joint Officers Working Party is that Council adopt Option 1. being a *Family Friendly Event (No Alcohol/No Entertainment) for Australia Day 2014*;
and

- (c) Council meet with Victoria Police to finalise details of staffing and event management arrangements for Australia Day 2014; and
- (d) Council request the Officers to bring forward a report to the March/April meeting cycle concerning planning for the 2014/15 New Year's Day event.

CONTACT OFFICER: Ivan Gilbert
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Attachments

There are no attachments for this report.