



Ordinary Meeting of Council Agenda

**to be held on Tuesday 15 August 2017 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.

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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. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

“Yarra City Council acknowledges the Wurundjeri 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 Amanda Stone (Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Karen Hayes (Acting Group Manager - CEO's Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Joanne Murdoch (Director - Advocacy and Engagement)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Guy Wilson-Browne (Director - City Works and Assets)
- Fred Warner (Group Manager – People, Culture and Community)
- Mel Nikou (Governance Officer)
- Rhys Thomas (Senior Governance Advisor)

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

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Matters relating to legal advice
- 4.4 Matters relating to legal advice and matters prejudicial to Council and/or any person.
- 4.5 Matters prejudicial to Council and/or any person.

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:
 - (a) contractual matters;
 - (b) matters relating to legal advice; and
 - (c) matters prejudicial to Council and/or any person.
- 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 1 August 2017 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 meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	The January 26 Project	8	17	Aldo Malavisi – Community Partnerships Unit Manager
11.2	Renaming the Federal Electoral Division of Batman	80	86	Aldo Malavisi – Community Partnerships Unit Manager
11.3	Amendment C209 to the Yarra Planning Scheme - Revised Clause 22.09 Licensed Premises Policy - Consideration of Panel report	87	98	Fiona Van der Hoeven – Acting Manager City Strategy
11.4	Amendment C210 - Changes to Special Building Overlay	182	187	Fiona Van der Hoeven – Acting Manager City Strategy
11.5	Proposed Discontinuance of Road abutting the rear of 294-298 Swan Street, Richmond	218	221	Bill Graham – Coordinator Valuations
11.6	Proposed Discontinuance of the Road abutting 14 Lambert Street, Richmond	235	238	Bill Graham – Coordinator Valuations
11.7	Proposed Discontinuance of road at rear of 247-255 Johnston Street, Abbotsford - consideration of submissions.	249	252	Bill Graham – Coordinator Valuations
11.8	Proposed Discontinuance of Road adjacent to 2 Harding Lane, Richmond	261	264	Bill Graham – Coordinator Valuations
11.9	Digital Transmission of Council Meetings	280	286	Rhys Thomas – Senior Governance Advisor
11.10	2016/17 Annual Plan Quarterly Progress Report - June 2017 and Council Plan Strategic Indicator Report 2017	290	295	Julie Wyndham – Manager Corporate Planning and Performance

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 meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your submission to the chairperson;
- speak for a maximum of five minutes;
- confine your remarks to the matter under consideration;
- refrain from repeating information already provided by previous submitters; and
- remain silent following your submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 The January 26 Project

Executive Summary

Purpose

The purpose of this report is to summarise a range of local Aboriginal and Torres Strait Islander community* attitudes to January 26, provide some historical context for these attitudes, and present recommendations on how Council might approach January 26 from 2018 onwards. The report is a response to a Councillor motion.

Key Issues

Council initiated consultations with the local Aboriginal community and broader community on the subject of January 26 in response to a Councillor motion, unanimously carried on February 7 in 2017.

The terminology used to describe January 26 and attitudes to the day more broadly are sensitive topics underpinned by differing perspectives on Australian identity and history, especially in regard to recognition of Aboriginal peoples.

As well as attitudes gleaned from the community consultations, this brief also includes historical details relating to the arrival of the First Fleet in 1788, the marking of centenaries in 1938 and 1988, and the rise in broader community support for change in 2017.

In the Aboriginal community consultation, the majority of respondents described January 26 as a painful and alienating day, and said that they would like to see Council support the #change the date campaign, hold an event to acknowledge Aboriginal peoples, hold citizenship on a day other than January 26 and continue to hold awards recognising community excellence, but not on January 26.

One of the strongest themes to emerge from the consultation was the need for increased recognition of Aboriginal peoples, histories and cultures in the broader community.

Pride in Aboriginal strength, resistance and survival was also an important theme.

An independent survey of non-Aboriginal people conducted at various sites around Yarra showed a strong level of community support for Council taking a more active role in acknowledging the experiences of Aboriginal peoples on January 26, including specifically a strong level of support for Council supporting the #changethedate campaign.

Recognition of Yarra's position as a local government leader in its work with the local Aboriginal community means that actions resulting from adoption of recommendations in this report are likely to have a high level of influence on other local governments in Victoria and beyond.

This report details the findings of the community consultation and recommendations to be made at a local level.

Financial Implications

Financial implications are minimal, with all actions relating to the recommendations attainable within existing budgets.

PROPOSAL

That Council note the findings of the report and adopt the recommendations.

*For the purposes of this report, all future references to Aboriginal peoples also include Torres Strait Islander peoples.

11.1 The January 26 Project

Trim Record Number: D17/88345

Responsible Officer: Group Manager - People, Culture and Community

Purpose

1. The purpose of this report is to summarise a range of local Aboriginal and Torres Strait Islander community attitudes to January 26, provide some historical context for these attitudes, and present recommendations on how Council might approach January 26 from 2018 onwards. The report is a response to a Councillor motion.

Background

2. On February 7 in 2017, Council unanimously carried the following motion: "That Council commence discussions with the Wurundjeri Council and Yarra's Aboriginal Advisory Group on the future of Yarra's Australia Day event and a process for determining and recommending any changes to be made at the local level."
3. Every year, the Australia Day holiday, held on January 26, raises issues about Australian identity and history, especially in regard to recognition of Aboriginal peoples in the national narrative.
4. Aboriginal peoples represent the oldest continuous culture on the planet, having lived on the continent we now know as Australia for over 60,000 years.
5. On January 18 in 1788, the Gadigal people watched as Captain Arthur Phillip and the First Fleet sailed into Botany Bay.
6. On January 26, the Union Flag was raised on Gadigal country in what is now known as in Port Jackson. From the British point of view, this moment came to represent the formal taking of possession of the colony of New South Wales, and the proclamation of British sovereignty over the eastern seaboard of Australia and the people who inhabited it.
7. For the Gadigal and other Aboriginal peoples around the country, it heralded the beginning of devastating changes and impacts.
8. In what is now known as Victoria, a settlement was officially named Melbourne by Governor Bourke in March 1837 and the first land sales took place in Melbourne on 1 June in 1837. The following year, forty-one allotments of twenty-five acre parcels of Wurundjeri country were sold in the areas that would become Collingwood and Fitzroy.
9. The legal basis for establishment of British colonies and sale of land was *terra nullius* – that the land belonged to no-one.
10. The impacts of the arrival of the British on Aboriginal peoples – from frontier clashes to introduced diseases, from dispossession of land to massacres – are well documented.
11. In January of 1888, the centenary of British occupation was marked with a week-long program of celebrations in Sydney. During this time, the British settlers commonly referred to January 26 as 'First Landing', 'Anniversary Day' or 'Foundation Day'.
12. On January 1 in 1901, the British colonies formed a Federation, marking the birth of modern Australia, but it was not until 1935 that all Australian states and territories adopted the term Australia Day to mark the date, and not until 1994 that the date was consistently marked by a public holiday on that day by all states and territories.
13. On January 26 in 1938, the non-Aboriginal population in Sydney held Australia Day celebrations to mark the sesquicentenary of British colonisation of Australia. A re-enactment of the landing of the First Fleet was staged as part of this.

14. Aboriginal people in Sydney refused to take part in it and so the Government of New South Wales removed a group of Aboriginal people from a reserve in the west, kept them in the stables of the Redfern police barracks overnight and, on Australia Day itself, told them to run up the beach away from the ships, as though fleeing in fear from the British.
15. On the same day in Sydney, a group of Aboriginal people staged an event they called 'The Day of Mourning' to protest 150 years of callous treatment of Aboriginal peoples.
16. Among those present were Bill Onus, Jack Patten, Margaret Tucker and Pastor Douglas Nicholls, all of whom were later to play strong leadership roles in Fitzroy's Aboriginal community.
17. After marching through the streets of Sydney, a Day of Mourning Congress for Aboriginal peoples was held at Australia Hall and attended by 1000 people.
18. At the Congress, the following resolution was passed unanimously: "WE, representing THE ABORIGINES OF AUSTRALIA, assembled in Conference at the Australian Hall, Sydney, on the 26th day of January, 1938, this being the 150th anniversary of the whitemen's seizure of our country, HEREBY MAKE PROTEST against the callous treatment of our people by the whitemen in the past 150 years, AND WE APPEAL to the Australian Nation to make new laws for the education and care of Aborigines, and for a new policy which will raise our people to FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY."
19. From 1940 until 1955, the Day of Mourning was held annually on the Sunday before Australia Day and was known as Aborigines Day. In 1955, Aborigines Day was shifted to the first Sunday in July, after it was decided the day should become not simply a protest day but also a celebration of Aboriginal culture.
20. This shift in 1955 shows the strong link between early Aboriginal community protests against January 26 celebrations and the establishment of what we now know as NAIDOC Week, first celebrated in 1975.
21. In 1984, NADOC (later NAIDOC to include Torres Strait Islanders) pushed for National Aborigines Day to be made a national public holiday, to help celebrate and recognise Australia's rich cultural history. This push was unsuccessful.
22. In the same year, the National Australia Day Committee became a federally funded council.
23. On January 26 in 1988, the Australian Bicentenary was marked by huge pomp and ceremony across Australia to mark the 200 year anniversary of the arrival of the First Fleet. The Australian Bicentennial Authority (ABA) was set up to plan, fund and coordinate projects that emphasised the nation's cultural heritage. State Councils were also created to ensure cooperation between the federal and state governments. The result was a national programme of events and celebrations, with very little focus on Aboriginal peoples or histories.
24. On 26 January 1988, an estimated 40,000 people participated in a protest in Sydney, calling for land rights. References to January 26 as 'Invasion Day' became more common during this period.
25. In 1992 the High Court's landmark Mabo decision overturned the myth of *terra nullius* and paved the way for Aboriginal land rights. This was the first time that Aboriginal connection to country was legally recognised.
26. During the 1990s, the term 'the history wars' came into common use to describe the ongoing public debate over the interpretation of the history of the British colonisation of Australia and development of contemporary Australian society, particularly with regard to the impacts on Aboriginal peoples.
27. This debate and the accompanying nationalist push successfully derailed the momentum that had been building between the bicentenary protests and the Mabo decision.
28. In 1994, Australia Day was officially declared a national public holiday to be held consistently on January 26.

29. In 2017, January 26 saw a groundswell of community support around the country for the 'Change the Date' movement. In Melbourne, estimates of between 30,000 and 50,000 people marched through the city pushing a 'Change the Date' message.
30. In a bold and controversial move, Freemantle City Council moved their 2017 Australia Day celebrations to January 28 and held a large concert featuring high profile Aboriginal musicians and performers. The move was done with little consultation and attracted both positive and negative national media attention.
31. On 26 January 2017, Yarra City Council promoted and took part in a Reconciliation Comedy Gala Fundraiser event at Malthouse Theatre, produced by and featuring a number of Aboriginal performers. All money raised by this event was dedicated to Council's Stolen Generations Marker project.
32. At the 7 February 2017 Council meeting, Yarra City Council voted unanimously in support of a Councillor motion to begin discussions with the Wurundjeri Council and Yarra's Aboriginal Advisory Group about the future of Council events on January 26. These discussions were also to search for a process for determining and recommending any changes to be made at the local level.
33. On June 20 in 2017, the National General Assembly of Local Government passed a resolution calling on the Assembly to encourage Australian councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day.
34. At the time of writing, the Board of the Australian Local Government Association was scheduled to meet in July to consider this and other Assembly resolutions and determine what action the Board will take.
35. Yarra's work with the Aboriginal community is guided by the Aboriginal Partnerships Plan 2015-2018, which is primarily implemented by the Aboriginal Partnerships Plan Officer, who is also a Wurundjeri Elder.

External Consultation

36. External consultation for this project primarily focused on engaging the Aboriginal community (April 6 – June 9, 2017). This included discussions at Council's Aboriginal network meetings, visits to Aboriginal organisations and the distribution of an online survey.
37. A street survey targeting the broader non-Aboriginal community was also conducted in Yarra activity centres in order to gauge broader community sentiment around January 26. Although the Councillor motion didn't specifically call for this, the project planning stage identified this as a risk-reduction measure intended to provide Council with a broader community context for any decision making processes.
38. Consultation with the Aboriginal community commenced at a special Aboriginal Advisory Group (AAG) meeting held on 6 April 2017 at Melbourne Aboriginal Youth Sport and Recreation Incorporated (MAYSAR) in Fitzroy. This meeting was attended by approximately fifteen Aboriginal community members and three Councillors: Cr Mi-Lin Chen Yi-Mei, Cr Mike McEvoy and Cr Daniel Nguyen. Councillors in attendance were there to listen and learn from the community. The consultation commenced with a presentation by Kiewa Rioli-Austin.
39. Conversations held during this initial AAG meeting shaped the online survey, which began circulation in the Aboriginal community approximately 2 weeks later. Only people who identified as Aboriginal and Torres Strait Islander were eligible to complete this survey.
40. Council officers then scheduled visits to a number of Aboriginal organisations to initiate discussions, explain some of the project's sensitivities and encourage engagement with the survey. The online survey was then sent to these organisations to be circulated to Aboriginal members of the organisation and other trusted Aboriginal contacts.

41. Surveys were distributed to contacts at the following organisations, services, networks and government departments: Wurundjeri Tribe, Land, Compensation and Cultural Heritage Council (The Wurundjeri Council), Aboriginal Housing Victoria (AHV), The Victorian Aboriginal Health Service (VAHS), Secretariat of National Aboriginal and Islander Child Care (SNAICC), Victorian Aboriginal Community Controlled Health Organisation (VACCHO), Victorian Aboriginal Languages Corporation (VACL), Yarra's Aboriginal Advisory Group (AAG), Yarra Aboriginal Support Network (YASN), Darebin Aboriginal Advisory Committee (DAAC), Department of Premier and Cabinet (DPC), Victorian Aboriginal Community Services Association Limited (VACSAL), Department of Environment, Land, Water and Planning (DELWP), Aborigines Advancement League (AAL), Victoria Police, Ngwala Willumbong Ltd, Department of Prime Minister and Cabinet – Indigenous Affairs Network (DPC), AFL SportsReady, Melbourne Indigenous Transition School (MITS), Connecting Home and Diabetes Victoria.
42. Surveys were also sent directly to individual community members with whom Council officers have existing relationships.
43. In total, 88 Aboriginal people participated in the survey, with 60% of these people living, working or spending time in Yarra.
44. For further analysis see **attachment 1**.
45. Broader community sentiment and attitudes to January 26 were collected through street surveys conducted by Metropolis at activity centres around Yarra. Metropolis Research conducted a total of 281 surveys at six locations across the City of Yarra between the 23rd and 27th of May 2017. The sample included 281 respondents, of which 119 were residents of the City of Yarra, 110 were visitors, 45 worked or studied in Yarra, and 7 either did not say or fit in multiple categories.
46. For further analysis see **attachment 2**.

Internal Consultation (One Yarra)

47. Internal consultation primarily involved the following Council branches: Community Partnerships; Communications - Advocacy, Engagement and Media; Social Policy and Research; and Governance.
48. Internal consultation also involved conversations with the Mayor, Cr Amanda Stone, the two AAG delegates, Cr Mi-Lin Chen Yi-Mei and Cr Mike McEvoy and Cr Daniel Nguyen, who also is the Executive Officer for Indigenous Law Students & Lawyers Association of Victoria – *Tarwirri*.
49. Ongoing engagement and consultation within council also occurred and continues to occur through Council's internal Reconciliation Action Plan Working Group, which meets monthly to collaborate, build relationships and review the progress of projects and actions relating to the local Aboriginal community. The executive sponsor for this group is the director of People, Culture and Community, Fred Warner.

Financial Implications

50. Financial implications are minimal with all actions relating to the recommendations easily attainable within existing budgets.

Economic Implications

51. Council recognises that many Aboriginal peoples continue to experience economic disadvantage as a result of poorer health outcomes, reduced life expectancy and higher incarceration rates, as compared to non-Aboriginal people. These economic disadvantages are compounded by experiences of racism, social exclusion and the ongoing impacts of previous government policies, such as the forced removal of children from family, culture and community under government law – now known as the Stolen Generations.

52. By marking January 26 in ways more closely aligned with the local Aboriginal community values and experiences, Council can help to mend the social isolation and disconnection that are a result of not acknowledging our history and its impacts. This acknowledgement will encourage increased economic and civic participation.
53. Taking a lead on this issue also will further improve Yarra City Council's reputation as a local government leader, help establish the organisation as a safe place and an employer of choice within the Aboriginal community, and help to attract more Aboriginal employees to Yarra City Council, improving economic outcomes for the Aboriginal community and Council alike.

Sustainability Implications

54. Building broader community recognition of Aboriginal peoples, experiences and cultures creates a more supportive and respectful environment for the Wurundjeri people, who have managed their traditional lands and waterways using traditional practices for many thousands of years.
55. In recent years, the Wurundjeri Council have recommenced the traditional practice of controlled fire burning to reduce the danger of destructive bushfires and to regenerate the land.
56. On 22 June in 2017, in an historic first in the Victorian Parliament, Wurundjeri Elders, including Council's Aboriginal Partnerships Plan officer, Uncle Colin Hunter Jnr, addressed the Legislative Assembly in English and Woi-wurrung language to explain their connection with the Yarra River and the importance of protecting the river for generations to come. The Elders' statements were made prior to the introduction of the Yarra River Protection (*Wilip-gin Birrarung murrn*) Bill 2017.
57. This, in part, has only become possible due to increased recognition of Aboriginal peoples, experiences and cultures in the broader community and government departments.
58. Sustainability was crucial to the survival of Aboriginal peoples and their cultures. Increased awareness of Wurundjeri people, history, culture and land management processes will help more people in the broader community understand Indigenous connection to land and water, and will support engagement with the sustainability values that are inseparable from this connection.

Social Implications

59. According to the survey data, 72% of Aboriginal respondents and 78.6% of broader community respondents thought Council should hold an event to acknowledge Aboriginal experiences of January 26.
60. 82% of Aboriginal respondents thought Council should support the #changethedate campaign. In the broader community, 45.9% supported the #changethedate campaign, 13.9% didn't support it, 28.1% hadn't heard of it and 12.1% couldn't say.
61. 72.1% of Aboriginal respondents preferred Council to hold a citizenship ceremony on a day other than January 26. The broader community were not asked this survey question.
62. 64.7% of Aboriginal respondents preferred that Australia Day awards were held on a day other than January 26. The broader community were not asked this survey question.
63. 94% of Aboriginal respondents gave permission for their direct quotes to be used in this report and other publications promoting Council's position on January 26.
64. Many Aboriginal people continue to experience January 26 as a day of social exclusion and disconnectedness.
65. Various Aboriginal community respondents described feeling "disappointed and lost" on January 26, "angry, hurt and sad and avoiding all Australia Day celebrations and events." Another said, "January 26 is Invasion Day, a day I hate and it causes stress to me up to and including this day."

66. As another Aboriginal community respondent put it: "It's a conflicting day as the rest of Australia is partying and drinking and celebrating Australia on a most divided day. I am mourning the loss of my elders and culture."
67. A central theme in the Aboriginal community consultation was the need for increased understanding and education in the broader community. One Aboriginal community respondent said: "We must educate the non-Indigenous people our story, our Journey, our History, to empower us." Another said, "We have so many Non Indigenous people out there who have no knowledge or understanding of our culture or history".
68. Aboriginal community respondents variously called for a healing ceremony, cultural events, a community gathering with Elders brought in as key speakers, a memorial, changing the date, flags flying at half mast, and support for community events like Share the Spirit.
69. The broader community's perspectives of January 26 were more varied but still supportive, with some recognising the grief and sorrow experienced by Aboriginal community, some seeing it as just another public holiday and others seeing it as our country's foundation day.
70. The executive summary of Metropolis's report on the broader community however, stated that: "The results of the survey... clearly indicate a strong level of community support for Council taking a more active role in acknowledging the experience of January 26th of Aboriginal and Torres Strait Islander peoples, including specifically a strong level of support for Council supporting the #changethedate campaign."
71. A central focus of Yarra's Aboriginal Partnerships Plan 2015-2018 is the promotion of Aboriginal peoples, histories and cultures through a variety of sources. This work is always done in partnership with the local Aboriginal community.

Human Rights Implications

72. The recommendations of this report reaffirm Council's commitments and responsibilities in the *Charter of Human Rights & Responsibilities Act 2006*, particularly in regard to its commitment to respecting and promoting the rights of Aboriginal people.
73. One of the four founding principles of the Charter is: Human rights have a special importance for Aboriginal people of Victoria, as descendants of Australia's first people with diverse social, cultural, and economic relationship with their traditional lands and waters.
74. One of the substantive rights listed in the Charter under cultural rights and must not be denied the right, with other members of their community to:
 - (a) enjoy their identity and culture;
 - (b) maintain and use their language;
 - (c) maintain their kinship ties; and
 - (d) maintain their distinctive spiritual, material, and economic relationship with the land and water and other resources with which they have a connection under traditional lore's and customs.
75. The recommendations in this report support the assertion of these rights.

Communications with CALD Communities Implications

76. Citizenship ceremonies happen at Yarra City Council several times a year, including on January 26.
77. In recent years, citizenship ceremonies have included a Welcome to Country Ceremony by a Wurundjeri Elder. A pamphlet acknowledging the Wurundjeri as Traditional Owners and touching on the impacts of colonisation is also distributed at these ceremonies. This pamphlet has been translated into nine community languages.
78. Among Aboriginal community respondents surveyed, 72% said that they would prefer Council to hold a citizenship ceremony on a day other than January 26.

79. By moving one of Council's citizenship ceremonies to a day other than January 26, Council avoids the insensitivity of awarding citizenship to new Australians on the anniversary of a day that stands for the beginning of loss of citizenship to many in the Aboriginal community.
80. In terms of attitudes to January 26 more broadly, 51% of multilingual respondents saw it as the National or foundation day, as compared with 25% of English speaking respondents.
81. This means that multi-lingual respondents and respondents born in a mainly non-English speaking country were 'significantly more likely than English speaking respondents to define January 26th as the National Day or foundation day.'
82. Metropolis Research interpreted this to mean that multi-lingual and overseas born residents who have been in Australia for a limited time may have had limited contact with cultural-political issues than the general population.
83. One of the strongest themes to emerge from the Aboriginal community consultation was the need for increased recognition of history and education about impacts of settlement in the broader community.

Council Plan, Strategy and Policy Implications

84. Council Plan 2017-2021 (draft) Strategies

- (a) Strategy 2.3 – Continue to be a local government leader and innovator in acknowledging and celebrating Aboriginal history and culture in partnership with Traditional Owners;
- (b) Strategy 2.4 – Acknowledge and celebrate our diversity and people from all cultural backgrounds;
- (c) Strategy 2.5 – Support community initiatives that promote diversity and inclusion;

Aboriginal Partnerships Plan 2015-2018 Strategies

- (d) Strategy 1 – Community Connection – Council will support Aboriginal community connection to Fitzroy and other historically significant places in Yarra, and will continue to develop its own connection to the Aboriginal community;
- (e) Strategy 2 – Culture – Council will promote Aboriginal culture to deepen peoples' understanding of Aboriginal people, history and culture;
- (f) Strategy 3 – Employment – Council will increase employment opportunities for Aboriginal people at Council and broker Aboriginal employment opportunities in the broader municipality;
- (g) Strategy 4 – Events – Council will promote Aboriginal calendar events and other significant Aboriginal community events;
- (h) Strategy 5 – Advocacy and Responsiveness – Council will promote relevant policy changes and emerging issues to the Aboriginal community and respond, with permission from the community, on behalf of the community;

Yarra Libraries (draft) Strategy 2017-2020

- (i) Strategy 10 – Support opportunities which empower CALD communities, promote intercultural relations, combat racism, celebrate diversity and acknowledge the multicultural heritage of Yarra.[1]; and

Arts and Cultural Strategy 2016 -2020

- (j) Strategy 1 – Council seeks to remain a local government leader and innovator in promoting Aboriginal history and culture through partnerships with the Traditional Owners and the broader Aboriginal community. This approach is governed by ongoing consultation, responsiveness and advocacy, towards increased creative and collaborative projects, and employment opportunities.

[1] A variation of this action appears in Yarra's *Multicultural Partnerships Plan 2015–2018*
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Legal Implications

85. Some of the legislation related to this area of Council's works include;
- (a) *Local Government Act 1989* (Vic);
 - (b) *Charter of Human Rights and Responsibilities Act 2006* (Vic);
 - (c) *Aboriginal Heritage Act 2006* and 2016 amendment (Vic);
 - (d) *Racial Discrimination Act 1975*; and
 - (e) United Nations Declaration on the Rights of Indigenous Peoples 2007.

Other Issues

86. For the purposes of the consultations, the day was simply referred to as January 26, as this was the most neutral way to identify the subject. It also allowed consultation participants to approach the subject in their own manner and with their own language.
87. Terminology relating to January 26 is a divisive issue. This division is born of two very different narratives – one of settlement, and one of invasion.
88. Aboriginal respondents surveyed tended to refer to January 26 as either Invasion Day or Survival Day. Both Survival Day and Invasion Day were mentioned a total of 19 times each in the Aboriginal community survey responses. For the Aboriginal community surveyed, there is little to debate about how this country was settled and what its impacts have been.
89. As one Aboriginal respondent said at the AAG consultation, "Australia has never accepted the truth (history) – we skipped straight to reconciliation."
90. For some people in the broader community, terms like invasion and survival are too confronting and upsetting. This is especially the case for people for whom the education system failed to describe, or in some cases mention, the impacts of colonisation on Aboriginal peoples.
91. The problem with the old settlement narrative is that it implies that the land was peacefully settled without displacement or bloodshed. That there were no massacres. That there must be a legal basis for the country we now live in – although Australia is the last remaining nation in the Commonwealth not to have developed a Treaty with its first peoples.
92. A middle-ground perhaps more conciliatory term for January 26 is Survival Day, which acknowledges the impacts of settlement, but also the strength of Aboriginal communities that survived and adapted to rapid, non-consensual change.
93. Another term with strong historical links to Aboriginal recognition is 'The Day of Mourning' referring to the protest held in Sydney in 1938 at the 150 year anniversary of the First Fleet's arrival.

Conclusion

94. Division around how to mark January 26 stems from divergent interpretations of historical events in the creation of Australia as a nation, especially in regard to recognition of Aboriginal peoples.
95. Historically, events that have led to shifts in the national narrative have become watershed moments of pride and healing. Examples include the 1967 Referendum, the 1992 Mabo High Court decision overturning *terra nullius* (the myth that Australia was founded one land belonging to no-one) and the 2008 National Apology to the Stolen Generations.
96. By seeking ways to better recognise and include Aboriginal peoples in Council's approach to January 26, and by searching for a more inclusive way to celebrate the achievements of our nation, we bring our actions more in tune with the original inhabitants of this land and commence a long overdue healing process for the Aboriginal and non-Aboriginal community alike.

97. As one Aboriginal respondent put it, "I don't think Australia Day represents what it could. Australia has a unique, long and interesting history and begins well before the first fleet arrived, and continues to be enriched by new patterns of migration and cultures today. The kinds of things Australia Day currently represents are not inclusive, or something make me proud or that I want to take part in."
98. As someone else put it, "I love Australia I love the people we need to make right what was wrong so we can all be proud of this country."
99. Yarra City Council has a strong track record of partnering with the local Aboriginal community on a range of sensitive projects and is seen as a local government leader on this front by other Victorian councils.
100. Recognition of Yarra's position as a local government leader means that actions resulting from adoption of recommendations in this report are likely to have a high level of influence on other local governments in Victoria and beyond.

RECOMMENDATIONS:

1. That:
 - (a) Council, from 2018 onwards, promote and hold a small-scale, culturally-sensitive event featuring a Smoking Ceremony on January 26 that acknowledges the loss of culture, language and identity felt by Aboriginal community on January 26;
 - (b) Council commit to a communications plan that focuses on broader community education to help people better understand Aboriginal community experiences of January 26 and to explain Council's position on January 26;
 - (c) Council commit to translating a January 26 information sheet into the 6 most commonly spoken community languages in Yarra, and partner with the Yarra Settlement Forum and the Yarra Multicultural Advisory Group to distribute and promote;
 - (d) Council partner with Melbourne Aboriginal Youth Sport and Recreation Incorporated to run an education workshop for young Aboriginal people, run by and featuring a panel of local Aboriginal Elders with connections to Fitzroy, the establishment of important Aboriginal organisations and other achievements;
 - (e) Council in collaboration with the Municipal Association of Victoria, Victorian Local Government Association, Reconciliation Victoria and State Government departments to hold an event in the second half of 2017 to share this report and its recommendations;
 - (f) Council lobby and seek partnerships with State Government departments and other interested parties to acknowledge the Aboriginal community's pain and disconnection with Australia on January 26, and seek opportunities to promote education about this in the wider community;
 - (g) Council contact Melbourne City Council and Songlines to see how Council can support and promote Share the Spirit Festival in 2018;
 - (h) Council cease referring to January 26 as Australia Day in all communications, to acknowledge the fact that this date commemorates the British invasion of Aboriginal and Torres Strait Islander lands and is therefore not an appropriate date for an inclusive national celebration;
 - (i) Council refer to January 26 merely as January 26 until a more appropriate term is adopted nationally – a term which acknowledges the experiences of the people who inhabited the land for over 60,000 years prior to the raising of the Union Flag on Gadigal country on January 26 in 1788;
 - (j) Council cease holding Citizenship Ceremonies on January 26;
 - (k) Council continue to recognise excellence and service in Yarra's community through Community Awards, but awarded on days other than January 26 and on days that better suit the nature of each award, and not under the banner of Australia Day Awards;

- (l) Council officially support the #changethedate campaign in Council publications and social media in the lead up to January 26 in 2018 and beyond in seeking a more inclusive day to celebrate national pride; and
- (m) Council consider ways it can lobby the Federal Government to change the date in line with the resolution passed by National General Assembly of Local Government in June 2017.

CONTACT OFFICER: Daniel Ducrou
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Attachments

- 1** The January 26 Project - Aboriginal Community Consultation Report 2017
- 2** 2017 Australia Day Attitudes Survey Report

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017



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Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Project and Consultation Background

At the Council meeting on February 7 in 2017, Yarra City Council unanimously carried the following motion: "That Council commence discussions with the Wurundjeri Council and Yarra's Aboriginal Advisory Group on the future of Yarra's Australia Day event and a process for determining and recommending any changes to be made at the local level."

Council's Community Partnerships team developed a project plan after initial discussions with the Social Policy and Research team, and the Communications - Advocacy, Engagement and Media team. The project plan was developed in line with the Councillor motion, which called for a targeted and contained consultation with a specific group, but was also shaped by risks such as the project being compromised by outspoken lobby groups or divisive media forces.

The initial consultation was held at Melbourne Aboriginal Youth Sport and Recreation Incorporated (MAYSAR) in April 6 in 2017 in place of Council's bimonthly Aboriginal Advisory Group (AAG) meeting. This meeting was attended by approximately fifteen Aboriginal and Torres Strait Islander¹ community members and three Councillors: Cr Mi-Lin Chen Yi-Mei, Cr Mike McEvoy and Cr Daniel Nguyen. Councillors in attendance were there to listen and learn from the community. The consultation commenced with a presentation by Kiewa Austin-Rioli.

Conversations held during this initial AAG meeting shaped the online survey, which began circulation in the Aboriginal and Torres Strait Islander community approximately 2 weeks later. Only Aboriginal people were eligible to complete this survey.

To initiate discussions, explain some of the project's sensitivities and encourage engagement with the survey, Council officers then scheduled visits to a number of Aboriginal organisations. The online survey was then sent to these organisations to be circulated to Aboriginal members of the organisation and other trusted Aboriginal contacts.

Surveys were distributed to contacts at the following organisations, services, networks and government departments: Wurundjeri Tribe, Land, Compensation and Cultural Heritage Council (The Wurundjeri Council), Aboriginal Housing Victoria (AHV), The Victorian Aboriginal Health Service (VAHS), Secretariat of National Aboriginal and Islander Child Care (SNAICC), Victorian Aboriginal Community Controlled Health Organisation (VACCHO), Victorian Aboriginal Languages Corporation (VACL), Yarra's Aboriginal Advisory Group (AAG), Yarra Aboriginal Support Network (YASN), Darebin Aboriginal Advisory Committee (DAAC), Department of Premier and Cabinet (DPC), Victorian Aboriginal Community Services Association Limited (VACSAL), Department of Environment, Land, Water and Planning (DELWP), Aborigines Advancement League (AAL), Victoria Police, Ngwala Willumbong Ltd, Department of Prime Minister and Cabinet – Indigenous Affairs Network (DPC), AFL SportsReady, Melbourne Indigenous Transition School (MITS), Connecting Home and Diabetes Victoria.

Surveys were also sent directly to individual community members with whom Council officers have existing relationships.

Broader community sentiment and attitudes to January 26 were collected through street surveys conducted by Metropolis Research at activity centres around Yarra. Metropolis conducted a total of 281 surveys at six locations across the City of Yarra between the 23rd and 27th of May in 2017. The results of this survey are contained in a separate consultation report, prepared by Metropolis Research.

¹ For the purposes of this report, all future references to Aboriginal peoples also include Torres Strait Islander peoples.

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Executive Summary

In total, 88 Aboriginal and Torres Strait Islander people participated in the online survey, with 60% describing themselves as 'living, working or spending time in Yarra' and 25.7% describing themselves as having 'family or historical connections to Yarra'. A further 15 Aboriginal people participated in the initial consultation at Melbourne Aboriginal Youth Sport and Recreation Incorporated (MAYSAR).

Among respondents, very few people were happy with January 26 as it is currently marked in the broader community, with most people finding national celebrations on this day to be alienating and upsetting.

Individual responses to what the day meant included references to: invasion, survival, mourning, dispossession, trauma, lost ancestors, genocide, greed, hate, discrimination, destruction, injustices, loss, grief, displacement, ethnic cleansing, struggle, horror, massacres, atrocities and torture. For many people, pride in Aboriginal strength, resistance and survival was also a very important theme. Respondents expressed pride in still being here, in never ceding sovereignty, in still fighting for justice, and in retaining connection to people, culture, land and community.

The terminology people used to refer to January 26 reflects the disconnection experienced by Aboriginal peoples on January 26 – with most people referring to the day as Survival Day, Invasion Day or a Day of Mourning. Others also described it as a day of grief, a day of great suffering, a day to discuss Treaty, a day of reflection, a day that celebrates dispossession and genocide, a day of hurt, a tragic day, a conflicting day, the day the massacres commenced.

When asked how people spent January 26, the majority said that they spent the day at home with family, reflecting on past injustices, reflecting on Aboriginal achievements, marching and protesting, or attending Aboriginal community events like Share the Spirit Festival. Many people said that they avoided Australia Day celebrations and places where the Australian flag was flying.

An overwhelming 82% of respondents would like Council to support the #changethedate movement, believing that January 26 is the wrong day for an inclusive national celebration. 72% of respondents said that they would like Yarra City Council to hold an event to acknowledge Aboriginal experiences of January 26, and 72.1% of respondents said they would prefer Yarra City Council to hold its citizenship ceremony on a day other than January 26. 64.7% of people surveyed also said they would prefer that Yarra City Council awards recognising excellence in the community were presented on days other than January 26.

One of the strongest themes to emerge from the consultation was the need for increased recognition of Aboriginal peoples, histories and cultures in the broader community. This included acknowledgement of Aboriginal strength and achievement as well as acknowledgment of traumatic events. People felt that elders should be better recognised and honoured. Some people at the Aboriginal Advisory Group consultation felt that the public holiday could have elements of ceremonial respect analogous to ANZAC Day. Education should be a big part of this and the key driver of change. Council should be prepared for this to be a gradual process, not a sudden change.

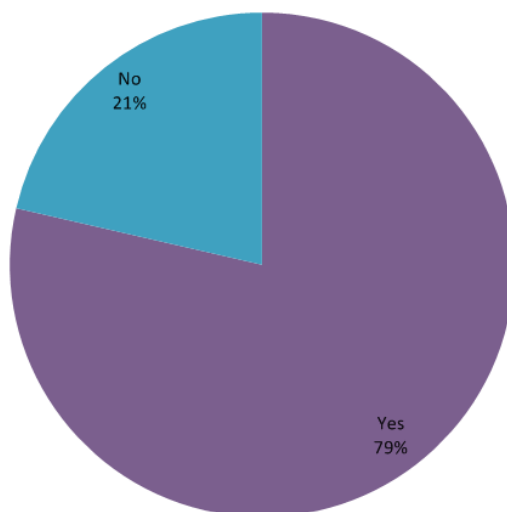
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Council should be prepared for a potential media and broader community backlash as part of this and should ensure that Aboriginal peoples who are sharing their stories are protected from racist attacks. A number of consultation participants congratulated Yarra for taking on this issue, both formally and informally.

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Survey Results, Quotes and Findings

1. Do you identify as Aboriginal / Torres Strait Islander?

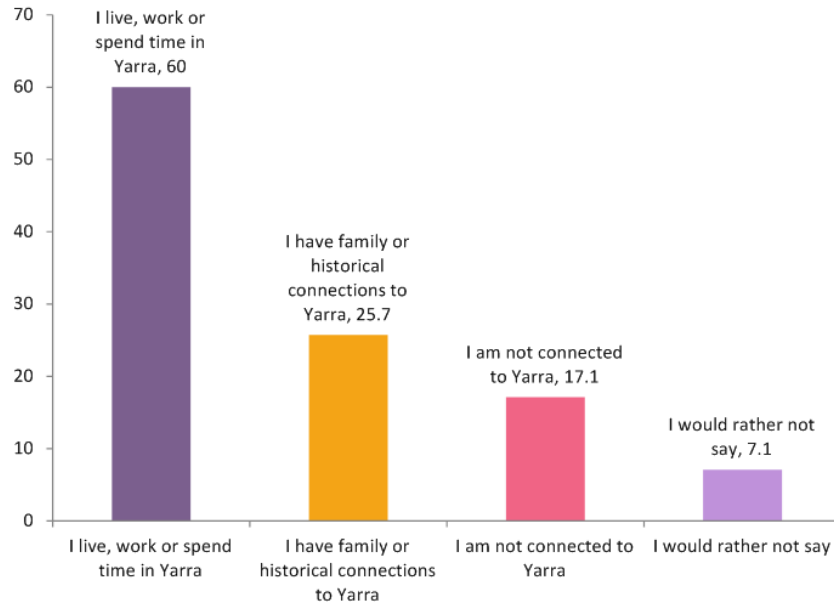


Value	Percent	Count
Yes	78.6%	88
No	21.4%	24
	Total	112

Findings: In total, 88 people who identified as Aboriginal or Torres Strait Islander participated in the survey with 24 people not identifying as Aboriginal or Torres Strait Islander (and therefore being disqualified from the survey).

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2. Do you have a connection to Yarra? Feel free to tick more than one box. (Yarra includes the suburbs of Fitzroy, North Fitzroy, Collingwood, Abbotsford, Richmond, Cremorne, Clifton Hill, Fairfield, Carlton North, Burnley, Alphington and Princes Hill).



Value	Percent	Count
I live, work or spend time in Yarra	60.0%	42
I have family or historical connections to Yarra	25.7%	18
I am not connected to Yarra	17.1%	12
I would rather not say	7.1%	5

Findings: Of the respondents, 60% described themselves as living, working or spending time in Yarra, with 25.7% having a family or historical connection to Yarra.

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3. What does January 26 mean to you (also known as Australia Day, Survival Day and Invasion Day)?

Response
Survival Day
A chance to come together as a community and reflect on how strong our culture still is today despite all the trauma that has occurred. To reflect on all our lost ancestors.
A combination of all the above (Patriotism, Injustice, survival and bitterness). It also reminds me of the atrocities that happened to my Mothers, Uncles and Aunties in the Stolen Generation and the vile despicable things that occurred!
A day of dispossession and a day of evolutionary change (conformation)
A day of mourning
A day of mourning, not celebration, do support that it is a day of survival.
A day of reflection of my peoples journey and how far we have come in the face of genocide, greed, hate, adversity, discrimination. A day of mourning and to grieve for our lost ones and the many souls whose lives have been affected by the path of destruction led by the white man and their ancestors and the continued injustices which happen to my people. A day of survival to say we are still here and we are not going anywhere. A day which is invasion day. A day for people to remember that Sovereignty was never ceded and that Australia Always Was and Always Will be Aboriginal Land. A day to discuss a Treaty!
A day of significant loss to our communities. I do understand my non Aboriginal friends but I wish for our culture to be respected and acknowledged also.
A time to reflect, pay respect and commemorate.
Absolutely nothing in an 'Australia Day' sense. January 26 is not a day to be celebrated but a day of sorrow, grieving and reflection. Colonisation has resulted in genocide, grief, trauma and significant cultural displacement. The Australian Community should be aware and respectful of this, events and celebrations are offensive. Those affected by what resulted from colonisation have the right to spend the day in however they see fit.
Australia Day
Australia Day is sorry day for my mob, this was a day of invasion
Australia Day/ Invasion is a celebration of an invasion which resulted in the ethnic

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cleansing of Aborigines. To participate would be to abandon the continuing struggle of my people.
Australia day & survival day
Celebration of our people surviving the invasion.
Culturally the day means nothing
Day of sorrow and mourning for our people. There is nothing happy about it.
For me as an Aboriginal man, it is a day that brings up many emotions. I often stop & think about how it may have been without the invasion of our Aboriginal lands. It is really a day of great sadness, how can we as Aboriginal people celebrate the 26th of January????
I choose not to acknowledge Australia Day. I find it increasingly hard to join in mainstream celebrations on this day.
I don't have any connection to this date and feel that it should not be celebrated when there is so much pain and hurt inflicted on the culture of our country.
I feel that this day is a very insensitive celebration that combines negative elements including nationalism, ignorance and binge drinking. I don't think this day represents all Australian peoples, nor is it inclusive in the ways it is celebrated.
In a way that the majority of the population celebrate it NO MUCH!!
Invasion Day
Invasion Day - the day Aboriginal and Torres Strait Islander people lost their land, identity and cultural connection.
Invasion Day ... our people were massacred, hunted, tortured, things I choose not to repeat
Invasion Day as this was the day where our land was invaded and taken over.
Invasion Day. The day white man invaded to butcher my people.
Invasion and Survival Day. A celebration of our culture and the strengths but to not forget the historical day that is it.
Invasion day but it's a day of survival, so I prefer to call it survival day as it's important to keep a positive attitude and celebrate the survival of our people and try to move forward with hope not hostility.

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Invasion day.
It means Australian's celebrate being Australian on the day the massacres commenced in this Country. It is distasteful! Many community members I've spoken to have said they want to celebrate the uniqueness of being the first Australians alongside everyone else, multiculturalism, diversity etc. How can this be a real celebration when the arrival meant the start of clearing lands and people and massacres? Lest We Forget!
It means Invasion day to me
It means Our People are still here and will continue to fight for Our Rights
It means Survival/Invasion day it's important to remember past elders and the grief and horror that they went thru but also fought for (our future generations can be there). It's a conflicting day as the rest of Australia is partying and drinking and celebrating Australia on a most divided day. I am mourning the loss of my elders and culture.
It means the date of the landing at Botany Bay by the First Fleet that started the long process of dispossession and genocide of the Aboriginal people of Australia by European "settlers"
It's a public holiday that I have never celebrated and my family didn't observe it.
It's not a day of celebration at all, but a reminder of how our country was taken and claimed by foreign invaders.
It's a sad day
Jan 26, The day our people survived, to live to tell the tale to pass on culture and to show how strong we really are.
Jan 26th means to me is Survival Day, for the past what have been done cannot be untangled but can be celebrated in a harmonious day of celebrations with music / song / performances and sharing our "Oldest Living Culture" on this earth, open to all to share and join as one.
January 26 is Invasion day, a day I hate and it causes stress to me up to and including this day. I can't stand this time as everyone has an opinion about how Aboriginal people should get over it, not even thinking about asking us.
January 26 means the start of the genocidal project of so called Australia
Marks the day that the first fleet invaded Australia

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My family doesn't celebrate Australia Day due to respecting the history of that specific day
Not a day of celebration, more a day of mourning due to a forced invasion
Reflecting on my Elders and especially my ancestors. Celebrating our survival and journey of where we are today and where we are heading.
Survival
Survival Day - for our people
Survival Day and Australia Day
Survival Day and Invasion Day
Survival Day and remembering all that my people have been through, achieved and still try to achieve
Survival day
Survival day- our ancestors were invaded yet were able to live to tell of the horrific events that took place. they are survivors!
This day marks the celebration of the arrival of uninvited guests who refused to recognise the existing residents of the land. So in my opinion, the country celebrates a deceiving act. It's quite a difficult day to be proud of, although I am proud of the progress our country has made in other areas.
To me it feels like a sad day of mourning however I guess there needs to be a day for recognising survival, moving forward and celebrating resilience. A different date maybe?
To me, it's a tragic day for us Aboriginal people and certainly not a day of celebration it fails to not only represent us as 1st Australians but insults us by insisting on representing all Australians ...when it only represents the British invasion and dispossession of our lands ...terrible
Very sad day that the injustice done to Aboriginal People is not recognised.
When I was growing up as a child I did take part of Australia day and didn't realise the harm it had on my people. My father didn't want to share his story to me as there was a lot of hurt within his life. I am now 51 years of age and still discovering my identity. Life is not easy to understand the meaning of this day.
When I was younger and didn't know much, it meant a day to celebrate being 'Australian'. As I've gotten older and learnt more about my heritage and culture, it's become a day of

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sadness and hate.
a day on the calendar that has a significant effect on both the Indigenous people & the wider community
it is a day of mourning and a day to be with the mob usually
my child's birthday Australia day Invasion day all apply
that me and my family have survived. I feel very proud of the flag of my country and want to display it proudly but I can't till they make right (attempt) what went wrong

Findings: People primarily described the day as Survival Day, Invasion Day and a Day of Mourning. Others described it as a day of grief, a day of great suffering, a day to discuss Treaty, a day of reflection, a day that celebrates dispossession and genocide, a day of hurt, a tragic day, a conflicting day, the day the massacres commenced.

For many respondents, January 26 made people think of the harms inflicted on Aboriginal peoples in the years since 1788. This included references to dispossession, trauma, lost ancestors, genocide, greed, hate, discrimination, mourning, destruction, injustices, loss, grief, displacement, ethnic cleansing, struggle, horror, massacres, atrocities, torture, being butchered, and the vile despicable things that occurred.

Many people also made reference to Aboriginal peoples' strength in enduring and surviving in the face of tremendous destruction, trauma and injustice. As one person put it: January 26 was: "A chance to come together as a community and reflect on how strong our culture still is today despite all the trauma that has occurred." Another described it as: "a day of survival to say we are still here and we are not going anywhere. A day for people to remember that Sovereignty was never ceded and that Australia Always Was and Always Will be Aboriginal Land." Another said: "day our people survived, to live to tell the tale to pass on culture and to show how strong we really are."

There was a strong sense of people feeling alienated from mainstream celebrations on this day. The majority of people said that they didn't have any connection to celebrations on the date, that they did not acknowledge the date; found it increasingly hard to join mainstream celebrations, that they perceived it to be a very insensitive celebration that combined negative elements including nationalism, ignorance and binge drinking. That it was an insult. As one person described it as a conflicting day because the rest of Australia was partying, drinking and celebrating while they mourned the loss of their elders and culture. Another said that "it's a tragic day for us Aboriginal people and certainly not a day of celebration it fails to not only represent us as 1st Australians but insults us by insisting on representing all Australians." Another: "Very sad day that the injustice done to Aboriginal People is not recognised."

A strong underlying theme of all comments was that celebration on this day showed a lack of respect for the trauma experienced by Aboriginal peoples on this day. In the AAG consultation at MAYSAR, several people said that the public holiday on this day should be

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imbued with the kind of gravity and respect that ANZAC day is given. That there should be national recognition of what has happened, that there should be ceremony and reflection, and that it should be taught in schools.

The general lack of acknowledgement of the trauma also resulted in an added insult – a lack of acknowledgement of the strength of Aboriginal peoples in surviving, in still being here, in never ceding sovereignty, in still fighting for justice, in retaining connection to people, culture, land and community.

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4. How do you normally spend the day on January 26?

Response
At home
Angry, hurt, sad and avoiding 'Australia Day' celebrations and events.
At home with a candle burning
At home with family, down bush or at the Survival Day concert
At home with my family or attending Aboriginal community events.
At home with my family.
At the Share the Spirit Festival
At the march and then go home and watch movies
By remembering my ancestors/elders and the struggles they went through (through colonization) and continue to experience today re social injustices
Carrying on with normal proceedings with every day of life, work, and kids. Keep strong, celebrate the work that has been done and the work that we are yet to achieve. We have come a long way but there is lots more to do.
Enjoying a day off from work.
Going to local community events.
I always take my family down to Melbourne to the Share the spirit festival.
I don't participate
I don't usually celebrate this day.
I either spend it with my family, indoors ignoring everything that's going on outside. Or spending time with friends talking about how to make Australia grow up.
I got to Share the Spirit festival with my family and help my nan out in her art stand :)
I have a silent half an hour, I meditate and think about my ancestors. I give thanks for the life I lead today.
I have attended Survival Day and Healing Foundation Share the Spirit events in the past.

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I honestly spend it quietly reflecting the day of the history of what the 26th of January really means the invasion of a country and my and many other Indigenous peoples disconnect from our culture and land.
I ignore it have a holiday thinking of how horrible it's been for us over 200 years
I may go to an event in the community and/or treat it as a normal day off, but do not celebrate.
I refuse to celebrate it as Australia Day. I normally do what I would usually do on a public holiday.
I spend it with my Family, and Community at a cultural event or with family and Friends doing our own thing. As mentioned above we reflect on our day and people. Not on Australia day.
I spend with family and friends, to remember our past ancestors who suffered.
I stay away from any kinds of Australia day events, and will stay at home, or sometimes I go to Share the Spirit festival. Generally I try to stay away from anywhere large nylon Australian flags are printed or draped.
I take my daughter to the beach - avoiding all Australia Day fanfare or celebrations. It's not even acknowledged as a day, just some free time off work to spend with my family.
I usually do not engage with the celebration but go about my normal day as a public holiday.
Ignoring it. I don't do anything that involves parades or flying some flag with a Union Jack on it (hooray for the invaders!)
Invasion Day concert
Melbourne Community Invasion Day/Survival Day Celebrations Treasury Gardens and March
More celebrate it for my niece's birthday.
Mourning
Normally at home doing my own thing. I spend time thinking about how we could make this a better day.
Not a lot but as above celebrate above, history was not good for our people but it could have been a lot worse if others moved to this country

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Protesting
Protesting and marching
Quietly
Reflecting of my family and the strong aboriginal people who are no longer here, who had voiced and demonstrated against white man law that has acknowledge we are the traditional owner and caretaker.
Reflecting on my own identity with my family and societal group.
Share the Spirit festival
Spending time strengthening connection to country and family
Support family/Invasion day march
Thinking about the destruction of Aboriginal culture, families, land, and spending it with other Aboriginal people
We have for the past 16 years been lucky enough for the Lions Rotary Club to hold a Special day for the Wathaurong Community. Free rides & sausage sizzle from 10.00am-1.00pm. The Community love this day as we get to see people in our Community & have a yarn.
We ignore it and just go shopping. We want to celebrate with everyone, the wider community especially as we have family friends from all backgrounds.
With family
With family - do not participate in Aust Day activities.
With family - reflection time
With family always just being together.
With family and friends
With family and friends.
With my family at home. Otherwise, I will go into the city and go to the Survival Day concert.
With no specific reflections, disappointed and lost.

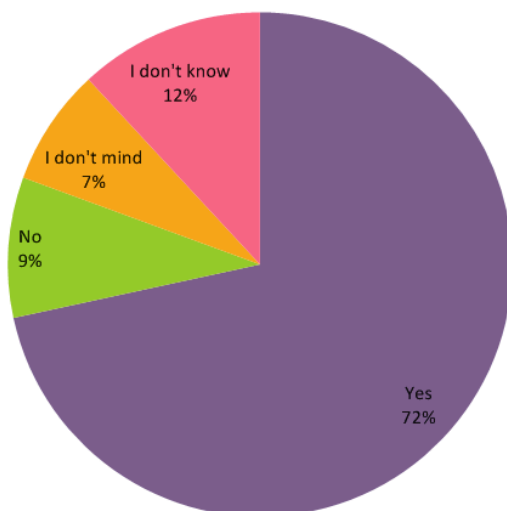
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Working or at home. have never been to any formal celebrations or protests.
at home with my babies
attending survival day activities and joining in the fun of festivities with Family and Friends.
bbq
enjoying the day off work
occasional go to the share the spirit
with community or at home with children. hate the fact of going anywhere near people who celebrate this day as I get aggravated
with family
with family and friends
with family at the Survival day concert in melb then I take my children to our local fireworks display

Findings: The majority of people said that they spent the day at home, with family and/or at the Share the Spirit Festival and other Aboriginal community events. Some spent the day reflecting on past injustices, marching and protesting. Others spent the day avoiding inappropriate Australia Day celebrations and anywhere that the Australian flag is flying. Others tried to focus on positives like work, life, Aboriginal achievements that have already happened and others that are yet to come.

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5: Should Yarra Council hold an event to acknowledge Aboriginal and Torres Strait Islander experiences of January 26?



Value	Percent	Count
Yes	71.6%	48
No	9.0%	6
I don't mind	7.5%	5
I don't know	11.9%	8
	Total	67

Findings: An overwhelming 72% of Aboriginal respondents said that they felt Yarra should hold an event to acknowledge Aboriginal and Torres Strait Islander experiences of January 26.

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6: Please provide any suggestions for how Yarra Council should mark January 26.

Response
A community gathering with key speakers that share the 'True History' of Australia. - Fund Aboriginal programs which are already running on the 26/1 or offer Aboriginal community orgs funding if they don't have any to hold events. - Create a short film which shows why it is important to change the date which could be aired on prime time TV -hold a round table event with the Aboriginal community and our organisations to have a more respective discussion, particularly with elders.
A concert would be good with Aboriginal musicians.
A healing ceremony or shared spirit.
A memorial to all the dead who died in the frontier wars and the resulting starvation disease and depression we suffered....
An acknowledgement of the past to be able to build on the future
An acknowledgment of the past (good, bad and ugly) and then an offering to Indigenous youth from Australians and also an offering to non-Indigenous youth from Indigenous elders
Anything is better than nothing at all but history needs to be acknowledged
Be mindful when holding any event to recognise Aboriginal people just like Australia day there's always the risk of the day creating division.
By having education sessions/with speakers and smoking ceremony maybe in the city-Fed Square so the wider community can learn about what it means to Aboriginal community.
Celebrate on another day - acknowledge the positive changes and strong partnerships that have developed, promote black history...
Celebrating Aborigine Culture
Ceremony or similar event
Change the date of the celebration. Don't wait for anyone to do it, let's not get caught up in sorrow, move forward, choose another day and let's celebrate that, others will choose to either stay with the 26th or celebrate with us on a more appropriate day. If all orgs agree, we change the day we have as a holiday - we do it for NAIDOC!

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Change the date of the celebration. Do not hold an Aboriginal and Torres Strait Islander event on that day, but do have an event like this at another time. More events that celebrate Aboriginal and Torres Strait Islander culture and history are important, and there are some significant places in the City of Yarra that should be celebrated, and stories shared.

Ditch it all together. Or have an event to show the atrocities government and white people have done since the beginning

Don't mark this day at all and put that funding into NAIDOC week.

Each individual has a different experience, I think a public speech/acknowledgement at minimum is appropriate and respectful. Some like to gather and connect (i.e. sharing food, stories, celebrating culture like dancing, painting). Personally, I think 'Australia Day' events should be restricted/limited in respect of indigenous culture and the suffering they endured as a result of colonisation.

Flag raising. Welcome to Country. Smoking Ceremony. Lunch gathering, where community can engage with the Aboriginal and TSI Community. Indigenous food. Cultural workshops. Art displays.

Flags should be at half-mast. There should be awareness about the issues associated with the Stolen Generation in the lead up to 26 January

Having a celebration that bring all together and doesn't focus on one group

Hold a Special event that recognises First Nations People for all to attend. Have stalls that showcase our Culture/talents. Aboriginal dancers or live music.

Host an event "Walk with me" people from local community walk them though there life events.

I believe it could be a day where Aboriginal People celebrate our survival

I cannot comment on Yarra Council as I do not come from this area but I would like to see Aboriginal and non-Aboriginal people to acknowledge our history and culture of today as we have survive the white man's world.

I don't believe it's a day that celebrates a good start. I'm happy to have it remembered as a day when white people arrived but it's not an inclusive day especially for Aboriginal people. I would prefer that Yarra Council left it alone and ignored it. By not celebrating the day it just becomes a public holiday with no significance.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

I think it should be an inclusive event that is not about blame, but about educating people on the history of what this day means for us and how we have survived.
I think we should celebrate the day after so as we have survived the bad thing that happened
Invite the individual traditional custodian groups of the area to discuss this. I live here but am not a traditional custodian. further note to the question below; I think local government supporting any individual campaign is mute. Leadership by action is more effective I think. I don't have faith in these types of campaigns.
Just don't. This should be a day of mourning, not celebration.
Maybe a separate ceremony on a different day all together, this may be a way of telling our story to the Non Aboriginal Community what really happened.
Maybe you could incorporate a day for community to come together, maybe arrange services to provide some participation in the form of providing fun activities for children and adults. BBQ lunch cultural food.
Memorial service on the steps of the Town hall, and then maybe a history talk, or education session for local residents on Aboriginal history and the Wurundjeri people.
Not sure
Outdoor concert
Perhaps a march up the YARRA River in Melbourne marking the day as all I have said above involving non indigenous people who believe this to be true, with a huge BBQ for all who march.
Possibly not mark the day at all? Or change the date to something else. whatever is done Yarra should celebrate the survival of Aboriginal culture and include non-Aboriginal cultures in the activity.
Remembrance Day- A day to reflect on past trauma and injustices but also celebrate how proud, strong and defiant Aboriginal People are.
Should be renamed Invasion Day and do healing ceremony, smoking ceremony and memorials for lost clans in Yarra
Should have a music event for Aboriginal community
Show respect and an understanding to our Aboriginal Culture through storytelling, art and

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education. Use the day to reach out to all of those who do celebrate it and use the public events as a way to reach thousands of people at once.
Smoking Ceremony
Something small and personal with community around cultural events.
Support the Share the Spirit festival in some way to make it bigger. It be great to have the councils involvement and contribution to making that a huge event
T-shirts and or calendar for January with the 26th day deleted as a sign of respect for our traditional warriors who were on the frontline of colonization all around Australia
The day could be marked as a day that we all have come together.
The wider community should be made aware of just what happened on this day.
Time of mourning and acknowledgment
Unsure at this stage but would like to see an ongoing Yearly Event
We must educate the non-Indigenous people our story, our Journey, our History, to empower us.
Yes a local event would be good with music and video and photos of achievements of our mob but also the struggles they have had to endure and what the day means for some community
You should fund The Dirty Mile Production to be staged again!!
don't mark it at all ... support Survival Day event/s
educate the wider community of the significants that took place and how its shaped Australia today and what is being done to rectify the in justice we have experienced and face in or lives.
perhaps be involved in concert held each year or have a similar Smith Street dreaming day
the word Yarra derives from the original peoples - Yarra peoples of the Kulin Nation - Wurundjeri, acknowledging the past wrongs and current achievements the City of Yarra have come.

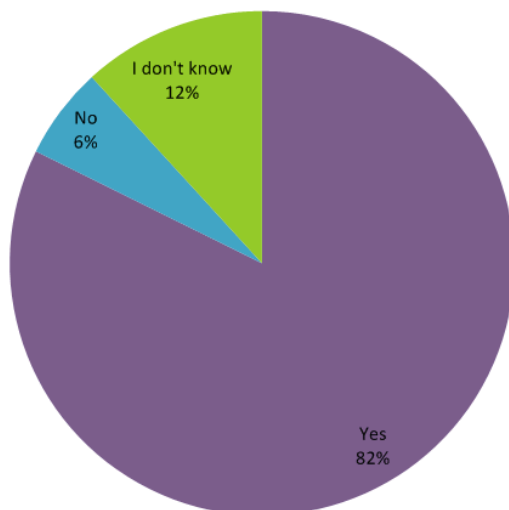
Findings: Respondents had many suggestions about how Yarra City Council should mark January 26. Many people wanted to see events that acknowledged history, honoured and promoted Aboriginal peoples (especially elders) and cultures, ceremony. Many people

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

wanted the history acknowledged but didn't want to create or experience further division in the community. For this reason, some suggested that we should not mark this day at all, move away from the sorrow of it and put our energy into positive celebrations of Aboriginal peoples and achievements – especially NAIDOC week. Some said there should be a flag raising or that flags should be flown at half-mast.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

7. Should Yarra Council support the #changethedate campaign?

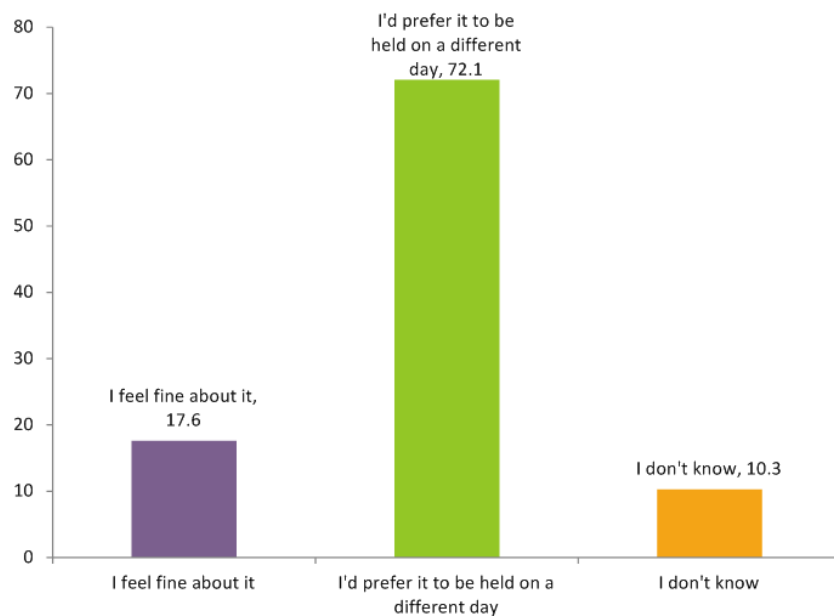


Value	Percent	Count
Yes	82.4%	56
No	5.9%	4
I don't know	11.8%	8
	Total	68

Findings: the vast majority of Aboriginal respondents, at 82%, said that Yarra should support the #changethedate campaign.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

8. How do you feel about Yarra Council holding a citizenship ceremony on January 26?

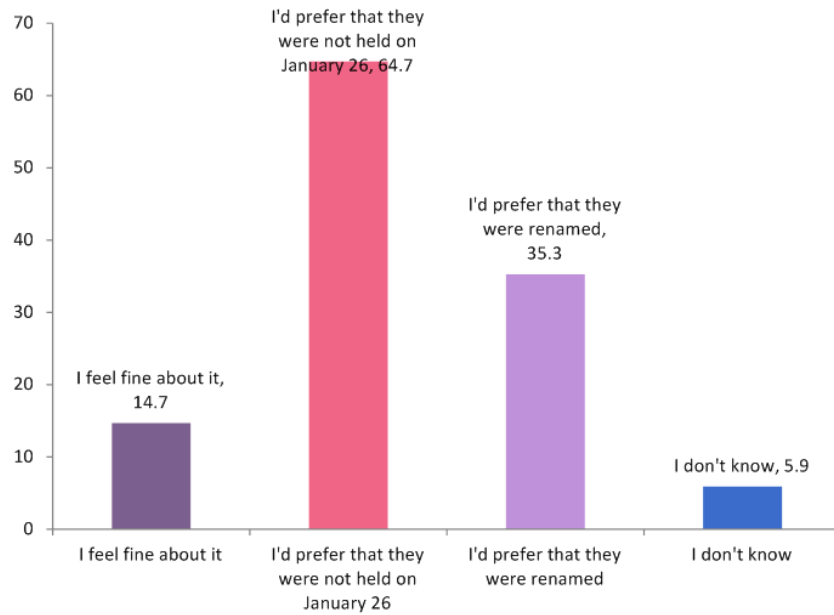


Value	Percent	Count
I feel fine about it	17.6%	12
I'd prefer it to be held on a different day	72.1%	49
I don't know	10.3%	7

Findings: At 72.1% the majority of Aboriginal respondents said they would prefer Yarra Council hold a citizenship ceremony on a day other than January 26.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

9: How do you feel about Yarra Council holding Australia Day Awards on January 26? Feel free to tick more than one box.

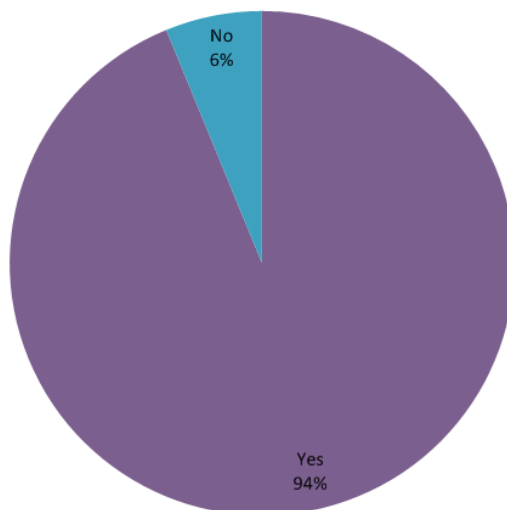


Value	Percent	Count
I feel fine about it	14.7%	10
I'd prefer that they were not held on January 26	64.7%	44
I'd prefer that they were renamed	35.3%	24
I don't know	5.9%	4

Findings: 64.7% of Aboriginal respondents preferred that Australia Day awards were not held on January 26. Only 35.3% preferred that they were renamed, meaning that changing the date of the awards is much more important than what they are called.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

10. Is it okay for us to use quotes from your answers in our consultation report presented to Yarra City Council and other publications promoting Council's position on January 26? Please note that you won't be named or identified. Your quotes will greatly help us in explaining to both Council and the broader community why we are considering changes to how we mark January 26.



Value	Percent	Count
Yes	93.8%	61
No	6.2%	4
	Total	65

Findings: The desire for consultation participants to be heard on this issue is clear, with 93.8% of people agreeing to let Council use their answers in this report and other publications. It is important to note also, the generosity of participants in sharing their time and personal experiences with Yarra City Council.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

11. Is there anything else you'd like to tell us?

Response

Change the date ourselves, don't wait for anyone. Aboriginal Orgs can have our own public holiday like we do for NAIDOC. I'd work on the 26th in lieu of our own holiday.

Good luck getting the white Anglo majority to agree to any changes. At least you have a better chance compared to say, Ararat council (or any rural council in Victoria), where this discussion will never be had.

Good on the City of Yarra for taking on the hard conversations

I am not comfortable celebrating our local or national achievements on a day that is so divisive. 26 Jan is a day of sorry for our people

I don't mind the day itself. I have an issue with the celebrating of something which helped promote cultural genocide. Also my mum was stolen generation and the rape and mistreatment that happened to her as a consequence of Australian colonisation makes me sad with anger.

I don't think Australia day represents what it could. Australia has a unique, long and interesting history worthy of celebration that begins well before the first fleet arrived, and continues to be enriched by new patterns of migration and cultures today. The kinds of things Australia day currently represents to me are not inclusive, or something make me proud or that I want to take part in.

I feel that there should be more information provided to tell our history. There are so many Non Indigenous people out there who have no knowledge or understanding of our culture or history.

I feel torn as I'm indigenous and white so it's a tough choice

I love Australia I love the people we need to make right what was wrong so we can all be proud of this country

I think in order to make people more aware, we have to educate them of the history that has been done to Aboriginals all over Australia. And provide the correct information. I think if you don't learn the past's mistakes, then people are doomed to repeat history.

I wholeheartedly support changing the date of 'Australia Day' to a date with less pain attached. It would be wonderful to celebrate Australia and everyone living here on a day that's inclusive and celebrates our differences.

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Community Engagement Summary Report *The January 26 Project*

I would support changing the date to another date to be more inclusive of first nation people.

If you do not have an Aboriginal consultant group who is working with you on this, I would suggest having one which consists of Elders, young people etc. Also not just people who are in CEO positions, we need grassroots community members voices heard also.

Indigenous Arts events should be held on 26th January that promote the fact that we have survived and teach our history of survival in the Yarra area!

It's simple I feel- let's just have a day where community can celebrate resilience- be it same day or not. We are still here, we have survived and now we educate for change!

January 26 was a horrific date. Not matter what day you choose, whether it's March 8, October 10, July 25. Every single date and Aboriginal person was murdered for living on their land. No date is okay to celebrate loss of land and culture. Aboriginal people were 100% of the population and now less than 3%. Nothing to celebrate.

Keep up the good work for the community in Yarra and surrounds

Maintain strong connections and working relationships with Aboriginal and Torres Strait Islander People.

My preference is for a national day to be celebrated on September 1st which is National Wattle Day. This is day that could be celebrating Aboriginal and Torres Strait Islander culture language and ownership while welcoming new arrivals and descendants of original settlers as a more inclusive day. It's a better time of the year, celebrating the beginning of spring and a new life and could be an opportunity for more wattles to be planted to support the health of the environment.

Spend more time making a change and accepting we are all Australian, times could have been worse if another country took over Australia and ran it now. Acknowledge Aboriginal Culture and people as the first owners of this land and show respect that we have a large number of people skilled to make a change for the better for all

Thank you for considering this issue, it is a step in the right direction.

The celebration of any day of commemoration or acknowledgement needs to have a context and have humanistic principles applied to the day/s.

The date of arrival can't be changed,; there doesn't need to a party to celebrate taking another person's country away from them.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Community Engagement Summary Report *The January 26 Project*

The sooner the date is changed the sooner our mob can feel that society doesn't want them to just get over it, we might be able to start to heal.

This country just needs a day that recognises and celebrates the oldest living culture in the world! We need to get people proud of that.

This is a very important discussion, at time when its needed most ..for Aboriginal people that is, everyone has benefited from our pain, loss and suffering, every aspect of our lives, our children and families lives over many generations have been experienced the impact of colonisation, the Truth about settlement should be told - not a watered down version at our expense

This is such a divisive conversation and I'm happy to see the City of Yarra open to change. No decision will appease everyone, but every step toward acknowledging the fact that this country was not without occupancy when Cook arrived is a positive thing. Celebrate the diversity of this great country it is today. Not what the history books said happened way back when because they are wrong. As a country we just have to be mature enough to admit it.

Unlock our history, develop a curriculum that educate primary and secondary right through to adult ed. empower the Aboriginal community to be elected on the committees that deals with Aboriginal issues.

Very rude to non-indigenous people attending the seminars Rednecks;

We should respect every Australians culture/history. Old or new, the date Australia Day is celebrated on only highlights white history!

Would just love to have our own day to acknowledge First Nations People. I don't think we can change the mindsets of Australian people with changing Australia Day...too much conflict. Those that dislike would dislike us even more

Yes grow up Australiawe don't celebrate the Invasion of a country and the destruction of anybody else's culture so why do it here? Get over the myth that we are the best and fairest and a fair go for all ...it's a lie...

even though 26th January is celebrated by a majority of Australians, it would be lovely to for all to embrace as one and celebrate in one celebration for all to contribute, the New arrivals / citizens of the City of Yarra with a ceremony and concert of performances from Indigenous and the broader to perform in Dance, Song, and play. Inclusive is the only way forward for the whole Community to live as and be counted as one.

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Community Engagement Summary Report *The January 26 Project*

if councils are going to hold these significant events on Australia day they should at least include an Aboriginal person from the TO group\ welcome to country\ smoking ceremony\ speaker etc.

that it's important to be inclusive of everyone in Australia cause that is what Australia is meant to be. Having Australia day on the 26th is just wrong it signifies old pre Australia that wasn't inclusive and hurt their original traditional people. Change the date all Indigenous people would love to celebrate what it means to be Australian just not on a date where it celebrates the landing of the white man who massacred and spread disease and discounted Indigenous people then and continually affecting Indigenous people in the future with our cultural and land disconnect.

Findings: The common theme in answers to these questions was that very few people were happy with January 26 as it is currently marked. Almost everyone wanted to see some kind of change, especially through increased recognition of Aboriginal peoples, histories, cultures and experiences. Some wanted this through the curriculum and school-based education, others wanted it promoted through digital media and variety of other means. The main thing was the approach should be respectful, informed and honest.

Most people reiterated that they thought January 26 was the wrong day for a national celebration of identity. It was too painful. Many people wanted to feel included and connected in a national celebration on a different day. One of the suggested days was National Wattle Day – September 1.

A couple of people did not agree with changing the date of Australia Day and did not like the day being called Invasion Day either. A couple of people were wary of the kind of change that might bring conflict and did not want to attract more negativity.

Some people congratulated Yarra City Council for taking on the hard questions.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Community Engagement Summary Report *The January 26 Project*

AAG consultation at MAYSAR – Summary notes

Aboriginal Advisory Group (AAG) Meeting at Melbourne Aboriginal Youth Sport and Recreation Incorporated (MAYSAR), Thursday 6 April 2017, 11am-1pm

Introduction

- Officers introduced the project. The group watched a short film of a speech by Kiewa Austin-Rioli comparing European settlement to a violent home invasion.

Key themes:

- Survival, mourning
- Invasion Day – celebrating survival
- Wrong date – painful date – should not be made to celebrate
- Confronting, not a celebration
- Negative media coverage re: Invasion Day (Herald Sun)
- People are not familiar with what Aboriginal people have gone through – lack of historical context
- Kiewa Austin-Rioli video presentation – a moving presentation and good example/starting point for discussion
- Comparable to ANZAC Day, a day of remembrance and respect
- People are not respectful on Australia Day. It should be treated more like ANZAC Day

Ideas:

- Education – raise awareness, why it's important to change the date
- Education – how 26 January makes Aboriginal people feel
- Education – turn 26 January in to a day of education
- De-emphasise the celebratory aspect of Australia Day – change it to a day of education
- Unpack why non-Indigenous Australians want to celebrate on 26 January
- Greater awareness and discussion
- Need to educate young Aboriginal people as well
- Unite with other LGAs
- Lobby MAV, LGPRO to promote other LGAs to start the conversation with their communities
- Make it core business – provide information and education at Council events
- 'Share the Spirit' is a good example – inclusive, not Aboriginal only

What Council should do:

- Council should move the date of Citizenship Ceremony and Citizenship Awards
- Keep the Awards, just move the date. Aboriginal people want to be able to participate
- Bring some ideas to the community for a new date for the awards
- Change the title of the awards
- Aboriginal people should feel empowered to participate, be recognised
- Deadly Awards
- Promote the message
- Make a video to promote 26 January messages
- ABC TV show – You Can't Say That – a good example of story telling

Challenges:

- Older non-Indigenous Australians are afraid to feel shame. They don't want to change.

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Community Engagement Summary Report *The January 26 Project*

- Australia has never accepted the truth (history) – we skipped straight to reconciliation
- Aboriginal flag is a protest flag
- 26 January should belong to Aboriginal people – a day of protest
- We need more connection between new Australians and Indigenous Australian
- Need to be strategic about media and prepared for negative media coverage and right wing opposition
- Need to ensure protection and safety for people who are speaking out/sharing stories online
- Don't rush into anything – this is a slow project
- Aboriginal people fought for their land – a war before any international wars
- New Australians are amazed at how Aboriginal people are treated
- More time honouring our Elders

Who should lead (note differing points of view):

- Process should be driven by the community – not Councillors
- It's up to Council to make change – not community. Community is the resource
- Council should lead. The responsibility should not always sit with Aboriginal people and their children

Moving forward:

- Community based organisations are the best places to meet with community
- Mainstream (wider) community conversations could also be held at MAYSAR
- It is important that Councillors understand as well
- Start small – move Citizenship Ceremony and Awards, start education
- On street consultation works well – provide information, Smith Street Dreaming
- State-wide, unified voice

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Community Engagement Summary Report *The January 26 Project*

Appendix 1 – Online survey

January 26 – Community Survey

This survey is for the local Aboriginal and Torres Strait Islander community only. Yarra City Council wants to hear your thoughts on how we should and shouldn't mark January 26. The survey should take about 5 minutes to complete. In completing the survey, you will go in the running to win a \$100 Coles gift card.

1. Do you identify as Aboriginal / Torres Strait Islander? *

- Yes
- No

2. Do you have a connection to Yarra? Feel free to tick more than one box.

(Yarra includes the suburbs of Fitzroy, North Fitzroy, Collingwood, Abbotsford, Richmond, Cremorne, Clifton Hill, Fairfield, Carlton North, Burnley, Alphington and Princes Hill).

- I live, work or spend time in Yarra
- I have family or historical connections to Yarra
- I am not connected to Yarra
- I would rather not say

3. What does January 26 mean to you (also known as Australia Day, Survival Day and Invasion Day)?

4. How do you normally spend the day on January 26?

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Community Engagement Summary Report *The January 26 Project*

5. Should Yarra Council hold an event to acknowledge Aboriginal and Torres Strait Islander experiences of January 26?

- Yes
- No
- I don't mind
- I don't know

6. Please provide any suggestions for how Yarra Council should mark January 26.

7. Should Yarra Council support the #changethedate campaign?

- Yes
- No
- I don't mind
- I don't know

Special note:

Yarra City Council currently holds two ceremonies on January 26:

A citizenship ceremony at which people from a range of different countries officially receive their Australian citizenship. There are several of these ceremonies held throughout the year. Yarra Council could consider moving the ceremony on January 26 to a different day.

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Community Engagement Summary Report *The January 26 Project*

The Australia Day Awards at which individuals and groups receive awards for making an outstanding contribution to the Yarra community. Yarra Council could consider holding these awards on a different day and renaming the awards so they are not linked to Australia Day.

8. How do you feel about Yarra Council holding a citizenship ceremony on January 26?

- I feel fine about it
- I'd prefer it to be held on a different day
- I don't know

9. How do you feel about Yarra Council holding Australia Day Awards on January 26? Feel free to tick more than one box.

- I feel fine about it
- I'd prefer that they were not held on January 26
- I'd prefer that they were renamed
- I don't know

10. Is it okay for us to use quotes from your answers in our consultation report presented to Yarra City Council and other publications promoting Council's position on January 26?

Please note that you won't be named or identified. Your quotes will greatly help us in explaining to both Council and the broader community why we are considering changes to how we mark January 26.

- Yes
- No

11. Is there anything else you'd like to tell us?

12. Please provide your contact details:

Attachment 1 - The January 26 Project - Aboriginal Community Consultation Report 2017

Community Engagement Summary Report *The January 26 Project*

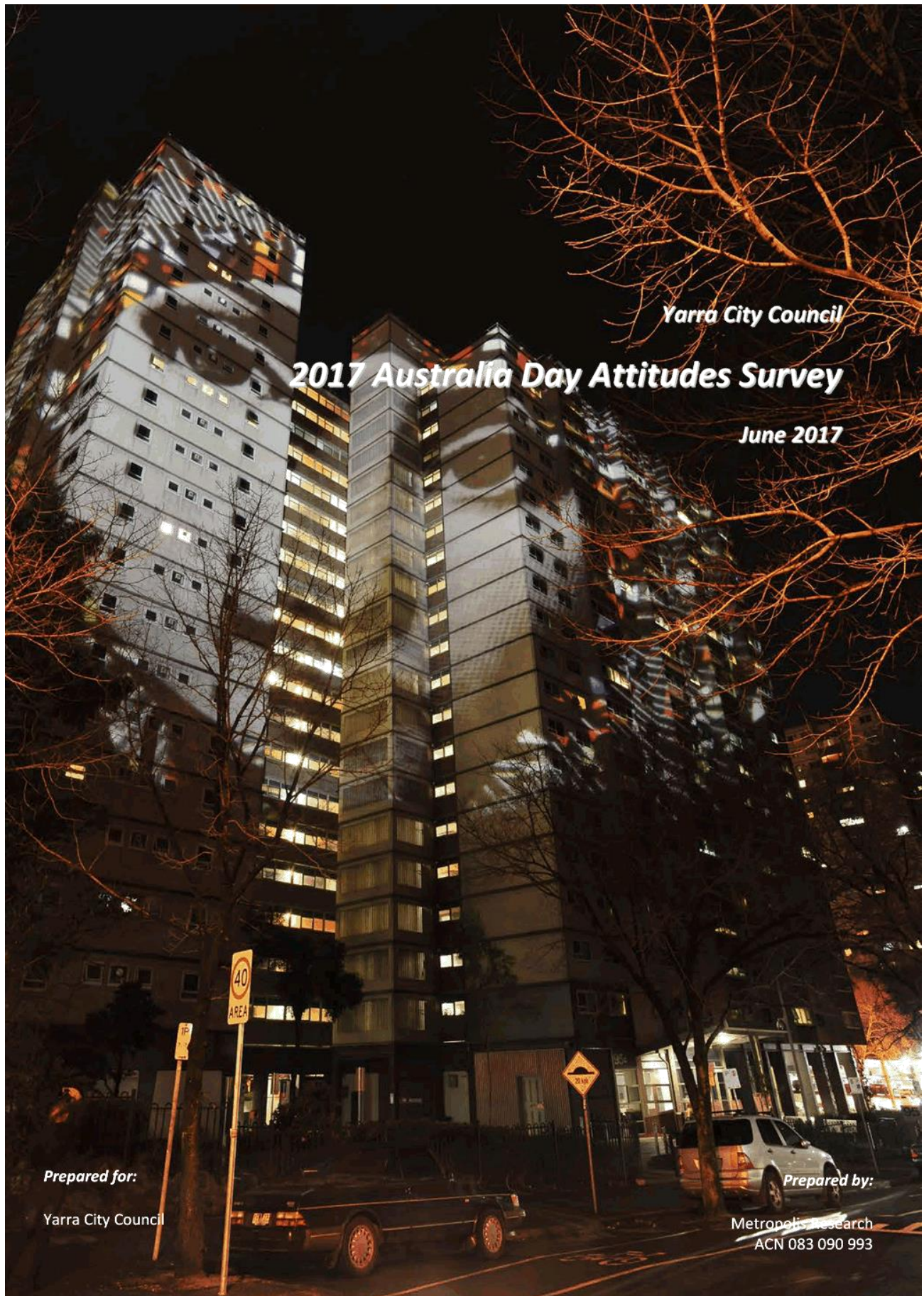
Please tick one of the following:

- I would like to go in the running to win a \$100 Coles gift card
- I would like to receive project updates
- I would prefer not to provide my contact details

Thank You!

Thank you for taking the time to complete this survey. We really appreciate you taking the time to share your thoughts, feelings and ideas!

Attachment 2 - 2017 Australia Day Attitudes Survey Report



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

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Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

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Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Introduction

Metropolis Research was commissioned by the City of Yarra to conduct an intercept survey of visitors to six locations within the municipality in order to explore community sentiment and views regarding January 26th, currently designated as the Australia Day public holiday, but also known by some in the community as Invasion Day and Survival Day.

Specifically the research aimed to explore the following:

- ⊗ Whether Council should hold an event to acknowledge Aboriginal and Torres Strait Islander experience of January 26th.
- ⊗ What January 26th means to respondents, and how they spent January 26th this year.
- ⊗ Respondent suggestions as to how Council should mark January 26th.
- ⊗ Respondents views as to whether Council should support the #changethedate campaign.

Methodology and response rate

Metropolis Research conducted a total of 281 intercept surveys over a variety of days of the week, and times of the day at six locations across the City of Yarra. A roughly similar number of surveys were conducted at each of the six locations.

The locations in which the surveys were conducted were provided to Metropolis Research by officers of Yarra City Council.

Visitors to the six locations were approached at random and invited to participate in the survey. Participation was voluntary, and the profile of respondents is outlined later in this report.

Survey location, day and time
Yarra City Council - 2017 Australia Day Attitudes Survey
(Number and percent of total respondents)

Location	Day and time	2017	
		Number	Percent
Queens Parade	Tuesday 10 am - 2 pm	40	14.2%
Abbotsford Convent	Wednesday 10 am - 2 pm	36	12.8%
	Sunday 10 am - 2 pm	15	5.3%
Brunswick Street	Thursday 10 am - 2 pm	52	18.5%
Victoria Street	Friday 2 pm - 6 pm	43	15.3%
Bridge Road	Friday 2 pm - 6 pm	49	17.4%
Smith Street	Thursday 10 am - 2 pm	46	16.4%

Total

281

100%

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Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Executive summary

Metropolis Research conducted a total of 281 surveys at six locations across the City of Yarra between the 23rd and 27th of May 2017. The sample included 281 respondents, of which 119 were residents of the City of Yarra, 110 were visitors, 45 worked or studied in Yarra, and 7 either did not say or fit in multiple categories.

The survey aimed to explore respondent views regarding January 26th, focusing on what, if anything that Council should do to acknowledge the experience of Aboriginal and Torres Strait Islander peoples, what January 26th means to the respondents, how they spent January 26th this year, their suggestions as to how Council should mark January 26th, and whether they agree that Council should support the #changethedate campaign.

The results to the survey summarised in the following paragraphs clearly indicate a strong level of community support for Council taking a more active role in acknowledging the experience of January 26th of Aboriginal and Torres Strait Islander peoples, including specifically a strong level of support for Council supporting the #changethedate campaign.

The overwhelming majority (78.6%) of respondents agree that Council should hold an event to acknowledge Aboriginal and Torres Strait Islander experience of January 26th. Interestingly, English speaking respondents were somewhat more likely than multi-lingual respondents to hold this view.

This result, when read in conjunction with other results throughout this report, does suggest that the multi-lingual respondents were less aware of the cultural-political issues facing Aboriginal and Torres Strait Islander peoples than were English speaking respondents. As a consequence, they were more likely to see January 26th as a National or Foundation Day.

The most common response as to what January 26th meant to respondents was a day of invasion / oppression of Aboriginal and Torres Strait Islander peoples, with more than one-third (37.9%) holding this view. A slightly smaller proportion (30.1%) reported that January 26th was the National / Foundation Day. A little more than one-quarter (24.2%) reported that January 26th either meant nothing special to them or was a chance for a holiday with family or friends.

Almost half (44.6%) of the respondents had a normal or uneventful day on January 26th this year, with a little more than one-quarter (26.8%) having a holiday with family and friends, and almost ten percent (9.8%) working on the day. Only a relatively small proportion (6.2%) participated in an organised event.

Approximately one-third (33.7%) of respondents suggested that Council introduce / acknowledge / include Aboriginal and Torres Strait Islander culture into any celebrations on January 26th. A significantly smaller proportion (15.1%) suggested that Council hold an Australia Day / community or cultural event (not specifically mentioning Aboriginal and Torres Strait Islander peoples), 13.3% suggested Council should not celebrate January 26th, and 11.4% suggested Council change the date.

A little less than half (45.9%) of respondents agreed that Council should support the #changethedate campaign, whilst 13.9% disagreed. A little more than one-quarter (28.1%) of respondents had not heard of the #changethedate campaign and 12.1% could not say.

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Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Attitudes toward January 26

Acknowledge Aboriginal and Torres Strait Islander experiences of January 26

Respondents were asked:

“Should Yarra Council hold an event to acknowledge Aboriginal and Torres Strait Islander experiences of January 26?”

A little more than three-quarters (78.6%) of respondents agreed that Yarra Council should hold an event to acknowledge Aboriginal and Torres Strait Islander experiences of January 26th. Less than ten percent (7.5%) disagreed with this view, and a little less than one-sixth (13.9%) could not say.

Metropolis Research notes that there was no significant variation in this result between respondents that were residents of the City of Yarra or visitors to the municipality.

It is observed that English speaking respondents (80.5%) were somewhat more likely than multi-lingual respondents (71.7%) to agree that Council should acknowledge Aboriginal and Torres Strait Islander experiences of January 26th. It is interesting to note however that respondents born in mainly non-English speaking countries were no less likely to agree than English speaking respondents.

Acknowledge Aboriginal and Torres Strait Islander experiences of January 26

Yarra City Council - 2017 Australia Day Attitudes Survey

(Number and percent of respondents providing a response)

Response	Total sample		Yarra residents	English speaking	Multi-lingual	Born in NES*
	Number	Percent				
Yes	221	78.6%	79.0%	80.5%	71.7%	79.6%
No	21	7.5%	5.9%	8.0%	5.7%	1.9%
Can't say	39	13.9%	15.1%	11.5%	22.6%	18.5%
Total responses	281	100%	119	226	53	54

() Born in mainly non-English speaking country*

There was some variation in this result observed by the respondents' demographic profile, with attention drawn to the following:

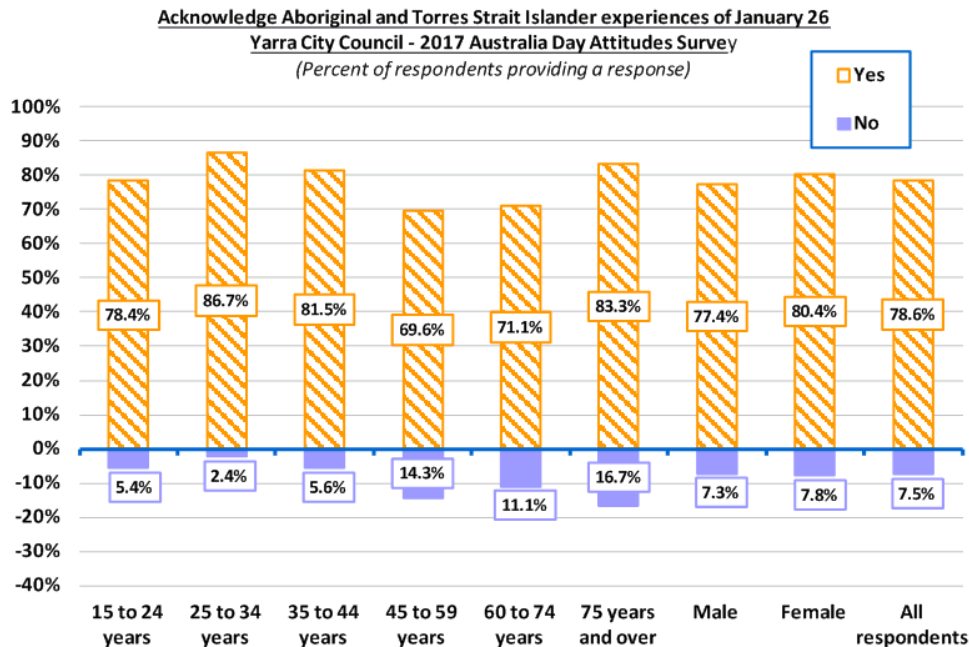
- ⊗ ***Young adults (aged 25 to 34 years)*** – respondents were somewhat more likely than average to agree that Council should acknowledge Aboriginal and Torres Strait Islander experiences of January 26th.
- ⊗ ***Middle aged and older adults (aged 45 to 74 years)*** – respondents were somewhat less likely than average to agree that Council should acknowledge Aboriginal and Torres Strait Islander experiences of January 26th.



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

- ⊗ **Gender** – female respondents were very marginally more likely than male respondents to agree that Council should acknowledge Aboriginal and Torres Strait Islander experiences of January 26th.



Meaning of January 26 to you

Respondents were asked:

“What does January 26 mean to you (also known as Australia Day, Survival Day and Invasion Day)?”

The most common response from respondents as to the meaning of January 26th was that it was a day of invasion / oppression of Aboriginal and Torres Strait Islander peoples, with a little more than one-third (37.9%) of respondents defining the day this way.

This was a larger proportion than the 30.1% of respondents that defined the day as being the National Day or the foundation day.

Almost one-quarter (24.2%) of respondents defined January 26th as either not meaning anything to them personally (16.5%) or being a holiday to spend with family and friends (7.7%).

A small proportion of respondents defined the day as either a day for all to come together (3.3%) or a celebration for new citizens (1.1%).



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Yarra City Council – 2017 Australia Day Attitudes Survey

There was some variation in these results based on the respondents' country of birth, language, and gender, with attention drawn to the following:

- ⊗ **English speaking** – respondents were significantly more likely than multi-lingual respondents and respondents born in a mainly non-English speaking country to define January 26th as a day of invasion and the oppression of Aboriginal and Torres Strait Islander peoples.
- ⊗ **Multi-lingual respondents and respondents born in a mainly non-English speaking country** – respondents were significantly more likely than English speaking respondents to define January 26th as the National Day or foundation day.
- ⊗ **Female** – female respondents were more likely than male respondents to define January 26th as a day of invasion / oppression of Aboriginal and Torres Strait Islander peoples.
- ⊗ **Male** – respondents were significantly more likely than English speaking respondents to define January 26th as the National Day or foundation day.

These are important variations in the results particularly those between English speaking and CALD community members. Metropolis Research interprets these results as showing that the largely Anglo-Celtic, English speaking Yarra community is more aware of the issues of Aboriginal and Torres Strait Islander Australia, including the cultural-political issues than are multi-lingual, overseas born community members.

It is likely that this difference in focus is due, at least in part to the fact that multi-lingual and overseas born residents have been in Australia for a more limited period of time, and who perhaps are less engaged in these cultural-political issues than is the general population. A good example of this would be international students who may well be less engaged in these issues than the general community.

Meaning of January 26 to you
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	Total respondents		Yarra residents	English speaking	Multi-lingual	Born in NESC*	Male	Female
	Number	Percent						
Day of invasion / oppression of Aboriginal people	103	37.9%	36.8%	41.6%	23.5%	26.9%	32.8%	41.8%
National day / foundation day	82	30.1%	30.7%	25.1%	51.0%	38.5%	36.1%	25.3%
Doesn't mean anything to me	45	16.5%	15.8%	16.0%	17.6%	19.2%	18.0%	15.8%
Holiday with family and friends	21	7.7%	7.0%	8.2%	5.9%	11.5%	7.4%	7.5%
Day for all to come together	9	3.3%	4.4%	3.7%	2.0%	1.9%	2.5%	4.1%
Celebration for new citizens	3	1.1%	1.8%	1.4%	0.0%	0.0%	0.0%	2.1%
Other	1	0.4%	0.0%	0.5%	0.0%	0.0%	0.0%	0.7%
Not sure / don't know	8	2.9%	3.5%	3.7%	0.0%	1.9%	3.3%	2.7%
Not stated	9		5	7	2	2	2	7
Total responses	281	97%	119	226	53	54	124	153

(*) Born in mainly non-English speaking country



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

There was some variation in these results observed by the respondents' age structure, with attention drawn to the following:

- ⊗ **Young persons (aged 15 to 24 years)** – respondents were somewhat more likely than older respondents to define January 26th as a day of invasion and the oppression of Aboriginal and Torres Strait Islander peoples.
- ⊗ **Young adults (aged 25 to 34 years)** – respondents were somewhat more likely than average to define January 26th as a day that doesn't mean anything to them.

Meaning of January 26 to you
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	15 - 24 years	25 - 34 years	35 - 44 years	45 - 59 years	60 - 74 years	75 years or more
Day of invasion / oppression of Aboriginal people	47.2%	30.9%	41.5%	38.9%	36.4%	50.0%
National day / foundation day	25.0%	28.4%	32.1%	33.3%	29.5%	50.0%
Doesn't mean anything to me	19.4%	24.7%	13.2%	9.3%	13.6%	0.0%
Holiday with family and friends	2.8%	9.9%	7.5%	11.1%	4.5%	0.0%
Day for all to come together	2.8%	1.2%	1.9%	3.7%	9.1%	0.0%
Celebration for new citizens	0.0%	1.2%	0.0%	0.0%	4.5%	0.0%
Other	0.0%	0.0%	1.9%	0.0%	0.0%	0.0%
Not sure / don't know	2.8%	3.7%	1.9%	3.7%	2.3%	0.0%
Not stated	1	2	1	2	1	2
Total responses	37	83	54	56	45	6

Ways of spending the day on January 26

Respondents were asked:

"How did you spend the day on January 26 this year?"

The overwhelming majority of respondents reported that they spent the day either as a normal day or as a holiday with family and friends.

A little less than half (44.6%) of all respondents reported that January 26th was a normal or uneventful day for them this year, a little more than one-quarter (26.8%) spent the holiday with family or friends, and a further 9.8% worked on the day.

A small proportion of respondents spent the day either celebrating or participating in organised events (6.2%) or at a citizenship ceremony (0.4%).



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

There was some variation in this result observed by the respondents' language, country of birth and gender, with attention drawn to the following:

- ⊗ **Multi-lingual respondents and those born in a mainly non-English speaking country** – respondents were somewhat more likely than English speaking respondents to have worked on January 26th.
- ⊗ **Male** – respondents were more likely than female respondents to have spent the day having a holiday with family and friends, or to have worked on the day.
- ⊗ **Female** – respondents were more likely than male respondents to have spent the day as a normal, uneventful day.

Ways of spending the day on January 26 this year
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	Total respondents		Yarra residents	English speaking	Multi-lingual	Born in NESC*	Male	Female
	Number	Percent						
Normal day, uneventful	123	44.6%	43.1%	44.6%	42.3%	42.3%	39.3%	49.3%
Holiday with family and friends	74	26.8%	22.4%	27.0%	26.9%	23.1%	29.5%	24.7%
Work	27	9.8%	10.3%	8.1%	17.3%	13.5%	11.5%	7.3%
Celebrating, participated in organised events	17	6.2%	8.6%	6.3%	5.8%	9.6%	7.4%	5.3%
Citizenship ceremony	1	0.4%	0.0%	0.5%	0.0%	0.0%	0.0%	0.7%
Can't remember	30	10.9%	14.7%	12.2%	5.8%	11.5%	10.7%	11.3%
Other	4	1.4%	0.9%	1.4%	1.9%	0.0%	1.6%	1.3%
Not stated	5		3	4	1	2	2	3
Total responses	281	100%	119	226	53	54	124	153

(*) Born in mainly non-English speaking country

There was some relatively minor variation in these results observed by respondents' age structure, with attention drawn to the following:

- ⊗ **Young persons (aged 15 to 24 years)** – respondents were somewhat more likely than older respondents to have spent the day working.
- ⊗ **Young adults (aged 25 to 34 years)** – respondents were marginally more likely than average to have spent the day as a normal, uneventful day.
- ⊗ **Adults (aged 35 to 44 years)** – respondents were marginally more likely than average to have spent the day celebrating or participating in an organised event.



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Ways of spending the day on January 26 this year
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	15 - 24 years	25 - 34 years	35 - 44 years	45 - 59 years	60 - 74 years	75 years or more
Normal day, uneventful	40.0%	50.0%	46.2%	50.0%	33.3%	16.7%
Holiday with family and friends	28.6%	25.6%	25.0%	21.4%	35.6%	33.3%
Work	17.1%	11.0%	11.5%	10.7%	0.0%	0.0%
Celebrating, participated in organised events	5.7%	6.1%	9.6%	3.6%	6.7%	0.0%
Citizenship ceremony	0.0%	1.2%	0.0%	0.0%	0.0%	0.0%
Can't remember	5.7%	4.9%	7.7%	12.5%	22.2%	50.0%
Other	2.9%	1.2%	0.0%	1.8%	2.2%	0.0%
Not stated	2	1	2	0	0	0
Total responses	37	83	54	56	45	6

Suggestions for the mark on January 26

Respondents were asked:

"Do you have any suggestions for how Yarra Council should mark January 26?"

The most common suggestion for how Yarra Council should mark January 26th was to introduce / acknowledge / include Aboriginal and Torres Strait Islander culture into the celebrations for the day, with one-third (33.7%) of respondents making a suggestion along these lines.

A little less than one-sixth (15.1%) of respondents suggested that there should be an Australia Day party, community or cultural event of some type. These respondents specifically did not mention an Aboriginal or Torres Strait Islander focus for this event.

Attention is drawn to the fact that a little more than ten percent of respondents suggested that Council not celebrate the day (13.3%) or change the date (11.4%).

A small proportion of respondents suggested that Council celebrate multi-cultural aspects including everyone (including migrants) (7.2%), keep it as the National or Australia Day (3.6%), consult the Aboriginal and Torres Strait Islander community (3.0%), or educate people about history (3.0%).



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

There was some variation in this result observed by the respondents' language, country of birth, and gender, with attention drawn to the following:

- ⊗ **English speaking** – respondents were somewhat more likely than multi-lingual respondents to suggest that Council do not celebrate the day, change the date, or celebrate the multi-cultural aspects and include everyone.
- ⊗ **Multi-lingual and respondents born in a mainly non-English speaking country** – respondents were somewhat more likely than English speaking respondents to suggest that Council introduce / acknowledge / include Aboriginal and Torres Strait Islander culture on the day.
- ⊗ **Male** – respondents were somewhat more likely than female respondents to suggest that Council change the date, and celebrate the multi-cultural aspects and include everyone.
- ⊗ **Female** – respondents were somewhat more likely than male respondents to suggest that Council do not celebrate the day, consult Aboriginal and Torres Strait Islander peoples, and educate people about the history.

Suggestions for Council how to mark January 26

Yarra City Council - 2017 Australia Day Attitudes Survey

(Number and percent of respondents providing a response)

Response	Total respondents		Yarra residents	English speaking	Multi-lingual	Born in NESC*	Male	Female
	Number	Percent						
Introduce / acknowledge / include ATSI culture	56	33.7%	30.4%	31.9%	44.0%	41.6%	35.2%	32.6%
Australia Day party / community / cultural events	25	15.1%	11.6%	14.2%	20.0%	10.3%	16.9%	14.1%
Do not celebrate	22	13.3%	10.1%	14.9%	4.0%	3.4%	7.0%	17.4%
Change the date	19	11.4%	15.9%	12.1%	8.0%	10.3%	15.5%	7.6%
Celebrating multi-cultural aspect and including everyone	12	7.2%	5.8%	7.8%	4.0%	3.4%	9.9%	5.4%
Keep it as national day /	6	3.6%	2.9%	3.5%	4.0%	6.9%	4.2%	3.3%
Consult the Aboriginal / Torres Strait Islander people	5	3.0%	2.9%	2.8%	4.0%	3.4%	1.4%	4.3%
Educate people about history	5	3.0%	4.3%	2.8%	4.0%	0.0%	0.0%	5.4%
Other	13	7.8%	13.0%	7.8%	8.0%	17.2%	8.5%	7.6%
Don't know	3	1.8%	2.9%	2.1%	0.0%	3.4%	1.4%	2.2%
Not stated	115		50.0%	85	28	25	53	61
Total responses	281	100%		226	53	54	124	153

(*) Born in mainly non-English speaking country



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Yarra City Council – 2017 Australia Day Attitudes Survey

There was some variation in these results observed by the respondents' age structure, with attention drawn to the following:

- ⊗ **Young persons and young adults (aged 15 to 34 years)** – respondents were somewhat more likely than older respondents to suggest that Council introduce / acknowledge / include Aboriginal and Torres Strait Islander peoples on the day.
- ⊗ **Adults (aged 35 to 44 years)** – respondents were somewhat more likely than other respondents to suggest that Council hold an Australia Day party / community and cultural event.
- ⊗ **Older adults (aged 60 to 74 years)** – respondents were somewhat more likely than younger respondents to suggest that Council consult Aboriginal and Torres Strait Islander peoples.

Suggestions for Council how to mark January 26
Yarra City Council - 2017 Australia Day Attitudes Survey
(Number and percent of respondents providing a response)

Response	15 - 24 years	25 - 34 years	35 - 44 years	45 - 59 years	60 - 74 years	75 years or more
Introduce / acknowledge / include ATSI culture	52.6%	41.7%	21.2%	29.4%	27.6%	33.3%
Australia Day party / community / cultural events	0.0%	12.5%	24.2%	14.7%	20.7%	0.0%
Do not celebrate	10.5%	14.6%	12.1%	14.7%	13.8%	0.0%
Change the date	10.5%	8.3%	12.1%	14.7%	13.8%	0.0%
Celebrating multi-cultural aspect and including everyone	5.3%	6.3%	6.1%	2.9%	13.8%	33.3%
Keep it as national day / Australia Day	0.0%	2.1%	3.0%	5.9%	3.4%	33.3%
Consult the Aboriginal / Torres Strait Islander people	5.3%	2.1%	3.0%	2.9%	3.4%	0.0%
Educate people about history	5.3%	2.1%	9.1%	0.0%	0.0%	0.0%
Other	5.3%	6.3%	9.1%	14.7%	3.4%	0.0%
Don't know	5.3%	4.2%	0.0%	0.0%	0.0%	0.0%
Not stated	18	35	21	22	16	3
Total responses	37	83	54	56	45	6



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Support the #changethedate campaign

Respondents were asked:

“Should Yarra Council support the #changethedate campaign?”

A little less than half (45.9%) of all respondents agreed that Council should support the #changethedate campaign, whilst a little less than one-sixth (13.9%) disagreed.

A little more than one-quarter (28.1%) of respondents were unaware of the #changethedate campaign, and a further 12.1% of respondents could not say.

Metropolis Research suggests that these results show a very strong degree of community support for Council supporting the #changethedate campaign.

There was some variation in this result observed by country of birth and language, with attention drawn to the following:

- ⊗ **English speaking** – respondents were significantly more likely than multi-lingual respondents to agree that Council should support the #changethedate campaign. They were also more likely than multi-lingual respondents to disagree that Council should support the campaign.
- ⊗ **Multi-lingual respondents and respondents born in a mainly non-English speaking country** – respondents were significantly more likely than average to not be aware of the campaign.

These results clearly show a strong level of community support for Council supporting the #changethedate campaign, with multi-lingual and respondents born in a mainly non-English speaking country more likely than English speaking respondents to be unaware of the campaign, and therefore not have a view on Council’s position in relation to the campaign.

This reflects the previous results that showed that CALD community members were likely to be somewhat less engaged in the cultural-political issues facing Aboriginal and Torres Strait Islander peoples, and therefore be less likely to be aware of this campaign.

Support the #changethedate campaign
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	Total respondents		Yarra residents	English speaking	Multi-lingual	Born in NESCS*
	Number	Percent				
Yes	129	45.9%	40.3%	50.9%	26.4%	25.9%
No	39	13.9%	13.4%	16.4%	3.8%	9.3%
Have not heard of the campaign	79	28.1%	34.5%	21.7%	54.7%	46.3%
Can't say	34	12.1%	11.8%	11.1%	15.1%	18.5%
Total responses	281	100%	119	226	53	54

(*) Born in mainly non-English speaking country

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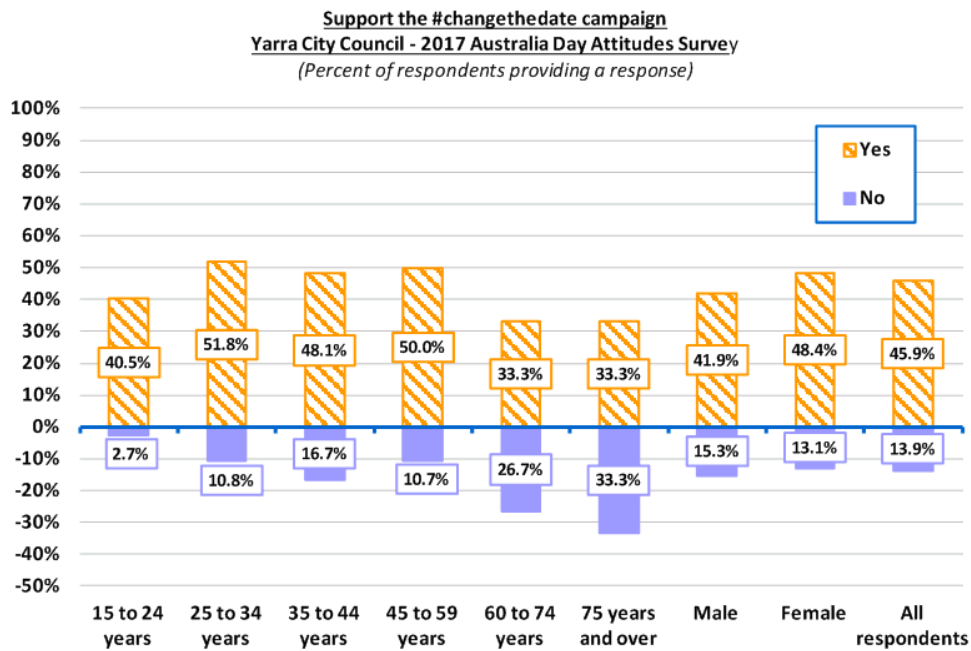


Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

There was some variation in this result observed by respondents' age structure and gender, with attention drawn to the following:

- ⊗ **Older adults and senior citizens (aged 60 years and over)** – respondents were significantly less likely to agree that Council should support the #changethedate campaign, and were significantly more likely to disagree that Council should support the campaign.
- ⊗ **Female** – respondents were more likely than male respondents to agree that Council should support the #changethedate campaign.



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Respondent profile

The following section provides the details as to the demographic profile of the respondents to the survey.

It is important to note that no comparison against a known underlying population can be provided, as the survey was an intercept survey of visitors to the six locations across the City of Yarra. As a result the sample does not reflect the underlying population of the City of Yarra, but is likely to reflect the underlying population of visitors to the six locations across the City of Yarra in which the survey was conducted.

Age

Age structure
Yarra City Council - 2017 Australia Day Attitudes Survey
(Number and percent of respondents providing a response)

Response	2017	
	Number	Percent
15 - 24 years	37	13.2%
25 - 34 years	83	29.5%
35 - 44 years	54	19.2%
45 - 59 years	56	19.9%
60 - 74 years	45	16.0%
75 years or more	6	2.1%
Total responses	281	100%

Gender

Gender
Yarra City Council - 2017 Australia Day Attitudes Survey
(Number and percent of respondents providing a response)

Response	2017	
	Number	Percent
Male	124	44.6%
Female	153	55.0%
Other (e.g. transgender, intersex)	1	0.4%
Prefer not to say	3	
Total responses	281	100%



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Language spoken at home**Language spoken at home****Yarra City Council - 2017 Australia Day Attitudes Survey***(Number and percent of respondents providing a response)*

Response	2017	
	Number	Percent
English	226	81.0%
Greek	6	2.2%
Chinese, n.f.d	4	1.4%
Japanese	3	1.1%
Mandarin	3	1.1%
Spanish	3	1.1%
Vietnamese	3	1.1%
Arabic	2	0.7%
Dutch	2	0.7%
Hindi	2	0.7%
Italian	2	0.7%
Nepali	2	0.7%
Punjabi	2	0.7%
Sinhalese	2	0.7%
Afrikaans	1	0.4%
Amharic	1	0.4%
Bengali	1	0.4%
Danish	1	0.4%
French	1	0.4%
German	1	0.4%
Hungarian	1	0.4%
Indian (Other)	1	0.4%
Russian	1	0.4%
Samoan	1	0.4%
Swedish	1	0.4%
Tigrinya	1	0.4%
Turkish	1	0.4%
Urdu	1	0.4%
Multiple	3	1.1%
Not stated	2	
Total responses	281	100%



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Yarra City Council – 2017 Australia Day Attitudes Survey

Language spoken at home

Yarra City Council - 2017 Australia Day Attitudes Survey

(Number and percent of respondents providing a response)

Language	2017	
	Number	Percent
English	226	81.0%
Other language	53	19.0%
Not stated	2	
Total	281	100%

Country of birth

Region of birth

Yarra City Council - 2017 Australia Day Attitudes Survey

(Number and percent of respondents providing a response)

Region	2017	
	Number	Percent
Australia	182	65.2%
Mainly English speaking country	41	14.7%
Non-English speaking country	54	19.4%
Other country (<i>not further defined</i>)	2	0.7%
Not stated	2	
Total	281	100%



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Yarra City Council – 2017 Australia Day Attitudes Survey

Country of birthYarra City Council - 2017 Australia Day Attitudes Survey

(Number and percent of respondents providing a response)

Country	2017	
	Number	Percent
Australia	182	65.2%
United Kingdom n.f.d.	10	3.6%
New Zealand	9	3.2%
United States	9	3.2%
England	8	2.9%
China	6	2.2%
India	5	1.8%
Greece	4	1.4%
Japan	3	1.1%
Malaysia	3	1.1%
Sri Lanka	3	1.1%
Vietnam	3	1.1%
Ireland	2	0.7%
Italy	2	0.7%
Nepal	2	0.7%
Pakistan	2	0.7%
Scotland	2	0.7%
Singapore	2	0.7%
South Africa	2	0.7%
Bangladesh	1	0.4%
Belgium	1	0.4%
Burma	1	0.4%
Canada	1	0.4%
Denmark	1	0.4%
Ethiopia	1	0.4%
Fiji	1	0.4%
France	1	0.4%
Germany	1	0.4%
Netherlands	1	0.4%
Russia	1	0.4%
Senegal	1	0.4%
Southern and East Africa n.f.d.	1	0.4%
Spain	1	0.4%
Sudan	1	0.4%
Sweden	1	0.4%
Yugoslavia	1	0.4%
Zimbabwe	1	0.4%
Other countries (not further defined)	2	0.7%
Not stated	2	
Total	281	100%



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Yarra City Council – 2017 Australia Day Attitudes Survey

Aboriginal or Torres Strait Islander

Aboriginal or Torres Strait Islander
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	2017	
	Number	Percent
Yes - Aboriginal	1	0.4%
Yes - Torres Strait Islander	0	0.0%
No	276	99.6%
Prefer not to say	4	
Total responses	281	100%

Relationship with Yarra

Respondents were asked:

“Which of the following best describes your connection to Yarra?”

A little less than half (42.8%) of respondents were residents of the City of Yarra, whilst a little more than one-third (39.6%) were visitors to the municipality, and almost one-sixth (16.2%) either worked or studied in the City of Yarra.

Relationship with Yarra
Yarra City Council - 2017 Australia Day Attitudes Survey
 (Number and percent of respondents providing a response)

Response	2017		Male	Female
	Number	Percent		
I live in Yarra	119	42.8%	41.5%	44.4%
I visit Yarra	110	39.6%	39.8%	39.7%
I work or study in Yarra	45	16.2%	17.9%	13.9%
Multiple	4	1.4%	0.8%	2.0%
Prefer not to say / not stated	3		1	2
Total responses	281	100%	124	153



Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

General comments

The following table outlines the general comments received from respondents to the survey. A number of these general comments support changing the date, and making Australia Day more relevant to Aboriginal and Torres Strait Islander peoples.

General comments
Yarra City Council - 2017 Australia Day Attitudes Survey
(Number of responses)

<i>Response</i>	<i>Number</i>
A longer holiday	1
Abolish the date absolutely	1
Aboriginal people should have a different date	1
Australia Day has always been on 26th January - should not change	1
Australia day should be changed to 1st January	1
Change the Australia Day to May 8th	1
Change the date	1
Change the date and make it a day for aboriginals and not English	1
Different day should be kept to include everyone	1
Do something more to acknowledge Aboriginal	1
Don't think it is an issue	1
Equal celebration on another day	1
Every Australian should celebrate that day together	1
I am proud of being Australian so want to keep Australia Day as it is	1
I just think they shouldn't celebrate it	1
If you change the date just make sure that we get the day off	1
Instead of changing the date, use the date and not avoid the problem	1
It's time that the Indigenous should get more respect	1
It is a more or less like an ANZAC day	1
It is not fair to take January 26 at Australia Day. Government has done many things upsetting Indigenous people so please change the day	1
It should not be an issue. There should be inclusively conversation	1
It was actually a sad day	1
Just ask Aboriginals	1
Keep January 26 as a day to apologize Indigenous people, another day like 27 or 28 as an Australia Day	1
Keep the public holiday	1
No one wants to celebrate the date their ancestors died	1
Not appropriate any more	1
Should be a memorial day rather than a celebration day	1
The day should be changed to include all Australian	1
We should have January 26 for Australia Day and another day like January 27 to acknowledge Aboriginals' experience	1
You have to be brave, big acknowledge to Aboriginal people	1

Total responses

31

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Attachment 2 - 2017 Australia Day Attitudes Survey Report

Yarra City Council – 2017 Australia Day Attitudes Survey

Appendix one - survey form

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RESEARCH



Attachment 2 - 2017 Australia Day Attitudes Survey Report



Yarra City Council 2017 Australia Day Attitudes Survey



1

Which of the following best describes your connection to Yarra?

I live in Yarra	1	I visit Yarra	3
I work or study in Yarra	2	Prefer not to say	9

2

Should Yarra Council hold an event to acknowledge Aboriginal and Torres Strait Islander experiences of January 26?

Yes	1	Can't say	9
No	2		

3

What does January 26 mean to you (also known as Australia Day, Survival Day and Invasion Day)?

4

How did you spend the day on January 26 this year?

5

Do you have any suggestions for how Yarra Council should mark January 26?

6

Should Yarra Council support the #changethedate campaign?

Yes	1	Have not heard of the campaign	3
No	2	Can't say	9

7

Please indicate which of the following best describes you.

15 - 24 Years	1	45 to 59 Years	4
25 - 34 Years	2	60 to 74 years	5
35 - 44 Years	3	75 Years or more	6

Attachment 2 - 2017 Australia Day Attitudes Survey Report

8	With which gender do you identify?			
	Male	1	Other (<i>e.g. transgender, intersex</i>)	3
	Female	2	Prefer not to say	4

9	Do you prefer to speak a language other than English at home?			
	English only	1	Other : _____	2

10	In what country were you born?			
	Australia	1	Other : _____	2

11	Do you identify as Aboriginal or Torres Strait Islander?			
	Yes - Aboriginal	1	No	3
	Yes - Torres Strait Islander	2	Prefer not to say	9

12	Is there anything else you would like to tell us about Australia Day or related issues?			
	<div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>			

THANK YOU FOR YOUR TIME AND FEEDBACK

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11.2 Renaming the Federal Electoral Division of Batman

Executive Summary

Purpose

To provide background information on Darebin City Council's commitment in working with the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders to change the name of the Federal Electoral Division of Batman.

To also seek endorsement to work in partnership with Darebin and Whittlesea City Councils' with Darebin City Council as the lead, supported by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders for the purpose of seeking a name change of the Federal Electoral Division of Batman to Simon Wonga.

Key Issues

Darebin City Council, being led by community desire to change the name of the federal electoral division of Batman has consulted the Wurundjeri Council and received its full support to make a submission about changing the name in the upcoming redistribution process conducted by the Australia Electoral Commission. As the federal seat of Batman lies across the boundaries of Yarra, Darebin and Whittlesea City Councils, Darebin as the lead, is seeking support from Yarra and Whittlesea Council's to work in partnership with it to promote the submission and engage with the community around the proposed name change.

Financial Implications

Yarra City Council's support will mainly be officer time and some financial assistance around advertising and communication materials which will be kept within the current operating budget.

PROPOSAL

That:

- (a) Council note Darebin City Council's commitment in working with the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders to change the name of the Federal Electoral Division of Batman; and
- (b) Council endorse working in partnership with Darebin and Whittlesea City Councils with Darebin City Council as the lead, supported by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders for the purpose of seeking a name change of the Federal Electoral Division of Batman to Simon Wonga.

11.2 Renaming the Federal Electoral Division of Batman

Trim Record Number: D17/94951

Responsible Officer: Group Manager - People, Culture and Community

Purpose

1. To provide background information on Darebin City Council's commitment in working with the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders to change the name of the Federal Electoral Division of Batman.
2. To seek endorsement to work in partnership with Darebin and Whittlesea City Councils' with Darebin City Council as the lead, supported by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders for the purpose of seeking a name change of the Federal Electoral Division of Batman to Simon Wonga.

Background

3. The following are the resolutions endorsed by Darebin City Council on 16 December 2014, 15 February 2016, 12 December 2016 and 13 February 2017.

4. Extract from (Darebin) Council Minutes 16 December 2014:

"That:

(1) Council notes and supports recent calls by Wurundjeri elders and other local Aboriginal leaders to change the name of the Federal seat of Batman, in the spirit of reconciliation.

(2) Council commits to working with the Wurundjeri Tribe Land and Compensation Council, the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission to develop and advocate for options for consideration by the Australian Electoral Commission.

(3) Council receives a report on the results of consultation with the Wurundjeri Tribe Land and Compensation Council, the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission, along with the process and timeframe for making a submission.

(4) Consultation also occur around other relevant locations such as Batman Park."

5. Extract from (Darebin) Council Minutes 15 February 2016:

"That:

(1) Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman and Batman Park."

(2) Action on this resolution unfortunately was placed on hold for several months this year due to both Federal and Local Government elections.

(3) Darebin City Council has recommenced its engagement with the Wurundjeri Land Council. It is noted that the Community Partnerships Branch in Yarra City Council has facilitated the re-engagement between the Wurundjeri Land Council and Darebin City Council."

6. Extract from (Darebin) Council Minutes 12 December 2016:

"That Council:

(1) Reaffirms its commitment to working with the Wurundjeri Land Council and other Aboriginal leaders, to change the name of the federal electoral division of Batman.

(2) Endorses in principle that Darebin Council work in partnership with Yarra City Council and Whittlesea City Council to support Wurundjeri Land Council and other Aboriginal leaders, to change the name of the federal electoral division of Batman.

(3) Delegate Council officers to gauge the interest and preparedness of the Wurundjeri Council and other Aboriginal leaders to make a submission to the Electoral Commissioner and to suggest an alternative name for the federal electorate of Batman.

(4) Receive a further report in early 2017 regarding the decision of the Wurundjeri Land Council and other Aboriginal leaders and to consider a proposed plan to progress this matter. This could include the consideration of a Council-led submission."

7. Extract from (Darebin) Council Minutes 13 February 2017:

"That Council:

(1) Acknowledge Wurundjeri Council's recommendation of Simon Wonga for renaming the federal electoral division of Batman.

(2) Lodge a submission to Australian Electoral Commission (AEC) to rename the current federal electoral division of Batman to Simon Wonga as supported by the Wurundjeri Council and in consultation with the Yarra City Council and Whittlesea City Council.

(3) That Council undertake the communication and community engagement necessary in the preparation for this submission."

Redistribution and renaming of a federal electoral division

8. Updated advice sent out by the Australian Electoral Commission (AEC) has indicated that the timelines for the next redistribution and renaming of federal electoral divisions in Victoria are likely to commence in December 2017.
9. The AEC redistribution timelines are prescribed by legislation and the closing date for renaming submissions close 30 days after a notice from the Electoral Commissioner is published in the Government Gazette.
10. The redistribution process provides an opportunity to formally request a new name for the federal electoral division of Batman.

External Consultation

11. Darebin Council staff met with the Wurundjeri Council's Cultural Committee on 1 December 2016. The Cultural Committee enthusiastically agreed to develop a process for identifying a suitable alternative name for the current federal electoral division of Batman.
12. A subsequent request was received from the CEO of the Wurundjeri Tribe Land and Compensation Cultural Heritage Council (Wurundjeri Council) that Darebin Council lodge the submission to the AEC once a suitable name had been chosen and undertake the necessary communication and community engagement associated with this initiative.
13. The Wurundjeri Council have advised that they will support Darebin Council:
 - (a) To make a formal submission to the Australian Electoral Commission (AEC) with the endorsed name; and
 - (b) To undertake the communication and community engagement necessary in the preparation for this submission.
14. It is noted that the Community Partnerships Branch in Yarra City Council has facilitated the re-engagement between the Wurundjeri Land Council and Darebin City Council.

Name proposed by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council

15. The Wurundjeri Council's Cultural Committee undertook a consultation process to develop a proposed name for the current federal electoral division of Batman.
16. The recommended name is Simon Wonga.

17. Simon Wonga (1821-1874) has particular significance to the Traditional Owners. An important Aboriginal leader who became Ngurungaeta, or 'head-man' of the Wurundjeri people in the mid-19th Century. Simon Wonga had a vision for his people at a time when their future was uncertain. He helped his people face the loss of their traditional way of life, and achieved his vision for an Aboriginal settlement at Coranderrk.
18. Simon Wonga witnessed the signing of the Batman Treaty, heralding the establishment of a permanent British colony in Victoria. His significant contribution and legacy was recognised by his induction onto the Victorian Aboriginal Honour Roll in 2014.

Darebin Council's consultation and engagement

19. Darebin Council's comprehensive community engagement process during 2016 on the renaming of Batman Park in Northcote also identified a high degree of active community support for and interest in the potential renaming of the federal electoral division of Batman.
20. All the major stakeholders have been advised that Darebin Council will be lodging a submission to the AEC and will be kept informed and updated as required. These stakeholders have included:
 - (a) All Aboriginal controlled community agencies;
 - (b) All relevant Federal and State Members of Parliament within the Batman Electoral Division;
 - (c) All relevant Federal and State Ministers who have a direct portfolio in this matter;
 - (d) Yarra and Whittlesea Councils; and
 - (e) A local community action group convened to support the renaming of the Batman electoral division.
21. Darebin's communication and community engagement plan also outlines the next steps once the submission has been lodged. This will include a range of options including endorsement of Council's submission, lodging a separate submission or supporting a community campaign.
22. The proposal for the renaming of the federal seat of Batman was presented to Yarra's Aboriginal Advisory Group on 2 February 2017 and the following motion was unanimously passed.
23. "The Aboriginal Advisory Group requests Council to support the move of the City of Darebin Council to change the name of the Federal Seat of Batman to a name agreed to in discussions with the Wurundjeri Council."

Internal Consultation (One Yarra)

24. Internal conversations at this stage have been held with Communications and Strategic Advocacy areas within the Advocacy and Engagement division.
25. Council's internal Reconciliation Action Plan Working Group has been informed of the proposal to rename the federal seat of Batman.

Financial Implications

26. Yarra City Council's support will mainly be officer time and some financial assistance around advertising and communication materials which will be kept within the current operating budget.

Economic Implications

27. Council recognises that many Aboriginal peoples continue to experience economic disadvantage as a result of poorer health outcomes, reduced life expectancy and higher incarceration rates, as compared to non-Aboriginal people. These economic disadvantages are compounded by experiences of racism, social exclusion and the ongoing impacts of previous government policies, such as the forced removal of children from family, culture and community under government law – now known as the Stolen Generations.

28. By proposing to change the name of the federal seat of Batman to an aboriginal name more closely aligned with the local Aboriginal community, Council can help to mend the social isolation and disconnection that are a result of not acknowledging our history and its impacts. This acknowledgement will encourage increased economic and civic participation.
29. Taking a position on this issue also will further improve Yarra City Council's reputation as a local government leader, help establish the organisation as a safe place and an employer of choice within the Aboriginal community, and help to attract more Aboriginal employees to Yarra City Council, improving economic outcomes for the Aboriginal community and Council alike.

Sustainability Implications

30. Building broader community recognition of Aboriginal peoples, experiences and cultures creates a more supportive and respectful environment for the Wurundjeri people, who have managed their traditional lands and waterways using traditional practices for many thousands of years.

Social Implications

31. Similar to the sentiments expressed under Economic Implications, the loss of language, culture, land and people has had a devastating impact on Aboriginal communities since colonisation. The effects of this loss, still experienced to this day, are manifestations of what colonisation has done on the First Nations People of this country.
32. The renaming of places to more culturally appropriate names is one key way of restoring Aboriginal heritage and culture. Such actions lead to positive outcomes for the Aboriginal community which in turn effect the broader community.

Human Rights Implications

33. The recommendations of this report reaffirm Council's commitments and responsibilities in the *Charter of Human Rights & Responsibilities Act 2006*, particularly in regard to its commitment to respecting and promoting the rights of Aboriginal people.
34. One of the four founding principles of the Charter is: Human rights have a special importance for Aboriginal people of Victoria, as descendants of Australia's first people with diverse social, cultural, and economic relationship with their traditional lands and waters.
35. One of the substantive rights listed in the Charter under cultural rights and must not be denied the right, with other members of their community to:
 - (a) enjoy their identity and culture;
 - (b) maintain and use their language;
 - (c) maintain their kinship ties; and
 - (d) maintain their distinctive spiritual, material, and economic relationship with the land and water and other resources with which they have a connection under traditional lore's and customs.
36. The recommendations in this report support the assertion of these rights.

Communications with CALD Communities Implications

37. In a recent research project for the January 26 Project, Metropolis Research found that multi-lingual and overseas born residents who have been in Australia for a limited time may have had limited contact with cultural-political issues than the general population. It is important that any information or engagement with the multilingual community include translated material.

Council Plan, Strategy and Policy Implications

38. Council Plan 2017-2021 Strategies:
 - (a) Strategy 2.3 – Continue to be a local government leader and innovator in acknowledging and celebrating Aboriginal history and culture in partnership with Traditional Owners;

- (b) Strategy 2.4 – Acknowledge and celebrate our diversity and people from all cultural backgrounds;
- (c) Strategy 2.5 – Support community initiatives that promote diversity and inclusion;

Aboriginal Partnerships Plan 2015-2018 Strategies

- (d) Strategy 1 – Community Connection – Council will support Aboriginal community connection to Fitzroy and other historically significant places in Yarra, and will continue to develop its own connection to the Aboriginal community;
- (e) Strategy 2 – Culture – Council will promote Aboriginal culture to deepen peoples' understanding of Aboriginal people, history and culture;
- (f) Strategy 3 – Employment – Council will increase employment opportunities for Aboriginal people at Council and broker Aboriginal employment opportunities in the broader municipality;
- (g) Strategy 4 – Events – Council will promote Aboriginal calendar events and other significant Aboriginal community events;
- (h) Strategy 5 – Advocacy and Responsiveness – Council will promote relevant policy changes and emerging issues to the Aboriginal community and respond, with permission from the community, on behalf of the community;

Yarra Libraries (draft) Strategy 2017-2020

- (i) Strategy 10 – Support opportunities which empower CALD communities, promote intercultural relations, combat racism, celebrate diversity and acknowledge the multicultural heritage of Yarra.[1]; and

Arts and Cultural Strategy 2016 -2020

- (j) Strategy 1 – Council seeks to remain a local government leader and innovator in promoting Aboriginal history and culture through partnerships with the Traditional Owners and the broader Aboriginal community. This approach is governed by ongoing consultation, responsiveness and advocacy, towards increased creative and collaborative projects, and employment opportunities.

Legal Implications

39. Some of the legislation related to this area of Council's works include;
- (a) *Local Government Act 1989* (Vic);
 - (b) *Charter of Human Rights and Responsibilities Act 2006* (Vic);
 - (c) *Aboriginal Heritage Act 2006* and 2016 amendment (Vic);
 - (d) *Racial Discrimination Act 1975*; and
 - (e) United Nations Declaration on the Rights of Indigenous Peoples 2007.

Prescriptive Legislative timelines

40. Under the Commonwealth Electoral Act 1918, there are four stages when interested persons or organisations can have a say on the name of an electoral division. These are:
- (a) Period for public submissions; and
 - (b) Period for comments on public submissions.
41. The Australian Electoral Commission Redistribution Committee will then consider the submissions and comments and develop a boundary proposal and name followed by:
- (a) Period for objections to the proposed name; and
 - (b) Period for providing comments on the objections.

^[1] A variation of this action appears in Yarra's *Multicultural Partnerships Plan 2015–2018*
Yarra City Council – Ordinary Meeting of Council Agenda – Tuesday 15 August 2017

42. Submissions for a name change to Federal Electoral Division of Batman close 30 days after the Electoral Commissioner invites written suggestions by way of Notice in the Government Notices Gazette.
43. This report is based on the advice from the AEC that the Electoral Commissioner is likely to commence proceedings in December 2017.

Other Issues

44. Ideally a submission to the AEC under the signature of the Wurundjeri Council would be stronger strategically and symbolically, being the direct voice of the Traditional Owners.
45. Although council officers have highlighted this potential risk, the Wurundjeri Council have reaffirmed their request that Darebin Council lodge the submission with the formal support of the Wurundjeri Council.
46. If at some point, Wurundjeri Council withdrew their endorsement, Darebin Council would no longer proceed with the submission to the AEC.

Conclusion

47. The move to support community sentiment in seeking a change of name of the Federal Electoral Division of Batman to that of Simon Wonga is about the restoration of Aboriginal culture and heritage.
48. In acknowledging the history of what has happened to the First Nations People of Australia since colonisation Council can play its role by demonstrating its support for the renaming of the federal division of Batman. This support is consistent with Council's position which is clearly expressed in its Aboriginal Partnerships Plan when it states, "The role played by past Federal and State Government policies in the social and cultural dispossession of Aboriginal people – and dispossession of land – has caused the current disadvantages faced by many Aboriginal people. Having an awareness of this disadvantage and taking steps towards mending it is the shared responsibility of all residents in the City of Yarra."

RECOMMENDATION

1. That:
 - (a) Council note Darebin City Council's commitment in working with the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders to change the name of the Federal Electoral Division of Batman; and
 - (b) Council endorse working in partnership with Darebin and Whittlesea City Councils with Darebin City Council as the lead, supported by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and other Aboriginal leaders for the purpose of seeking a name change of the Federal Electoral Division of Batman to Simon Wonga.

CONTACT OFFICER: Aldo Malavisi
TITLE: Community Partnerships Unit Manager
TEL: 9205 5036

Attachments

There are no attachments for this report.

11.3 Amendment C209 to the Yarra Planning Scheme - Revised Clause 22.09 Licensed Premises Policy - Consideration of Panel report

Trim Record Number: D17/104215

Responsible Officer: Manager City Strategy

Purpose

1. The purpose of this report is for Council to consider the planning panel report received for Amendment C209 - Revised Clause 22.09 Licensed Premises Policy and to determine the next steps for the amendment.
2. This report recommends that Council adopts Amendment C209 (with the majority of changes recommended by the panel) and seeks approval for the amendment from the Minister for Planning.

Background

3. In 2012 Council commenced an investigation into Yarra's Night Time Economy (NTE) in response to concerns about alcohol misuse at night in public places and amenity concerns between licensed premises and residences. The investigation resulted in the development of a NTE strategy which was adopted by Council in June 2014.
4. The NTE strategy contains objectives and actions that promote the safety, vibrancy and functionality of Yarra's night time entertainment precincts and activities. A key action in the strategy relates to revising the existing licensed premises policy in the planning scheme to ensure sustainable entertainment precincts and the appropriate management of amenity impacts.
5. The proposed revised clause 22.09 Licensed Premises would be used to inform decision making for applications that require planning approval pursuant to clause 52.27 Licensed Premises of the Yarra Planning Scheme. The amendment addresses state policy changes in the planning scheme, including the introduction of cumulative impact considerations and the introduction of planning permit requirements for packaged liquor outlets.
6. Opportunities to address other policy gaps within the existing local planning policy at clause 22.09 were also identified. The revised policy provides guidance on the preferred locations for larger venues, preferred hours for outdoor areas, preferred hours for the commencement of the sale and consumption of liquor, consideration of venue design and how smoking areas will be managed, preferred hours for deliveries and waste collection, and greater clarity regarding licensed premises within residential zones.
7. Through addressing the policy gaps, the revised policy would result in improvements to the assessment of planning applications and enable on and off-site amenity impacts to be better managed.
8. At its meeting on 21 February 2017, Council considered the submissions received for the amendment and resolved to:
 - (a) *note the officer report in relation to a proposed revised clause in the Yarra Planning Scheme regarding Liquor Licenced Premises;*
 - (b) *note the submission received in relation to Amendment C209, as outlined in Attachment 2;*
 - (c) *having considered the submissions received, in accordance with Section 22 of the Planning and Environment Act 1987:*
 - (i) *request the Minister for Planning to appoint a panel to consider the submissions in accordance with Section 23 of the Planning and Environment Act 1987; and*
 - (ii) *authorise Council officers to make the changes to the amendment (including the policy and background documentation as required) as outlined in Attachment 2 and Attachment 3; and*

(d) *notes the concerns expressed by the submitters on the proposed removal of the discretion in relation to Mixed Use Zones and the inclusion of Gertrude Street as a late night precinct and that these concerns be highlighted to the Panel.*

9. The version of the proposed clause 22.09 with the post-exhibition changes (highlighted) as authorised in the resolution above is at **Attachment 1**. This is the version of the policy considered by the planning panel.
10. The panel hearing for the amendment was held between 26 and 27 April 2017. Council was represented at the panel hearing by Maddocks Lawyers and a total of nine other parties participated in the planning panel proceedings.
11. The planning panel report was received by Council on 30 June 2017 and has been made publicly available.
12. In summary, overall the panel found that the amendment was well founded and strategically justified. A number of recommendations were made, many of which can be readily accommodated. However there were a number of concerns raised by the panel in relation to the proposed Core Entertainment Precincts (preferred locations for venues with a capacity exceeding 200 people).
13. In reading the panel report and considering options for the Core Entertainment Precincts it is necessary to note that several observations made by the panel did not translate directly into recommendations and that the report contained a number of inconsistencies. This is further discussed later in this report.

External Consultation

14. Amendment C209 was on public exhibition between Monday 14 November and Friday 16 December 2016. A total of 36 submissions were received during this period. Another 12 submissions were received after the exhibition period, resulting in a total number of 48 submissions received.
15. The planning panel was also an important consultation process that allowed submitters the opportunity to have their concerns with the amendment considered by an independent planning panel process.

Internal Consultation (One Yarra)

16. The development of the revised planning scheme policy involved extensive consultation between Council's Statutory Planning, Compliance, Strategic Planning, and Social Policy and Research units.

Financial Implications

17. The costs associated with the amendment are being covered under the annual operational budget of the City Strategy Branch.

Economic Implications

18. Research undertaken as part of the development of the NTE Strategy concluded that the NTE delivers net benefits to the Yarra economy across all measures examined (employment, output, wages and salaries, and value-added). The revised policy would assist with Council's management of the NTE, ensuring that net benefits continue to outweigh any costs and negative impacts.

Sustainability Implications

19. The amendment is not expected to have any adverse sustainability effects.

Social Implications

20. The amendment would have positive social effects through the improved management of licensed premises. In particular, the revised policy would address identified policy gaps therefore allowing for improved decision making relevant to the local context and greater consideration of amenity impacts.

Human Rights Implications

21. There are no known human rights implications.

Communications with CALD Communities Implications

22. The amendment notification process included information for CALD communities. This included translator services which were utilised several times throughout the exhibition period.

Council Plan, Strategy and Policy Implications

23. Council Plan 2017-21 - The amendment is supported by the strategic objectives of the Council Plan, particularly strategic objective 1 which relates to community health, safety and wellbeing. Within this there is a strategy relating to reducing the harms from alcohol and other drugs.
24. Night Time Economy Strategy 2014-18 - The NTE Strategy outlines the objectives and actions that promote the safety, vibrancy and functionality of Yarra's night time entertainment precincts and activities. Reviewing the licensed premises policy is included as an action within the strategy.
25. Economic Development Strategy 2015-20 - Several directions and strategic priorities are relevant to the amendment. These relate to ensuring that Yarra is an outstanding visitor destination, maintaining attractive and vibrant precincts, and maintaining and growing economic activity.

Legal Implications

26. The Amendment has been prepared and advanced in accordance with the *Planning and Environment Act 1987*.

Discussion

27. The planning panel has assessed the amendment in light of the submissions received by Council during and after the exhibition period, as well as the submissions and expert evidence presented to the planning panel during the panel hearing.
28. Overall the panel found that the amendment was well founded and strategically justified. In particular the following was noted:
- (a) The panel supports the preferred policy approach in the background document to enable the night-time economy, rather than an overly arbitrary and restrictive policy (p.6);
 - (b) The limits on licensed premises in residential zones is strengthened (p.7);
 - (c) The panel supports the strategy to direct "higher risk" premises to activity centres (p.24);
 - (d) Directing larger and late night premises to Major Activity Centres is consistent with planning policy (p.25);
 - (e) The panel supports varying the application requirements for lower risk applications (p.49); and
 - (f) The MUZ provides for a wider range of uses than other residential zones and the policy strikes the right balance (in terms of hours of operation) between achieving the purposes of the MUZ and reasonable amenity for residents in this zone (p.50).
29. The panel report is included at **Attachment 2** (a list of recommendations and a broad summary is provided within the Executive Summary). A summary of what the recommendations relate to is outlined below:
- (a) Adopting the post-exhibition version of the policy considered by the panel unless inconsistent with the panel's recommendations (recommendation 1). Adoption of the policy is recommended with changes is recommended, as discussed throughout this report;

- (b) Core Entertainment Precincts (recommendations 2, 5, 6, 7 8, 9) - extent of detail provided in the amendment documentation, strategic justification for the proposed precincts (including the removal of Gertrude Street and the role of Major Activity Centres vs Neighbourhood Activity Centres), types of uses encouraged within the precincts, and the purpose of the precincts. This report outlines three options for Council to consider in relation to the Core Entertainment Precincts;
- (c) Policy objectives (recommendations 3, 10) - maintaining the two objectives that were proposed to be removed (relating to active frontages, and impacts from noise, traffic and car parking). It is proposed to amend the policy in accordance with the panel's recommendation;
- (d) Distinguishing between different types of venues (recommendation 4) - explicitly stating that key concerns primarily relate to higher risk venues which encourage vertical drinking, rather than food based venues. It is proposed to amend the policy in accordance with the panel's recommendation;
- (e) Extent of amenity consideration (recommendation 11) - stating that adverse effects on amenity can be also to nearby properties (rather than just the area). It is proposed to amend the policy in accordance with the panel's recommendation; and
- (f) Smoking law changes (recommendation 12) - taking into account the upcoming outdoor dining smoking bans. No change is proposed to the policy in response to the panel's recommendation (the intent of the recommendation appears to be already met).

30. These matters are addressed in detail in the following section of this report.

Core Entertainment Precincts (recommendations 2, 5, 6, 7 8, 9)

- 31. This part of the policy provides key guidance for the community (including applicants and residents) in terms of where larger venues (over 200 patrons) should be located. This part of the policy is proposed due to an increasing number of larger premises seeking to locate outside of activity centres, particularly in Commercial 2 zoned areas where there is a lack of supporting infrastructure, including public transport, public toilets, waste collection and street cleaning at levels typical of activity centres. Due to their lack of activity, these areas are also potentially less safe at night.
- 32. While raising some questions about the designation of some precincts, the concept of directing larger and late night premises to Major Activity Centres (MACs) is supported by the panel. The fundamental concern raised by the community and panel was the designation of Gertrude Street as one of the Core Entertainment Precincts primarily due to its role as a Neighbourhood Activity Centre (NAC). It is proposed to remove Gertrude Street as recommended by the panel, for reasons discussed later in this report.
- 33. While the panel made a clear recommendation to remove Gertrude Street, the recommendations relating to the other precincts and the concept of the precincts more broadly is less clear. Taking into account the comments of the panel, the justifications for varying some of the recommendations made by the panel, and the significant benefits the overall policy and part of the policy relating to the Core Entertainment Precincts provide, there are three options for Council to consider:
 - (a) Gertrude Street and Johnston Street being taken out;
 - (b) Gertrude Street being taken out and Johnston Street retained but modified in extent; and
 - (c) The entire Core Entertainment Precinct section taken out.
- 34. The most appropriate option is considered to be the removal of Gertrude Street and modification of the extent of Johnston Street (to remove the part of Johnston Street between Wellington Street and Hoddle Street).
- 35. The specific recommendations relating to the Core Entertainment Precincts are outlined and addressed below.

Recommendation 2

36. *Further notice should be given if Council intends to pursue the designation of areas as Core Entertainment Precincts and the notice and Explanatory Report should be revised to specifically identify any proposed precincts and the role of the precincts.*
37. The concerns of the panel do not relate to the extent of notification, but rather the extent of detail within the amendment documentation. However for reference, the notice and various forms of engagement for the amendment included:
 - (a) A mail out of around 29,000 letters. The mail out included all owners and occupiers within the defined Core Entertainment Precincts (plus owners and occupiers within a 30m buffer), all owners and occupiers within the Mixed Use Zone (though many of these were already captured in the buffer), places with existing licenses, prescribed ministers and other interested parties (including police, community groups, VCGLR);
 - (b) Notice in The Age and Government Gazette;
 - (c) Two information sessions that were attended by approximately 40 people in total (maps of the proposed Core Entertainment Precincts were displayed at both sessions); and
 - (d) Discussions with various advisory and Council groups including the Yarra Liquor Forum, Health and Wellbeing Plan Advisory Committee and Local Safety Reference Group.
38. Several submitters expressed concerns regarding the notification process for the amendment. This specifically related to the lack of detail provided for the Core Entertainment Precincts. The mail out included a letter, amendment notice, and a factsheet.
39. The letter stated *"The amendment proposes to change an existing policy in the Yarra Planning Scheme in order to provide stronger policy guidance for licensed premises. The revised policy would be used by Council to inform decision making and to guide the assessment of planning applications in relation to licensed premises."*
40. The notice stated *"The Amendment updates Clause 22.09 – Licensed Premises to provide stronger policy guidance for applications where a planning permit is required pursuant to Clause 52.27 – Licensed Premises of the Yarra Planning Scheme."*
41. The factsheet made direct reference to *"preferred locations for larger venues (over 200 patrons) within identified Late Night Precincts"* (now proposed to be titled Core Entertainment Precincts).
42. The mail out documentation encouraged people to view the amendment documents and included details on where this was available, both online and in person. The amendment documentation included the explanatory report which made reference to *"preferred locations for larger venues"*, and the revised policy which outlined the exact locations of the precincts.
43. The five page explanatory report was not included in the mail out as there is no legislative requirement to include this with the notice, and doing so would have been of a significant resource (paper and printing costs).
44. Notice of the amendment was given in accordance with legislative requirements, and the panel acknowledges that it is likely that this has occurred. Despite this the panel states *"the extent of other proposed precincts that did not attract submissions could be challenged based on their existing entertainment role and should be reviewed"* and also that *"the Panel is concerned that no submissions have been received in relation to the Johnston Street precinct (or parts of the other precincts that do not appear to have an established late night entertainment function) and that this may have been affected by deficiencies in relation to the Explanatory Report and the degree of public awareness it generated"*.
45. The above statement made by the panel is not correct. Two submissions made direct reference to Johnston Street and its proposed designation as a Core Entertainment Precinct (submissions 34 and 35). There was also one submission relating to the extent of Bridge Road that is proposed to be designated as a Core Entertainment Precinct (submission 4).

46. It appears that the perceived lack of submissions has influenced recommendation 2 by the panel; however the panel acknowledges that submissions were received for Johnston Street and Bridge Road later in the panel report.
47. Several other submissions made reference to the proposed Core Entertainment Precincts (submissions 9, 16, 20, 21). These are in addition to the numerous submissions that were made in relation to Gertrude Street.
48. The panel also made reference to case law that states *“the purposes of an explanatory report will be to introduce the detail of the amendment, to provide some context, and to highlight key changes to be made by the amendment. These objectives do not require an explanatory report to be a long document.”* Furthermore the panel acknowledges that local policies are intended to guide discretion. The intent of this part of the policy is not to encourage larger venues in particular areas but to provide guidance for where this may be appropriate in the event that someone is seeking to establish a larger venue.
49. The *Planning and Environment Act 1987* at section 32 allows the Minister to direct the planning authority to give more notice of the amendment if the Minister thinks that the notice which the planning authority gave was inadequate, even where the notice given was in compliance with the requirements of the Act. Despite this, the information in the mail out gave an adequate overview of the amendment and made it clear where further detail could be obtained. There were several submissions relating to the Core Entertainment Precincts demonstrating that people had an understanding of what was being proposed. The amendment documentation was also reviewed by Department of Environment, Land, Water and Planning (DELWP) officers prior to exhibition that raised no such concerns with wording or the extent of detail.
50. For the above reasons, it is officer’s firm view that Council has clearly met the requirements for giving notice.

Recommendation 5

51. *Review the proposed precincts to evaluate the alignment of licensed premises with the strategic intent for specific areas and adopt a more focussed approach based on identification of where entertainment uses have an established role.*
52. There is strong existing strategic justification for the proposed Core Entertainment Precincts, particularly those within MACs, and this approach is supported by the panel. As outlined in the background document for the amendment, the proposed precincts are considered to be the existing core entertainment precincts in Yarra. In the response to submissions it was noted that the precincts were assigned based predominantly on existing character, including the location of existing licensed premises. In addition, and as discussed at the panel hearing, the precincts were also assigned based on their capacity to accommodate future larger licensed venues due to existing infrastructure and services that are typical within activity centres.
53. In the Night Time Economy Strategy 2014-18 each of the Core Entertainment Precincts are identified as a principal night time precinct based on the existing character at the time.
54. These precincts are also currently established activity centres, with Johnston Street and Gertrude Street identified as NACs in the existing Municipal Strategic Statement (MSS), with the remaining identified as MACs.
55. In the current MSS, Yarra’s five MACs are identified as having a regional retail and entertainment focus (Swan, Victoria, Smith and Brunswick Streets and Bridge Road).
56. The panel makes extensive comments on the role of MACs vs NACs, stating that NACs have a local role as opposed to a regional role, noting that *“Directing larger and late night premises to Major Activity Centres is consistent with planning policy but the policy support for nominating the Johnston and Gertrude Street NAC is less obvious”*. This is discussed further below in relation to recommendation 8 for Gertrude Street.

57. The panel makes a number of comments regarding Johnston Street, including how its character and land use varies along the length of the street. Similarly, the panel raises concerns about the potential impacts to the Epworth Hospital as a result of Bridge Road being included as a Core Entertainment Precinct. The panel states that *“in addition to the potential implications for the Epworth hospital, the absence of existing large or late night venues justifies review of the extent of this precinct”*. Several entries in the mail out database relate to the Epworth Hospital; however they did not make a submission.
58. In neither case did these concerns translate to specific recommendations in the panel report, as did the case for Gertrude Street. This lack of consistency has made it difficult to determine what to recommend for the Core Entertainment Precincts. However, one could conclude that the panel did not feel as strongly about the concerns for Johnston Street and Bridge Road and that these were observations as opposed to recommendations.
59. However, in light of the panel’s comments on the need to have a more focussed approach and the role of NACs, modifications are proposed to the extent of the Johnston Street Core Entertainment Precinct. It is acknowledged that Johnston Street is a NAC and not a MAC, and therefore further consideration has been given refining this precinct. Currently it is proposed between Nicholson Street (Fitzroy) and Hoddle Street. It is proposed to amend this so that the precinct is limited to between Nicholson Street (Fitzroy) and Wellington Street. There are several large and late night venues in Johnston Street (as listed in **Attachment 3**) and Johnston Street has good linkages with public transport along Nicholson, Brunswick, and Smith Streets. The existing DDO10 which applies to Johnston Street between Brunswick and Smith Streets includes *‘Vibrant street life and increased pedestrian activity’* as a character objective.
60. The logic to extend the Core Entertainment Precinct to Wellington Street is to include The Tote and Circus Oz, both of which have significant entertainment roles. The Core Entertainment Precincts are proposed to be limited to land within the Commercial 1 Zone. This part of Johnston Street, on the southern side, is zoned Commercial 1. In the event that the northern side is rezoned as proposed in the Johnston Street Local Area Plan and proposed in Amendment C220, this area would then form part of the precinct too. In regards to the Circus Oz site there is a current proposal to rezone this to a Special Use Zone. It is therefore proposed to make specific mention of this site in the policy to ensure that it is captured in the Core Entertainment Precinct.
61. The justification for including Bridge Road is sound as outlined above, and therefore this should be retained as a Core Entertainment Precinct.

Recommendation 6

62. *Consider providing further guidance about the type of entertainment uses that are encouraged in centres.*
63. It would be difficult for the policy to be more prescriptive about the entertainment uses that are preferred in particular areas, given the wide range of uses permitted in the Commercial 1 Zone. The majority of licensed premises located in the Commercial 1 Zone do not require a planning permit for the land use. A planning permit is, however, required for the sale and consumption of alcohol under clause 52.27 and applicants typically identify the type of liquor licence they will be seeking as this has implications on the assessment of planning applications. It is through this mechanism that consideration can be given to the types of venues that are appropriate. This is through considering matters such as hours, patrons, seating ratios, venue design, and the general management of a venue. For example, through seeking higher seating and table ratios a venue is encouraged to provide a stronger food focus.
64. Additionally, through clarifying the purpose of the precincts (as outlined in recommendation 7) this will assist identifying the intended role of the centres in terms of entertainment uses, particularly by clarifying that the precincts relate to Commercial 1 zoned land and that they are the preferred locations for venues with over 200 patrons.

Recommendation 7

65. *Clarify the purpose of proposed precincts.*

66. The panel has made several comments in relation to the name change from Late Night Precincts to Core Entertainment Precincts. The panel states: "*The Panel understands there could be a role for precincts to address the implications of high risk premises but the post exhibition changes and Council submissions at the hearing to focus on size rather than late night operation made the role of precincts less clear.*" The name was only changed because the precincts relate to patron numbers and not hours. While larger venues are in many cases likely to also be late night venues, the purpose of this part of the policy is to provide guidance for venues with over 200 patrons. The hours of operation section of the policy is the relevant section for considering the merit of proposed licensed hours.
67. It is proposed to add a definition of the Core Entertainment Precincts within the policy basis section of the policy. This will clarify that the intent of this part of the policy is to provide guidance for where larger venues with a patron capacity exceeded 200 people are appropriate. It will clarify that this is due to their existing character (i.e. already having larger venues) and capacity to accommodate future larger licensed venues due to existing infrastructure and services that are typical within activity centres. It will state that by concentrating larger venues within these areas their collective impacts can be better managed and assessed. It will also clarify that these areas are limited to Commercial 1 zoned areas.

Recommendation 8

68. *Review the proposed precincts to:*
 - (a) *adopt a more focussed approach;*
 - (b) *exclude land in a residential zone;*
 - (c) *delete Gertrude Street from the list of precincts;*
 - (d) *Map precincts to identify:*
 - (i) *tighter precincts that recognise areas that have an established "night" time entertainment" function; and*
 - (ii) *locations where strategic planning supports a strengthened night time entertainment role.*
69. There is strong justification for the proposed Core Entertainment Precincts, particularly those within Major Activity Centres (MACs) as outlined in the response to recommendation 5. In light of the panel's recommendations to have a more focussed approach, the extent of the Johnston Street precinct has been revised, as outlined in the response to recommendation 5. Gertrude Street is also proposed to be removed as per the panel's recommendation.
70. Land in residential zones would be excluded through specifying that the precincts are to be limited to land within the Commercial 1 Zone.
71. The panel made a strong recommendation to remove Gertrude Street and its removal is proposed in each of the options presented. The panel states that the distinction between the roles of activity centres (in this instance Gertrude Street being a NAC and not a MAC) should be considered and noted the retail and arts focus of Gertrude Street and the potential impact the policy could have on this character. The panel does, however, also make several references to a lack of late night venues in Gertrude Street. As stated previously the purpose of the Core Entertainment Precincts is to provide guidance for venues with over 200 patrons, based on existing character and capacity to accommodate such uses in the future.
72. Through providing a definition and confining the Core Entertainment Precincts to the Commercial 1 Zone (and including the existing statement relating to them being applicable to properties fronting and with pedestrian access from the main streets) there does not appear to be a need to further map the areas.
73. The commentary made in the panel report will also be considered as part of the current activity centre review being undertaken by Strategic Planning which will inform the rewrite of the MSS. There will be opportunities in the rewrite to discuss the character of different centres and their role.

Recommendation 9

74. *Consider identifying the intended role of centres in terms of entertainment uses.*
75. Refer to the response above relating to recommendation 6.

Policy objectives (recommendations 3, 10)

76. The panel recommends retaining the following two policy objectives that were proposed to be removed:
- (a) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises; and*
 - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
77. In recognition of larger venues potentially having more significant amenity impacts, the objectives in the policy were updated to reflect the need to effectively manage the size of licensed premises, in addition to the location and hours. A new objective relating to encouraging best practice venue design and operation was also included, reflecting the revised policy which includes a new section on venue design.
78. The removal of the objectives was proposed as other parts of the planning scheme are considered more appropriate for considering these matters (including zoning provisions where a planning permit is required for the use and clause 52.06 Car Parking where this is triggered).
79. While revising clause 22.09 provides an opportunity to streamline the policy, retaining these objectives is not detrimental and can be beneficial in communicating Council's broader objectives for areas where licensed premises are located.
80. It is proposed to retain both these objectives in the policy, as per the recommendations made by the panel.

Distinguishing between different types of venues (recommendation 4)

81. A significant change in the revised policy is specifying application requirements that are only required for certain types of applications, in addition to standard minimum requirements for all applications in recognition that some types of venues, such as those that are food based, are of a lower risk compared to other types of venues.
82. The policy specifies that for a food and drink premises, a Noise and Amenity Action Plan, acoustic report (where preferred hours are met), an assessment against design guidelines, and a cumulative impact assessment are not required.
83. The panel notes and supports this approach but states that the policy could be more explicit in distinguishing between higher risk late night "vertical drinking" venues and more "food focussed" venues and suggests that this could be addressed within the policy basis or policy objectives.
84. In accordance with the panel's recommendation it is proposed to amend the policy basis to include: *Higher risk venues which operate late at night and encourage vertical drinking through having a low proportion of seating and a limited food offering have a greater capacity to cause adverse impacts compared to lower risk venues including restaurants and cafes which have a substantial food focus and a high proportion of seating.*

Extent of amenity consideration (recommendation 11)

85. The panel recommends referring to adverse effects on the amenity of nearby properties (in addition to the area) in the requirements relating to hours of operation. The area would include nearby properties (this is implied) however stating this is consistent with the policy objectives which makes reference to both nearby properties and the area.
86. As recommended by the panel it is proposed to amend the policy to add the words "*nearby properties*" in the hours of operation section where it references not adversely affecting the amenity of the area. For consistency it is also proposed to make this change to the patron numbers section.

Smoking law changes (recommendation 12)

87. The panel recommends that the requirement relating to smoking areas takes account of the new restrictions on smoking in areas where food is served. Specifically, the panel report states: *“Policy has a role in the management of smoking areas to avoid off premises impacts. Rather than deleting the requirement, consideration should be given to updating the guidance to take account of the new restrictions.”*
88. New smoking bans introducing restrictions on smoking in outdoor dining areas came into effect on 1 August 2017. The part of the policy relating to smoking areas was previously amended in response to a submission received. The exhibition version of the policy specified that licensed premises (other than a restaurant/cafe or packaged liquor outlet) must provide a smoking area on-site for patrons. It was acknowledged that the policy may inadvertently encourage venues to use their outdoor areas for smoking at all times, rather than for dining.
89. The following changes to the policy were previously considered and endorsed by Council at its meeting on 21 February 2017 (meeting where Council considered submissions) to form part of the post-exhibition version of the policy:
 - (a) remove the smoking area requirements (‘Venue Design’ section);
 - (b) under the Noise and Amenity Action Plan requirements (‘Additional application requirements’ section) specify that information must be provided on how smokers and on and off-site smoking areas will be managed; and
 - (c) specify that details of smoking areas (if to be provided) are to be provided on site and floor plans (‘Application requirements’ section).
90. The post-exhibition version of the policy seeks information from applicants on how smokers and on and off-site smoking areas will be managed (in the event that an applicant does or does not provide an onsite smoking area) and this would allow Statutory Planning to consider whether the proposal is appropriate. This would include consideration of any off-site impacts. It is therefore considered to meet the intent of what the panel is seeking.
91. It is not considered appropriate to make direct reference to the smoking law requirements as these may change in the future.

Other matters addressed by the panel (but not forming part of the recommendations)

Health and social impacts arising from the consumption of alcohol

92. The panel considered all matters raised in submissions. Of note, this included the role of planning in considering health and social impacts arising from the consumption of alcohol. This was discussed in detail at the panel hearing and within the panel report (pp.28-33).
93. The panel report states that the research put forward at the hearing did not provide the necessary practical measures for planners in assessing the potential health and social effects of licensed premises. The report also states that the necessary justification was not provided to include limits on licensed premises or additional policy provisions to address health and social effects in the assessment of applications for licensed premises.
94. The panel did, however, acknowledge the capacity and role of the existing planning system in addressing social harms, stating that the assessment of planning scheme amendments and planning permit applications extends beyond a narrow interpretation of amenity implications (such as noise impacts) to include broader matters relating to violence and safety.
95. Reference was also made to the role of the *Liquor Control Reform Act 1998* (as part of the liquor licensing process) in considering broad concerns about the social harm caused by alcohol, the accessibility of alcohol in the community generally, and the potential for the abuse or misuse of alcohol. Council recently made a submission to the review of the *Liquor Control Reform Act 1998* and the outcomes of the review have not yet been released.

Other changes required to the policy (not previously considered)

96. Two of the proposed reference documents are now redundant, resulting in the need to update the policy to refer to the newer versions. The changes to both documents reflect minor updates. The documents are:
- (a) Department of Justice (2009) Design Guidelines for Licensed Venues - a new version of this document was released by the Victorian Commission of Gambling and Liquor Regulation, dated May 2017; and
 - (b) Victorian Commission for Gambling and Liquor Regulation (2012) Liquor Licensing Fact Sheet - Maximum Patron Capacity - a new version of this document was released, dated October 2016.
97. The Yarra Health Plan 2013-2017 which is also listed as a reference document has been superseded by the Council Plan 2017-2021. Reference should therefore be made to the new Council Plan. The proposed Council Plan includes a strategy relating to reducing the harms from alcohol and other drugs.

Revised policy for adoption

98. The version of the policy as recommended for adoption, with all proposed changes is outlined at **Attachment 4**. The changes proposed as a result of the panel's recommendations and other minor changes (such as modifications to the reference documents) as required are highlighted.

Options

99. Council has several options available in considering the next steps for the amendment. It could adopt the amendment with some or all of the changes recommended by the panel. Any option pursued by Council that departs from the panel recommendations requires justification and may not be supported by DELWP officers or approved by the Minister for Planning.
100. This report recommends that Council adopts Amendment C209 (with the majority of changes recommended by the panel) and seeks approval for the amendment from the Minister for Planning. It is considered that there is strong justification for departing from some of the recommendations made by the panel, as outlined in this report.
101. The primary matter for Council to consider relates to the Core Entertainment Precincts. The three key options before Council, as discussed above, include:
- (a) Gertrude Street and Johnston Street being taken out;
 - (b) Gertrude Street being taken out and Johnston Street retained but modified in extent; and
 - (c) The entire Core Entertainment Precinct section taken out.
102. As discussed previously, the most appropriate option is to remove Gertrude Street and modify the extent of Johnston Street (to remove the part of Johnston Street between Wellington Street and Hoddle Street). There is sound justification for this option, as discussed previously.
103. Alternatively, Council could abandon the amendment. However, abandoning the amendment is not considered an appropriate option given the strategic policy support for the amendment, the need to address gaps in the current policy, and the extensive amount of resources invested in the amendment to date.

Conclusion

104. The panel has strongly supported the overall strategic merit of Amendment C209.
105. The revised policy addresses a number of identified policy gaps and would result in improvements to the assessment of planning applications and enable on and off-site amenity impacts to be better managed.

106. The fundamental issue raised by the community and by the panel was the designation of Gertrude Street as one of the Core Entertainment Precincts. It is proposed to remove Gertrude Street as recommended by the panel. While the panel made a clear recommendation for Gertrude Street, the recommendations relating to the other precincts are less clear.
107. This report recommends that Council adopts the amendment (with the majority of changes recommended by the panel) and seeks approval for the amendment from the Minister for Planning.
108. The version of the policy as recommended for adoption is outlined at **Attachment 4**. The changes proposed as a result of the panel's recommendations and other minor changes (such as modifications to the reference documents) as required are highlighted.

RECOMMENDATION

1. That Council notes the report of officers in relation to the panel's findings in relation to Amendment C209; and the findings and recommendations of the panel regarding Amendment C209.
2. That Council, having considered the panel report and the officer recommendations, resolves to adopt Amendment C209 as per the post-exhibition version of clause 22.09 but with the following changes as outlined in **Attachment 4**:
 - (a) Policy Basis - addition of text relating to higher risk venues;
 - (b) Policy Basis - addition of text relating to the Core Entertainment Precincts;
 - (c) Objectives - retention of the two objectives previously proposed to be removed (relating to car parking and active frontages);
 - (d) Location and Access - addition of text to clarify that the Core Entertainment Precincts apply to the Commercial 1 Zone (plus the Circus Oz site in Collingwood);
 - (e) Location and Access - removal of Gertrude Street as one of the Core Entertainment Precincts;
 - (f) Location and Access - modification to the extent of Johnston Street identified as a Core Entertainment Precinct (to remove the part between Wellington Street and Hoddle Street);
 - (g) Venue Design - update to the author and date for the Design Guidelines for Licensed Venues to reflect the current version;
 - (h) Hours of Operation - addition of the words "nearby properties" where reference is made to amenity impacts;
 - (i) Patron Numbers - update to the date for the Maximum Patron Capacity factsheet to reflect the current version;
 - (j) Patron Numbers - addition of the words "nearby properties" where reference is made to amenity impacts;
 - (k) Reference Documents - update to the author and date for the Design Guidelines for Licensed Venues to reflect the current version;
 - (l) Reference Documents - update to the date for the Maximum Patron Capacity factsheet to reflect the current version; and
 - (m) Reference Documents - removal of the superseded Yarra Health Plan 2013-2017 and replacement with the Council Plan 2017-2021.
3. That Council submits Amendment C209 to the Minister for Planning for approval in accordance with Section 31 of the Act.
4. That Officers advise submitters to Amendment C209 of the Council's decision.

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Attachments

- 1** Draft clause 22.09 post-exhibition version
- 2** Yarra C209 panel report
- 3** Johnston Street liquor licences
- 4** Draft clause 22.09 proposed for adoption version

Attachment 1 - Draft clause 22.09 post-exhibition version

YARRA PLANNING SCHEME

22.09 LICENSED PREMISES

DD/MM/YYYY
Proposed C209
13/08/2009
CS4

This policy applies to all applications where a permit is required pursuant to clause 52.27 of the Yarra Planning Scheme, for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.

~~For the purpose of this policy, licensed premises include food and drink premises and places of assembly used or to be used in conjunction with a liquor licence.~~

22.09-1 Policy Basis

DD/MM/YYYY
Proposed C209
13/08/2009
CS4

The City has over 500-700 licensed premises. The majority of these premises are in commercially zoned areas. However, a large number of licensed premises are also in residential areas or are adjacent to residential areas. Licensed premises within retail and commercial areas have generally developed in clusters. This incidence has increased over the past decade through changes in land use patterns across the City.

Licensed premises contribute to the vibrancy and economic strength of the municipality, providing diverse opportunities for social interaction, artistic and cultural activity including live music, food and entertainment, as well as supporting other primary functions.

However, cConsiderable tensions ~~have-sometimes~~ developed between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area, ~~noise, hours of operation and car parking — as well as patron behaviour off the premises and waste management.~~ The MSS seeks to achieve a reduction in the incidence of tension between business and residential activities and to minimise amenity impacts of retail, entertainment and arts uses on nearby residential properties and areas including noise, patron behaviour off the premises and waste management. This policy seeks to manage potential amenity impacts between licensed venues and other land uses.

22.09-2 Objectives

DD/MM/YYYY
Proposed C209
13/08/2009
CS4

- To effectively manage the location, size, operation and hours of ~~trade-of~~ licensed premises, in order to protect the amenity of nearby properties and areas.
- To encourage best practice venue design and venue operation for licensed premises.
- ~~To protect residential and other commercial uses from excess noise, traffic and car parking issues.~~
- ~~To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.~~

22.09-3 Policy

DD/MM/YYYY
Proposed C209

It is policy that:

Location and Access

~~New licensed premises should be located such that:~~

- ~~they are not in Residential, or Mixed Use zones~~
- ~~premises that are closed at ground floor level during the day do not unduly interrupt continuous active retail frontage in activity centres~~
- ~~there is appropriate opportunity to manage or buffer potential amenity impacts including ingress by queuing patrons, egress of those who have consumed alcohol on the premises, anti-social behaviour, in relation to more sensitive uses and, in particular, residential use~~

Attachment 1 - Draft clause 22.09 post-exhibition version

YARRA PLANNING SCHEME

- ~~there is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises~~
- ~~there is adequate infrastructure including space for smokers, public toilets in the vicinity.~~

Licensed premises with a capacity of more than 200 persons be located in the following **Core Entertainment Precincts (applicable to properties fronting and with pedestrian access from the main streets listed below):**

- Swan Street west of Church Street
- Bridge Road west of Burnley Street
- Victoria Street west of Burnley Street
- Smith Street between Gertrude Street and Alexandra Parade
- Brunswick Street between Gertrude Street and Alexandra Parade
- Gertrude Street between Smith Street and Nicholson Street
- Johnston Street between Nicholson Street (Fitzroy) and Hoddle Street

Licensed premises be located such that:

- They are not located in Residential zones (other than a Mixed Use Zone).
- There are appropriate opportunities to manage or buffer potential amenity impacts of (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site.
- There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.
- The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.

Venue Design

- The layout and design of new licensed premises incorporate safe design principles as detailed in the *Design Guidelines for Licensed Venues* (Department of Justice 2009).
- The entry and exits points of a licensed premise and the areas for queuing of patrons be provided away from sensitive land uses.
- Waste management and storage occur on-site including the provision of noise enclosures if bottle crushers are utilised.

Hours of Operation

- ~~Assessment of the impact of the hours of operation on the amenity of the surrounding area consider:~~
- ~~The proposed use.~~
- ~~The zoning of surrounding land.~~
- ~~The location of the premises and location of car parking.~~
- ~~The nature of surrounding uses and hours of operation.~~
- ~~Potential noise emissions from the premises.~~
- ~~The impact of patrons arriving and leaving the premises.~~
- ~~Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is~~

Attachment 1 - Draft clause 22.09 post-exhibition version

YARRA PLANNING SCHEME

~~satisfied that the use will not adversely affect the amenity of the area.~~

- ~~Licensed premises in a Business or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.~~
- Licensed premises in a residential zone (other than a Mixed Use Zone) not provide for the sale and consumption of liquor beyond 8pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises in a Mixed Use Zone not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises within 30 metres of a residential zone not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises in a commercial or industrial zone not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Packaged liquor outlets not provide for the sale of liquor after 11pm.
- For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises (including packaged liquor outlets) not commence the sale and consumption of liquor before 9am.
- Deliveries to and waste collection from a licensed premises not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.
- Emptying bottles into bins in outdoor areas not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- Assessment of the impact of the hours of operation on the amenity of the surrounding area must consider:
 - The proposed use and licence type.
 - The zoning of surrounding land.
 - The location of the premises, location of car parking and availability of public transport, taxi ranks **and ride sharing.**
 - The nature of surrounding uses and hours of operation.
 - Potential noise emissions from the premises.
 - The impact of patrons arriving and leaving the premises, including:
 - for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and
 - any cumulative impact on the amenity of the area.

Patron Numbers

- The number of patrons not exceed the safe and amenable operating capacity of the premises. As a starting basis, any assessment regarding the maximum number of patrons that can be physically accommodated within a venue should be based on the *VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity* (2012).
- The number of patrons reflects the strategic and physical context of the site and will not adversely affect the amenity of the surrounding area, including by any unreasonable

Attachment 1 - Draft clause 22.09 post-exhibition version

YARRA PLANNING SCHEME

~~cumulative impact.~~

Noise

- The operation of licensed premises have **no unreasonable** impact on the amenity of the area, in relation to noise.
- Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy or any other requirement such as accepted sleep disturbance criteria or relevant Australian Standards.
- On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities. A licensed premises must be designed and managed in accordance with an acoustic report approved by the responsible authority, where required.

Car Parking

- ~~Car parking for licensed premises not detrimentally impact on the functioning of local traffic networks and car parking availability.~~
- ~~Car parking be managed to discourage patrons parking in front of residential properties or in residential areas.~~
- ~~Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.~~

Noise and Amenity ~~Plan~~ Action Plan (NAAP)

- Licensed premises be managed in accordance with a ~~Noise and Amenity Plan.~~ NAAP approved by the responsible authority, where required.

~~NOTE: —A condition will be included on permits requiring management in conformity with the noise and amenity plan.~~

Application to amend an existing permit

In the case of applications to vary or extend an existing permit for a licensed premises, the following will be considered in addition to the above:

- Any relevant information regarding the operation of the premises including complaints received by relevant authorities such as the Council, Victoria Police, and the Victorian Commission for Gambling and Liquor Regulation.
- Any contravention of a condition of the existing permit or liquor licence.
- The adequacy of the conditions on the existing permit regulating the venue design, hours of operation, patron numbers, and noise and amenity impacts.

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Application requirements

Permit applications must be accompanied by the following information:

- A site analysis plan detailing:
 - The proximity of the licensed premises to residential properties and other sensitive land uses, including details of doors, windows and open space areas on all residential properties in close proximity to the site; and
 - The nature and location of uses surrounding the proposed licensed premises, and their hours of operation including the type of licensed premises in the area, the

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hours of operation and patron numbers.

- The location of off street car parks within the locality of the subject site, including the nature of any time restrictions.
- The location and hours of operation of any transport services including rail, tram, bus, taxis **and ride sharing**.

▪ Site and floor plans detailing:

- Existing floor plans of all levels of the building(s) and outdoor areas on the site.
- Proposed floor plans of all levels of the building(s) and outdoor areas on the site including a calculation of floor areas in square metres, the use and patron capacity of all areas to be licensed, waste storage area, security lighting and any amplification or speaker system. If applicable, the location of queuing areas, CCTV surveillance, areas where live performance is to occur, dance floor areas and **smoking areas**.
- A 'red-line plan' showing the public areas where alcohol will be sold and consumed. For packaged liquor, a 'red-line plan' is required showing where alcohol will be displayed for sale and where it will be sold.

~~A site plan detailing all areas to be used by patrons of the premises, including areas adjacent to the boundaries of the site used in association with the licensed premises—that is, outdoor seating, public spaces, footpaths and car parking areas.~~

~~Plans detailing the existing and proposed layout of the premises, including all external windows and doors, the total number of patrons to be accommodated on the premises, the allocation of patrons to identified areas, and the location of waste storage areas.~~

▪ A written submission including the following information:

- A description of the proposed use(s), the type of licence(s) sought, hours of operation, provision and hours of food service, seating ratios and the type of music and/or entertainment to be offered.
- An assessment by a building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new licence.
- Details of waste management (including storage and hours of collection for general rubbish and bottles associated with the licensed premise), bottle crushers, and delivery times associated with the licensed premise.
- An assessment of all potential off-site impacts including identification of ways in which such impacts will be managed and mitigated.
- Where relevant, the views of the Victoria Police.

~~Details of the proposed hours of operation of the premises.~~

~~Details of bicycle parking and car parking to be provided, including an empirical assessment of car parking demand, the availability of car parking in the locality and public transport in the locality.~~

~~An assessment by a registered building or surveyor detailing the patron capacity of the premises.~~

~~Where relevant, the views of the Victoria Police, including police records of attendances and problems with the premises.~~

Noise and Amenity Action Plan

~~A Noise and Amenity Action Plan (NAAP) detailing the following information:~~

- ~~The location, type and details of existing licensed premises in the locality.~~

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- ~~The identification of all noise sources associated with the premises (including, but not limited to, music noise, entries and exits to the premises and courtyards) likely to impact on nearby residential property.~~
- ~~Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.~~
- ~~Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or an officer of Liquor Licensing Victoria.~~
- ~~Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters, on-premises manager, and other staff.~~
- ~~Details of training provided for bar staff in the responsible serving of alcohol.~~
- ~~Hours of operation for all parts of the premises.~~
- ~~Lighting within the boundaries of the premises.~~
- ~~Security lighting outside the premises.~~
- ~~Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.~~
- ~~Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.~~
- ~~Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.~~

Additional application requirements

Permit applications must be accompanied by the following information, where required:

- A NAAP detailing the following information:
 - Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.
 - The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
 - The management of large group bookings.
 - The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
 - The management of external queues.
 - How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times.
 - Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
 - Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.

The requirement for a NAAP does not apply to a permit application for a restaurant (including a café) or a packaged liquor outlet.

- An acoustic report by a suitably qualified and experienced acoustic consultant identifying all noise sources and methods to be undertaken to control noise emissions to within *State Environment Protection Policy (SEPP) No.1 – Control of Noise from Commerce Industry and Trade* and *SEPP No.2 – Control of music noise from public premises* or any other requirement such as accepted sleep disturbance criteria or

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[relevant Australian Standards.](#)

[The requirement for an acoustic report does not apply to a permit application for a packaged liquor outlet \(any hours\) or a restaurant \(including a café\) where the preferred hours of operation are met.](#)

- [A report demonstrating how each of the design elements of the *Design Guidelines for Licensed Venues* have been addressed in the layout, development and management plans for the premises.](#)

[The requirement for a report addressing the design elements of the *Design Guidelines for Licensed Venues* does not apply to a permit application for a restaurant \(including a café\) or a packaged liquor outlet.](#)

- [A cumulative impact assessment, being either:](#)
 - [An assessment against Practice Note 61: Licensed Premises: Assessing Cumulative Impact where the site is identified within a “cluster” of licensed premises; or](#)
 - [A statement explaining why a cumulative impact assessment is not required having regard to those sections of Practice Note 61: Licensed Premises: Assessing Cumulative Impact titled “When to use the guidelines” and “What is a cluster?”](#)

[The requirement for a cumulative impact assessment does not apply to a permit application for a restaurant \(including a café\) \(any hours\) or a packaged liquor outlet where the preferred hours of operation are met.](#)

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Policy-Reference Documents

~~[Yarra Residential Interface Study, 2001.](#)~~

[Public Place \(2015\) Licensed Premises Policy - Background Document](#)

[Department of Environment, Land, Water and Planning \(2015\) Practice Note 61 - Licensed premises: Assessing cumulative impact](#)

[Department of Justice \(2009\) Design Guidelines for Licensed Venues](#)

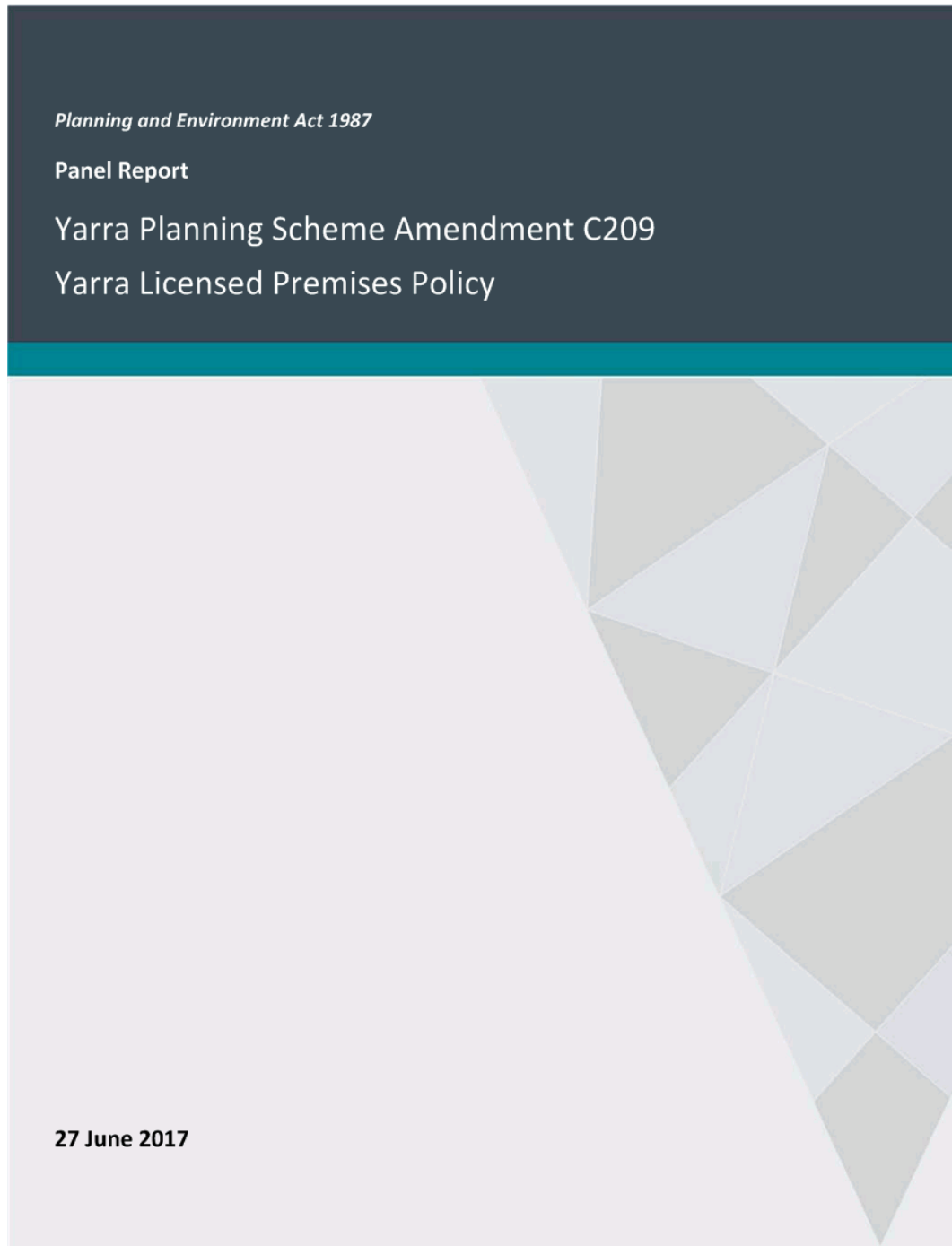
[Victorian Commission for Gambling and Liquor Regulation \(2012\) Liquor Licensing Fact Sheet - Maximum Patron Capacity](#)

[Department of Health \(2012\) Reducing the alcohol and drug toll: Victoria’s plan 2013-2017](#)

[Inner City Entertainment Precincts Taskforce \(2005\) ‘A good night for all’ - options for improving safety and amenity in inner city entertainment precincts](#)

[Yarra City Council \(2013\) Yarra Health Plan 2013-2017](#)

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Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Yarra Planning Scheme Amendment C209

Yarra Licensed Premises Policy

27 June 2017



Cathie McRobert, Chair



Andrew Natoli, Member



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List of Abbreviations

Background Report	<i>Licensed Premises Policy - Background Document</i> December 2015 Public Place in association with 10 Consulting Group
C1Z	Commercial 1 Zone
Design Guidelines	<i>Design Guidelines for Licensed Venues</i> Department of Justice (Edition 2 2015)
Discussion Paper	<i>Managing the Impact of Licensed Premises Discussion Paper</i> 2012
Freeman Decision	<i>Freeman v Knox CC [2007] VCAT 414</i>
Health Plan	The Yarra Health and Wellbeing Plan 2013 – 2017
Hunt Club decision	<i>Hunt Club Commercial Pty Ltd v Casey City Council [2013] VCAT 726</i>
LCR Act	<i>Liquor Control Reform Act 1998</i>
MACs	Major Activity Centres
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NAAPs	Noise and Amenity Action Plans
NACs	Neighbourhood Activity Centres
NTE Strategy	<i>Yarra Night Time Economy Strategy 2014-2018</i>
PE Act	<i>Planning and Environment Act 1987</i>
PPN61	<i>Planning Practice Note 61 - Licensed Premises: Assessing Cumulative Impact 2015</i>
VAAP	<i>Restoring the Balance – Victoria's Alcohol Action Plan 2008-2013</i>
VCGLR	Victorian Commission for Gambling and Liquor Regulation

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Overview

Amendment Summary	
The Amendment	Yarra Planning Scheme Amendment C209
Common name	Yarra Licensed Premises Policy
Brief description	The Amendment proposes to update the Clause 22.09 (Licensed Premises) policy guidance for applications relating to licensed premises throughout the City of Yarra
Planning Authority	Yarra City Council
Authorisation	13 October 2016, the authorisation was not subject to any conditions
Exhibition	14 November and 16 December 2016
Submissions	Number of Submissions: 45 (including 12 late submissions) opposed or sought some changes to the Amendment
Panel Process	
The Panel	Cathie McRobert, Chair, Andrew Natoli, Member
Directions Hearing	6 March 2017, Planning Panels Victoria
Panel Hearing	25 and 26 April 2017, Planning Panels Victoria
Site Inspections	Unaccompanied, 20 May 2017
Appearances	<p>Yarra City Council represented by Mimi Marcus of Maddocks Lawyers who called expert evidence from:</p> <ul style="list-style-type: none"> - Colleen Peterson of Ratio Consultants in Planning <p>Rayner and Ida Schmid</p> <p>Sivy and Anthony Orr represented by Sivy Orr</p> <p>Salta Properties Pty Ltd represented by Saul Siritzky of Urbis Pty Ltd</p> <p>Jeremy Koadlow</p> <p>Louise Elliot</p> <p>Alcohol Policy Coalition represented by Sarah Jackson who called expert evidence from:</p> <ul style="list-style-type: none"> - Michael Livingston of Latrobe University in alcohol policy (alcohol availability) <p>Dave Lane</p> <p>David Murray (by telephone)</p>
Date of this Report	27 June 2017

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Executive Summary

(i) Summary

Yarra Planning Scheme Amendment C209 (the Amendment) proposes to update the Clause 22.09 (Licensed Premises) policy guidance for applications relating to licensed premises throughout the City of Yarra. The changes proposed include:

- Identifying the following streets as Late Night Precincts (renamed Core entertainment precinct) which are preferred locations for larger venues (200+ patrons):
 - Swan Street, west of Church Street
 - Bridge Road, west of Burnley Street
 - Victoria Street, west of Burnley Street
 - Smith Street, between Gertrude Street and Alexandra Parade
 - Brunswick Street, between Gertrude Street and Alexandra Parade
 - Gertrude Street, between Smith Street and Nicholson Street
 - Johnston Street, between Nicholson Street (Fitzroy) and Hoddle Street.
- Licensed premises continue to be discouraged to locate in residential zones, but can locate in the Mixed Use Zone (MUZ).
- Preferred trading hours are not beyond 8pm in residential zones (excluding the MUZ) and 11 pm in the MUZ (proposed post-exhibition change to 11pm).
- New policy relating to cumulative impacts, packaged liquor outlets, smoking and outdoor areas, the internal design of licensed venues (safe design principles), preferred commencement of licensed hours and preferred hours for outdoor areas, packaged liquor outlets, deliveries and waste collection.
- Identifies application requirements relevant to the type of application and potential impacts. Noise and Amenity Action Plans (NAAPs), cumulative impact assessments, acoustic reports and assessments against Design Guidelines do not apply to restaurants and packaged liquor outlets.

The most contentious issues raised in the 45 submissions related to whether the notice given adequately indicated the nature of changes proposed; the designation of precincts and Gertrude Street in particular; and whether the right balance had been struck between protecting the interests of residents and licensed business operators.

Residents had legitimate concerns about the information accompanying the notice of the Amendment. Whilst it is likely that Council has complied with the *Planning and Environment Act 1987* and Regulations, it would have been preferable if the Explanatory Report had identified the key changes to the policy and not merely referred to updates. In particular, reference should have been made to the designation of Late Night Precincts (renamed Core Entertainment Precincts). If the concept of precincts is maintained, further notice should be considered before approval of the Amendment.

The Panel supports the preferred policy approach in the *Licensed Premises Policy - Background Document* - December 2015 Public Place in association with 10 Consulting Group (Background Report) to enable the night-time economy, rather than an overly arbitrary and restrictive policy. However, the Panel does not consider the objectives to

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protect residential and other commercial uses and to maintain daytime trade and active street frontages in retail strips should be deleted.

It would also strengthen the policy to explicitly recognise that a key policy concern is the management of higher risk venues which are large, operate late at night and focus “vertical drinking”, rather than restaurants that focus on food.

The Panel was not presented with the necessary justification to include limits on licensed premises or add policy provisions to address social and health effects in the assessment of applications for licensed premises. This is an issue that would be more effectively addressed at a State level, unless it is demonstrated that specific local circumstances warrant a particular planning response.

The Panel questions the designation of the Late Night/Core Entertainment precincts generally, and does not support the designation of Gertrude Street in particular, for the following reasons:

- Established entertainment functions were presented as the justification for the designation of precincts but the broad bush approach that was applied included extensive areas with no large (or late night) venues.
- Directing larger and late night premises to Major Activity Centres (MACs) is consistent with planning policy, however, the policy support for nominating Neighbourhood Activity Centres (NACs) (such as Gertrude and Johnston Streets) is less obvious. The addition of further guidance about the type of entertainment uses that are encouraged in centres should be considered.

If Precincts are retained:

- the intent and expected outcomes of precincts should be clarified
- the extent of nominated precincts should be reviewed to:
 - reflect locations where consolidation of existing late night and large venues is supported; or
 - licenced premises are seen as a use that would promote revitalisation of the area.

The Panel considers that, overall, the updated policy provides useful additional guidance for applicants and decision making.

The limits on licensed premises in residential zones is strengthened. This is acceptable, provided that discretion is exercised to enable existing licensed premises to be upgraded. The MUZ provides for a wider range of uses than other residential zones and the policy strikes the right balance between achieving the purposes of the MUZ and the reasonable amenity expectations of residents in this zone.

The Panel supports the exclusion of restaurants and packaged liquor outlets from routinely being required to provide an acoustic report, a NAAP and a cumulative impact assessment, as they are types of licensed premises that generally pose a significantly lower risk to amenity. The broader policy and requirements will ensure relevant issues are considered for these uses.

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The Panel endorses policy requirements as reasonable but considers that, rather than deleting the requirement relating to smoking areas, it would be better to update the guidance to take account of the new restrictions.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Planning Scheme Amendment C209 be adopted as exhibited subject to the following:

1. **Adopt the changes supported by Council in the version of the proposed policy that was circulated before the Hearing, unless inconsistent with subsequent recommendations in this report.**
2. **Further notice should be given if Council intends to pursue the designation of areas as Core Entertainment Precincts and the notice and Explanatory Report should be revised to specifically identify any proposed precincts and the role of the precincts.**
3. **Retain the existing policy objective:**
 - *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
4. **Consider distinguishing between higher risk late night “vertical drinking” venues and more “food focussed” venues in policy provisions.**
5. **Review the proposed precincts to evaluate the alignment of licensed premises with the strategic intent for specific areas and adopt a more focussed approach based on identification of where entertainment uses have an established role.**
6. **Consider providing further guidance about the type of entertainment uses that are encouraged in centres.**
7. **Clarify the purpose of proposed precincts.**
8. **Review the proposed precincts to:**
 - a) **adopt a more focussed approach**
 - b) **exclude land in a residential zone**
 - c) **delete Gertrude Street from the list of precincts**
 - d) **Map precincts to identify:**
 - **tighter precincts that recognise areas that have an established “night” time entertainment” function.**
 - **locations where strategic planning supports a strengthened night time entertainment role.**
9. **Consider identifying the intended role of centres in terms of entertainment uses.**
10. **Retain the existing objective to protect residential and other commercial uses from excess noise, traffic and car parking.**
11. **Refer to adverse effects on the amenity of nearby properties (in addition to the area) in requirements relating to hours of operation.**

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- 12. Update the requirement relating to smoking areas to take account of the new restrictions on smoking in areas where food is served.**

(iii) Further observations

There would be merit in the Department of Environment, Land, Water and Planning either, developing a model local planning policy for licensed premises or further state-wide guidance in Clause 52.27, to provide a consistent framework for planning decisions relating to licensed premises.

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1 Introduction

1.1 The Amendment

The Amendment proposes to update the Clause 22.09 (Licensed Premises) policy guidance for applications relating to licensed premises throughout the City of Yarra. Table 1 summarises the changes proposed in the exhibited policy.

The proposed policy objectives are shown below (tracked):

- *To effectively manage the location, size, operation and hours of licensed premises, in order to protect the amenity of nearby properties and areas.*
- *To encourage best practice venue design and venue operation for licensed premises.*
- ~~*To protect residential and other commercial uses from excess noise, traffic and car parking issues.*~~
- ~~*To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*~~

Two objectives (relating to noise, traffic, parking, and active daytime street frontages) were removed as they are addressed in other parts of the planning scheme.

Table 1 Proposed changes to Clause 22.09 (Licensed Premises)

Revised Policy	Existing Policy
Identifies preferred locations for larger venues (200+ patrons) within identified Late Night Precincts	No guidance for different venue types
Preferred hours of operation in residential zones (excluding the MUZ) - not beyond 8pm	Preferred hours – not beyond 11pm
Hours of operation in MUZ – licensed premises are still discouraged to locate in residential zones, but can locate in the MUZ (under limited circumstances) – preferred hours not beyond 11pm (<i>proposed post-exhibition change to 10pm</i>)	Discourages licensed premises in residential zones (including the MUZ)
Inserts new policy regarding: <ol style="list-style-type: none"> (1) cumulative impacts (2) packaged liquor outlets (3) smoking and outdoor areas (4) the internal design of licensed venues (safe design principles) (5) the preferred commencement of licensed hours and preferred hours for outdoor areas, packaged liquor outlets, deliveries and waste collection 	Not addressed
Identifies application requirements relevant to the type of application and potential impacts. NAAPs, cumulative impact assessments, acoustic reports and assessments against design guidelines are only required in certain circumstances.	NAAPs and cumulative impact assessments are required for nearly all applications No guidance about when

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Revised Policy	Existing Policy
	an acoustic report is required No requirement for assessment against Design Guidelines
Identifies considerations for permit amendment applications, including complaints, contravention of existing permits and adequacy of existing conditions	Not addressed
Inserts seven new reference documents <ul style="list-style-type: none"> • <i>Public Place, Licensed Premises – Background Document (December 2015);</i> • <i>Department of Environment, Land, Water and Planning (2015) Practice Note 61 - Licensed premises: Assessing cumulative impact</i> • <i>Department of Justice (2009) Design Guidelines for Licensed Venues</i> • <i>Victorian Commission for Gambling and Liquor Regulation (2012) Liquor Licensing Fact Sheet - Maximum Patron Capacity</i> • <i>Department of Health (2012) Reducing the alcohol and drug toll: Victoria's plan 2013-2017</i> • <i>Inner City Entertainment Precincts Taskforce (2005) "A good night for all" - options for improving safety and amenity in inner city entertainment precincts</i> • <i>Yarra City Council (2013) Yarra Health Plan 2013-2017</i> 	One redundant reference document

Post-exhibition changes supported by Council

Council supported the following change to the exhibited policy in response to submissions:

- Clause 22.09-3 (Location and access):
 - Replace "Late Night Precincts with "Core Entertainment Precincts" as the precincts relate to patron numbers and not hours¹
 - Insert the after "Core Entertainment Precincts (applicable to properties fronting and with pedestrian access from the main streets listed below)"².
- Clause 22.09-3 (Venue Design): Delete the dot point³ :

~~Licensed premises, other than a restaurant (including a café) or packaged liquor outlet, provide a smoking area on-site for patrons which is available while the venue is operating, unless an on-site smoking area is impractical or it would result in an unreasonable amenity impact on the surrounding area.~~

¹ Submissions 4, 16, 33 and 35

² Submission 9

³ Submission 9

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Details of smoking areas are to be provided on site and floor plans under application requirements, and information on management of smokers and on and off-site smoking areas is to be provided in a NAAP.

New smoking bans in outdoor dining areas are being introduced from 1 August 2017. The revision will allow venues to decide whether to use outdoor areas for dining or for smoking/drinking purposes (with potential for different options at different times).

- Clause 22.09-3 (Hours of Operation)⁴
 - Insert the following new dot point:

Licensed premises in a Mixed Use Zone not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
 - Remove reference to “MUZ” from the following dot point:

~~Licensed premises in a Mixed Use Zone or within 30 metres of a residential zone not provide for the sale and consumption of liquor beyond 11pm~~
 - Preferred hours of up to 10pm (rather than 11pm) are now proposed for the MUZ as the greatest amenity protection is expected in the “night” period specified under the SEPP, which commences at 10pm.
 - Revise the following dot point for consistency with the General Local Law is accompanied by a - Yarra City Council General Local Law 2016 and Procedure and Protocol Manual⁵:

~~Deliveries to and waste collection from a licensed premises only occur between 7am and 10pm.~~

Deliveries to and waste collection from a licensed premises not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Emptying bottles into bins in outdoor areas not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
 - Insert “and ride sharing” to the end of the following dot point :

The location of the premises, location of car parking and availability of public transport ~~and~~ taxi ranks and ride sharing
- Clause 22.09-3 (Noise)⁶: Replace “minimal” with “no unreasonable” in the following dot point:
 - *The operation of licensed premises have ~~minimal~~ no unreasonable impact on the amenity of the area, in relation to noise.*

⁴ Submissions 6, 7, 8, 9, 11, 15, 18, 21, 22, 24, 25, 28, 30 and 33

⁵ Submissions 3 and 6

⁶ Submission 12

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- **Clause 22.09-4 (Application Requirements)**⁷: Insert “and ride sharing” to the end of the following dot point:
 - *The location of the premises, location of car parking and availability of public transport and, taxi ranks and ride sharing*
- **Clause 22.09-4 (Additional Application Requirements)**⁸:
 - Insert the words “and smoking areas” to the end of the following dot point for “site and floor plans detailing” requirements:

Proposed floor plans of all levels of the building(s) and outdoor areas on the site including a calculation of floor areas in square metres, the use and patron capacity of all areas to be licensed, waste storage area, security lighting and any amplification or speaker system. If applicable, the location of queuing areas, CCTV surveillance, areas where live performance is to occur, and dance floor areas and smoking areas.
 - Add the following dot point under the requirements for a NAAP:

The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
 - Replace the word “minimal” with “no unreasonable” in the following dot point:
 - *Any other measures to be undertaken to ensure ~~minimal~~ no unreasonable amenity impacts from the licensed premises.*

A tracked changes version of the proposed changes was circulated before the Hearing.

Most of the changes were not contentious and are accepted by the Panel as reasonable. Issues relating to the proposed Late Night/Core Entertainment Precincts and the MUZ are discussed in Chapters 5.2. and 7.

1.2 Panel recommendations

1. **Adopt the changes supported by Council in the version of the proposed policy that was circulated before the Hearing, unless inconsistent with subsequent recommendations in this report.**

1.3 Background to the proposal

Council advised that the existing licensed premises policy was introduced in 2004 and has not been updated since 2009. Council’s Night Time Economy Strategy 2014-2018 includes and action in the first year implementation plan to:

Revise licensed premises policy in planning scheme (Clause 22.09) to ensure sustainable night precincts supported by public amenities and infrastructure.

The density of licensed premises in Yarra was the highest of all Local Government areas excluding the City of Melbourne. In 2012, there were approximately 218 venues that sell alcohol, comprising: 24 BYO licenses, 9 restricted club licences, 17 general licences, 30

⁷ Submission 32

⁸ Submission 32

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packaged licences, 11 full club licences, 93 restaurant and café and on-premises licences, 6 pre-retail licences and 28 limited licences⁹. The number of licensed premises increased from approximately 218 to 256 between 2012 and April 2015.

Relevant policy, changes to the regulatory framework and analysis underpinning the Amendment are discussed in Chapter 3.

1.4 The Planning Context

1.4.1 The regulatory framework

Planning and Environment Act 1987

The *Planning and Environment Act 1987* (PE Act) objectives of planning include:

(c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management at State, regional and municipal levels;

(d) to ensure that the effect on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land

The PE Act requires Council:

- as the planning authority, in preparing a planning scheme or amendment:
 - (c) must take into account its social effects and economic effects¹⁰.*
- as the responsible authority when determining an application to consider:
 - *“any significant social effects and economic effects which the responsible authority considers the use or development may have¹¹.”*

Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

- Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).
- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the PE Act.

Clause 52.27 Licensed Premises

Clause 52.27 (Licensed Premises) of all Victorian planning schemes requires a permit to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998 (LCR Act). The purpose and decision guidelines of this clause focus on ensuring that licensed premises are in appropriate locations and the impact (including cumulative impact) of licensed premises on the amenity of the surrounding area is considered. In determining whether a permit should be granted, the decision guidelines require consideration of state

⁹ Page 9 Discussion Paper.

¹⁰ Section 12(2) of the PE Act.

¹¹ Section 60(1)(f) of the PE Act.

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and local planning policy, the impact of the sale or consumption of liquor permitted by the liquor licence, hours of operation, and cumulative impact of any existing and proposed liquor licences on the amenity of the area.

Liquor Control Reform Act 1998

The LCR Act regulates the supply and consumption of liquor in Victoria, and is administered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The most common liquor licence types in the City of Yarra are on-premises licence, packaged liquor licence, restaurant/cafe licence and club licences. The VCGLR generally only determines liquor licence applications after a planning permit has been granted. Council may object to the granting, variation or relocation of a liquor licence¹².

Consideration of amenity is a key objective under the LCR Act, which for the purpose of that Act *“is the quality that the area has of being pleasant and agreeable”*. Amenity includes but is not limited to:

- the presence or absence of parking facilities
- traffic movement and density
- noise levels
- the possibility of nuisance or vandalism
- the harmony and coherence of the environment.

Minimising harm arising from the misuse and abuse of alcohol is emphasised in the LCR Act, which states:

It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol. (Section 4 (2))

This can be encouraged by restricting the supply of alcohol, encouraging a culture of responsible consumption, and facilitating the development of a diversity of licensed premises.

Public Health and Wellbeing Act 2008

Section 26 of the *Public Health and Wellbeing Act* requires a Council to prepare a Municipal Public Health and Wellbeing Plan which must be consistent with the Council Plan and the Municipal Strategic Statement.

Local Law

Yarra Local Law – Roads and Council Land Local Law No.2 (2012) provides for annual Public Space Licence Agreements to trade and serve alcohol within a defined space in accordance with specified conditions. Council’s Footpath Trading Policy (2013) sets out guidelines for these agreements. Areas where alcohol is to be consumed in the public space must be shown on a *“red line plan”* (attached to the liquor licence) and the licence holder is responsible for noise from the public area. Planning permits are not normally required for

¹² Section 40 of the LCR Act.

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the footpath area, provided the use of the public area is consistent with Clause 62.02 of the Planning Scheme.

1.4.2 Policy context

Planning policy

The State Planning Policy Framework does not explicitly address licensed premises, however, relevant broader objectives and strategies include:

- **Clause 15.01-2 (Urban Design Principles)** seeks to *“achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties”*.
- **Clause 15.01-4 (Design for Safety)** has an objective *“To improve community safety and encourage neighbourhood design that makes people feel safe”* with a strategy *“Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.”*
- **Clause 15.01-4** includes the strategy *“Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.”*
- **Clause 15.01-5 (Cultural identity and neighbourhood character)** seeks to *“recognise and protect cultural identity, neighbourhood character and sense of place”*.
- **Clause 17.01-1 (Commercial)** encourages development meeting the communities needs for retail, entertainment and other commercial services, with an objective *“to ensure net community benefit is achieved in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities”*.
- **Clause 19.02-3 (Cultural facilities)**: aims to *“develop a strong cultural environment and increase access to arts, recreation and other cultural facilities”* and includes a strategy to:

Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres, at Principal and Major Activity Centres.

Council referred the Panel to the following Local Planning Policy Framework provisions:

- **Clause 21.03 (Vision)** provides that in the City of Yarra in 2020, most relevantly:
 - Yarra will have increased opportunities for employment.
 - The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community.
 - Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.

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- The Strategic Framework Plan identifies Neighbourhood Activity Centres (NACs) and Major Activity Centres (MACs), which comprise:

Major Activity Centres	Neighbourhood Activity Centres	
Brunswick Street MAC	Johnston Street NAC	Queens Parade NAC
Smith Street MAC	Gertrude Street NAC	Heidelberg Road NAC
Victoria Street MAC	Nicholson Street NAC	St Georges Road NAC
Bridge Road MAC	Rathdowne Street NAC	
Swan Street MAC	Spensley Street NAC	

- **Clause 21.04-1 (Accommodation and housing)** seeks to, amongst other things, reduce potential amenity conflicts between residential and other uses. Strategies to achieve this objective include discouraging late night activities near residential zones to minimise impacts on residential amenity (strategy 3.4) and applying the Licensed Premises Policy at clause 22.09 (strategy 3.6).
- **Clause 21.04-2 (Activity centres)** seeks to maintain a balance between local convenience and regional retail roles in Yarra's activity centres and maintain the long term viability of activity centres. Strategies to achieve these objectives include supporting:
 - an increased the range of retail, personal and business services, community facilities, and recreation activities, within individual centres (see strategy 4.1)
 - the regional role of the MACs as an important component of Yarra's economy and as a metropolitan destination (see strategy 4.2)
 - the role of all activity centres, including NACs, in providing local day-to-day needs of residents (see strategy 4.3)
 - land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres (strategy 5.2).
- **Clause 21.04-3 (Industry, office and commercial)** seeks to increase the number and diversity of local employment opportunities.
- **Clause 21.08 (Neighbourhoods)** sets out the locally specific implementation of the objectives and strategies for Yarra's neighbourhoods. MACs and NACs are identified in the neighbourhood maps.
- **Clause 22.01** applies to "all land in the Residential 1 Zone" and seeks to ensure residential amenity is not adversely affected by non-residential uses. Clause 22.01-3 provides policy that:
 - *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*
 - *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*
 - *Except on land adjoining and gaining direct access from a road in a Road Zone:*
 - *all required car parking should be on-site.*
 - *the scale of the proposed use should be compatible with providing service to the local residential community.*

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- *Hours of operation should be limited to 8am to 8pm except for convenience shop.*
- *New buildings and works should be consistent with the scale, bulk and character of the area.*
- *Noise emissions should be compatible with a residential environment.*
- **Clause 22.05 (Interface Uses Policy)** applies to applications in a MUZ, business zone, industrial zone, or residential 1 zone where the site is within 30 metres of a business or industrial zone or an existing business or industrial use. It supports the protection of Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities. Key issues of concern include: noise; visual impact and appearance; overlooking; odour and air emissions; light spill; loading and unloading; rubbish removal and storage; and construction noise. The policy provides for mitigation of impacts to ensure residential uses enjoy a reasonable level of amenity, while maintaining opportunities for commercial and industrial uses.

Planning Practice Note 61 – Licenced Premises: Assessing Cumulative Impact

Planning Practice Note 61 Licenced Premises: Assessing Cumulative Impact June 2015 (PPN61) indicates that:

- a cumulative impact assessment should address all land within a 500-metre radius of the proposed venue (unless there is another logical boundary that takes into account features such as a physical barrier or another nearby cluster of licensed premises).
- a “cluster” of licensed premises occurs where there are: 3 or more licensed venues within a radius of 100 metres or 15 or more licensed venues within a radius of 500-metre from the subject land.

PPN61 sets out a range of matters that should be considered when assessing the cumulative impact of licensed premises, including: planning policy context; surrounding land use mix and amenity; the mix of licensed premises; transport and dispersal; and impact mitigation.

Information that should be submitted with an application for a planning permit includes seating ratios, meals, management, music, capacity and hours, transport and car parking.

Design Guidelines for Licensed Venues (DOJ, 2009)

The proposed policy makes specific reference to the Design Guidelines sets out guiding principles and recommended responses that seek to:

- devise well designed spaces that reinforce positive behaviours
- maximise opportunities for passive surveillance of spaces
- reduce congestion and crowding inside venues and at venue entrance points
- ensure all areas of a venue are designed and managed for their purpose
- promote better communication between staff and patrons (through signs and other indicators)
- ensure safety in public spaces and reduce overall amenity impacts on adjacent properties.

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The Panel notes that edition 2 of these guidelines were published in 2015 and the reference document should be updated.

A Good Night for All – Options for Improving Safety and Amenity in Inner City Entertainment Precincts 2005

A Good Night for All is listed as a Reference Document in the Proposed Policy. The overview of issues and suggested options to address these issues included:

- The need to clarify the number of agencies involved in the licensing process, create formal protocols between councils and the police; ensure enforcement of planning permit conditions and maximum patron numbers; encourage forums to address community concerns.
- Cumulative impacts of licensed premises relating to safety, security and amenity issue; the coordination of liquor licensing and council planning policies, control of hours of operation and patron numbers; and building standards
- The design and management of licensed venues to limit anti-social behaviour.

Restoring the Balance – Victoria’s Alcohol Action Plan 2008-2013

Restoring the Balance – Victoria’s Alcohol Action Plan 2008-2013 (VAAP) targeted alcohol-related violence through measures that included:

- A freeze on new late-night liquor licences in inner-city, local government areas of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip.
- A specified maximum number of patrons in “designated” high-risk venues.
- New security cameras in a range of licensed premises that trade after 1am and have live or amplified music.

As part of the implementation of the VAAP, new amenity-based decision guidelines were included in Clause 52.27 of the Victorian Planning Schemes to:

- ensure the cumulative impact of existing and proposed licensed premises is a valid consideration for planning permit applications.
- clarify that consideration of amenity factors includes hours of operation and patron numbers.

Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm 2012

The Victorian Auditor-General report *Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm 2012*¹³ addressed Department of Justice, Victoria Police and the VCGLR’s initiatives and actions in enforcing controls on the sale and marketing of alcohol and preventing or reducing the impact of short-term alcohol-related harm on the community. It recommended, amongst other things:

- a model local planning policy for licensed premises
- that councils be required to adopt a local planning policy for licensed premises where there is a particular need or concern.

¹³ Four councils were consulted during the audit: City of Casey, City of Greater Geelong, City of Melbourne and Swan Hill Rural City Council

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Yarra Health Plan 2013-2017

The Yarra Health and Wellbeing Plan 2013 – 2017 (the Health Plan), which is listed as a Reference Document in the Proposed Policy, outlines health priorities for the municipality and actions to be taken to improve the health and wellbeing of the community. One of the priorities of the Health Plan is to reduce harm from alcohol and other substances¹⁴. In particular, the Health Plan suggests:

- The planning scheme should be used to ensure appropriate location and concentration of licensed venues
- Regulation and enforcement of liquor licenses should be considered and improved;
- Councils and local venues should work together to promote the responsible service of alcohol and maintenance of community amenity
- Amenities should be improved and activities diversified to improve the safety of Yarra's night time entertainment precincts.

Yarra's Night Time Economy Strategy 2014-2018

In response to concerns about alcohol misuse at night in public places and amenity concerns in relation to licensed premises and residential dwellings Council adopted the Yarra Night Time Economy Strategy 2014-2018 (NTE Strategy). The Strategy covers a range of dining, retail and entertainment precincts, and how Council can support community-based night time activities. The strategy includes the following key objectives:

A safe NTE - at night public spaces are well-kept and people behave respectfully.

A vibrant NTE - at night there are a range of people and ages, and a diversity of facilities and activities, not centred on alcohol.

A functional NTE - at night entertainment precincts accommodate people at peak times, attract people to walk, cycle or use public transport and have adequate public amenities (e.g. toilets) and infrastructure.

One of the key actions is to revise the existing Licensed Premises policy in the Scheme to ensure sustainable night precincts and amenity impacts are appropriately managed.

1.5 Summary of issues raised in submissions

Council summarised the key issues raised in the submissions as follows:

- The proposal is not restrictive enough to protect residential amenity or
- The proposal is too restrictive on licensed venues and creates unrealistic amenity expectations, and will result in unreasonable impacts on licensed venues
- Licensed premises should be discouraged within the MUZ
- Compliance issues with existing venues (particularly noise)
- Concerns about patron behaviour and litter
- Traffic and parking impacts
- Hours proposed for waste collection and deliveries should be further restricted
- Proposed locations of Late Night Precincts

¹⁴ pages 41-43

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- Agent of change principle and who should be responsible for mitigating noise impacts
- Conflicting policy guidance and lack of mandatory provisions
- Proposed variations in application requirements for different types of premises
- Requirements for smoking areas and how they interact with the upcoming outdoor dining smoking bans
- Inconsistency between the proposal and the ordinary trading hours specified under the LCR Act
- Need for the policy to acknowledge substantial health and social harms associated with the consumption of alcohol
- The policy should seek to limit the number of licenced venues in the City of Yarra.

Submissions only raised issues relating to packaged liquor outlets in relation to health and social harm. Therefore the Panel assessment focuses on in-venue licenses.

1.6 Issues dealt with in this report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the hearing, and observations from site visits.

The Panel has been selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Was notice of the Amendment reasonable?
- Does the Amendment have a sound strategic basis?
- The scope of the policy - health and social impacts.
- Does the policy direct licenced premises to appropriate locations?
- Do the Policy Requirements strike the right balance?

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2 Was notice of the Amendment reasonable?

(i) The issue

- Was the notice of the Amendment was adequate?

(ii) What notice was given?

The Amendment was exhibited between 14 November and 16 December 2016. In submissions Council advised the Panel that notice was given¹⁵ in the following manner:

- letters to all owners and occupiers of properties potentially affected by the Amendment (comprising approximately 29,000 letters);
- notices of the Amendment in the Government Gazette and The Age newspaper;
- an article about the Amendment in the Yarra News;
- information and notices available at the Richmond Town Hall, Collingwood Town Hall and Connie Benn Centre;
- information and notices placed on the City of Yarra's public website and through social media;
- two information sessions (one at Richmond Town Hall and one at Fitzroy Town Hall);
- direct consultation with relevant groups including the Yarra Liquor Forum and Local Safety Reference Group; and
- notification of the Amendment to relevant groups including the Yarra Drug and Health Forum and Health and Wellbeing Plan Advisory Committee.

The notice included the following description of the Amendment:

The Amendment updates Clause 22.09 – Licensed Premises to provide stronger policy guidance for applications where a planning permit is required pursuant to Clause 52.27 – Licensed Premises of the Yarra Planning Scheme.

The Explanatory Report included the following passage of text on the first page to explain why the Amendment was required (emphasis added):

Why is the Amendment required?

The Amendment is required to introduce a revised Clause 22.09 – Licensed Premises. The policy will be used to inform decision making for applications that require planning approval pursuant to Clause 52.27 of the Yarra Planning Scheme. The need for a revised local planning policy addressing licensed premises arises from changes to State policy (including the introduction of cumulative impact considerations and the introduction of planning permit requirements for packaged liquor outlets).

Opportunities to address other policy gaps within the existing local planning policy at Clause 22.09 have also been identified. In addition to addressing

¹⁵ The Panel was not provided with copies of the letters or other communications materials referred to by Council but has no reason to doubt this advice.

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cumulative impacts and packaged liquor outlets, the revised policy provides greater guidance on the preferred locations for larger venues, preferred hours for outdoor areas, preferred hours for the commencement of the sale and consumption of liquor, consideration of venue design (including smoking areas and internal design where applicable), preferred hours for deliveries and waste collection, and greater clarity regarding licensed premises within residential zones.

The revised policy also outlines considerations for planning permit amendment applications, ensuring that the existing operation (including any complaints and compliance issues) of a premises is taken into account in the assessment. It also modifies the type of information required to be provided with planning applications, ensuring that the information is relevant to the scale and potential impact a proposal may have. The revised policy will result in improvements to the assessment of planning applications, and will allow for on and off-site amenity impacts to be better managed.

(iii) Submissions

A number of submitters¹⁶ expressed concerns regarding the public notification process for the Amendment. In particular, the submitters were critical of the information which accompanied the Amendment and the absence of any identification of Gertrude and Johnston Street as a "Late Night/Core Entertainment Precincts" in the notice. It was submitted that if proper notice specifically setting out the that it was proposed to include Gertrude Street as a Late Night/Core Entertainment Precinct, many more submissions would have been received.

Further, some submitters argued that the lack of specific information led them to wrongly interpret the proposed policy as a tightening to licencing proposals, rather than what they now perceive to be the opposite (in the case of Gertrude Street being identified as a Late Night/Core Entertainment Precinct).

It is noted that many of the submitters did not refer to any specific document (for example, the Explanatory Report) but referred to the notice or advertisement of the Amendment in general terms, simply referring to the "process for advertising".

Council submitted that notice of the Amendment was given in accordance with the PE Act and the content of the notice was appropriate and reasonable. Specifically, Council submitted that the "notice" for the Amendment included a brief description of the effect of the Amendment, with the explanatory report introducing the detail of the Amendment, provided an appropriate level of context, and sufficiently highlights the key changes that are proposed by the Amendment. Council referred the Panel to the Tribunal's decision of *Freeman v Knox CC* [2007] VCAT 414 (the Freeman Decision) and relied on comments made by, the then President, Justice Morris.

¹⁶ Rayner and Ida Schmid, Phillip Cambell Jennie Morrison, Peter and Mary Brady, Jason Ireland, Megan Park and Submitter No. 48.

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(iv) Discussion

What are the requirements for notice?

The PE Act and Regulations set out requirements for the exhibition and notice of planning scheme amendments.

Section 19(4) of the PE Act provides that:

Any notice must -

be given in accordance with the regulations; and

set a date for submissions to the planning authority which, if notice of the preparation for the amendment is given in the Government Gazette, must be not less than one month after the date that the notice is given in the Government Gazette.

Regulation 7 of the Regulations requires that the notice of an amendment must briefly describe the effect of the Amendment (emphasis added):

Notices under section 19

A notice of the preparation of an amendment to a planning scheme given under section 19 of the PE Act must—

a) state the name of the planning scheme proposed to be amended; and

b) state the planning scheme amendment number; and

c) include a description (which may be by map) to identify the land affected by the amendment; and

d) briefly describe the effect of the amendment; and

e) state that the amendment, any documents that support the amendment, and the explanatory report about the amendment, may be inspected at the office of the planning authority during office hours free of charge; and

f) state the name of the planning authority and the address or addresses where the amendment and other documents may be inspected; and

g) state that any person may make a submission to the planning authority about the amendment; and

h) state the closing date for submissions and the address of the planning authority to which submissions may be sent; and

i) state that the planning authority must make a copy of every submission available at its office for any person to inspect during office hours free of charge until the end of two months after the amendment comes into operation or lapses; and

j) be signed on behalf of the planning authority.

In terms of the Panel's role in relation to the assessment of procedural issues such as this, it is relevant to note that the PE Act provides a broad power for a Panel to "make any

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recommendation it thinks fit", which would include recommendations regarding compliance with procedural requirements of the PE Act. Indeed, such findings and recommendations may inform the Minister about whether he should exercise his power under section 32(1) to direct the Council to give more notice, which states:

(1) The Minister may direct the planning authority to give more notice of the amendment if the Minister thinks that the notice which the planning authority gave was inadequate, even if the planning authority has complied with section 19.

It is relevant to note that the Minister can exercise this power irrespective of whether there has been compliance with the section 19. It follows that it is open for a Panel to make findings and recommendations regarding the adequacy of notice having regard to the full range of facts and circumstances of the Amendment and not simply whether legal obligations under the PE Act or the Regulations have been met.

At the Hearing there was some discussion of the explanatory report and its adequacy in relation to the Amendment and in light of the concerns raised by the submitters. Council sought to address the adequacy of the explanatory report in submissions, despite submitters not specifically referring to it, but only referring to the notice or advertising of the Amendment in general terms.

The Act provides the statutory framework for explanatory reports and imposes a duty on planning authorities to prepare one in respect of each amendment and obligations to provide them to specified persons and make them available to any person for inspection during the notice period. The Act and Regulations otherwise provide no prescription for the content of explanatory reports.

The Freeman Decision examined the legal requirements for explanatory reports and concerned a referral to the Tribunal of an alleged failure of Knox City Council to comply with the procedural requirements of section 39(1) of the PE Act. In this case, Council sought to implement a revised policy and strategic framework plan, identifying key strategic redevelopment sites across the municipality. The framework plan sought to identify a number open space reserves for housing provision, including a recreation reserve used by the applicant in the case, who lived nearby. The applicant alleged that the explanatory report prepared by the Council did not adequately describe what the amendment sought to achieve, nor did it alert the reader to the strategy of using public open space for housing. The Tribunal found that the amendment sought to implement a significant "shift" in policy that was a "new" policy, but the explanatory report did not describe these strategies or how they differed from the existing planning scheme. In finding that the explanatory report was inadequate, the Tribunal made the following comments in relation to the legal requirements of explanatory reports (emphasis added):

18 In modern parlance, a "report" is simply a document that contains information. A report which is "explanatory" is one that serves to explain: in the present context, it is a document that explains an amendment to a planning scheme by rendering it intelligible, or more intelligible, or by making it plain or clear.

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- 19 *A documented headed "Explanatory Report" which does not explain an amendment would not be an explanatory report which would satisfy the requirements of the Act. But what degree of detail is required to satisfy the requirement that the document "explain" the amendment? This is a difficult question, not least because long documents do not always explain as well as short documents. Indeed, many long documents often contain padding or obfuscation that actually mitigates against a sound explanation.*
- 20 *It is also relevant that the Act requires the planning authority that prepared an amendment to make the amendment available for inspection until it is approved or lapses. Thus the Parliament contemplates that the explanatory report will be read in conjunction with the amendment; or, at least, with the amendment also available at the same time.*
- 21 *Often the content of an amendment to a planning scheme will be expressed in language that is legalistic, or, at least, in language that is difficult to understand without understanding more of the context. Hence, in my opinion, the purposes of an explanatory report will be to introduce the detail of the amendment, to provide some context, and to highlight key changes to be made by the amendment. These objectives do not require an explanatory report to be a long document.*

The Panel notes that, whilst the Freeman Decision provides useful observations regarding the statutory framework, it ultimately turns on its own facts and circumstances particular to that amendment. In any event, the role of a Tribunal in determining defects of procedure is quite distinct to that of a Panel, with the former's power being in the nature of judicial review and a Panel having a broader role regarding the content of the Amendment.

Was notice of the Amendment adequate?

The Amendment (as exhibited) seeks to implement a range of changes to an existing local policy to address what Council regarded as "policy gaps". This includes by providing more specificity in relation to operational and application information requirements, but perhaps more significantly, by identifying preferred locations for larger licensed premises in "late night precinct".

Currently, Clause 22.09 does not specify "preferred locations" or areas where late night or larger venues should be located.

It is accepted that local policies are not intended to be rigidly applied. Rather, policies are intended to guide discretion and are to be implemented where they are relevant in a way that balances competing policies and objectives. It is therefore difficult to characterise the significance of the proposed changes when they are only intended to guide the assessment of permit applications in locations and circumstances where licensed premises are currently discretionary. In this case, the proposed policy would have the consequence of lending greater support to the location of larger licensed premises in the proposed Late Night/Core Precincts.

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Clearly, not all of the precincts identified have attracted controversy or would indicate policy support for a departure from the existing character or established entertainment role.

However, having regard to the Panel's findings in Chapter 6, it is understandable that the identification of some precincts (for example, Gertrude Street) have been perceived as a significant policy shift that warranted more explicit description and explanation in communications materials, beyond what was undertaken. The Notice and the Explanatory Report merely describes the changes as "updates", whereas the Submitters would argue that identifications of preferred precincts for larger venues is a new policy or strategy. The Panel has some sympathy for these views and regards the changes being more than "updates".

The Panel nevertheless accepts Council's submissions that, having regard to the requirements of the PE Act and the Regulations and the observations of the Tribunal in the Freeman decision, the Notice did "briefly describe" the effect of the Amendment. The Notice alerted the public to the Amendment and that it sought to introduce changes to the Clause 22.09, such that a person would have been in a position to decide whether to take the next step and examine the Explanatory Report and the Amendment.

However, the closest which the Explanatory Report came to identifying the changes introducing Late Night Precincts was the reference to "greater guidance on the preferred locations for larger venues". The Explanatory Report did not go further to identify those precincts, including Gertrude Street.

However, the difficulty for the Panel in assessing the impact of the Explanatory Report is that it is not clear whether any of the submitters raising concerns about notice consulted the Explanatory Report or simply relied on the Notice. It is therefore difficult for the Panel to conclude that a more detailed Explanatory Report would have addressed the submitter concerns. Nevertheless, it was clearly necessary to read the Amendment in order to understand that new late night precincts were proposed.

Despite the deficiencies in the Explanatory Report the Panel has been informed by late submissions in relation to Gertrude Street. However, the Panel is concerned that no submissions have been received in relation to the Johnston Street precinct (or parts of the other precincts that do not appear to have an established late night entertainment function) and that this may have been affected by deficiencies in relation to the Explanatory Report and the degree of public awareness it generated.

(v) Panel conclusions

The Panel concludes:

- The Amendment proposes a change in local policy that is of potential significance for the assessment and determination of larger licensed premises in the precincts identified as "Late Night" or "Core Entertainment".
- It would have been preferable that the Notice and the Explanatory Report identified that sought changes to the policy (and not merely updates) which identified Late Night Precincts. The Explanatory Report should have identified the precincts.
- Whilst it is likely that Council has complied with the PE Act and Regulations with respect to Notice of the Amendment and the Explanatory Report, the Panel is

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concerned that adequate notice may not have been provided, in particular to residents proximate to the Gertrude Street and Johnston Street precincts. These concerns also extend to parts of the other precincts that do not appear to have an established late night entertainment function (this is discussed further in Chapter 6).

2.1 Panel recommendation

2. **Further notice should be given if Council intends to pursue the designation of areas as Core Entertainment Precincts and the notice and Explanatory Report should be revised to specifically identify any proposed precincts and the role of the precincts.**

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3 Does the Amendment have a sound basis?

3.1 Analysis supporting the Amendment – The Background Report

Council commissioned Public Place, in association with 10 Consulting Group, to review the existing licensed premises policy. The analysis and recommendations in the Background Report underpins the changes proposed in the Amendment.

The Background Report highlighted the need to revise the licensed premises policy as a result of changes to State policy, the relative lack of direction provided by state-wide Clause 52.27 (Licensed Premises) and identified shortcomings of the existing Clause 22.09 policy.

It sets out the legislative and policy context and analysed data about existing licensed premises and impacts of alcohol consumption. The effect of the number, distribution and character of licensed premises on the magnitude and distribution of amenity impacts in a community are addressed. Alcohol-related impacts on amenity and perceptions of safety, which are concentrated between the hours of 9pm and 3am, were identified as a notable contribution to overall costs. The report states:

there is a clear spatial and temporal pattern in relation to alcohol-related amenity impacts, which means that some members of the community are disproportionately affected.

And

... impacts are concentrated in inner urban areas, particularly those with well-developed night time economies. These areas attract a large number of visitors and in doing so effectively import alcohol related amenity impacts.

The Report specifically observes that changes in the number and distribution of packaged liquor outlets contribute to the overall level of alcohol-related benefit/harm in a community, primarily through the proximity effect, which is described as follows:

The proximity effect operates when the convenience costs of obtaining alcohol, such as distance to travel (physical availability) and real price (economic availability) are altered. As new outlets appear the intensity of competitive pricing practices may increase, enhancing the relative buying power of consumers, and average travel distance to an outlet will reduce. The marginal impact of each new outlet on convenience and competition (and ultimately consumption and associated benefits and harms) reduces as more outlets are introduced to an area.

For on-site venues, spatial concentration can affect the magnitude and distribution of benefits and harms via the “amenity effect” because drinkers are drawn to a particular area and into close contact with one another, with potential implications for both drinkers and those nearby.

The Background Report observed:

- Yarra has a strong night time economy and a long established entertainment role. The central city and the inner city municipalities are recognised as the principal focus and home of the metropolitan area’s highly diverse hospitality and

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entertainment offer and each municipality, and each area or precinct within it, has its own character.

- Strategic planning policy favours Yarra's activity centres as the preferred location to concentrate and grow hospitality and entertainment facilities. The policy context emphasises diversifying the mixed of uses and more intensive residential development.
- Structure planning for activity centres requires further priority and attention to grow and consolidate hospitality and entertainment uses in preferred appropriate locations.

The analysis of data indicated:

- Outlet density has increased in Yarra between 2000 to 2009 and was significantly higher than for the North and West Metropolitan Melbourne and Victoria.
- In November 2013, there were 796 licensed premises, comprising 39.3 per cent restaurants/cafes; 35.2 per cent bars/pubs/clubs, 8.1 per cent licenced for late night trading; and 6.3 per cent were packaged liquor outlets.
- High concentrations of licensed premises exist in areas described as Entertainment Precincts in Fitzroy and Collingwood (in particular Brunswick Street, Gertrude Street, Johnston Street and Smith Street), and Richmond (in particular Victoria Street, Swan Street and Bridge Road).
- Of the 29 Late night premises in Yarra, seven were in Richmond, five were in Collingwood, and 16 were in Fitzroy.

The Report distinguished between the effects of packaged liquor and on-site outlets:

- The number and distribution of packaged liquor outlets contribute to the overall level of alcohol-related benefit/harm in a community, primarily through the proximity effect whereby competitive pricing practices may increase consumer buying power and reduce travel distance to an outlet. However, the marginal impact of each new outlet on convenience and competition (and ultimately consumption and associated benefits and harms) reduces as more outlets are introduced to an area.
- On-site outlets are associated with alcohol-related amenity impact and perceptions of safety, which make a notable contribution to overall costs.

For on-site outlets, which are the primary focus of the Amendment:

- New outlets/redistribution of existing outlets draw drinkers to a particular area and into close contact with one another, with potential implications for both drinkers and those who live nearby.
- The potential for conflict between late night activities with amenity impacts off-site and proximate residential areas is likely to increase as these "melting pots" of diverse uses consolidate.
- Benefits and detriments are spatially concentrated, in inner urban areas at night, particularly in areas with well-developed night time economies where the large number of visitors effectively imports alcohol related amenity impacts. This means that some members of the community are disproportionality affected.
- Adverse amenity impacts are most significant between 9pm and 3am.

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- The nature and magnitude of alcohol-related benefits and harms are also influenced by the design and management of the venues themselves, the environment in which they are situated, and the attitudes and behaviours of patrons.
- A number of characteristics that have been consistently linked to anti-social behaviour and violence.

The Report observed that the design and management of the venues and the environment influences the nature and magnitude of social benefits and harms associated with licensed premises. It identifies:

- Characteristics of the physical form of venues, the social environment within venues, and management practices employed that have been consistently linked to anti-social behaviour and violence.
- Features of the urban environment influence the extent to which the presence of one or more licensed premises is appropriate and safe .

The various recommended policy responses in the Background Report are translated to the proposed policy.

(i) Submissions and evidence

Council supported the Amendment as sound and strategically justified and up-to-date guidance for assessing amenity impacts flowing from licensed premises requiring a planning permit. Council submitted that the Precincts are existing entertainment precincts and this is based on the analysis in the Background Report.

Objectors to the nomination of Gertrude Street as a precinct submitted that the Background Report, which relied on NTE information about existing conditions, nominated precincts without a proper analysis of the different types of licensed premises that exist, their hours of operation, their patron capacity etc. Submitters provided details of their survey of licenced premises currently operating in Gertrude Street to demonstrate that it does not have an established function as an area for large/late night premises. Council provided details of licenses and permits in the proposed Gertrude Street precinct after the hearing.

Ms Elliot questioned the rationale for the precincts, noting that the term Late Night Precincts was adopted in the exhibited Amendment (without any analysis or attempt to provide a workable definition) and is now to be called Core Entertainment Precincts on the basis, not of the times the venues are open but, of patron numbers.

These objecting submissions argued that, while entertainment functions are needed across the municipality, the Municipal Strategic Statement (MSS) differentiates roles and functions of centres in the hierarchy. The MSS identifies different character and land use outcomes for various centres and neighbourhoods. It was submitted that the entertainment activities envisaged for Gertrude Street clearly have a metropolitan focus more suited to a MAC.

Ms Orr and others submitted that the large/late night venues to be directed to precincts designated as core entertainment areas under the policy are contrary to the land use objectives and strategies in the NACs (such as Gertrude and Johnston Streets) where the primary roles are to meet local needs, niche retailing and support the arts. As these venues are often closed during the daytime, the character, activity and trade in local centres can be undermined. For example, Ms Elliot submitted:

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Among the social and economic effects of introducing 200+ patrons into a relatively small street like Gertrude Street is the impact that any addition of large late night licensed premises will have on the range, diversity and viability of the existing uses and the inevitable diminution of what is recognised as its vibrant daytime character.

It was submitted that a vibrant city involves a diversity of uses but this does not require all activity centre functions to be met in all precincts; to the contrary, the intended mix of uses in activity centres will sometimes require judicious management of the interface between different uses.

Submitters also sought greater protection of residential amenity, including the maintenance of NAAP requirements for all applications. In the MUZ, it was suggested the policy should discourage licensed premises except where the land is located within an identified major or neighbourhood activity centre.

Evidence

Ms Petersen endorsed the proposed Policy (with post-exhibition changes supported by Council) as:

- A logical and useful amendment to the existing policy
- Consistent with the State Planning Policy Framework and Plan Melbourne 2017-2050, which encourage entertainment and other uses into activity centres
- An appropriate response to the findings of the Background Report
- Use in various policy provisions of a threshold of 30 metres from a residentially zoned property (including many properties with an interface to the rear of the elongated precincts) to trigger a test that the proposal will not adversely affect the amenity of the area. This reflects the urban land use character of the municipality and the “balancing act” to be undertaken when determining if a particular proposal is acceptable.

She noted that the nomination of Precincts in MACs and some NACs was an appropriate, response to the existing urban context and accessibility to a range of services. Further, it was noted that a discriminating approach was adopted:

3.4.9 The Core Entertainment Precincts does not include each and every commercially zoned centre within the municipality, the precincts do not even include all of the municipalities Activity Centres (with several Neighbourhood Activity Centres excluded).

However, Ms Petersen also suggested that suggested that the precincts do not just reflect existing conditions, commenting¹⁷:

3.9.14 In fact the purpose of the core entertainment precincts is to identify those clustered precincts within existing Major and Neighbourhood Activity Centres rather than apply the status quo when consider where larger venues should be encouraged to locate. This is a concept which I support and will assist with the effective management of larger licensed premises.

¹⁷ In relation to the request to extend the Johnston Street precinct.

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(ii) Discussion

The Panel considers the Background Report provided useful information and analysis of the regulatory framework to manage licensed premises, the relevant planning policy, key issues and the number and location of licensed premises that existed in 2013.

The Panel agrees with Ms Orr that the analysis in the Background Report had a focus on late night premises, as reflected in the naming of the proposed precincts, and changing the name of the Precincts creates a disconnect between the precincts and the justification for them.

There appears to be a consensus that it is late night premises (operating after 11pm), and large “vertical drinking” venues in particular, that pose the greatest risk to the amenity and safety of local neighbourhoods.

The Panel endorses the strategy to direct “higher risk” premises to activity centres as:

- consistent with policy for diversity of uses, including entertainment and night time uses
- they have associated infrastructure, particularly higher order centres
- management of adverse impacts and the enforcement effort are facilitated
- these are locations where reasonable amenity expectations of residents within and near the activity centre should take account high levels of activity.

The Panel notes that various application requirements in the proposed policy draw a distinction between higher risk venues and more food based venues (cafes and restaurants) which are widely supported as contributing to the vitality of most centres while generating fewer adverse impacts. The Panel endorses this distinction but considers more explicit reference in the policy basis and/or the policy objectives to the particular concern relating to higher risk venues would clarify what the Panel understands to be a key concern.

The policy maintains the very liberal 1am benchmark for trading hours in commercial zones, irrespective of whether land is within a designated precinct. Although an 11pm rather than 1am closing time would apply in many commercial zones with interfaces with residential zones (within 30 metres), the Panel has reservations about the 1am benchmark as it establishes an expectation that operating within the nominated timeframe would generally be acceptable.

The Panel agrees with submitters that there are significant differences between activity centres and within them¹⁸. The MSS distinguishes between the intended roles of activity centres:

*Under Melbourne 2030 Yarra has **five Major Activity Centres with a regional retail and entertainment focus**. These are Swan, Victoria, Smith and Brunswick Streets and Bridge Road.*

...

*Strategy 4.2 Support the **regional role of the Major Activity Centres** as an important component of Yarra's economy and as a metropolitan destination.*

¹⁸ For example, CI 21.08 identifies Bridge Road between Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants’.

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Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities¹⁹.

Examples of the differences in Clause 21.08 include:

*The Smith Street major activity centre serves **multiple roles for local residents whilst attracting visitors from a larger catchment**.... Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes.*

*The role of the Brunswick Street centre can be characterised as **hospitality, entertainment**, clothing and footwear, art galleries and studios, and non-government community services, **all with a metropolitan focus**.*

The Gertrude Street centre has a number of eclectic and innovative retailers as well as heritage buildings which help to give the centre an individual and unique sense of place.

Gertrude Street also has an arts focus which should be retained and fostered.

Directing larger and late night premises to MACs is consistent with planning policy but the policy support for nominating the Johnston and Gertrude Street NACs is less obvious. There could be merit in providing further guidance about the type of entertainment uses that are encouraged in centres, such as was recently proposed in revisions to the Maribyrnong Licensed Premises policy²⁰.

The justification for the designation of precincts relied on the analysis and recommendations in the Background report. However, the submissions relating to the proposed Gertrude Street precinct provided a case study with detailed evaluation of the designation of this street, which successfully challenged the basis for that proposed precinct (see discussion in Chapter 6.2). This raises questions about the justification provided by the Background Report for other Precincts in terms of the designation of neighbourhood centres, the descriptions of the extent of the precincts that extend for the entire length of streets and whether the nominated precincts actually have an established late night function.

The Panel questions the deletion of the existing policy objective and the explicit recognition of the potential for licensed premises that do not operate during the day to undermine active street frontages in retail strips. The Council adopted the view that this issue is addressed elsewhere in the planning scheme and would be taken into account without reference to it in the policy.

Clause 52.27 and the zone require consideration of planning policy and the MSS includes a general strategy relating to active frontages in activity centres:

¹⁹ Clauses 21.04 (Land use) and 21.08 (Neighbourhoods)

²⁰ Maribyrnong C141

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Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

However, the Panel considers it is appropriate to maintain the objective relating to active frontages in the Licensed Premises policy to identify the issue as specifically relevant to the consideration of applications for this use, and particularly where night time uses are concentrated in precincts.

As the Maribyrnong C141 Panel observed:

A number of current Amendments to planning schemes propose local policies for licensed premises. While the existing and proposed local policies adopt similar approaches to a range of issues, various differences are also evident. The Panel sees merit in terms of efficiency and consistency in the development of a model local planning policy for licensed premises, as recommended by the Victorian Auditor-General, or further state-wide guidance in Clause 52.27. However, the current task is to consider submissions relating to the Amendment. Further, the Panel is not in a position to form a view on the need for either a model policy or additional State-wide provisions or the appropriate content. Any change would need to be informed by sound analysis and input from engagement with stakeholders.

(iii) Panel conclusions

The Panel concludes:

- The Panel has reservations about the existing benchmark of 1am trading in all commercial zones across the municipality.
- Explicit reference to higher risk late night vertical drinking venues, rather than restaurants that focus on food, as a key policy concern would strengthen the policy.
- Established entertainment functions were presented as the justification for the designation of precincts but the broad bush approach that was applied included extensive areas with no large (or late night) venues. The Precincts should be reviewed to reflect locations where:
 - consolidation of existing late night and large venues is supported; or
 - licenced premises are a use that would promote revitalisation of the area.
- Directing larger and late night premises to MACs is consistent with planning policy but the policy support for nominating NACs is less obvious.
- It is appropriate to maintain the objective relating to active frontages in the Licensed Premises policy to identify the issue as specifically, particularly where night time premises are concentrated in precincts.
- The Panel sees merit in the development of a model local planning policy for licensed premises, as recommended by the Victorian Auditor-General, or further state-wide guidance in Clause 52.27 to provide a consistent framework for planning decisions, but such a task is clearly beyond the scope of this process.

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3.2 Panel recommendations

3. Retain the existing policy objective:
 - *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
4. Consider distinguishing between higher risk late night “vertical drinking” venues and more “food focussed” venues in policy provisions.
5. Review the proposed precincts to evaluate the alignment of licensed premises with the strategic intent for specific areas and adopt a more focussed approach based on identification of where entertainment uses have an established role.
6. Consider providing further guidance about the type of entertainment uses that are encouraged in centres.

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4 The scope of the policy - health and social impacts

(i) The issue

- Should the policy acknowledge and address the health and social impacts arising from the consumption of alcohol?

(ii) Submissions and evidence

Two submitters raised the potential and the need to address the health and social impacts arising from the consumption of alcohol ²¹.

The Alcohol Policy Coalition submitted that the policy should better address the substantial health and social harm associated with alcohol, including harm to others than the drinker. The Coalition requested a number of changes to the policy, including:

- Additional paragraphs for the policy basis highlighting the health impacts of alcohol consumption and identifying the oversupply of alcoholic beverages and concentrations of licensed premises being associated with increases in rates of violence and disease.
- The following objective should be added to the policy:
To limit the number and manage the location of licenses premises in the interests of public health and safety.
- Additional application requirements, including:
 - Identification of ways in which negative alcohol-related health and social impacts will be mitigated.
 - Requirements for smoking areas.

In support of these submissions, the Coalition relied on the evidence of Dr Michael Livingston. Dr Livingston presented his research findings which has established a link or correlation between the density of liquor outlets in a local area and a range of negative social effects, including street violence, domestic violence, traumatic injury, morbidity and mortality. Dr Livingston conceded that his evidence did not directly address any particular issues associated with liquor outlet density in the Amendment area, nor did he seek to provide an opinion on the policy per se.

Council made detailed submissions addressing the broader legislative framework of the liquor and planning regimes which, it was submitted, both converged on the issue of "amenity". Ms Marcus also provided an analysis of relevant cases addressing the scope of the PE Act and Clause 52.27. The essence of Council submissions was perhaps summarised as:

The health or wellbeing of patrons of a licensed premises or any health and broad social issues arising from excessive liquor consumption is simply not the focus of planning. These are matters to be considered under the LCRA, explicit in its objective to minimise harm arising from the misuse and abuse of alcohol.

²¹ Alcohol Policy Coalition and Jennie Morrison.

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Council called Ms Colleen Peterson as an expert witness on planning. Ms Peterson expressed the view that the broader health and social impacts are not relevant considerations in assessments of a licensed premises under Clause 52.27:

3.7.6 In other words, the assessment of a planning permit application does not require an analysis of broader social impacts of the sale of alcohol on the community such as the impact of health and wellbeing, the potential risk to crime and violence or the potential impact on domestic violence and anti-social behaviour. This is because these matters are considered by the Victorian Commission for Gambling and Liquor Regulation at a later stage as part of a liquor licence application under the Liquor Control Reform Act 1988.

Council, Ms Petersen and the Alcohol Policy Coalition relied on the Tribunal's decision in *Hunt Club Commercial Pty Ltd v Casey CC* (Red Dot) [2013] VCAT 725 (**the Hunt Club decision**). This decision is discussed further below.

(iii) Discussion

The Panel appreciates the detailed and informative submissions on this issue.

It is not necessary for it to make further observations of the statutory framework relevant to the Amendment (set out in Chapter 3), in particular the scope of the discretion under Clause 52.27, beyond what has been provided in other Panel reports and Tribunal decisions, in particular the Hunt Club decision.

The Hunt Club decision concerned an application by an activity centre owner against the decision of Casey City Council to make amendments to the Cranbourne East Development Plan. The Amendment sought to impose a number of restrictions on the sale of packaged liquor within the centre, in particular larger format premises. In support of these restrictions Council argued that the changes sought to address particular characteristics of the centre's catchment community, including higher levels of alcohol related incidents and socio-economic disadvantage. Casey set out its case in terms of the following propositions:

Dealing with the impacts (including social impacts) of packaged liquor is a legitimate planning consideration.

The development plan is the appropriate forum to deal with these impacts.

Research findings are that liquor outlet density and size is linked to the impacts of the consumption of liquor.

This area has particular issues that warrant protection from harm that may arise from greater consumption of liquor, and

The likely over supply of packaged liquor floor space within the catchment community if a large format packaged liquor premises operates from the activity centre that will lead to greater price competition and then more

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consumption due to this competition and then more harm from greater consumption.²²

The parties sought a legal ruling as to the scope of considerations in exercising discretion under Clause 52.27, which was provided by Deputy President Dwyer. The relevant passage of this ruling are extracted below:

Although I have stated above that the reasoning in the Coles Group and Millwood decisions perhaps over-simplify the legal position, I am sympathetic to the underlying sentiment in those decisions, and I do not necessarily disagree with the ultimate merits decision reached in each case. Although the significant social effects of a planning decision may conceivably be a relevant consideration in a given case, as a matter of general principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant consideration in the exercise of discretion for a particular licensed premises under clause 52.27. These matters are more commonly relevant to the complementary regulatory framework under the Liquor Control Reform Act 1998, albeit that there is some overlap between the liquor licensing and town planning frameworks.

Town planning is not a panacea for all perceived social ills, nor is planning decision-making a forum for addressing all issues of social or community concern. At its heart, planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and development of land. Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective, in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. Whilst town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment, it is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and well being of a society.

It follows, for example, that it is not the role of a planning decision-maker to consider the broader impacts on society of obesity, when making a decision about the development of land for a particular fast food outlet. The Tribunal has held that it is not its role to consider the potential health effects of electromagnetic radiation from a telecommunications facility that otherwise complies with relevant Australian safety standards, and a planning decision-maker should not pioneer its own separate standards. Similarly, therefore, it is not the role of a planning decision-maker to consider the broader impacts of the abuse or misuse of alcohol in a society, or to pioneer its own standards about the accessibility of alcohol generally in the community, when making a decision about the use or development of land for a liquor outlet. These are all

²² At [7].

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relevant societal concerns, but they are not necessarily relevant planning considerations to a particular statutory planning decision at a local level.

Broader environmental, social and economic factors may be more relevant at a strategic planning level, in the application of planning controls that group compatible uses together in a spatial context (i.e. through zones and overlays), or in the setting of particular policies and provisions to achieve particular planning objectives – e.g. an adequate provision of community facilities or services in a particular area. Once this strategic planning direction has been set, certain uses and developments become permissible in certain areas, and some of these broader social and economic factors may become less relevant to planning decision-making at a local statutory planning level. Provided a use is not prohibited, the statutory planning decision is not so much concerned with the appropriateness of a use per se (which has already been determined strategically through the setting of the zones and overlays), but rather with the appropriateness of that use in a particular location.

This is particularly the case with licensed premises under clause 52.27. As I have indicated, apart from the purposes of the clause dealing with amenity, the only other stated purpose of clause 52.27 is “to ensure that licensed premises are situated in appropriate locations”.²³

The Hunt Club concerned the approval of a development plan, a document which sets out parameters for the use and development of a particular precinct or locality. It is a document that does not set policy, but derives its basis from local policy, in particular the MSS.

The Tribunal was presented with expert evidence on the social effects of alcohol consumption, including from Dr Livingston, but was ultimately not satisfied that the proposed changes would address any “particular issues” of the Cranbourne community or would lead to the social or health outcomes sought.

The Panel accepts that, while what constitutes a social effect is not defined, the assessment of Amendments and applications for permits dealing with licensed premises legitimately extends beyond a narrow interpretation of amenity implications. Tribunal decisions indicate that the concept of amenity in town planning terms is broad enough to encompass the effect of assaults or violence on safety. The Panel considers the consideration of social effects can extend beyond amenity, and the planning system has an established role in addressing a broad range of social implications of land use and development proposals. Examples include the effects of infrastructure proposals on a community, the diversity and affordability of housing, the design of neighbourhoods to promote walking and sustainable transport, or managing accessibility to gaming opportunities in areas of disadvantage.

Perhaps what is distinctive is the focus of the planning system on the use and development of land and to assess the spatial implications and the appropriateness of a use or development in a particular location.

²³ At [14] to [18].

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In this regard, the Panel's approach to this issue is broadly aligned with the findings of the Tribunal in the Hunt Club decision. The Panel agrees with the observations of the Tribunal, that it may be more appropriate to consider broader social effects at Amendment stage when the planning and policy framework are established when preferred locations may be identified to manage the effects, including social effects, of licensed premises. However, the Panel does not accept that the appropriateness of permissible uses in particular locations is necessarily established through zoning or overlays and local policy can have a role to guide how discretion will be exercised.

To the extent that the Amendment also proposes to impose discretionary parameters and considerations for the assessment and determination of liquor licence proposals in a spatial context, the Panel regards the propositions put forward in Hunt Club case and their logic, have similar application to the present circumstances. In particular, the Panel accepts that:

- the impacts (including social impacts) of liquor licence proposals may be a legitimate planning consideration
- a local policy may be an appropriate mechanism to address these impacts.

Provisions in planning schemes need to have a sound basis, and where provisions are specific to a locality, the justification will generally need to establish why state-wide provisions are not adequate to meet relevant planning objectives and/or local circumstances. However, similar to the Hunt Club decision, in the present case, the Panel has also not been presented with any "Yarra specific" evidence:

- That is specific to Yarra or part(s) of the municipality and shows that this local area warrants protection from harm that may arise from greater consumption of liquor;
- That there will likely be an oversupply of licensed venues floor space within Yarra that will lead to more liquor consumption and consequently more harm or negative health or social impacts;
- Indicating how social impacts or harm to health would be addressed through the planning system; or
- If some form of density or saturation provision to limit outlets was to be advanced, what criteria or thresholds should be used to determine that outlets should be limited, or how it would apply.

In addition to the considering the scope of local policy in relation to social effects, a planning authority needs to weigh carefully whether there would be a net benefit to the community from limiting outlets and how the policy would be applied in the day to day assessment of permit applications for liquor licence proposals. As noted in Clause 20.02, which sets out the operation of local planning policies (emphasis added):

A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen. The LPP gives the responsible authority an opportunity to state its view of a planning issue and its intentions for an area. An LPP provides guidance to decision making on a day to day basis. It can help the community to understand how the responsible authority will consider a proposal. The consistent application of policy over time should achieve a desired outcome.

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The Panel does not believe that the broadly based research put forward by the Alcohol Policy Coalition would provide the necessary practical day to day assistance to planners in assessing applications to manage the potential social effects of licensed premises proposals. It is not clear how these statements and application requirements would be implemented in planning assessment and decisions, particularly with regard to smaller venues, where requirements sought seem disproportional to any risks posed. Dr Livingston was unable to indicate how the health and social impacts raised should be translated into the planning framework to provide more specific guidance for applicants, the community and decision making. This is understandable as that is not his field of expertise. However, it does raise very real questions about the introduction of broad policy provisions.

(iv) Conclusion

The Panel concludes that:

- The necessary justification has not been provided to include limits on licensed premises or additional policy provisions to address social and health effects in the assessment of applications for licensed premises.

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5 Does the policy direct licenced premises to appropriate locations?

5.1 Should the number of licensed premises be limited?

(i) The issue

Should the number of licensed premises be restricted?

(ii) Submissions and evidence

It was submitted²⁴ that, as there are already plentiful options for licenced premises:

- there should be no new licensed venues in residential areas as they are best separated completely, or
- “Council needs to set limits upon licensing in order to be able to be able to maintain effective control of the amenity of the area”.

On the other hand, others²⁵ emphasised that the level of regulation of licensed premises proposed would adversely affect the range of options available for residents, the vibrancy that attracts many to live in Yarra and, local proprietors of pubs, bars and restaurants, particularly those in Residential Zones.

Council submitted that limiting or capping of the number of licensed premises is not lawful as:

215. *It is not the role of policy to prohibit uses that are otherwise lawfully permitted in a zone.*

216. *That said, Council submits the Licensed Premises Policy provides an appropriate level of guidance in relation to the cumulative impacts of licensed premises.*

Ms Peterson expressed the view that:

Amendment C209 does not provide the opportunity to specify a cap on the number of licensed premises within the municipality. Future strategic work may allow Council to examine saturation levels in certain precincts and limit the number of licensed premises within these precincts.

(iii) Discussion

The Panel notes that the approach adopted in the policy implements the findings of the Background Report which included:

The consultation conducted as part of Council’s Night Time Economy Strategy and the broader strategic context suggest that for Yarra, from an economic

²⁴ For example submissions 2, 3, 21

²⁵ For example submissions 23, 13, 20

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and social perspective, an enabling rather than overly arbitrary and restrictive policy approach is preferred²⁶.

Given this perspective, Council did not undertake analysis that would be required to justify caps or saturation limits or how limits would apply. The submissions seeking limits or caps referred to current impacts on amenity and safety but did not present the necessary justification to impose limits on any specific areas.

Clause 52.27 requires consideration of cumulative effects of proposed licensed premises applications and the guidance provided by PPN 61 provides a framework for considering the issue when an application is considered.

Less explicit “limits” in certain locations, such as policy relating to operating hours in residential areas, are discussed in Chapter 7.

(iv) Panel conclusions

The Panel concludes:

- The policy implements the preferred policy approach in the Background Report to enable the night-time economy, rather than an overly arbitrary and restrictive policy.
- Submissions did not present the necessary justification for limits or caps on licensed premises.

5.2 Proposed Precincts

(i) The issues

- Are the proposed Late night/Core entertainment precincts appropriate?
- Is the designation of Gertrude Street, Johnston Street and Bridge Road as precincts appropriate?

(ii) What is proposed?

The exhibited Policy 22.09-3.1 Location and Access states it is policy that:

Licensed premises with a capacity of more than 200 persons be located in the following Late Night Precincts:

- *Swan Street west of Church Street*
- *Bridge Road west of Burnley Street*
- *Victoria Street west of Burnley Street*
- *Smith Street between Gertrude Street and Alexandra Parade*
- *Brunswick Street between Gertrude Street and Alexandra Parade*
- *Gertrude Street between Smith Street and Nicholson Street*
- *Johnston Street between Nicholson Street (Fitzroy) and Hoddle Street*

In response to submissions, Council supported a change to the rename the precincts to Core Entertainment Precincts and to clarify that the precincts are “limited to properties fronting and with pedestrian access from the listed streets”.

²⁶ Page 56 of the Background Report.

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(iii) Submissions

Council noted that renaming of the Late Night Precincts to “Core Entertainment Precincts” is proposed to communicate the intention that the precincts address the size of venues and not hours. Council submitted that policy guidance on preferred location for larger premises is necessary to manage the greater risk of impacts they pose. Council referred to PPN61 as the basis for distinguishing larger venues (200 or more patrons) due to the greater potential to cause significant amenity impacts, compared to smaller venues:

Licensed premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result in a negative cumulative impact.

Council cited the analysis in the Background Report of the spatial distribution (see Figure 2), number and character of licensed premises in Yarra as the basis for the precincts in the policy. Council highlighted that the Background Report identified a high concentration of licensed premises in Fitzroy and Collingwood (in particular, Brunswick, Gertrude, Johnston and Smith Streets), and in Richmond (in particular, Victoria Street, Swan Street and Bridge Road). Council submitted that the following factors that underpinned the identification of “Core Entertainment Precinct” remain relevant for the precincts that attracted objecting submissions:

- *its existing and preferred character, including the existing distribution of licensed premises;*
- *its proximity to public transport, or other forms of transport, such as taxi ranks;*
- *the provision of other existing public amenities, such as public toilets and car parking;*
- *its location within an existing Major Activity Centre (MAC) or Neighbourhood Activity Centre (NAC); and*
- *the existing “Principal Night Time Precincts” identified in Council’s Night Time Economy Strategy.*

Council submitted its approach of “encouraging larger venues into “Core Entertainment Precincts”, all of which are located within existing MACs or NACs, with excellent access to public transport and other public infrastructure, is consistent with State policy seeking to encourage major commercial, entertainment and cultural developments into activity centres.” Collective impacts can be better managed and addressed by concentrating larger venues within these areas.

Council, and evidence from Ms Petersen, emphasised the following:

- The policy is not intended to encourage larger venues, rather, it is directed at identifying the most appropriate locations to ameliorate impacts.
- The policy provisions include the qualification that the operation of the licensed premises are to have no unreasonable impact on the amenity of the area. Further, requirements for an acoustic report and the existing Interface Uses Policy (clause 22.05) will assist with reducing noise impacts.
- Permits will not necessarily be granted for large venues in precincts as the assessment of applications will be against all relevant provisions of the Scheme and

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the objectives of the policy as a whole. A range of factors will influence whether a site can accommodate 200 people.

As the precincts originally related to late night venues and it was these venues that were of particular concern in submissions, policy relating to operating hours is relevant. The policy (with changes supported by Council) provides for:

- Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm.
- Licensed premises in a commercial or industrial zone not provide for the sale and consumption of liquor beyond 1am.

These operating hours (and other policy) are subject to the qualification *“unless the responsible authority is satisfied that it will not adversely affect the amenity of the area”*.

Residents submitted that concentrating venues in the Late Night Precincts in areas immediately surrounded by residential uses will make existing conflicts worse. They referred to impacts on amenity that include noise (despite acoustic protections), increased violence, parking, rubbish, vomiting, urination, defecating, exhaust fans, and damage to property. It was noted that Brunswick Street (including part of Johnston Street) and Smith Street (including Gertrude Street east of Gore Street) are designated areas²⁷ pursuant to section 147 of the LCR Act where alcohol related violence and antisocial behaviour has occurred.

It was submitted that the *“green light”* for larger venues to cluster in precincts is contrary to the purpose of Clause 52.27. Submissions relating to specific precincts and Council responses are noted below.

Gertrude and Johnston Street Precincts

The designation of Gertrude Street as a precinct generated the most objecting submissions²⁸. Submissions expressed concern that the inclusion of Gertrude and Johnston Streets as late night/core entertainment precincts will create a square with a perimeter of large licensed premises and this will exacerbate existing alcohol related violence and the adverse late night amenity impacts from foot traffic transiting between Smith, Brunswick and Johnston Streets.

At the Hearing, the South Fitzroy Defence Group, Ms Orr and Ms Elliot challenged the designation of Gertrude Street as a precinct because:

- it is inconsistent with planning policy
- it is based on flawed analysis in the Background Report:
 - The description of the Gertrude Street Precinct extending between Nicholson Street and Smith Street fails to recognise that Gertrude Street has four different zones, with approximately 38 percent of Gertrude Street frontages being in a public use, mixed use or residential zone. The assertion that *“Gertrude Street is appropriate for larger licensed premises because of its commercial zoning*

²⁷ In designated areas police have the power to ban people from licensed premises and designated areas for up to 72 hours.

²⁸ For example, submissions 9, 33, 37, 38 Rainer Schmid and Ida Schmid, 39, 41, 42, 43, 44, 45, 40 (South Fitzroy Defence Group),

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without qualification may indicate the lack of analysis in the background document.”

- The assertions that Gertrude Street accommodates “a notable numbers of late night venues” and “Night time entertainment is concentrated on Smith, Gertrude, Brunswick and Johnston Streets” are not substantiated in the report or in reality. Mapping of licenced premises (see Figure 1) showed only one late night venue on the corner of Smith Street and none in Gertrude Street. Ms Orr’s site by site survey of existing types of premises and their operating hours confirmed this and illustrated that the majority are restaurants rather than bars, pubs or clubs.
- will result in “creep”, eventually enveloping the street and morphing into an extension of the Smith and Brunswick Street “hot spots”
- will undermine retailing, which is a fundamental land use in Gertrude Street that contributes to the vibrancy, daytime activity and active street frontages. Unlike licensed street cafes, the large type venue encouraged in this policy do not contribute to amenity and a sense of “village” and “community” or daytime activity
- will exacerbate negative amenity and safety impacts of clustered larger venues on nearby residential uses which are not effectively managed. Gertrude Street does not offer the supporting infrastructure; there are no public toilets, no car parking facilities, no taxi ranks, and already burdened police officers accord management of the amenity impacts a low priority.

A submission from a long term resident of the proposed Johnston Street precinct expressed concern that the change in policy will result in a shift from the mixed use character currently enjoyed to strips of late night activity, with resultant adverse amenity impacts. The submission referred to out-of-venue “preloading” and “side-loading” and broken bottles associated with the late night bottle shop at the corner of Napier and Johnston Streets.

A submission²⁹ on behalf of an applicant for a permit for a licensed premises with a capacity in excess of 200 patrons at 245-247 Johnston Street, Abbotsford sought extension of the Johnston Street precinct to include the Commercial 1 Zone (C1Z) area to the east of Hoddle Street on the grounds that:

- this area already comprises a cluster of licensed premises and a large number of large properties are capable of being converted into a licensed premises
- the activity centre has a relatively high vacancy rate and the commercial stimulus would contribute to a more vibrant and liveable centre.

²⁹ Submission 34

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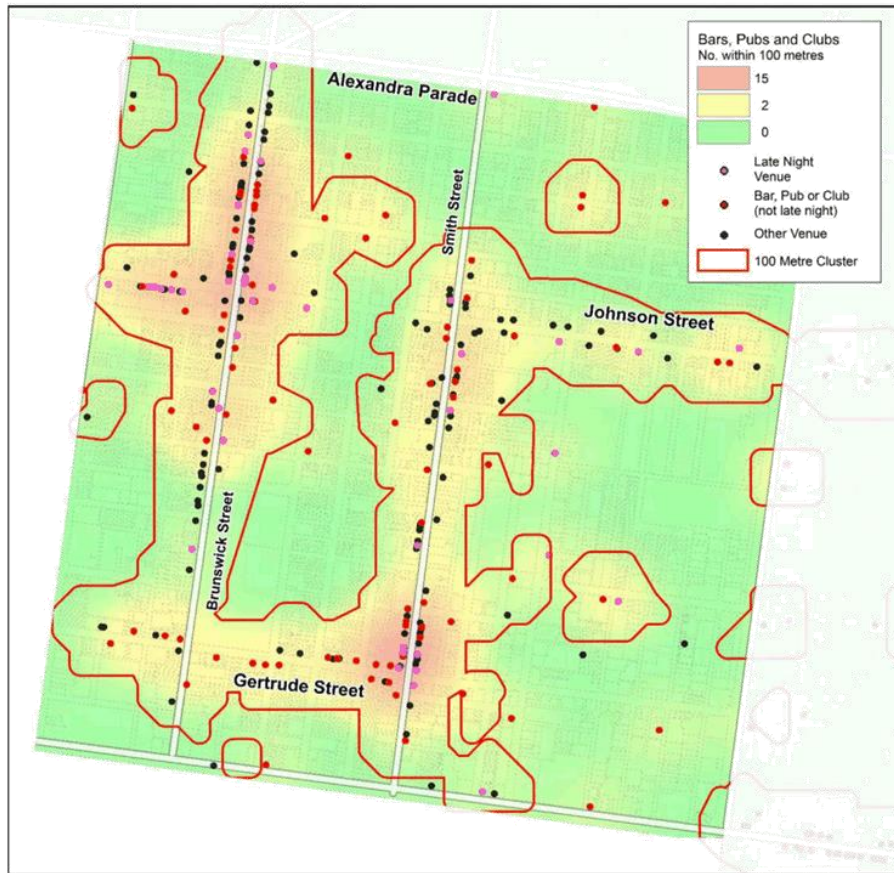


Figure 1 Existing Licensed Premises (Source: The Background Report P37)

Council's response to submissions at the Hearing:

- Suggested it should be made explicit in the policy that the precincts do not include land in a residential zone.
- Noted that spines of C1Z with res zone interface are common in Yarra and this is not a reason to treat Gertrude Street differently
- The policy is not intended to encourage larger venues; rather, it is directed at ameliorating impacts and in no way supports altering the character of Gertrude Street or elevating its status from a NAC:

The existing character and amenity and any potential impacts on the amenity of the surrounding area (including both residential and commercial amenity) will be considered by Council in assessing any permit application.

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Council did not support extension of the Johnston Street Precinct to the east of Hoddle Street, noting in the officer response that:

This small area of Johnston Street, east of Hoddle Street, while zoned Commercial 1, has a different (yet emerging) character to the Collingwood and Fitzroy parts of Johnston Street. It is acknowledged however that there may be venues within this area that can accommodate over 200 patrons and these will be assessed on their merit.

The area is already undergoing significant change with increases in commercial activity. It is anticipated that this activity centre will become more vibrant with various sized venues regardless of the changes to the policy.

Ms Petersen supported the inclusion of Gertrude and Johnston Streets as “Core Entertainment Precincts”. However, given the policy discouragement of licensed venues within residential areas, she supported explicit exclusion of the residential zones from the precinct and any property that does not have frontage to Gertrude Street (as per the post-exhibition changes) shown in Figure 2.

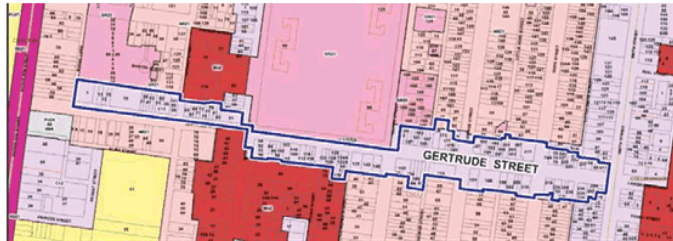


Figure 2: Gertrude Street Core Entertainment Precinct (excluding residential zones and MUZ)³⁰

Ms Peterson did not see the designation of Gertrude Street as a NAC as an impediment to inclusion in a precinct, commenting:

... there is nothing to suggest that a Neighbourhood Activity Centre can't be a "Core Entertainment Precinct". In fact, I believe the opposite to apply given the overwhelming strategic support for neighbourhood activity centres to provide for a range of services and facilities.

She noted that Gertrude Street precinct is well serviced by public transport, Clause 21.02 identifies the vicinity of Gertrude Street as a focus of arts and culture activities, and Council's adopted NTE Strategy includes Gertrude Street as one of the principle precincts where the city's night time economy is prevalent. Ms Petersen considered the prevalence of licensed premises and late night venues in this section of Gertrude Street “is accurately depicted in the background report³¹ which identifies that approximately 27 bars, pubs, clubs and other venues³² exist along this identified strip”, although she conceded under cross examination that she had not verified this analysis.

³⁰ Source: Petersen evidence report.

³¹ Page 38 – 40, Public Place (2015) Licensed Premises Policy – Background Document

³² Includes one Late Night Venue

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Ms Petersen saw the location of the majority of the identified core entertainment precinct (between Smith and Nicholson Street) between two Major Activity Centres (Brunswick Street and Smith Street), adds to its emphasis as a key activity area.

She agreed with submitters that Gertrude Street has a very unique character with a rich mix of retailers, a focus on the arts, and heritage buildings within the centre, but considered the amenity consideration in policy and the assessment of applications will ensure that this acknowledged urban will not be eroded by its inclusion as a precinct.

Ms Petersen did not support extension of the Johnston Street precinct, noting:

3.9.9 Whilst the background report identifies the existing 100m cluster of licensed venues along Johnston Street extending eastwardly past Hoddle Street, towards the Nicholson Street (Abbotsford) intersection (Refer Figure 5), I note that the majority of these venues are smaller in scale and include venues such as Dr.Morse Bar & Eatery, Mesa Greek Cuisine, Lulie Street Tavern and The Yarra Hotel. None of these venues have licences past 1am and 3 of the 5 premises trade as restaurants/cafes.

Bridge Road Richmond

It was submitted³³ that the proposed Bridge Road Late Night Precinct should be limited to between Burnley Street and Church Street because:

- the area between Church Street and Punt Road/Hoddle Street is dominated by apartments, includes the Epworth Hospital, has narrow footpaths and poor parking availability
- inclusion of this area as a Late Night Precinct has potential for a major clash between those living in the new high rise apartments, the needs of the hospital and licensed venues.

Council acknowledged there are fewer existing licensed premises in Bridge Road between Church and Burnley Streets than the other precincts. It submitted that when applications are assessed, the responsible authority will consider potential impacts on amenity, such as noise, having regard to the context of the site, including any implications for Epworth Hospital and other medical uses.

Ms Petersen did not support the requested reduction in the extent of the precinct as the diverse mixed use character from Punt Road to Church Street is typical of Yarra's traditional commercial areas and includes a prevalence of licensed premises and late night venues (as depicted in the Background Report).

520 Victoria Street, Richmond

Submissions on behalf of Salta Properties sought greater flexibility in operating hours at 520 Victoria Street, Richmond (on the corner of Victoria and Burnley Streets) which is in the General Residential Zone. It was submitted that the 8pm limit on operating hours of commercial tenancies at ground level, which could include licensed premises, fails to

³³ Submission 4

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recognise the physical and policy context (including its identification as a “strategic redevelopment site”), which is more akin a MUZ.

Council and Ms Petersen responded that the Policy provides sufficient flexibility to consider whether it is appropriate to grant a permit for a licensed premises to operate past 8pm.

(iv) Discussion

Key elements of the rationale provided for precincts relate to their location in an activity centre (with associated infrastructure) and an existing concentration of licenced premises.

The Panel agrees with submissions that distinctions between the roles of activity centres should be taken into account. As discussed in Chapter 4, the Panel considers that directing larger and late night premises to MACs is consistent with planning policy but the policy support for nominating NACs is less obvious.

In the case of the Gertrude Street NAC, the maintenance of the recognised character, together with retail, arts related and local service functions have a policy priority. Submitters have legitimate concerns about the risk to Gertrude Street’s role from a concentration of large, late night venues. As outlined in the Background Report, some centres in Yarra have experienced impacts:

A parallel theme, that has marked the character, role and function of some of Yarra’s activity centres, has been the emerging dominance of entertainment and hospitality uses at the expense of other mixtures of uses ordinarily associated with an activity centre. Predominantly, entertainment precincts and strips are established.

Although the Amendment translates the Background Report Late Night precincts, it acknowledged that concentrations of bars and clubs are focused in particular locations:

Brunswick Street near the corner of Johnston Street and Smith Street near the corner of Gertrude Street are areas of intense provision of bars and clubs. In other parts of the precinct bars are less spatially concentrated and restaurants (including cafés) represent a higher proportion of all venues.

The Panel understands there could be a role for precincts to address the implications of high risk premises but the post exhibition changes and Council submissions at the hearing to focus on size rather than late night operation made the role of precincts less clear. In terms of restaurants, the usual planning considerations, supported by requirements of the type identified in the policy are likely to address the relevant issues without the need to define a precinct. This suggests a more focussed approach to precincts and, perhaps, some clarification of the intended role of centres in terms of entertainment uses. This could be done in through structure planning or specifically in the policy, or a combination of both.

The Panel does not consider the analysis provided by the Background Report supports the designation of Gertrude Street as a precinct. It is clear from data in the Background report, provided in submissions and by Council after the hearing and from Panel inspections that Gertrude Street is not an established late night precinct. Apart from the venues at the corner of Smith Street, Gertrude Street, like many local centres, has two hotels and a variety of restaurants.

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For the Johnston Street NAC, the character and land use varies significantly along the length of the street, with former industrial buildings and retailing together with entertainment uses that include existing late night music venues and circus oz. Although not identified in the Background Report or ventilated at the Hearing, the Panel is aware of a concurrent proposal for a Special Use Zone to facilitate an arts precinct in Johnsons Street (north of Wellington Street) which is an example of the renewal of this area. It is a street that is evolving and licensed premises may have a role, however, there are significant lengths of the street that do not meet the underlying criteria of being an established entertainment area.

Although Johnston Street did not receive the same level of scrutiny at the Hearing, it is evident that the length of the street is not an established entertainment precinct and the justification for and delineation of this precinct should be reviewed.

In Bridge Road, in addition to the potential implications for the Epworth hospital, the absence of existing large or late night venues justifies review of the extent of this precinct.

The Panel notes that 520 Victoria Street, Richmond is not a typical residential area. Rather it is in a locality that continues to be transformed, with much more intensive development, is at the intersection of busy roads and is opposite the Victoria Gardens centre. It is not the role of the Panel to revisit the zoning and broader planning framework for the locality or to pre-empt the assessment of future applications. However, the Panel notes that the policy provides the discretion to consider the characteristics of the area and the site, together with appropriate measures to mitigate potential adverse impact. This would be a site where the specific circumstances of the land may well support operating hour beyond 8pm.

The Panel notes that the extent of precincts based on their existing entertainment role could be challenged in other precincts where submissions were not made.

(v) Panel conclusions

The Panel concludes:

- Precincts could have a role to address the implications of high risk premises but the post exhibition changes to focus on size rather than late night operation made the role of precincts less clear.
- The policy would be improved by clarifying:
 - the purpose of precincts and adopting a more focussed approach to them
 - the intended role of centres in terms of entertainment uses.
- The usual planning considerations, supported by requirements of the type identified in the policy are likely to address the relevant issues for lower risk premises such as restaurants without the need to define a precinct.
- Submitters have legitimate concerns about the risk to Gertrude Street's role from a concentration of large, late night venues. Gertrude Street should not be designated as a precinct as the analysis provided did not demonstrate that it has an established role as a precinct for late night or large licensed venues.
- Johnston Street and Bridge Road are not established entertainment areas for the entire length of the streets and the extent of these precincts should be reviewed.
- The extent of other proposed precincts that did not attract submissions could be challenged based on their existing entertainment role and should be reviewed.

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5.3 Panel recommendations

7. Clarify the purpose of proposed precincts.
8. Review the proposed precincts to:
 - a) adopt a more focussed approach
 - b) exclude land in a residential zone
 - c) delete Gertrude Street from the list of precincts
 - d) Map precincts to identify:
 - tighter precincts that recognise areas that have an established “night” time entertainment” function.
 - locations where strategic planning supports a strengthened night time entertainment role.
9. Consider identifying the intended role of centres in terms of entertainment uses.

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6 Do the policy requirements strike the right balance?

(i) What is proposed?

The existing licensed premises policy discourages new licensed premises in Residential or Mixed Use zones, whereas the proposed policy only discourages them in residential zones (other than the MUZ).

Proposed hours of operation are subject to a qualification that the responsible authority is satisfied that the use will not adversely affect the amenity of the area. In summary, proposed changes (under hours of operation) to the time licences premises are not to trade beyond are:

- 8pm in a residential zone (other than a Mixed Use Zone) (new policy)
- 10 pm in a Mixed Use Zone (new policy, exhibited as 11pm).
- 10pm outdoor areas, including smoking areas, rooftops and open courtyards
- 11pm Packaged liquor outlets (new policy)
- 11pm within 30 metres of a residential zone (existing policy).
- 1am in a commercial or industrial zone (not within 30 metres from a residential zone) (existing policy)

Deliveries, waste collection and emptying bottles into bins in outdoor areas are not to occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.

The policy does not apply the following requirements to restaurants (including a cafés) or packaged liquor outlets:

- a Noise and Amenity Action Plan (NAAP)³⁴
- an acoustic report where the preferred hours of operation are met.
- a report addressing the design elements of the Design Guidelines
- a cumulative impact assessment.

In addition, the existing Clause 22.01 (Discretionary uses in the Residential 1 Zone) policy continues to apply, including:

- Food and drink premises should have access to and adjoin a road in a Road Zone.
- Except on land adjoining and gaining direct access from a road in a Road Zone, all required car parking should be on-site.
- Noise emissions should be compatible with a residential environment.

³⁴ The NAAP is to address, in summary, existing licensed premises in the locality, all noise sources associated with the premises likely to impact on nearby residential property, measures to address all noise sources, complaints procedures, staffing arrangements, hours of operation, security lighting, details of music, waste management plan and any other measures to minimise amenity impacts.

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(ii) Submissions and evidence

Submitters raised a number of issues about the changes affecting Residential and Mixed Use Zones. It was submitted that removal of a key objective to protect residential and other commercial uses from excess noise, traffic and car parking issues is not acceptable.

Some submitters³⁵ support the change relating to operating hours from 11pm to 8pm in a residential zone, while others³⁶ consider the change is onerous for businesses and would undermine the vitality that attracts people to Yarra, with one submitter suggesting 10pm would be more reasonable. One submission³⁷ requested prohibition of licensed in residential zones altogether.

Many submissions³⁸ expressed concern that MUZ areas would no longer be treated as residential areas under the proposed policy and licensed premises would not be discouraged in the MUZ. These submissions highlighted that, as these are transforming to residential areas with large numbers of apartment developments, many people are affected and the MUZ areas commonly do not have the supporting infrastructure of activity centres. Submissions referred to amenity impacts experienced, which include noise late at night (including from music and drinking or congregating on footpaths), increased foot traffic in the area, on street parking, inappropriate behaviour associated with excessive alcohol consumption, rubbish and a number of venues leave waste bins on the street.

Submissions sought policy changes such as:

- no new licensed venues in residential areas as conflicting uses should be separated completely
- the level of discretion should be reduced and policy should specify mandatory standards that cannot be altered
- sound proofing and design measures of all music venues, with no music audible outside the premises. It was noted that sound proofing of heritage housing is costly and inefficient
- clear delineation of boundaries where people can drink alcohol in outdoor areas and restricting footpath trading areas to 10pm on a week night and 11pm on weekends
- restriction of waste collection and other deliveries to between 7am and 5pm.
- Car parking requirements should not be waived
- ensuring strict enforcement of conditions of licensed premises approvals
- Ensuring there are no unintended interactions with new outdoor dining smoking bans.

It was also submitted that, for consistency with the relevant objective, the requirements relating to hours of operation should refer to adverse effects on the amenity of nearby properties, as well as the area.

³⁵ Submissions 5 and 28

³⁶ Submissions 13, 16, 20, 22, and 23

³⁷ Submission 3

³⁸ Submissions 5, 6, 7, 8, 9, 11, 18, 21, 24, 25, 28, 30, 33, 39, and 41

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The Australian Hotels Association emphasised the need to: balance the respective rights and interests of residents, developers and licensed business operators; recognise existing-use rights of long-standing licensed business operators by providing for less onerous and more flexible processes compared to new applications; and to ensure that the provisions are not retrospective. It expressed concern about the proposed hours and advocated consistency between “ordinary trading hours” per the LCR Act and planning scheme i.e. 11pm cease in liquor sale and supply and 7am commencement.

Submissions from several licensees highlighted that gentrification and more intensive residential development mean it is inevitable that conflicts will arise and management beyond simply curtailing the rights of venues and entertainment districts is needed. They raised concerns about the onerous nature of some requirements being too heavily weighted in support of the perceived amenity rights of residents. This will raise residents’ amenity expectations to a perceived right to quiet after 8pm, and will lead to increased tensions between residents and businesses and more complaints to Council. If developers are to build new apartment blocks, and people are to move into areas that have a 40 year history of pubs, bars and restaurants that produce significant amounts of noise and street activity, the onus should not always be on those venues to take responsibility.

Mr Koadlow who owns a late night live music business in Brunswick Street (and one in another municipality) acknowledged the responsibilities of operators to alleviate impacts on amenity and outlined the range of measures he had undertaken since taking over the business to address a range of issues. This extended to replacing floors and soundproofing, a noise limiter, acoustic monitoring and security patrol and cleaning up litter in surrounding streets. He highlighted that he has been blamed for impacts from other venues or street parties and residents expectations do not always match the area in which they live, with some people moving into a vibrant area and then complaining about the activity at night. He submitted that protection should be two-way and responsible businesses that contribute to the local economy also need to be considered – the “agent of change” principle should apply.

Specific concerns raised by venue operators related to:

- The 8pm “curfew” in residential zones is unreasonable and venues operating in residential zones will encounter unreasonable scrutiny when applying for changes to very old permits.
- Specifying waste collection after 7am is not reasonable given that Yarra Council’s own residential rubbish collection service before 7am.
- The recent amendments to the Tobacco Act prohibiting smoking in dining areas from August 2017 make the smoking area requirement redundant.

Council submitted the policy (including the application requirements) will ensure amenity impacts are appropriately considered and managed, while providing sufficient discretion and flexibility for assessment of each application on its merits. Council noted that the policy reinforces existing policy to discourage licensed premises in residential zones, however, a permit may be granted for a licensed premises to operate past 8pm in a residential area. Council submitted in relation to requests that new licensed premises be prohibited in residential areas, that it is not the role of policy to prohibit uses that are permitted in the zone.

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Council argued that the policy strikes the right balance between achieving the purposes of the MUZ and reasonable amenity for residents in this zone. It submitted that the existing policy's uniform approach to all residential zones (including the MUZ) did not appropriately account for the purposes of the MUZ, the reasonable amenity expectations in an area zoned for a mix of uses or the associated opportunities presented. Council highlighted that:

- The MUZ has generally become more commercial in nature, with new developments commonly providing for commercial uses at ground level and residential above. This aligns with a purpose of the MUZ to provide for a range of uses, including commercial uses, many of which could reasonably be licensed to serve alcohol if amenity considerations are appropriately managed.
- Changes to the MUZ in 2013 mean that "food and drink premises" not exceeding 150 square metres are now as-of-right in the zone.
- In recognising the MUZ is primarily a residential zone, the policy discourages selling or consuming liquor past 10pm in the zone.
- The Mixed Use Zone therefore allows for a range of land uses, through measures such as limiting patron numbers and operating hours and minimising noise impacts.

Council submitted in relation to specific requirements that:

- Restriction on deliveries, waste collection, and emptying bottles into bins are appropriate and are consistent with Council's General Local Law and accepted sleep disturbance criteria.
- From 1 August 2017, the ban on smoking in outdoor dining areas where food is available for consumption will mean any outdoor drinking/smoking area must be separated from an outdoor dining area by either a 4 metre buffer area or a wall at least 2.1 metres high. Council proposes to remove the smoking area requirements from the venue design section; instead details of smoking areas (where applicable) would be required on site and floor plans. This greater flexibility avoids outdoor areas being dedicated for smoking at all times, and enables different options at different times (i.e. during the day the venue may use the outdoor area for dining but at night use it as a smoking/drinking area).

(iii) Discussion

Council rightly pointed out that it is not appropriate for policy to purport to preclude uses that are permitted in the MUZ or discretionary uses in the other residential zones, and for smaller premises in the MUZ are as of right.

Managing impacts of licensed premises on the amenity of areas and in particular, residential properties, is a key objective of the policy and this is appropriate.

As Council submitted, it is not necessary to repeat content of other parts of the planning scheme, such as Clause 52.27 (Licensed Premises) or the Clause 22.01 (Discretionary uses in residential zones) policy. However, the purposes of Clause 52.07 make general reference to the amenity of the area and Clause 21.01 relates to proposals in a residential zone, whereas the objective it is proposed to delete specifically refers to protecting residential and commercial uses from excess noise, traffic and car parking issues. The Panel does not consider the objective is redundant.

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Nevertheless, the Panel agrees with Council that the MUZ provides for a wider range of uses than other residential zones, restaurants at ground level are a common feature of new developments that are often encouraged and the proposed distinction in operating hours is consistent with reasonable amenity expectations in mixed use areas. Residential uses in or at interfaces with activity centres also need to take into account the positive and negative implications for amenity of higher levels of activity in these locations. Many submitters qualified their objections with comments that the vibrancy of Yarra attracted them to live in the area. As a submitter pointed out, living in Yarra entails expectations of “hustle, bustle” and movement throughout the day and evening, pockets of late night activity and greater awareness of commercial and industrial activity in or proximate to neighbourhoods and scarcity of parking.

The combination of the various policy requirements and new state-wide requirements for apartment developments to incorporate acoustic treatments contribute to protecting amenity for residents while avoiding unnecessary constraints on non-residential uses. The new objective and associated requirements encouraging best practice venue design and operation also provide valuable guidance.

The policy requires an extensive list of issues to be addressed by applicants. This includes addressing the zoning and land use context, potential noise emissions from the premises, management, the impact of patrons arriving and leaving the premises, car parking, and the availability of public transport, taxi ranks and ride sharing, waste management, and specific design features to minimise adverse impacts. The Panel endorses the exclusion of restaurants from various requirements, such as an acoustic report, a NAAP and a cumulative impact assessment. The broader requirements ensure relevant issues are considered, without routinely seeking onerous documentation for a use that generally poses a significantly lower risk to amenity.

As already noted, the Panel has reservations about the 1am benchmark in commercial zones across the municipality, although the extensive residential interfaces of Yarra’s strip centres with residential zones means it applies to more limited locations. Conversely, an 8pm closing time is onerous in residential zones, particularly as policy directs licensed premises to locations with Road Zone frontage. However, the requirement is accepted on the basis that discretion can and should be exercised and it places the onus on the applicant to demonstrate that measures to protect residential amenity will be effective, including where the application relates to changes to existing premises.

With regard to other requirements raised in submissions, the Panel notes that:

- Car parking requirements and the framework for the exercising discretion are addressed in other parts of the planning scheme, such as Clauses 52.06 (Car parking) and Clause 21.06 (Transport) which states “... *unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options*’.
- The management of noise from live music venues is addressed by Clause 52.43 (Live music and entertainment noise).
- The proposed hours in the waste management requirements align with the existing local law and, while it is arguable whether the policy requirement is necessary, a consistent approach is appropriate.

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- Policy has a role in the management of smoking areas to avoid off-premises impacts. Rather than deleting the requirement, consideration should be given to updating the guidance to take account of the new restrictions.

The Panel acknowledges concerns raised about the need for a greater enforcement effort but, provided the requirements are reasonable, this is an issue for the regulating authorities rather than the Panel.

(iv) Panel conclusions

The Panel concludes:

- The existing objective to protect residential and other commercial uses from excess noise, traffic and car parking issues is not redundant and should be retained.
- The MUZ provides for a wider range of uses than other residential zones and the policy strikes the right balance between achieving the purposes of the MUZ and reasonable amenity for residents in this zone.
- Residential uses in or at interfaces with activity centres and in the MUZ should take into account the positive and negative implications for amenity of higher levels of activity in these locations.
- The combination of the various policy requirements and new state-wide requirements for apartment developments to incorporate acoustic treatments contribute to protecting amenity for residents while avoiding unnecessary constraints on licensed premises.
- The broader requirements ensure relevant issues are considered and it is appropriate to exclude restaurants and packaged liquor outlets from various requirements, such as an acoustic report, a NAAP and a cumulative impact assessment as they types of licensed premises generally poses a significantly lower risk to amenity.
- It is not necessary to duplicate other provisions of the planning scheme in the policy, such as relating to car and noise from live music venues.
- The proposed hours in the waste management requirements align with the existing local law and this is appropriate.
- Rather than deleting the requirement relating to smoking areas, consideration should be given to updating the guidance to take account of the new restrictions.

6.2 Panel recommendations

10. Retain the existing objective to protect residential and other commercial uses from excess noise, traffic and car parking.
11. Refer to adverse effects on the amenity of nearby properties (in addition to the area) in requirements relating to hours of operation.
12. Update the requirement relating to smoking areas to take account of the new restrictions on smoking in areas where food is served.

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Appendix A Submitters to the Amendment

No.	Submitter
1	Maree Collie
2	Nick Mann
3	Jeremy Hindell
4	James Turnbull
5	Robert Young
6	Wendy Smith and Kirsten Smith
7	Chris Goodman
8	David Murray, Janelle Grady, Alex Grady and Sophia Hasselgrave
9	Meg Lee
10	Tilman Ruff
11	Rob Jack
12	Jeremy Koadlow
13	Rebecca Brogan
14	Jo-Anne Chapman
15	Carol Pelham-thorman
16	Luke Delaney
17	Marcus Davies
18	Christine Gibbs
19	Fiona Phillips
20	Reuben Acciano
21	David Leckstrom
22	Charlotte Mills
23	James Sadlier
24	Charlotte Barr
25	Christine Barr
26	Urbison behalf of Salta Properties
27	Australian Hotels Association Victoria
28	Sharron Bourke
29	Andrew Wolf and Anna Wolf
30	Anne Coveny

 Appendices

Attachment 2 - Yarra C209 panel report

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No.	Submitter
31	Alcohol Policy Coalition
32	Cancer Council Victoria
33	Sivy Orr and Anthony Orr
34	Glossop Town Planning on behalf of ACPLP
35	Tanya Burdett
36	Jennifer Torr
37	Dave Lane
38	Rainer Schmid and Ida Schmid
39	Louise Elliot and Greg Hocking
40	South Fitzroy Defence Group
41	Jennie Morrison
42	Peter Brady and Mary Brady
43	Jason Ireland
44	Lisa Gorman
45	Megan Park

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Appendix B Document list

No.	Date	Description	Tabled by
1	26/4/17	Part B Submission and Addition Folder of Documents	Yarra
2	26/4/17	Email from Phillip Campbell to Ira Schmid dated 26 April 2017	R & I Schmid
3	26/4/17	Written Submission of Rayner and Ida Schmid	R & I Schmid
4	27/4/17	Written Submission of Sivy and Anthony Orr and Attachment A	S & A Orr
5	27/4/17	Figure 5-4 (page 37) of Public Places document	S & A Orr
6	27/4/17	Written Submission on behalf of Salta Properties Pty Ltd	Salta Properties Pty Ltd
7	27/4/17	Written Submission of Jeremy Koadlow (to be provided)	J Koadlow
8	27/4/17	Written Submission of Louis Elliott and attachment	L Elliott
9	27/4/17	Written Submission of Sarah Jackson	S Jackson
10	27/4/17	Written Submission of Dave Lane	D Lane
11	27/4/17	Zoning Maps	Yarra

 Appendices

Attachment 3 - Johnston Street liquor licences

Johnston Street - liquor licensing data (extracted from liquor licences obtained from https://liquor.vcglr.vic.gov.au/alarm_internet/alarm_internet.ASP?WCI=index_action&WCU)						
Licence	Licence category	Premises	Address	Suburb	Maximum patrons permitted	Hours permitted
Between Nicholson Street and Brunswick Street						
32334269	Restaurant and cafe Licence	LALE TURKISH CUISINE	15 JOHNSTON STREET	FITZROY	34 patrons	Monday to Sunday Between 12.30pm and 10pm
32273798	Restaurant and cafe Licence	LOS AMATES MEXICAN KITCHEN	34 JOHNSTON STREET	FITZROY	N/A	Sunday Between 10am and 11pm Good Friday and ANZAC Day Between 12noon and 11pm On any other day Between 7am and 11pm
31920669	General Licence	J36	36 JOHNSTON STREET	FITZROY	N/A	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. FOR CONSUMPTION ON THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 1 a.m. the day following.
31822625	Late night (on-premises) Licence	THE BROTHERS PUBLIC HOUSE	42 JOHNSTON STREET	FITZROY	Ground Floor (50 patrons) First Floor (33 patrons)	Ground Floor - Sunday Between 10am and 11pm Good Friday & Anzac Day Between 12 noon and 11pm Monday to Thursday Between 10am and 1am the following morning Friday & Saturday Between 10am and 3am the following morning First Floor - Good Friday & Anzac Day Between 12 noon and 11pm On any other day Between 10am and 11pm
32271584	Restaurant and cafe Licence	FITZ CURRY CAFE	44 JOHNSTON STREET	FITZROY	N/A	Monday to Sunday Between 5 p.m. and 11 p.m
31921047	Late night (general) Licence	LA SANGRIA BAR	46 JOHNSTON STREET	FITZROY	120 patrons	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. FOR CONSUMPTION ON THE LICENSED PREMISES - Sunday Between 10 a.m. and 3 a.m. the day following. Good Friday & Anzac Day Between 12 noon and 1 a.m. the day following. Monday to Wednesday Between 7 a.m. and 2 a.m. the day following. Public Holidays (being Monday to Wednesday) Between 7 a.m. and 3 a.m. the day following. Thursday to Saturday Between 7 a.m. and 3 a.m. the day following.
31921322	Late night (general) Licence	LAUNDRY FITZROY	48-50 JOHNSTON STREET	FITZROY	272 patrons	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. FOR CONSUMPTION ON THE LICENSED PREMISES - Sunday Between 10 a.m. and 3 a.m. the following morning. Good Friday & Anzac Day Between 12 noon and 3 a.m. the following morning. On any other day Between 7 a.m. and 3 a.m. the following morning.
32256314	Late night (on-premises) Licence	KANELA BAR RESTAURANT	56 JOHNSTON STREET	FITZROY	60 patrons	Sunday Between 10 a.m. and 11 p.m Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 3 a.m. the following morning
32245397	Restaurant and cafe Licence	CAFE 58	58 JOHNSTON STREET	FITZROY	N/A	Sunday Between 10am and 11pm Good Friday and ANZAC Day Between 12noon and 11pm On any other day Between 7am and 11pm

Attachment 3 - Johnston Street liquor licences

32103896	Full Club Licence	HOGAR ESPANOL CLUB	59-61 JOHNSTON STREET	FITZROY	N/A	For consumption off the licensed premises - Monday to Saturday, excluding Good Friday & Anzac Day At any time. Good Friday Between noon and 11p.m. Anzac Day(falling on Monday - Saturday) Between noon and midnight. Anzac Day(falling on a Sunday) Between noon and 11p.m. Sunday(not being an Anzac Day) Between midnight and 1a.m.; also 10a.m. and 11p.m. For consumption on the licensed premises - Monday to Saturday, excluding Good Friday & Anzac Day At any time. Good Friday Between noon and 11.30p.m. Anzac Day(falling on Monday - Saturday) Between noon and midnight. Anzac Day(falling on a Sunday) Between noon and 11.30p.m. Sunday(being Christmas Eve or Day;New Year's Eve or Day) Between midnight and 1a.m.; also 10a.m. and midnight. Sunday(not being an Anzac Day) Between midnight and 1a.m.; also 10a.m. and 11.30p.m.
32305294	Restaurant and cafe Licence	GIRASOLE PIZZERIA	60 JOHNSTON STREET	FITZROY	50 patrons	On any day Between 12noon and 11pm
32290855	Late night (on-premises) Licence	VAU D'VILE	62-70 JOHNSTON STREET	FITZROY	266 patrons	Good Friday & ANZAC Day Between 1pm and 1am the following morning Sunday to Wednesday Between 1pm and 1am the following morning Thursday to Saturday Between 1pm and 3am the following morning
32308551	On-Premises Licence	HARES AND HYENAS	63 JOHNSTON STREET	FITZROY	80 patrons	Good Friday and ANZAC Day Between 12 noon and 11pm On any other day Between 10am and 11pm
32235350	Restaurant and cafe Licence	MOO CHI IN FUSION	72 JOHNSTON STREET	FITZROY	90 patrons	Sunday Between 10 a.m. and 11 p.m. Good Friday and Anzac Day Between 12 noon and 11 p.m. On any other day Between 10 a.m. and 1 a.m. the following morning except for Good Friday morning.
32227399	Late night (on-premises) Licence	THE OLD BAR	74-76 JOHNSTON STREET	FITZROY	175 patrons	Sunday Between 10 a.m. and 3 a.m. the following morning. On any other day Between 12 noon and 3 a.m. the following morning.
32301931	Restaurant and cafe Licence	MAURITZ CAFE	89 JOHNSTON STREET	FITZROY	35 patrons	Sunday Between 10am and 11pm Good Friday and ANZAC Day Between 12noon and 11pm On any other day Between 7am and 11pm
Between Brunswick Street and Smith Street						
32228256	Late night (on-premises) Licence	GEORGE'S BAR AT 120 JOHNSTONE STREET	GROUND FLOOR, 120 JOHNSTON STREET	FITZROY	143 patrons	Sunday, Good Friday & Anzac Day Between 6 p.m. and 1 a.m. the day following. Monday to Wednesday Between 6 p.m. and 1 a.m. the day following. Thursday to Saturday Between 6 p.m. and 3 a.m. the day following.
32269074	On-Premises Licence	SIR CHARLES	121 JOHNSTON STREET	FITZROY	50 patrons	Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 8 a.m. and 11 p.m.
32280185	On-Premises Licence	MR OTTORINO	122 JOHNSTON STREET	FITZROY	100 patrons	Sunday Between 10am and 1am the following morning Good Friday and Anzac Day Between 12 noon and 1am the following morning On any other day Between 7am and 1am the following morning

Attachment 3 - Johnston Street liquor licences

32236631	Late night (on-premises) Licence	THE NIGHT CAT	141 JOHNSTON STREET	FITZROY	471 patrons	Good Friday Between 6pm and 3am the following morning. Anzac Day (Monday to Wednesday) Between 6pm and 1am the following morning. Anzac Day (Thursday to Sunday) Between 6pm and 3am the following morning. Monday to Wednesday Between 6pm and 1am the following morning. Thursday to Sunday Between 6pm and 3am the following morning.
32024490	Packaged Liquor Licence	MC COPPINS	165 JOHNSTON STREET	FITZROY	N/A	Sunday & Good Friday Between 10 a.m. and 12 midnight. Anzac Day Between 12 noon and 11 p.m. On any other day including Christmas Day Between 9 a.m. and 12 midnight.
31914804	Late night (general) Licence	TOWN HALL HOTEL FITZROY	166 JOHNSTON STREET	FITZROY	(Applicable after 12 midnight on any day) Dining Room LM1 (42 persons) Lounge LM2 (66 persons) Garden LM3 (20 persons)	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 12 midnight. Good Friday & Anzac Day Between 12 noon and 12 midnight. On any other day Between 7 a.m. and 12 midnight. FOR CONSUMPTION ON THE LICENSED PREMISES - After midnight on any day, trade is restricted to Dining Room, Lounge & Garden areas. Sunday Between 10 a.m. and 1 a.m. the following morning. Good Friday Between 12 noon and 3 a.m. the following morning. Anzac Day (not being a Sunday) Between 12 noon and 1 a.m. the following morning. Monday to Wednesday Between 7 a.m. and 1 a.m. the following morning. Thursday Between 7 a.m. and 2 a.m. the following morning. Friday & Saturday Between 7 a.m. and 3 a.m. the following morning. Public Holiday Eve Between 7 a.m. and 3 a.m. the following morning. Public Holiday Eve (being Sunday) Between 10 a.m. and 3 a.m. the following morning.
31912129	Late night (general) Licence	ROCHESTER CASTLE HOTEL	204 JOHNSTON STREET	FITZROY	591 patrons	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. FOR CONSUMPTION ON THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. Monday to Thursday Between 7 a.m. and 1 a.m. the following morning. Friday & Saturday Between 7 a.m. and 3 a.m. the following morning.
32318344	Restaurant and cafe Licence	BAR LIBERTY	234 JOHNSTON STREET	FITZROY	Ground Floor (49 patrons) First Floor (34 patrons) Courtyard (70 patrons) Overall maximum (100 patrons)	Internal - Sunday Between 11.30am and 11pm Good Friday & ANZAC Day Between 12 noon and 11pm On any other day Between 11.30am and 1am the following morning Courtyard - Good Friday & ANZAC Day Between 12 noon and 11pm On any other day Between 11.30am and 11pm
32315176	Restaurant and cafe Licence	IBLA CUCINA ITALIANA	256 JOHNSTON STREET	FITZROY	Internal (28 patrons)	Sunday Between 10am and 11pm Good Friday & ANZAC Day Between 12noon and 11pm On any other day Between 9am and 11pm
Between Smith Street and Wellington Street						
32267153	Restaurant and cafe Licence	SAVANNA AFRICAN RESTAURANT & CAFE	7 JOHNSTON STREET	COLLINGWOOD	45 patrons	Monday to Sunday Between 7am and 11pm Good Friday and ANZAC Day Between 12 noon and 11pm
32289286	Restaurant and cafe Licence	BEDFORD ST LUNCH AND DINNER	11-13 JOHNSTON STREET	COLLINGWOOD	66 patrons	Sunday Between 10am and 11pm Good Friday and ANZAC Day Between 12noon and 11pm On any other day Between 7am and 12 midnight

Attachment 3 - Johnston Street liquor licences

32265761	Restaurant and cafe Licence	KOOSHI CAFE	20 JOHNSTON STREET	COLLINGWOOD	N/A	Good Friday Between 10 a.m. and 11 p.m. Anzac Day (being Sunday to Wednesday) Between 12 noon and 10 p.m. Anzac Day (being Thursday to Saturday) Between 12 noon and 11 p.m. Sunday to Wednesday Between 10 a.m. and 10 p.m. Thursday to Saturday Between 10 a.m. and 1 a.m. the day following
32336960	On-Premises Licence	GREY AREA BAR	31 JOHNSTON STREET	COLLINGWOOD	46 patrons	Tuesday to Thursday Between 8am and 11pm Friday & Saturday Between 8am and 1am the following morning Sunday & Monday No trade Trading hours on ANZAC Day must not commence before 12 noon and must cease no later than the finishing times specified above.
32325901	On-Premises Licence	CIRCUS OZ	35 JOHNSTON STREET	COLLINGWOOD	During performances, festivals, sponsor events and functions - 250 patrons During rehearsals attended by the general public - 100 patrons During public classes - 108 patrons At all other times - 290 patrons	Outdoor areas and the Melba Spiegeltent - Monday to Wednesday Between 10am and 12 midnight Thursday to Sunday Between 1pm and 12 midnight Internal areas - Monday to Sunday Between 9am and 12 midnight Trading hours on ANZAC Day must not commence before 12 noon, or any start times shown above that are later than 12 noon. Finishing times on ANZAC Day must comply with the finishing times shown above.
32309264	Restaurant and cafe Licence	SON IN LAW BY AYATANA	56-58 JOHNSTON STREET	COLLINGWOOD	Internal Area (70 patrons) Courtyard (24 patrons) Balcony (7 patrons) Overall Maximum (70 patrons)	Internal area - Good Friday and ANZAC Day Between 12noon and 11pm On any other day Between 7.30am and 11pm Balcony - Good Friday and ANZAC Day Between 12noon and 5pm On any other day Between 8am and 5pm Courtyard - Good Friday and ANZAC Day Between 12noon and 10pm On any other day Between 9am and 10pm
32285355	Restaurant and cafe Licence	THE OLD RAFFLES PLACE	68-70 JOHNSTON STREET	COLLINGWOOD	N/A	Good Friday and Anzac Day Between 12 noon and 3 p.m. & between 5 p.m. and 11 p.m. On any other day Between 10 a.m. and 3 p.m. & between 5 p.m. and 11 p.m.
31907360	Late night (general) Licence	TOTE HOTEL	71 JOHNSTON STREET	COLLINGWOOD	Ground Floor - 312 patrons. (Maximum patron capacity in courtyard 100 patrons). First Floor - 96 patrons. Overall maximum 408 patrons.	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 12 midnight. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. FOR CONSUMPTION ON THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 3 a.m. the following morning. Monday to Wednesday Between 7 a.m. and 1 a.m. the following morning. Thursday to Saturday Between 7 a.m. and 3 a.m. the following morning.
Between Wellington Street and Hoddle Street (area proposed to be removed from Core Entertainment Precinct)						
32296762	Restaurant and cafe Licence	PUNJABI CURRY CAFE	87 JOHNSTON STREET	COLLINGWOOD	100 patrons	On any day Between 12 noon and 11 p.m.
32262658	Restaurant and cafe Licence	AUTHENTIC THAI TASTE	92-94 JOHNSTON STREET	COLLINGWOOD	80 patrons	Monday to Sunday (including Good Friday & Anzac Day) Between 12noon and 11p.m.
32315621	On-Premises Licence	FEEFEE'S BAR	113 JOHNSTON STREET	COLLINGWOOD	34 patrons	Internal - Sunday Between 10am and 11pm Good Friday & ANZAC Day Between 12noon and 11pm Monday to Thursday Between 8am and 11pm Friday & Saturday Between 8am and 1am the following morning External - Sunday Between 10am and 9pm Good Friday & ANZAC Day Between 12noon and 11pm Monday to Thursday Between 8am and 9pm Friday & Saturday Between 8am and 11pm

Attachment 3 - Johnston Street liquor licences

31901005	Late night (general) Licence	BENDIGO HOTEL	125 JOHNSTON STREET	COLLINGWOOD	Public Bar (70 patrons) Bistro Lounge (54 patrons) Venue Bar (129 patrons) VIP Lounge (16 patrons) Courtyard (98 patrons) Overall Maximum (300 patrons).	FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. FOR CONSUMPTION ON THE LICENSED PREMISES - In the Beer Garden:-Sunday to Thursday Between 10 a.m. and 10 p.m. Friday and Saturday Between 7 a.m. and 12 midnight. Anzac Day (being Sunday to Thursday) Between 12 noon and 10 p.m. Good Friday and Anzac Day (being Friday or Saturday) Between 12 noon and 11 p.m. In the remainder of the premises:- Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 3 a.m. the following morning.
32323519	Restaurant and cafe Licence	BLUEBIRD ESPRESSO	134 JOHNSTON STREET	COLLINGWOOD	33 patrons	Monday to Sunday Between 7.30am and 12midnight Good Friday & ANZAC Day Between 12noon and 12midnight
32324638	On-Premises Licence	NIGHTHAWKS BAR	136 JOHNSTON STREET	COLLINGWOOD	Internal area 30 patrons External area 30 patrons	Internal area - Sunday to Thursday Between 11am and 1am Friday to Saturday Between 11am and 1am ANZAC Day & Good Friday Between 12 noon and 11pm TRADING HOURS External area - Sunday to Wednesday Between 11am and 10pm Thursday to Saturday Between 11am and 1am ANZAC Day & Good Friday Between 12 noon and 11pm
32308771	Restaurant and cafe Licence	SHU	147 JOHNSTON STREET	COLLINGWOOD	37 patrons	Good Friday & ANZAC Day Between 12 noon and 12 midnight On any other dayBetween 11am and 12 midnight
31902467	General Licence	THE BARLEY CORN	177 JOHNSTON STREET	COLLINGWOOD	Dining Room 40 patrons Public Bar/Lounge 310 patrons Overall 350 patrons	TRADING HOURS - FOR CONSUMPTION OFF THE LICENSED PREMISES - Sunday Between 10 a.m. and 11 p.m. Good Friday & Anzac Day Between 12 noon and 11 p.m. On any other day Between 7 a.m. and 11 p.m. TRADING HOURS - FOR CONSUMPTION ON THE LICENSED PREMISES - After 11 p.m. on any day, trade is restricted to those areas specified under the heading "MAXIMUM CAPACITIES". Sunday Between 10 a.m. and 11 p.m. Good Friday Between 12 noon and 11 p.m. Anzac Day (not being a Sunday) Between 12 noon and 1 a.m. the following day. Monday to Saturday Between 7 a.m. and 1 a.m. the following day.
32000828	Packaged Liquor Licence	LOFTY MART	201 JOHNSTON STREET	COLLINGWOOD	N/A	On any day other than Sunday, Good Friday, ANZAC Day or Christmas Day Between 9am and 11pm Sunday Between 10am and 11pm ANZAC Day Between 12 noon and 11pm
32325317	On-Premises Licence	ANGEL'S NEST	210 JOHNSTON STREET	COLLINGWOOD	50 patrons	Monday to Wednesday Between 8am and 11pm Thursday to Saturday Between 8am and 1am the following morning. Sunday Between 10am and 1am the following morning Good Friday Between 12 noon and 1am the following morning

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

22.09 LICENSED PREMISES

DD/MM/YYYY
Proposed C209
13/08/2009
C84

This policy applies to all applications where a permit is required pursuant to clause 52.27 of the Yarra Planning Scheme, for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.

For the purpose of this policy, licensed premises include food and drink premises and places of assembly used or to be used in conjunction with a liquor licence.

22.09-1 Policy Basis

DD/MM/YYYY
Proposed C209
13/08/2009
C84

The City has over 500-700 licensed premises. The majority of these premises are in commercially zoned areas. However, a large number of licensed premises are also in residential areas or are adjacent to residential areas. Licensed premises within retail and commercial areas have generally developed in clusters. This incidence has increased over the past decade through changes in land use patterns across the City.

Licensed premises contribute to the vibrancy and economic strength of the municipality, providing diverse opportunities for social interaction, artistic and cultural activity including live music, food and entertainment, as well as supporting other primary functions.

However, considerable tensions have sometimes developed between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area, noise, hours of operation and car parking as well as patron behaviour off the premises and waste management. The MSS seeks to achieve a reduction in the incidence of tension between business and residential activities and to minimise amenity impacts of retail, entertainment and arts uses on nearby residential properties and areas including noise, patron behaviour off the premises and waste management. This policy seeks to manage potential amenity impacts between licensed venues and other land uses.

Higher risk venues which operate late at night and encourage vertical drinking through having a low proportion of seating and a limited food offering have a greater capacity to cause adverse impacts compared to lower risk venues including restaurants and cafes which have a substantial food focus and a high proportion of seating.

The Core Entertainment Precincts outlined within the policy provide guidance for where larger venues with a patron capacity exceeded 200 people are appropriate. These areas are limited to Commercial 1 zoned land and are applicable to properties fronting and with pedestrian access from the main streets listed. These areas have been selected because of their existing character and their capacity to accommodate future larger licensed venues due to infrastructure and services that are typical within activity centres. By concentrating larger venues within these areas their collective impacts can be better managed and assessed.

22.09-2 Objectives

DD/MM/YYYY
Proposed C209
13/08/2009
C84

- To effectively manage the location, size, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.
- To encourage best practice venue design and venue operation for licensed premises.
- To protect residential and other commercial uses from excess noise, traffic and car parking issues.
- To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

22.09-3 Policy

DD/MM/YYYY
Proposed C209

It is policy that:

Location and Access

New licensed premises should be located such that:

- they are not in Residential, or Mixed Use zones
- premises that are closed at ground floor level during the day do not unduly interrupt continuous active retail frontage in activity centres
- there is appropriate opportunity to manage or buffer potential amenity impacts including ingress by queuing patrons, egress of those who have consumed alcohol on the premises, anti-social behaviour, in relation to more sensitive uses and, in particular, residential use
- there is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises
- there is adequate infrastructure including space for smokers, public toilets in the vicinity.

Licensed premises with a capacity of more than 200 people be located in the following Core Entertainment Precincts (applicable to properties in the **Commercial 1 Zone (plus the Circus Oz site in Collingwood)**, and fronting and with pedestrian access from the main streets listed below):

- Swan Street west of Church Street
- Bridge Road west of Burnley Street
- Victoria Street west of Burnley Street
- Smith Street between Gertrude Street and Alexandra Parade
- Brunswick Street between Gertrude Street and Alexandra Parade
- Johnston Street between Nicholson Street (Fitzroy) and **Wellington Street**

Licensed premises be located such that:

- They are not located in Residential zones (other than a Mixed Use Zone).
- There are appropriate opportunities to manage or buffer potential amenity impacts of (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site.
- There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.
- The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.

Venue Design

- The layout and design of new licensed premises incorporate safe design principles as detailed in the *Design Guidelines for Licensed Venues* (Victorian Commission of Gambling and Liquor Regulation 2017).
- The entry and exits points of a licensed premise and the areas for queuing of patrons be provided away from sensitive land uses.
- Waste management and storage occur on-site including the provision of noise enclosures if bottle crushers are utilised.

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

Hours of Operation

- Assessment of the impact of the hours of operation on the amenity of the surrounding area consider:
- The proposed use.
- The zoning of surrounding land.
- The location of the premises and location of car parking.
- The nature of surrounding uses and hours of operation.
- Potential noise emissions from the premises.
- The impact of patrons arriving and leaving the premises.
- Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
- Licensed premises in a Business or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
- Licensed premises in a residential zone (other than a Mixed Use Zone) not provide for the sale and consumption of liquor beyond 8pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises in a Mixed Use Zone not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises within 30 metres of a residential zone not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises in a commercial or industrial zone not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Packaged liquor outlets not provide for the sale of liquor after 11pm.
- For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises (including packaged liquor outlets) not commence the sale and consumption of liquor before 9am.
- Deliveries to and waste collection from a licensed premises not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.
- Emptying bottles into bins in outdoor areas not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- Assessment of the impact of the hours of operation on the amenity of nearby properties and the surrounding area must consider:
 - The proposed use and licence type.
 - The zoning of surrounding land.
 - The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.
 - The nature of surrounding uses and hours of operation.
 - Potential noise emissions from the premises.

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

- o The impact of patrons arriving and leaving the premises, including:
 - for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and
 - any cumulative impact on the amenity of the area.

Patron Numbers

- The number of patrons not exceed the safe and amenable operating capacity of the premises. As a starting basis, any assessment regarding the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).
- The number of patrons reflects the strategic and physical context of the site and will not adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impact.

Noise

- The operation of licensed premises have no unreasonable impact on the amenity of the area, in relation to noise.
- Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy or any other requirement such as accepted sleep disturbance criteria or relevant Australian Standards.
- On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities. A licensed premises must be designed and managed in accordance with an acoustic report approved by the responsible authority, where required.

Car Parking

- Car parking for licensed premises not detrimentally impact on the functioning of local traffic networks and car parking availability.
- Car parking be managed to discourage patrons parking in front of residential properties or in residential areas.
- Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.

Noise and Amenity PlanAction Plan (NAAP)

- Licensed premises be managed in accordance with a Noise and Amenity Plan-NAAP approved by the responsible authority, where required.

NOTE: A condition will be included on permits requiring management in conformity with the noise and amenity plan.

Application to amend an existing permit

In the case of applications to vary or extend an existing permit for a licensed premises, the following will be considered in addition to the above:

- Any relevant information regarding the operation of the premises including complaints received by relevant authorities such as the Council, Victoria Police, and the Victorian Commission for Gambling and Liquor Regulation.
- Any contravention of a condition of the existing permit or liquor licence.

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

- The adequacy of the conditions on the existing permit regulating the venue design, hours of operation, patron numbers, and noise and amenity impacts.

22.09-4 Application requirements

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Proposed C209

Permit applications must be accompanied by the following information:

- A site analysis plan detailing:
 - The proximity of the licensed premises to residential properties and other sensitive land uses, including details of doors, windows and open space areas on all residential properties in close proximity to the site; and
 - The nature and location of uses surrounding the proposed licensed premises, and their hours of operation including the type of licensed premises in the area, the hours of operation and patron numbers.
 - The location of off street car parks within the locality of the subject site, including the nature of any time restrictions.
 - The location and hours of operation of any transport services including rail, tram, bus, taxis and ride sharing.

- Site and floor plans detailing:

- Existing floor plans of all levels of the building(s) and outdoor areas on the site.
- Proposed floor plans of all levels of the building(s) and outdoor areas on the site including a calculation of floor areas in square metres, the use and patron capacity of all areas to be licensed, waste storage area, security lighting and any amplification or speaker system. If applicable, the location of queuing areas, CCTV surveillance, areas where live performance is to occur, dance floor areas and smoking areas.
- A 'red-line plan' showing the public areas where alcohol will be sold and consumed. For packaged liquor, a 'red-line plan' is required showing where alcohol will be displayed for sale and where it will be sold.

A site plan detailing all areas to be used by patrons of the premises, including areas adjacent to the boundaries of the site used in association with the licensed premises—that is, outdoor seating, public spaces, footpaths and car parking areas.

Plans detailing the existing and proposed layout of the premises, including all external windows and doors, the total number of patrons to be accommodated on the premises, the allocation of patrons to identified areas, and the location of waste storage areas.

- A written submission including the following information:

- A description of the proposed use(s), the type of licence(s) sought, hours of operation, provision and hours of food service, seating ratios and the type of music and/or entertainment to be offered.
- An assessment by a building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new licence.
- Details of waste management (including storage and hours of collection for general rubbish and bottles associated with the licensed premise), bottle crushers, and delivery times associated with the licensed premise.
- An assessment of all potential off-site impacts including identification of ways in which such impacts will be managed and mitigated.
- Where relevant, the views of the Victoria Police.

Details of the proposed hours of operation of the premises.

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

~~Details of bicycle parking and car parking to be provided, including an empirical assessment of car parking demand, the availability of car parking in the locality and public transport in the locality.~~

~~An assessment by a registered building or surveyor detailing the patron capacity of the premises.~~

~~Where relevant, the views of the Victoria Police, including police records of attendances and problems with the premises.~~

Noise and Amenity Action Plan

A Noise and Amenity Action Plan (NAAP) detailing the following information:

- ~~▪ The location, type and details of existing licensed premises in the locality.~~
- ~~▪ The identification of all noise sources associated with the premises (including, but not limited to, music noise, entries and exits to the premises and courtyards) likely to impact on nearby residential property.~~
- ~~▪ Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.~~
- ~~▪ Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or an officer of Liquor Licensing Victoria.~~
- ~~▪ Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters, on-premises manager, and other staff.~~
- ~~▪ Details of training provided for bar staff in the responsible serving of alcohol.~~
- ~~▪ Hours of operation for all parts of the premises.~~
- ~~▪ Lighting within the boundaries of the premises.~~
- ~~▪ Security lighting outside the premises.~~
- ~~▪ Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.~~
- ~~▪ Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.~~
- ~~▪ Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.~~

Additional application requirements

Permit applications must be accompanied by the following information, where required:

- A NAAP detailing the following information:
 - Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.
 - The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
 - The management of large group bookings.
 - The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
 - The management of external queues.

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- [How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times.](#)
- [Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.](#)
- [Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.](#)

[The requirement for a NAAP does not apply to a permit application for a restaurant \(including a café\) or a packaged liquor outlet.](#)

- [An acoustic report by a suitably qualified and experienced acoustic consultant identifying all noise sources and methods to be undertaken to control noise emissions to within *State Environment Protection Policy \(SEPP\) No.1 – Control of Noise from Commerce Industry and Trade* and *SEPP No.2 – Control of music noise from public premises* or any other requirement such as accepted sleep disturbance criteria or relevant Australian Standards.](#)

[The requirement for an acoustic report does not apply to a permit application for a packaged liquor outlet \(any hours\) or a restaurant \(including a café\) where the preferred hours of operation are met.](#)

- [A report demonstrating how each of the design elements of the *Design Guidelines for Licensed Venues* have been addressed in the layout, development and management plans for the premises.](#)

[The requirement for a report addressing the design elements of the *Design Guidelines for Licensed Venues* does not apply to a permit application for a restaurant \(including a café\) or a packaged liquor outlet.](#)

- [A cumulative impact assessment, being either:](#)
 - [An assessment against Practice Note 61: Licensed Premises: Assessing Cumulative Impact where the site is identified within a “cluster” of licensed premises; or](#)
 - [A statement explaining why a cumulative impact assessment is not required having regard to those sections of Practice Note 61: Licensed Premises: Assessing Cumulative Impact titled “When to use the guidelines” and “What is a cluster?”](#)

[The requirement for a cumulative impact assessment does not apply to a permit application for a restaurant \(including a café\) \(any hours\) or a packaged liquor outlet where the preferred hours of operation are met.](#)

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Policy-Reference Documents

[Yarra-Residential-Interface-Study, 2001.](#)

[Public Place \(2015\) Licensed Premises Policy - Background Document](#)

[Department of Environment, Land, Water and Planning \(2015\) Practice Note 61 - Licensed premises: Assessing cumulative impact](#)

[Victorian Commission of Gambling and Liquor Regulation \(2017\) Design Guidelines for Licensed Venues](#)

[Victorian Commission for Gambling and Liquor Regulation \(2016\) Liquor Licensing Fact Sheet - Maximum Patron Capacity](#)

[Department of Health \(2012\) Reducing the alcohol and drug toll: Victoria's plan 2013-2017](#)

[Inner City Entertainment Precincts Taskforce \(2005\) 'A good night for all' - options for improving safety and amenity in inner city entertainment precincts](#)

Attachment 4 - Draft clause 22.09 proposed for adoption version

YARRA PLANNING SCHEME

Council Plan 2017-2021

11.4 Amendment C210 - Changes to Special Building Overlay

Trim Record Number: D17/110455

Responsible Officer: Director Planning and Place Making

NOTE: *This report is the same report that was submitted to Council on 18 July 2017 but was deferred to allow further discussions between a resident who was concerned about the flood modelling and officers from Council and Melbourne Water. This report has been updated at paragraphs 20-26 and 48-49.*

Purpose

1. The purpose of this report is to brief Council to consider the Panel Report for Amendment C210. Council must decide whether to:
 - (a) adopt the Amendment in the form recommended in this report which includes minor revisions to the amendment following exhibition and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
 - (b) adopt the Amendment as exhibited and submit it to the Minister; or
 - (c) abandon the Amendment and advise the Minister that Council has abandoned it.

Background

2. Amendment C210 proposes to update the Special Building Overlay (SBO) in Yarra which has been in the planning scheme since 2000. The Amendment implements revised flood modelling for the City of Yarra, which has been recently undertaken by Melbourne Water.
3. The approximate number of properties affected are:
 - (a) 1200 properties to be added to the overlay;
 - (b) 300 properties to be removed from the overlay; and
 - (c) 1100 properties currently in the overlay will have the extent of the overlay changed.
4. In July 2016 Council wrote to the 1200 property owners to be added to the overlay to advise them of the introduction of interim arrangements in relation to planning permits. Officers notified them that if they were to apply for a planning permit to undertake works on their property, the application would be referred to Melbourne Water for comment and that Council would consider its comments when deciding the application. These interim arrangements continue to operate and have done since July last year.
5. Council exhibited the amendment in October and November 2016 by writing to all owners and occupiers of the affected properties – over 4,000 letters were sent. An interactive map was commissioned to help people understand how their property would be affected and face to face meetings were held with officers for people who wanted more information. The consultation on the amendment was well in excess of the statutory requirement.
6. Following exhibition, twelve submissions and a petition with four signatures were received, and one submission was later withdrawn.
7. Council considered the submissions at its meeting of 7 February 2017. At that meeting Council resolved to send the submissions to an independent Planning Panel. The full resolution is reproduced below:

That Council notes:

- (a) *the Officer report regarding exhibition of Amendment C210 relating to changes to the Special Building Overlay in the Yarra Planning Scheme; and*
- (b) *the submissions received in respect to the exhibition period of Amendment C210.*

That Council resolves to:

- (a) *consider all submissions to Amendment C210, in accordance with section 22 of the Planning and Environment Act 1987 as detailed in Attachment 1 and Attachment 2 to this report;*
 - (b) *in accordance with Section 23 of the Planning and Environment Act 1987, refer any submissions received that cannot be resolved, along with all other submissions received, to an independent panel appointed by the Minister for Planning;*
 - (c) *request the Minister for Planning to appoint an independent panel under Part 8 of the Planning and Environment Act 1987 to consider Amendment C210 and all submissions received and advise submitters of the Council resolution; and*
 - (d) *refer submissions suggesting potential overland flow mitigation works including on public land to Melbourne Water to investigate and advise Council on their feasibility and potential costs and benefits, followed by Council meeting with residents who submitted in writing to discuss the relative impacts on potential inundation.*
8. The Panel sat on 18 April 2017. Council, Melbourne Water and four residents made submissions. Two of the submitters were from Princes Hill and proposed that flood mitigation measures, involving works to the wide median strips in Princes Hill, be undertaken instead of imposing the Special Building Overlay. They argued that the inadequacy of the drainage network to cope with flooding shouldn't be passed on to private land owners.
 9. Two submissions expressed concern about the minor extent of the overlay on their properties and requested that the overlay be removed. Melbourne Water considered these requests and removed the SBO on 168 Scotchmer Street and reduced the extent of the overlay on 60 Fergie Street. The Panel examined these issues in closer detail. The owner of 60 Fergie Street appeared at the Panel and requested that the SBO also be removed from the rear of the property. He produced photos that showed the levels at the garage were not those indicated by Melbourne Water. Following this, Melbourne Water agreed to remove the overlay entirely from that property
 10. Following a detailed survey of 168 Scotchmer Street the overlay was also removed from that property. When the Panel reviewed this change, it suggested that the overlay should also be removed from the property next door – 170 Scotchmer Street, as the levels were similar. Melbourne Water agreed to that change. Officers support these changes.
 11. The Panel considered the Amendment and the submissions and found:
 - (a) *that the Amendment is strategically justified;*
 - (b) *the flood modelling work undertaken by Melbourne Water is 'fit for purpose' and of a level of accuracy appropriate for defining, and in this case amending, the boundaries of the SBO;*
 - (c) *the minor changes to the proposed SBO at 168 and 170 Scotchmer Street and 60 Fergie Street, Fitzroy North should be supported; and*
 - (d) *there is no justification for not proceeding with the Amendment on the basis that property values or insurance costs might be affected.*
 12. The Panel considered the mitigation works proposed by the Princes Hill residents, noting the residents' view that the changes to the overlay should not proceed until the mitigation measures have been properly investigated.

13. Officers agree with the Panel's response to the mitigation which is reproduced below:
 - (a) *The Panel acknowledges that there are a range of flood mitigation projects that could be completed to eliminate or reduce the extent of flooding. Such projects should be investigated and implemented as Council and Melbourne Water works priorities and budgets permit;*
 - (b) *The Panel agrees with Council that the extent of the SBO modelling should be based on the current infrastructure. There is no certainty about when future works will be undertaken, and the SBO provides an appropriate mechanism for Council to control development in flood prone areas. If future infrastructure improvements are completed that eliminate flooding from certain areas, the SBO should be amended accordingly at that time; and*
 - (c) *Likewise, the issue of proper maintenance of the drainage system is something that Council should address independently of the Amendment, and is not an issue for the Panel to comment on.*
14. The Princes Hill submitters had spoken at the Council meeting on 7 February and urged the Council to consider mitigation measures rather than imposing a Special Building Overlay. Council resolved that officers should meet with these residents to consider their proposal.
15. The mitigation proposal was to lower the median strips in Princes Hill to incorporate water storage to reduce the extent of the SBO on these residents' properties.
16. Officers from Council and Melbourne Water made detailed investigations into the residents' proposal and concluded that as the issue is one of overland flow, and not water storage, the proposed mitigation measures would not remove the impact of flooding on the submitter's properties. Council and Melbourne Water engineers have advised that if the mitigation measures were implemented, flooding on other properties in the vicinity and downstream could be worsened. Accordingly, the Special Building Overlay needs to be retained as proposed on the properties. Officers from Council and Melbourne Water met with residents on 26 May 2017 to explain the investigations.
17. The Panel said that Council and Melbourne Water should investigate and implement mitigation projects as and when there was the budget to do so and the overlay was the appropriate planning tool to control development in flood prone areas.
18. Amendment C210 seeks to update the Special Building Overlay in the planning scheme. Potential mitigation works are beyond the scope of the amendment and are unrelated to the question of whether Council should update the overlay. Panel has found that the amendment is sound and should be approved. It also found that Council should update the overlay based on the current state of the infrastructure.
19. Council received the Panel report on 9 May 2017. Council made the report publically available 28 days after receiving it – on 6 June 2017.
20. At the Council meeting on 18 July 2017 officers presented a report recommending adoption of the amendment and that it be sent to the Minister for Planning for final approval.
21. A resident from Station Street addressed the meeting and raised concerns about the assumptions used in the modelling. Council resolved that the item be deferred for a month to enable a meeting between representatives of Council, Melbourne Water and the resident regarding his submission and report back to Council.
22. The resident was concerned that if the parameters of the modelling are changed, it could potentially change the extent of the overlay.

23. Officers from Council and Melbourne Water met with the resident last week and a Melbourne Water officers explained how the modelling works and the assumptions used in the model. The differences between the old model (used to determine the extent of the existing overlay) and the new model (the basis for the amended overlay) were explained. The resident had further technical questions for Melbourne Water after the meeting which were responded to via email. This correspondence has been provided to Councillors.
24. The issue of modelling was previously raised by the resident at Panel. The panel accepted *that the modelling methodology used by Melbourne Water is industry best practice; that the information used is the best available; and that the resulting flood mapping is suitable for the purpose of defining an overlay.*
25. In summary, there is no issue with Melbourne Water's modelling; the resident had a number of matters that required clarification which an engineer from Melbourne Water was able to discuss in some detail with him.
26. It is considered that the Amendment should be progressed to a conclusion.

External Consultation

27. The amendment was exhibited in accordance with the requirements of the *Planning and Environment Act 1987* – letters sent to all owners and occupiers, a notice in The Age and Government Gazette.
28. In addition, there were two sessions held at Collingwood Town Hall where people could make an appointment to speak to Council officers and representatives of Melbourne Water. These sessions were well attended, with officers facilitating 33 appointments.
29. Council also prepared an interactive map for its website so people could see how their property was affected by the amendment.
30. The consultation was well in excess of the statutory requirement.

Internal Consultation (One Yarra)

31. The amendment was discussed with the Statutory Planners and Council's drainage engineers regarding the potential mitigation works. Officers from Strategic Planning and Engineering Services met with the Princes Hill residents.

Financial Implications

32. There are no significant financial implications for Council. Melbourne Water will pay the costs associated with the amendment such as the statutory fees and the cost of the mail out including translations of the material into the relevant languages. Panel fees have also been paid for by Melbourne Water. The cost of officer time has been met by the Strategic Planning budget.

Economic Implications

33. Flooding can have significant economic implications. The SBO is intended to help mitigate those impacts. Other factors which could reduce overland flows include implementing water sensitive urban design which is designed to reduce storm water run-off.
34. Several submitters raised concern about potential impacts on land values and insurance costs. This was specifically addressed by the Panel. It said *"no evidence or submissions were provided that convinced the Panel that the SBO would have any impact on property values... [or that]... supports the contention that insurance costs will increase as a result of the application of the SBO."* (Attachment 1, page 15 of Panel report).
35. The Panel specifically noted that *"there is no justification for not proceeding with the amendment on the basis that property values or insurance costs might be affected."* (Page 15 Panel report). Officers support this view.

Sustainability Implications

36. Council's Stormwater Management (Water Sensitive Urban Design) Policy at Clause 22.16 of the Planning Scheme plays an important role in ensuring that new development manages its storm water on site and doesn't exacerbate the problem of overland flows in Yarra.

Social Implications

37. None. Overlays of this kind are proper and legitimate planning scheme provisions.

Human Rights Implications

38. There are no anticipated human rights implications.

Communications with CALD Communities Implications

39. Notification and consultation about the amendment included advice about the use of the interpreter service by residents. This was available to help affected parties to understand the proposal and associated processes. The Amendment process also involved steps outlined in the Council engagement strategy to assist CALD communities.

Council Plan, Strategy and Policy Implications

40. The amendment is consistent with the Council plan objective 3: *Making Yarra More Liveable*.
41. The amendment would ensure that new developments are built above the flood level and do not impede the overland flow of water. The amendment would ensure that new development is unaffected by a 1 in 100 year storm event.

Legal Implications

42. Section 27 of the *Planning and Environment Act 1987* states that the planning authority (in this case, Council) must consider the panel's report before deciding whether or not to adopt the amendment.
43. Council has processed the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

Options

44. Sections 28 and 29 of the *Planning and Environment Act 1987* provide planning authorities with the option of either adopting an amendment or abandoning it.

Conclusion

45. This proposed amendment has been considered by an independent Planning Panel which found that it is strategically justified. It is based on updated modelling by Melbourne Water that the Panel found is "fit for purpose". The updated Special Building Overlay will assist Council to make decisions on planning permits using the most up to date flooding information. This will ensure that future development in SBO areas will sit above the flood level and thus avoid flood damage. The SBO has been in the Yarra Planning Scheme since 2000; this amendment seeks merely to update it based on more detailed modelling.
46. There have been two minor changes to the proposed amendment since exhibition which have been discussed at Panel and resolved with Melbourne Water. The SBO has been amended to remove the overlay from 60 Fergie Street and from 168 and 170 Scotchmer Street, Fitzroy North because the limited extent of the SBO at these locations and the levels in the vicinity enabled the removal.
47. A small number of residents in Princes Hill have proposed that mitigation measures should be investigated before Council decides whether to adopt the amendment. Council and Melbourne Water Engineering Officers investigations identified that the issue is not one of water storage, as suggested by the residents, but rather one of water conveyance. The proposal to lower the median strips in Princes Hill to incorporate water storage would reduce the extent of the SBO on these residents' properties by only approximately 3 centimetres and would likely worsen the extent of flooding on other properties.
48. Further queries have been addressed by Melbourne Water as outlined in paragraphs 20-26 above.

49. Based on the matters outlined in this report Council should adopt the proposed amendment with minor revisions. This amendment now needs to be determined.

RECOMMENDATION

1. That Council notes the report of officers in relation to the Panel's findings in relation to Amendment C210; and the findings and recommendations of the Panel regarding Amendment C210.
2. That Council, having considered the Panel report and the officer recommendations, resolves to adopt Amendment C210 as exhibited except with the following changes:
 - (a) remove the proposed Special Building Overlay from properties at 60 Fergie Street and from 168 and 170 Scotchmer Street, Fitzroy North as recommended by the Panel.
3. That Council submits Amendment C210 to the Minister for Planning for approval, with the above changes, in accordance with Section 31 of the Act.
4. That officers advise submitters to Amendment C210 of the Council's decision.

CONTACT OFFICER: Amanda Haycox
TITLE: Strategic Planner
TEL: 9205 5322

Attachments

- 1 Panel Report
- 2 Map of extent of Amendment C210

Attachment 1 - Panel Report

Planning and Environment Act 1987

Panel Report

Yarra Planning Scheme Amendment C210

Special Building Overlay

Front page

9 May 2017



Attachment 1 - Panel Report

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Yarra Planning Scheme Amendment C210

Special Building Overlay

9 May 2017



Trevor McCullough, Chair



Attachment 1 - Panel Report

Yarra Planning Scheme Amendment C210 | Panel Report | 9 May 2017

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Attachment 1 - Panel Report

Yarra Planning Scheme Amendment C210 | Panel Report | 9 May 2017

List of Abbreviations

CKC	Charter Keck Kramer
DNRE	Department of Natural Resources and Environment
LiDAR	Light Imaging, Detection and Ranging
LSIO	Land Subject to Inundation Overlay
PPN	Planning Practice Note
SBO	Special Building Overlay
SPPF	State Planning Policy Framework



Attachment 1 - Panel Report

Yarra Planning Scheme Amendment C210 | Panel Report | 9 May 2017

Overview

Amendment Summary	
The Amendment	Yarra Planning Scheme Amendment C210
Common name	Special Building Overlay
Brief description	The Amendment proposes to apply an updated Special Building Overlay (SBO) to land in the City of Yarra.
Subject site	The Overlay applies to land throughout the City of Yarra. The changes to the SBO affect properties in parts of Alphington, Collingwood, Fitzroy, Fitzroy North, Carlton North and Princes Hill.
The Proponent	The Amendment has been prepared by the City of Yarra at the request of Melbourne Water.
Planning Authority	City of Yarra
Authorisation	A03407 authorised on 9 August 2016
Exhibition	25 October to 12 December 2016
Submissions	Number of Submissions: 13 (including a petition with 4 signatures) Seeking changes: 6; Opposed to the Amendment: 6; Withdrawn: 1. A list of submitters is provided in Appendix A.

Panel Process	
The Panel	Trevor McCullough
Directions Hearing	It was deemed that a Directions Hearing was not required
Panel Hearing	Planning Panels Victoria, 18 April 2017
Site Inspections	Unaccompanied, 19 April 2017
Appearances	Yarra City Council represented by Ms Amanda Haycox Melbourne Water represented by Mr Mike Kearney Mr Bill Forrest Mr Jeremy Zatorski Mr Andrew Turner
Date of this Report	9 May 2017

Attachment 1 - Panel Report

Executive Summary

(i) Summary

Yarra Planning Scheme Amendment C210 (the Amendment) proposes to update the Special Building Overlay (SBO) in Yarra. The Amendment implements revised flood modelling for the City of Yarra, which has been recently undertaken by Melbourne Water.

The Amendment has been prepared by the City of Yarra at the request of Melbourne Water. The Amendment was exhibited between October and December 2016, with a total of 13 submissions received.

The key issues raised by submitters included:

- Inaccuracies in the Melbourne Water modelling
- Impact on property values and insurance
- Mitigation works or maintenance should be undertaken rather than amending the SBO
- Coordination between the SBO, Local Area Traffic Management Plans and Water Sensitive Urban Design
- Council's approach to drainage management and street cleaning
- Council's approach to street tree planting.

Council and Melbourne Water provided responses to all submissions, including reviewing the extent of the SBO on some properties. As a result, minor changes are proposed to the extent of the SBO at two locations.

The Panel has reviewed all submissions, Hearing presentations and other materials and draws the following conclusions:

- The Amendment is strategically justified.
- The flood modelling work undertaken by Melbourne Water is 'fit for purpose' and of a level of accuracy appropriate for defining, and in this case amending, the boundaries of the SBO.
- The minor changes to the proposed SBO at 168 and 170 Scotchmer Street and 60 Fergie Street, Fitzroy North should be supported.
- There is no justification for not proceeding with the Amendment on the basis that property values or insurance costs might be affected.

The Panel believes that other issues raised by submitters in relation to drainage maintenance and flood mitigation works are not directly relevant to the consideration of the Amendment. There is no certainty about when future works will be undertaken, and the SBO provides an appropriate mechanism for Council to control development in flood prone areas. Likewise, the issue of proper maintenance of the drainage system is something that Council should address independently of the Amendment, and is not an issue for the Panel to comment on.

The Panel concludes that the Amendment should be supported subject to the minor changes to the extent of the SBO as proposed by Melbourne Water.

Attachment 1 - Panel Report

Yarra Planning Scheme Amendment C210 | Panel Report | 9 May 2017

(ii) Recommendation

The Panel recommends that Yarra Planning Scheme Amendment C210 be adopted as exhibited subject to amending the Special Building Overlay as shown in Appendix C of this report.

Attachment 1 - Panel Report

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment proposes to update the Special Building Overlay (SBO) in Yarra. The Amendment implements revised flood modelling for the City of Yarra which has been recently undertaken by Melbourne Water.

The changes to the SBO affect properties in parts of Alphington, Collingwood, Fitzroy, Fitzroy North, Carlton North and Princes Hill.

The Amendment proposes to:

- Add approximately 1,200 properties to the overlay
- Remove approximately 300 properties from the overlay
- Amend the overlay that currently applies to approximately 1,100 properties.

The Amendment has been prepared by the City of Yarra at the request of Melbourne Water.

(ii) Purpose of the Amendment

Amendment C210 to the Yarra Planning Scheme is required to update the SBO to more accurately reflect the areas affected by a 1 in 100 year flood.

The Amendment would update the mapping of the SBO so that the maps in the Yarra Planning Scheme would reflect Melbourne Water's updated modelling.

The SBO was introduced into the Yarra Planning Scheme by Amendment C3 in 2000 and this will be the first update of the overlay.

1.2 Background to the proposal

Council provided a good summary of the purpose of the SBO, and the nature of the SBO in Yarra in its Part A submission:

The SBO identifies land affected by overland flows in the event of a 1 in 100 year storm. It requires that drainage issues to be taken into account when development proposals for land within the SBO are considered. Accordingly, a planning permit is required for buildings and works in SBO areas with a limited number of exemptions. Applications are referred to Melbourne Water as the relevant Flood Plain Authority under Section 55 of the Planning and Environment Act 1987.

The SBO in Yarra effectively follows the Alexandra Main Drain which commences in the north of the municipality in Princes Hill around Lygon Street and flows south-east toward Nicholson Street where it flows south until it hits Alexandra Parade. It then flows east along Alexandra Parade and across Hoddle Street on its way to the Yarra River.

Attachment 1 - Panel Report

Melbourne Water's modelling shows that the Alexandra Main Drain would be overwhelmed by a 1 in 100 year storm and the resulting overland flow forms the basis of the SBO.

A map of the catchment area affected, showing the proposed changes to the SBO, is attached as Appendix B.

1.3 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

(i) Individual submitters

The key issues raised by submitters were:

- Inaccuracies in the Melbourne Water modelling
- Impact on property values and insurance
- Mitigation works or maintenance should be undertaken rather than amending the SBO
- Coordination between the SBO, Local Area Traffic Management Plans and Water Sensitive Urban Design
- Council's approach to drainage management and street cleaning
- Council's approach to street tree planting.

(ii) Melbourne Water

The key issues for Melbourne Water were:

- Response to the issues raised by submitters
- Minor changes to the extent of the SBO in response to site specific submissions.

1.4 Issues dealt with in this report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

The Panel has reviewed a large volume of material. The Panel has been selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Issues raised by submitters
 - Accuracy of flood modelling
 - Property values and insurance premiums
 - Other issues.

Attachment 1 - Panel Report

2 Planning context

Council provided strategic context and assessment in its Part A submission to the Panel. The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant planning policies and strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the following clauses in the SPPF are relevant to the Amendment:

Clause 9 - Plan Melbourne spells out the initiatives for how the following policy will be implemented:

Direction 5.5 Integrate whole-of-water-cycle management to deliver sustainable and resilient urban development, in order to, amongst other things, "minimise the impact of flooding".

Plan Melbourne notes that one of the ways that integrated whole of water cycle management will be achieved is by influencing how urban development occurs across new and established urban areas. A new water cycle planning approach at metropolitan, regional and local scales is one of the key drivers of change signalled by Melbourne's Water Future.

Initiative 3.2 of Melbourne's Water Future is directed at old and new suburbs and calls for them to be designed with water in mind. Initiative 3.2.6 seeks to reduce urban flooding.

Clause 11 – Settlement states that planning needs to anticipate and respond to the needs of existing and future communities through the provision of, among other things, infrastructure:

Specifically, Clause 11.04-5 - Environment and Water seeks to protect natural assets and better plan our water, energy and waste management systems to create a sustainable city by:

- *Integrating whole of water cycle management to deliver sustainable and resilient urban development and*
- *Protecting significant water and sewerage assets.*

Clause 13.02-1 – Floodplain management assists with the protection of, among other things:

- *Life, property and community infrastructure from flood hazard and*
- *The flood storage function of floodplains and waterways.*

The strategy attached to this objective in Clause 13.02-1 is to:

- *Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundate (sic) by the 1 in 100 year flood event or as determined by the floodplain management authority.*
- *Avoid intensifying the impacts of flooding through inappropriately located uses and developments.*

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Clause 14.02 Water and in particular Clause 14.02-1 catchment planning and management seek to:

- *assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment, by, among other things,*
- *undertaking measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.*
- *requiring the use of appropriate measures to restrict sediment discharges from construction sites.*

Clause 19 Infrastructure and in particular Clause 19.03 Water supply, sewerage and drainage seek to:

Plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment by including measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.

Council submitted that the Amendment meets these objectives by enabling Council and Melbourne Water to better manage development on land that is subject to overland flooding. Council further submitted:

The amendment directly responds to the strategy outlined in Clause 13.02-1 by identifying land affected by flooding ... as verified by the relevant floodplain management authority, in planning scheme maps.

It will also help protect life, property and community infrastructure from flood hazard by ensuring that new development will not be flood prone, thus reducing urban flooding.

It will ensure that new development will be built 300 millimetres above the flood level which will minimise the impact of flooding.

The SBO also ensures that new development, including fencing, does not impede overland flows which further minimises the impact of flooding.

Referral of applications to Melbourne Water will enable conditions to be added to planning permits which restrict sediment discharge from construction sites.

By improving and implementing better flood shape modelling which in turn improves the accuracy of the SBO mapping, Council and Melbourne Water can better plan for future flood impacts. Through determining planning permit applications based on more accurate flood modelling, the impacts of flooding within the municipality will be better managed and flood risk reduced.

(ii) Local Planning Policy Framework

Council submitted that the following local planning objectives are relevant to the Amendment:

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Clause 21.05 Environmental sustainability and in particular, Clause 21.07-1, Objective 34 Promoting environmentally sustainable development, which at Objective 34.1 aims to promote environmentally sustainable development by:

Encouraging new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Objective 38 aims to improve the water quality and flow characteristics of stormwater runoff by:

- *Reducing peak and total volumes of storm water run-off.*
- *Improving the quality of storm water run-off.*
- *Minimising the potential for soil erosion and silt deposition.*

Council submitted that the Amendment will improve stormwater management in Yarra by expanding the SBO so that it more accurately reflects the area affected by a 1 in 100 year flood. Council further submitted that:

- *The revised SBO will ensure that future development will not be flood prone and that development does not impede overland flow.*
- *The Yarra Planning Scheme also ensures that new development manages its storm water on site by requiring water sensitive urban design principles to be incorporated into the design of the building.*

2.2 Planning scheme provisions

The Amendment proposes to change the area to which the SBO applies. The purposes of the SBO are as follows:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

A Schedule to the SBO requires that an application for buildings and works or subdivision required under the SBO must be referred to Melbourne Water in accordance with Section 55 of the *Planning and Environment Act 1987*.

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2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

(ii) Planning Practice Notes

The following Planning Practice Notes are relevant to the Amendment:

Planning Practice Note 11 – Applying for a Planning Permit under the Flood Provisions

PPN11 states that flood risk must be considered in planning decisions to avoid intensifying the impact of flooding through inappropriately located uses and developments. Areas affected by flooding should be identified on the planning scheme maps and appropriate controls on the use and development of land introduced through the use of the flood zone and overlays in the Victoria Planning Provisions.

Planning Practice Note 12 – Applying the Flood Provisions in Planning Schemes

PPN12 provides guidance about:

- applying the flood provisions (of which the SBO is one), identifying land affected by flooding and the application and operation of the flood provisions.
- which of the suite of flooding overlays should apply in a municipality. It states that the SBO applies to stormwater flooding only in urban areas. The SBO enables development to be managed in these areas. Council submitted that the SBO is the most appropriate flood provision to apply to the area as the drains feed into a built up urban area subject to overland flooding from stormwater.

PPN12 also notes that before flood provisions can be introduced to a planning scheme, information on the type and extent of flooding is required to accurately map land affected by flooding and apply the most appropriate flood provision.

Council submitted that Melbourne Water has provided it with the most up to date information on the type and extent of flooding and this Amendment updates the SBO mapping to more accurately map land affected by flooding.

2.4 Discussion

The strategic merits of the Amendment were not challenged by submitters. The Panel has examined the strategic assessment undertaken by Council and concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and

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Practice Notes. The Amendment is well founded and strategically justified, and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapter.

3 Issues raised by submitters

3.1 The issues

The key issues raised by submitters were:

- Inaccuracies in the Melbourne Water modelling
- Impact on property values and insurance
- Mitigation works or maintenance should be undertaken rather than amending the SBO.

3.2 Accuracy of flood modelling

(i) The methodology adopted by Melbourne Water

The Panel requested that Melbourne Water provide a description of the modelling employed to determine the extent of the proposed overlay including modelling and topographic modelling.

Melbourne Water responded that it relied on base information contained in the following documents that were supplied to the Panel:

- *Melbourne Water's Flood Modelling Methodologies* with a summary of Melbourne Water Main Drains in the Yarra municipality
- GHD - *Alexandra Parade Main Drain Flood Modelling Report* May 2015
- Cardno - *Fairfield Main Drain and Green Street Main Drain Flood Mapping* March 2013 (3 Parts)
- Drainage Survey 1996/97 City of Yarra for the Palmer St Main Drain and Yarra Park Main Drain (2 Parts).

Melbourne Water provided the following general summary of the modelling methodology employed to map the SBO for the Amendment:

The production of flood maps involves a number of activities. In general, the required methodology to produce reliable flood maps involves the following four stages:

1. *Production of topographic information for the area being mapped*
2. *Estimation of the magnitude of flows along drainage paths (i.e. hydrologic analysis)*
3. *Estimation of flood depths and flow velocities along the drainage lines (i.e. hydraulic analysis), and*
4. *Delineation of flood extent and determination of properties subject to flood inundation.*

Properties are not uniformly affected by flooding and Melbourne Water's requirements for development and subdivision will depend upon the characteristics of the site and the particular development and subdivision proposed. Melbourne Water's requirements can only be specified upon the submission of detailed design plans. In other locations within Melbourne

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Water's jurisdiction where Land Subject to Inundation Overlays and Special Building Overlays are already in operation, Melbourne Water's requirements generally relate to the raising of floor levels or changes to site layout. Further, more detailed information on Melbourne Water's requirements can be found in the Guidelines for Development in Flood-Prone Areas.

This issue was also considered in the Final Report on the New Format Planning Schemes (April 1999) prepared by Planning Panels Victoria stated (at page 67) that:

In the panels' view, if accurate flood mapping has not been completed by DNRE (the Department of Natural Resources and Environment) the relevant floodplain management authority should determine what land is potentially or likely to be affected by flooding and that land should be included in Land Subject to Inundation Overlay. It does not matter that the boundaries are not accurate at the time the overlay is applied. The Land Subject to Inundation Overlay only requires that a permit be obtained for buildings and works. It does not prohibit either use or development. The time to examine the evidence in detail about where flood levels lie in fact is at the time a permit application is made.

The same approach needs to be adopted even when flood levels have been verified by DNRE but individual landowners dispute their accuracy. Panels usually do not have the resources to examine in detail competing arguments about where flood levels lie on an individual property when there is a lack of agreement about this. At the amendment stage it is usually irrelevant. It is a matter more appropriately sorted out at the time any permit may be applied for.

The panel went on:

... it needs to be recognised that the overlay [Land Subject to Inundation] is not the last word. Its application will not alter the fact of whether the land floods or not. Rather, it indicates that flooding is a problem in the area and needs to be carefully considered when making any planning or other land management decisions concerning the property.

Melbourne Water provided a more detailed description of each of the four steps of the flood modelling methodology. Topographic maps are based on high level and low level photogrammetry, supported in critical locations by detailed field surveys.

Melbourne Water submitted that:

The flood modelling methodology undertaken by Melbourne Water is considered to be industry best practice. The techniques to construct the model and to undertake simulations have vastly improved since Council initially began the introduction of the Special Building Overlay (SBO) and Land Subject to Inundation Overlay (LSIO) into the Yarra Planning Scheme around 2000.

The TUFLOW modelling software is well established and internationally recognised as being amongst the world's most powerful 1D/2D hydrodynamic

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computational software. Melbourne Water and Council have complete confidence that the flood extents generated to inform the boundaries of the SBO are fit for their purpose, which is to identify, at a high level, flood prone areas that need to be taken into account when development occurs. The flood extents were determined using the best available Light Imaging, Detection and Ranging (LiDAR) data and Digital Terrain Modelling techniques.

Melbourne Water pointed out that the updated modelling had removed or reduced the extent of the SBO on a large number of properties based on the more accurate data.

(ii) Evidence and submissions

Submissions did not challenge the overall modelling methodology, but some sought clarification or further information on how it had been implemented to apply to specific locations.

Mr Amery (Submission 1) sought some further detail, particularly in relation to the 2015 modelling done by GHD, and questioned some of the assumptions made. Mr Forrest (Submission 4) raised concerns about the accuracy of mapping in Garton Street and surrounds. Mr Zatorski (Submission 12) raised specific concerns about the accuracy of the mapping on his property in Fitzroy North.

Melbourne Water responded to the issues raised by each submitter, and where appropriate reviewed the mapping on individual sites, in some cases with the aid of additional survey information. With the exception of 162-166 and 168 Scotchmer Street and 60 Fergie Street, Fitzroy North, Melbourne Water did not recommend any changes to the SBO in response to submissions. It submitted that, whilst the fine detail of the flood extent on each property could be argued, the properties identified are expected to be inundated to some degree, and therefore a planning permit trigger is appropriate.

Mr Kearney gave the example of 25 Garton Street, Princess Hill (Submission 10), where Melbourne Water accepted the submission that the shape of the Overlay on the property could be different to that shown. Mr Kearney submitted that the detailed shape of the SBO is 'academic'; so long as the SBO covers part of the site, the site specific conditions can be considered at that time.

Melbourne Water noted that specific site conditions are appropriately considered at the permit stage, and depending on what is proposed the SBO may have no impact on the proposed design.

Council submitted that:

Melbourne Water modelling is state of the art and is based on levels derived from aerial surveys and detailed hydraulic analysis which enables accurate mapping of the flood extent. It uses state of the art technology to determine the SBO. Melbourne Water is the drainage authority and has asked Council to update its SBO as a result of technological improvements in mapping which have occurred since the SBO was first introduced on 2000.

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(iii) Proposed changes to the Amendment as a result of submissions

168 and 170 Scotchmer Street, Fitzroy North

The extent of the overlay at 168 Scotchmer Street, Fitzroy North was exhibited with a narrow portion of the overlay along the very front of the site. Mr Crowley (Submission 3) queried that mapping and asked that it be reviewed.

Melbourne Water has reviewed the SBO at this property and has agreed that it can be altered to exclude the property.

Melbourne Water and Council submitted that the extent of the SBO should be altered to avoid 168 Scotchmer Street and the neighbouring property at 170 Scotchmer Street, Fitzroy North. The white overlay shown on Figure 1 is the shape of the SBO that was exhibited. The green line on the diagram indicates the proposed change.

As a result of this proposed change, the submission (Submission 3) was withdrawn.

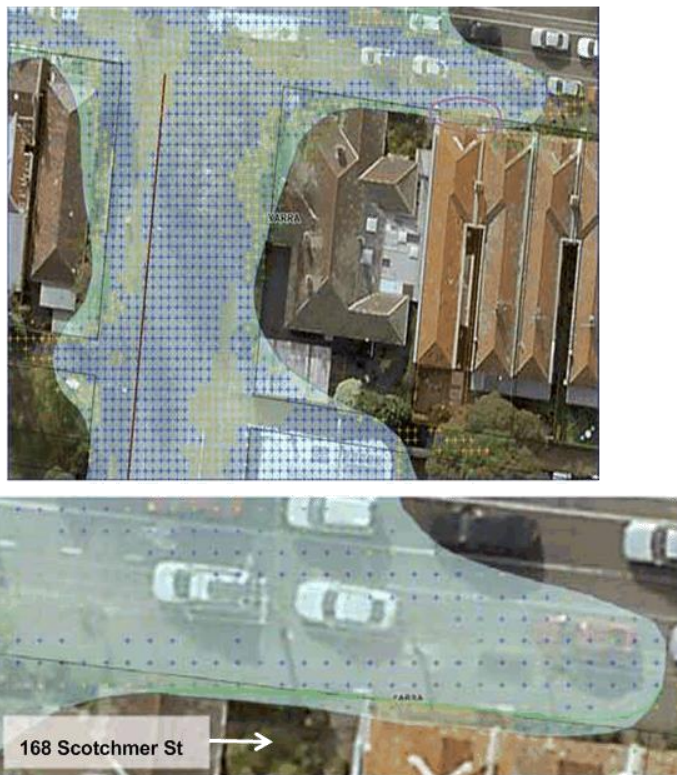


Figure 1 168 Scotchmer Street, Fitzroy North

60 Fergie Street, Fitzroy North

The extent of the overlay at 60 Fergie Street, Fitzroy North was also reviewed. Figure 2 illustrates the extent of the change.

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The area shaded green has been removed from the overlay and the area in red (which is at the rear of the property) has been added to the overlay.

Mr Zatorski (Submission 12) accepted that the mapping on the front of the lot is correct, but disputed the inclusion of the rear of the lot. He produced photographs which showed that the floor level of the garage on that corner of the lot is well above the level of the rear laneway.

In the Hearing, Melbourne Water acknowledged that the photographs seem to indicate that the Melbourne Water mapping at the rear of the lot may be in error and agreed to remove the SBO from the portion of the lot.

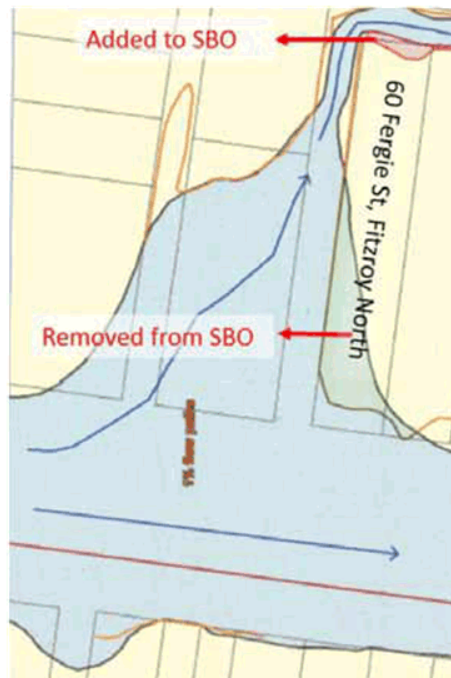


Figure 2 60 Fergie Street, Fitzroy North

(iv) Discussion

The Panel accepts that the modelling methodology used by Melbourne Water is industry best practice; that the information used is the best available; and that the resulting flood mapping is suitable for the purpose of defining an overlay.

The Panel accepts that there may be some localised inaccuracies in the mapping, but that site specific characteristics can be considered in more detail at the planning permit application stage. The SBO is essentially only a permit trigger for the area identified at risk that alerts landowners and the responsible authority that there may be local flooding issues that need to be considered when planning for subdivision, buildings or works. In that sense, small localised inaccuracies are not significant.

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Council and Melbourne Water have endeavoured to respond to all issues raised by submitters, and have accepted that some minor changes to the mapping are appropriate at two locations.

(v) Conclusions

The flood modelling work undertaken by Melbourne Water is 'fit for purpose' and of a level of accuracy appropriate for defining, and in this case amending, the boundaries of the SBO.

The Panel concludes that the minor changes to the proposed SBO at 168 and 170 Scotchmer Street and 60 Fergie Street, Fitzroy North should be supported. For clarity, the Panel has shown the final recommended alignment of the SBO for each of these properties in Appendix C.

3.3 Property values and insurance premiums

(i) Evidence and submissions

Several submitters raised concerns that the application of an SBO would lower property values and increase insurance premiums.

Mr Amery (Submission 1) submitted that an SBO would reduce the pool of buyers willing to buy a property and therefore reduce the value that can be realised. Mr Amery further submitted that insurers are becoming more sophisticated in their pricing of flood and fire affected areas, pricing in higher risk.

Council provided the following response¹:

These matters are not unique to Yarra and have been considered in previous Planning Panels relating to Melbourne Water led changes to the SBO in other municipalities. It has been consistently found that there is no justification for setting aside of any SBO amendment on the basis of requests for compensation, loss of property value, and possible increase in insurance premiums.

The City of Port Phillip commissioned Charter Keck Kramer (CKC) to review the effects on property prices of the application of the SBO. CKC examined property prices and found no correlation. The independent Planning Panel supported the amendment and concluded that the SBO is highly unlikely to affect property prices, and that it is appropriate that the condition of the land be recorded and available to interested people.

In Yarra, the potential flooding resulting from a 1 in 100 year flood is relatively shallow. In many (but not all) cases the shallow flooding will mean that people's land floods but the building sitting on their land will not be inundated.

Melbourne Water has proffered the following argument in previous Panel hearings:

¹ Yarra City Council – Ordinary Meeting of Council Agenda – Tuesday 7 February 2017.

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This is not a relevant consideration in the determination of whether a development overlay should apply. Insurance contracts have always imposed an obligation of disclosure on policy holders. The application of an SBO does not cause or change the likelihood of flooding, but recognises the existing condition of land. Insurance companies would continue to calculate their premiums on the basis of what is known, and the properties identified in the overlay would still be subject to flooding in a 1 in 100 year rain event. The Insurance Council of Australia has advised Melbourne Water that most insurance policies that provide coverage for storm damage, include cover for damages resulting from overland flows. However this would need to be confirmed by the household's individual insurer.

No evidence has been provided to demonstrate the impact of the amendment on property prices or insurance premiums in Yarra. Precedence suggests that it is highly unlikely to have an impact at all on property prices and the impact on insurance premiums has been consistently dismissed as a relevant issue by previous Planning Panels.

Melbourne Water agreed with the arguments on this issue as put by Council. Mr Kearney referred to a further report *Special Building Overlay – Value Impact Assessment*, Charter Keck Cramer November 2016 prepared for the City of Manningham. The report concluded:

In undertaking this assessment Charter Keck Cramer has not been able to establish that the application of the SBO will negatively impact the values of those properties to be affected. This is consistent with the findings of the study undertaken by Charter for the City of Stonnington in 2004.

Though concern over value impacts is regularly expressed in submissions to amendments to introduce the SBO, there has been no evidence provided through the Independent Panel process to establish this. This outcome is reinforced through numerous studies that have found that while actual flood events can impact property values, flood related policies and controls have no noticeable effect. This is further reaffirmed in the analysis of sales in the City of Manningham, undertaken by Charter, which shows there is no evidence that the Special Building Overlay has had an adverse impact on property values.

Melbourne Water provided the following response to submitters on property valuation and insurance issues:

Your concern: *Property devalued.*

The Special Building Overlay (SBO) has an important function to reflect this underlying condition of the land to current property owners and future purchasers of affected properties, so they may make informed decisions about the property and about planning for their own safety during storm events.

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Property values are determined by many different factors, including location, streetscape and amenity, the current economic conditions, as well as planning controls.

It is therefore difficult to assign what affect, if any, the identification of land as liable to overland flows by the SBO may have on property values, it should not have any bearing on the application of the SBO.

Your concern: Increase Insurance costs.

The application of the SBO does not cause or change the likelihood of flooding, but recognises the existing condition of the land. Property owners affected by the overlay, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate. The potential impact on insurance premiums is not a matter that should have any bearing on the application of the SBO.

(ii) Discussion

No evidence or submissions were provided that convinced the Panel that the application of the SBO would have any effect on property values. The material referred to by Council and Melbourne Water concludes that there is no evidence that the application of an SBO will negatively affect property values.

No evidence was provided to the Panel that supports the contention that insurance costs will increase as a result of the application of the SBO.

In any case, previous panels have consistently found that there is no justification for setting aside planning scheme amendments of this type on the basis that property values might be affected, or insurance premiums might increase. This Panel adopts the same position.

(iii) Conclusions

The Panel concludes that there is no justification for not proceeding with the Amendment on the basis that property values or insurance costs might be affected.

3.4 Other issues raised by submitters

Submitters raised a range of 'other' issues that are not relevant to the Amendment. The issues raised related to Council's management of the drainage system, either in terms of investing in drainage infrastructure or ensuring the drainage system is properly cleaned and maintained to reduce the extent of flood events.

(i) Evidence and submissions

Council summarised the 'other' issues raised by submitters as follows:

Three submitters in Princes Hill (including the petition) propose that instead of imposing the SBO, Council and Melbourne Water should investigate the cost of mitigation works to be undertaken on publicly owned land e.g. lower the level of the median strip in Pigdon Street to retain storm water which would

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therefore significantly reduce the extent of the flooding on privately owned land. They ask that the amendment be put on hold until this work is completed.

Four submitters raised the issue that flooding is mainly due to inadequate maintenance and insufficient cleaning of streets and lanes by Council. They said street sweepers are rarely accompanied by leaf blowers and parked cars mean, street sweepers can't do the job properly.

Some thought that Melbourne City Council does a better job and suggested Council look at its operation.

One submitter raised the issue of leaf litter which causes the drains to block and makes the flooding worse. He contends that in the past, Melbourne City Council (the previous Council for that area) had chosen inappropriate species for its street trees which create leaf litter.

Mr Forrest provided the Panel with an example of a project that he suggested would prevent flooding of the area in Garton Street and Pigdon Street near his property. He submitted that, for a modest cost shared between property owners, Council and Melbourne Water, the likelihood and extent of flooding could be significantly reduced. Mr Forrest submitted that the SBO should not be changed until alternative mitigation measures have been properly investigated.

Council acknowledged the concerns raised by submitters, and advised that other actions were being taken to address the issues. Melbourne Water responded to each of the submitter's comments and suggestions made about infrastructure upgrades. Melbourne Water and Council noted that limited funding is available to address flooding issues, and projects need to be prioritised. They submitted that the SBO is an appropriate risk management mechanism to implement, and it should be based on current conditions. If and when future works are carried out, the SBO may need to be amended accordingly.

Council maintained that the issues raised are not directly related to the Amendment.

(ii) Discussion and conclusions

The Panel acknowledges that there are a range of flood mitigation projects that could be completed to eliminate or reduce the extent of flooding. Such projects should be investigated and implemented as Council and Melbourne Water works priorities and budgets permit.

The Panel agrees with Council that the extent of the SBO modelling should be based on the current infrastructure. There is no certainty about when future works will be undertaken, and the SBO provides an appropriate mechanism for Council to control development in flood prone areas. If future infrastructure improvements are completed that eliminate flooding from certain areas, the SBO should be amended accordingly at that time.

Likewise, the issue of proper maintenance of the drainage system is something that Council should address independently of the Amendment, and is not an issue for the Panel to comment on.

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3.5 Recommendation

The Panel recommends that Yarra Planning Scheme Amendment C210 be adopted as exhibited subject to amending the Special Building Overlay as shown in Appendix C of this report.

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Appendix A Submitters to the Amendment

No.	Submitter
1	Mr Clive Amery
2	Tract for Casey Manor Pty Ltd
3	Chanz Crowley
4	Mr Bill Forrest and Ms Heather Clarke
5	Mr Charles Gallas
6	Mr Peter Kalendarian
7	Dr Toby Murray and Ms Belinda Formby
8	Mr Adam Stead
9	Mr Peter and Mrs Denyse Strantzen
10	Mr Andrew and Ms Carole Turner
11	Mr George Vakirtzis
12	Mr Jeremy Zatorski
13	Petition from four landowners

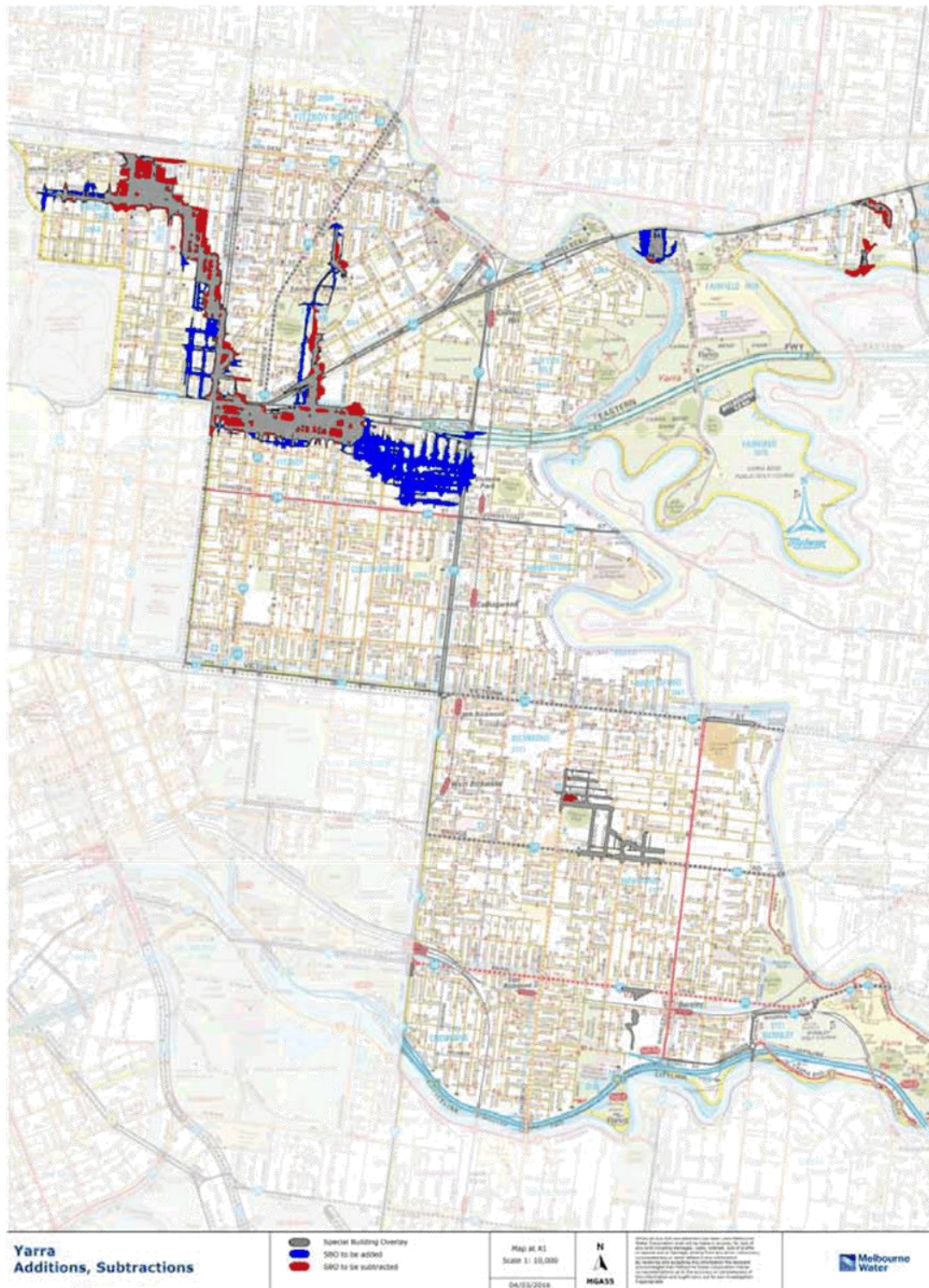
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Appendix B Exhibited changes to the SBO

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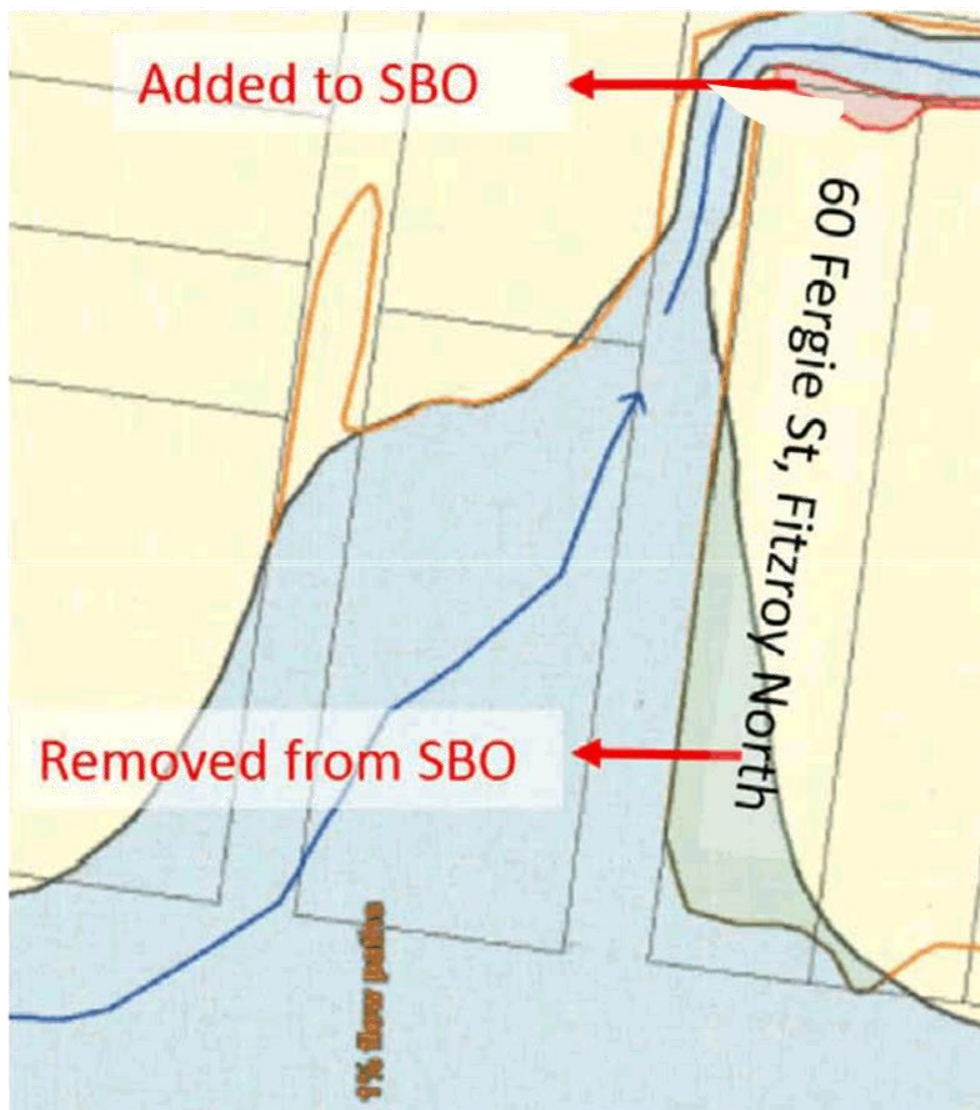


Appendix C Recommended amendments to the SBO

60 Fergie Street, Fitzroy North

The extent of the overlay at 60 Fergie Street, Fitzroy North should be amended to change the area affected by the SBO as shown in the following map:

- Remove the area to the front of the lot from the SBO as shown below
- Add the area shown in red in the rear laneway to the SBO
- Leave the rear of the lot (garage) out of the SBO as shown below.



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168 and 170 Scotchmer Street, Fitzroy North

The extent of the overlay should be amended to remove the SBO from the front of the properties at 168 and 170 Scotchmer Street, Fitzroy North as shown in the following map:



Attachment 2 - Map of extent of Amendment C210

11.5 Proposed Discontinuance of Road abutting the rear of 294-298 Swan Street, Richmond

Trim Record Number: D17/76538

Responsible Officer: Chief Financial Officer

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 rear of the property known as 294-298 Swan Street, Richmond, being part of the land contained in Deed of Conveyance Book 433 Number 564 (**Road**).

Background

2. The Road is shown as Lot 1 on the title plan attached as Attachment 1 to this report, and is shown coloured red on the plan attached as Attachment 2 to this report (**Site Plan**).
3. The Owner is the registered proprietor of the property known as 294 Swan Street, Richmond shown outlined green on the Site Plan, being the land contained in certificate of title volume 11012 folio 961 (**Owner's Property**).
4. The Road is at the rear of the Owner's Property and is not fenced.
5. The Road also abuts the following properties:
 - (a) 298 Swan Street, Richmond, being the land contained in certificate of title volume 11012 and folio 962; and
 - (b) 196 Mary Street, Richmond, being the land contained in certificate of title volume 10131 folio 620.
6. The Road runs between 294 Swan Street, 298 Swan Street and 196 Mary Street, Richmond. The three properties are all owned by the Owner.
7. The Owner has requested that Council discontinue the Road that runs between his properties and sell the Road to the Owner (**Proposal**).
8. 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 sale of the discontinued Road.

Discussion

Road

9. The Road is known to title as a 'road'. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing,
10. Upon being discontinued, the Road will vest in Council.

Adjoining Owners

11. There are no adjoining owners as the Owner owns all of the properties that surround the Road.

Site Inspection

12. A site inspection was conducted by DML Land Surveys Pty Ltd on 5 November 2016. The site inspection report notes that:
 - (a) the Road is constructed of bitumen;
 - (b) the Road is currently used as a pedestrian and vehicular access way between Harvey Street and Mary Street;
 - (c) the Road has a number of service pits for underground infrastructure within it;

- (d) the adjoining property at 196 Mary Street abuts the southern boundary of the Road, and has a door which accesses the Road. The report also notes that 196 Mary Street has direct access to Mary Street and Harvey Street;
 - (e) no encroachments exist onto the Road by either the northern or southern neighbouring allotments; and
 - (f) the Road is not required for public access.
13. A copy of the site inspection report is attached as Attachment 3 to this report.

Statutory Authorities

14. The following 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, APA Group, Telstra, Optus and Yarra City Council.
15. Melbourne Water, CitiPower, United Energy, APA Group, Telstra and Optus have advised that they have no assets in or above the road and no objection to the Proposal.
16. Yarra City Council (**YCC**) has advised that it requires a drainage easement to be created over part of the Road as shown in the correspondence from YCC. A copy of the correspondence from YCC and attached map is attached to this report as Attachment 4.
17. In a letter dated 28 July 2016 City West Water (**CWW**) advised that it objects to the proposal, however discussions with CWW indicated that they would consider withdrawing their objection provided any future proposal for the site is given to them for consideration. The objection to the proposal is subject to the following conditions:
- (a) a certified title plan must show a 2.0m wide sewerage easement centrally located over the sewer main in favour of CWW. The plan must be referred to CWW for consideration prior to offering a withdrawal of the objection;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of existing CWW underground sewer assets;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).
18. Copies of the correspondence from Yarra City Council, Council's map of drainage assets and CWW are attached as Attachment 4 to this report.

Public Notice

19. 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 public notice; lodge a written submission regarding the Proposal.
20. 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 that person to be heard before a meeting of Council to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
21. 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.

External Consultation

22. Nil

Internal Consultation (One Yarra)

23. Nil

Financial Implications

24. Nil

Economic Implications

25. The Owner has agreed to acquire the Road for its market value (plus GST).
26. 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

27. Nil

Social Implications

28. Nil

Human Rights Implications

29. Nil

Communications with CALD Communities Implications

30. All notices and correspondence issued with respect of this report will contain referral information to Yarralink Interpreter Service.

Council Plan, Strategy and Policy Implications

31. Nil

Legal Implications

32. If the Road is discontinued and sold to the Owner, Council will require the Owner to:
- (a) create a sewerage easement in favour of CWW and Yarra City Council along the length of the Road (this can be effected as part of the transfer of land;
 - (b) agree to observe the conditions imposed by CWW in respect of the Road; and
 - (c) consolidate the title to the former Road with the title to the Owner's Property within 6 months of the date of transfer of the Road to the Owner, at the Owner's expense.

Other Issues

33. Nil

Options

34. Nil

Proposal

35. It is proposed that Council should commence statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road abutting the rear of 294 Swan Street, Richmond, and transfer to the Owner the discontinued Road.

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 rear of 294 Swan Street, Richmond, which is shown marked Lot 1 on the title plan attached as Attachment 1 to the report (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); 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.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owner for no less than the market value (plus GST);
 - (d) directs that Owner/Purchaser be required to observe any conditions, rights, power of interest, in connection with any sewers, drains, pipes, wires or cables under the control of the authority in or near the Road which are to be saved pursuant to section 207C of the Act; and
 - (e) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owner.

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

Attachments

- 1 Title Plan
- 2 Site Plan
- 3 Site Inspection Report
- 4 Authority Responses

Attachment 1 - Title Plan

TITLE PLAN		EDITION 1		TP		
Location of Land Parish: JIKA JIKA Township: - Section: - Crown Allotment: - Crown Portion: 8 (PART) Last Plan Reference: Road shown in Memorial Book 433 No.564			Notations DEPTH LIMITATION DOES NOT APPLY			
Easement Information			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY. Checked by: Assistant Registrar of Titles Date			
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)						
Easement Reference	Purpose	Width (Metres)			Origin	Land Benefited/in Favour of
E-1	SEWERAGE	2m			THIS PLAN	CITY WEST WATER
E-1	DRAINAGE	2m	THIS PLAN	YARRA CITY COUNCIL		

SWAN STREET

HARVEY STREET

0°26' 3.96

24.38

17.78

90°00'

1m 2.00

E-1

1

148m²

37.14

270°16'

1

148m²

19.36

90°35'

1m 2.00

E-1

3.93

180°28'

MARY STREET

DML LAND SURVEYS

PO Box 136, Lower Plenty 3093
 E: enquiries@dmlsurveys.com.au
 www.dmlsurveys.com.au
 M: 0422 741 385
 200 41 140 210 110 100 100 100 100

ORIGINAL

SCALE 1:250

SHEET SIZE A4

REF: 2016-201 Road Closure

APPROX. TRUE NORTH

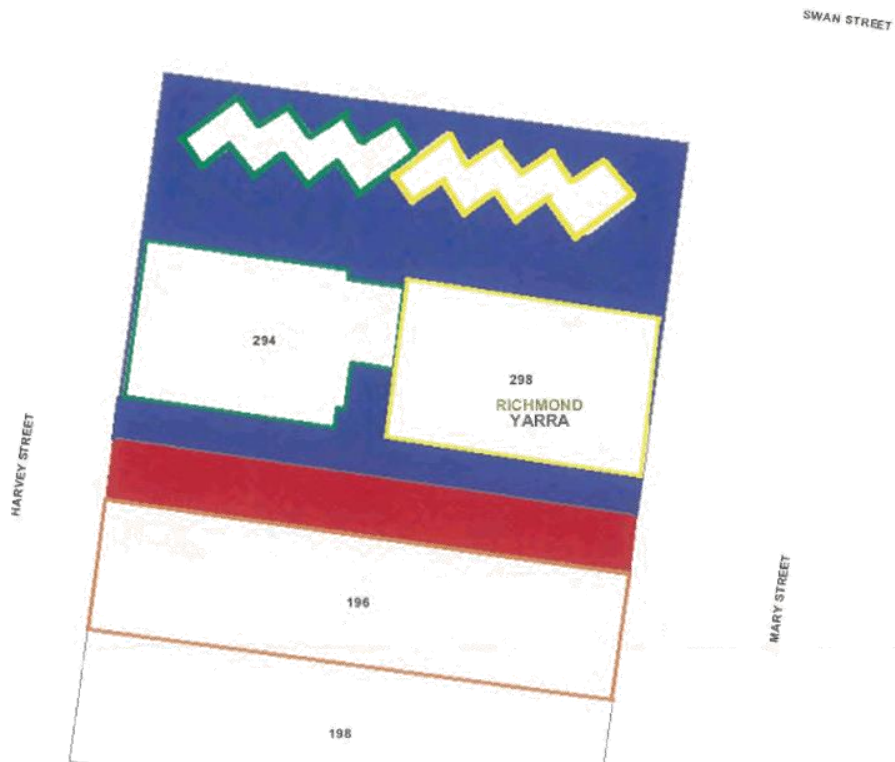
Attachment 2 - Site Plan



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Attachment 2

Site Plan



[6846142: 18084070_1]

page 6

Attachment 3 - Site Inspection Report



Maddocks

Ref: MAN:LWG:6846142

Maddocks
Lawyers
140 William Street
MELBOURNE 3000

Yarra City Council

Proposed discontinuance of road abutting 294-298 Swan Street, Richmond

DATE OF INSPECTION: 05/11/2016

PHOTOGRAPHS OF THE ROAD: Attached at the end of this report

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes ☒ No ☐

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Vegetation*	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Rubbish	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Services**	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other*	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(* Including fire hydrants/plugs.)		

* Provide Details: The Road is currently used as an accessway between Harvey Street and Mary Street. The Road has a number of service pits for underground infrastructure within it. No.196 Mary Street, abutting the southern boundary of the Road, has a door accessing the Road.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Bitumen
<input type="checkbox"/> Bluestone	<input type="checkbox"/> Other _____

EVIDENCE OF THE ROAD BEING USED:

<input checked="" type="checkbox"/> Nil	<input type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input type="checkbox"/> Other _____

TYPE OF TRAFFIC:

<input checked="" type="checkbox"/> Pedestrian	<input checked="" type="checkbox"/> Vehicular	<input type="checkbox"/> Animal	<input type="checkbox"/> Nil
--	---	---------------------------------	------------------------------

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input checked="" type="checkbox"/> Adjoining properties @ No.196 Mary St.	<input type="checkbox"/> Reserve/Park
<input checked="" type="checkbox"/> Main Road	<input type="checkbox"/> Shops
<input type="checkbox"/> Other _____	

[6846142: 17759199_1]

Attachment 3 - Site Inspection Report



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@ Specify which properties

No.196 Mary Street, abutting the southern boundary of the Road, has a door accessing the Road. Furthermore, the title diagram (TP742366D) for No.196 Mary Street shows a road abuttal to the subject Road.

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

No.196 Mary Street has direct access to both Mary Street and Harvey Street

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

No encroachment exists into the subject Road by either the northern or southern neighbouring allotments.

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?
OTHER OBSERVATIONS:

☐ Yes

☒ No

Signed: DEAN LONEY (Surveyors Board of Vic. Reg. No.192) Date:

Title/Position: Licensed Land Surveyor

Company: DML LAND SURVEYS PTY LTD.

[6846142: 17759199_1]

Attachment 3 - Site Inspection Report



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ANNEXURE A – Photographs

[6846142; 17759199_1]

page 3

Attachment 3 - Site Inspection Report



PO Box 136, Lower Plenty 3093
E: enquiries@dmlsurveys.com.au
www.dmlsurveys.com.au
M: 0422 741 385
ABN 65 540 850 556 ACN 148 145 688

AERIAL PHOTO & PHOTO POSITIONS



SUBJECT ROAD FOR PROPOSED DISCONTINUANCE IS SHOWN WITH PINK HATCHING ON ABOVE AERIAL PHOTO. NUMBERED PHOTO POSITIONS SHOWN IN GREEN.

Attachment 3 - Site Inspection Report

PHOTO 1



Attachment 3 - Site Inspection Report

PHOTO 2



Attachment 3 - Site Inspection Report

PHOTO 3



Attachment 4 - Authority Responses

Lauren Gillett

From: Psaros, Evan <Evan.Psaros@yarracity.vic.gov.au>
Sent: Monday, 15 August 2016 11:20 AM
To: Ramon Carmody-Fowler; Jonathon Meehan
Cc: Bacani, Artemis
Subject: RE: Email letter to Yarra City Council.PDF [MADDOCKS-M.FID2398628] (Rear of 294-298 Swan Street Richmond)

Ramon,

Engineering Services has no objections with the proposal to discontinue the subject laneway - provided a drainage easement is created on title to protect and maintain the function of council's drainage assets located within the lane.

If a future owner of the land wishes to remove the easement for the purposes of developing the site, Engineering Services will consider that such a proposal as required.

Council's drainage assets within the laneway are shown on the map below:

Attachment 4 - Authority Responses



Regards

Evan Psaros
Road Civil Engineer

City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5728
E evan.psaros@yarracity.vic.gov.au W www.yarracity.vic.gov.au

From: Ramon Carmody-Fowler [mailto:Ramon.Carmody-Fowler@maddocks.com.au]
Sent: Thursday, 11 August 2016 4:00 PM
To: Psaros, Evan; Jonathon Meehan
Subject: RE: Email letter to Yarra City Council.PDF [MADDOCKS-M.FID2398628]

Hi Evan

Attachment 4 - Authority Responses



City West Water™

28 July 2016

MARINE NINCEVIC
MADDOCKS
140 WILLIAM STREET
MELBOURNE VIC 3000

City West Water Corporation
ABN: 70 066 902 467

1 McNab Avenue
Footscray Vic 3011 Australia

Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine

citywestwater.com.au

Telephone (03) 9313 8422
Facsimile (03) 9313 8417

Dear Marine,

Re: PROPOSED ROAD DISCONTINUANCE
Location: REAR 294-298 SWAN STREET, RICHMOND
CWW Reference: 16/314

I refer to your email received by City West Water (CWW) on 27/07/16 regarding the proposed Road Discontinuance at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's requirements for working in the vicinity of water and sewer assets and a plan of the general area.

As you will see on the plan provided, the parcel of land proposed for discontinuance contains an existing CWW sewer main. It is with respect to this asset that CWW currently objects to this proposal subject to the following:

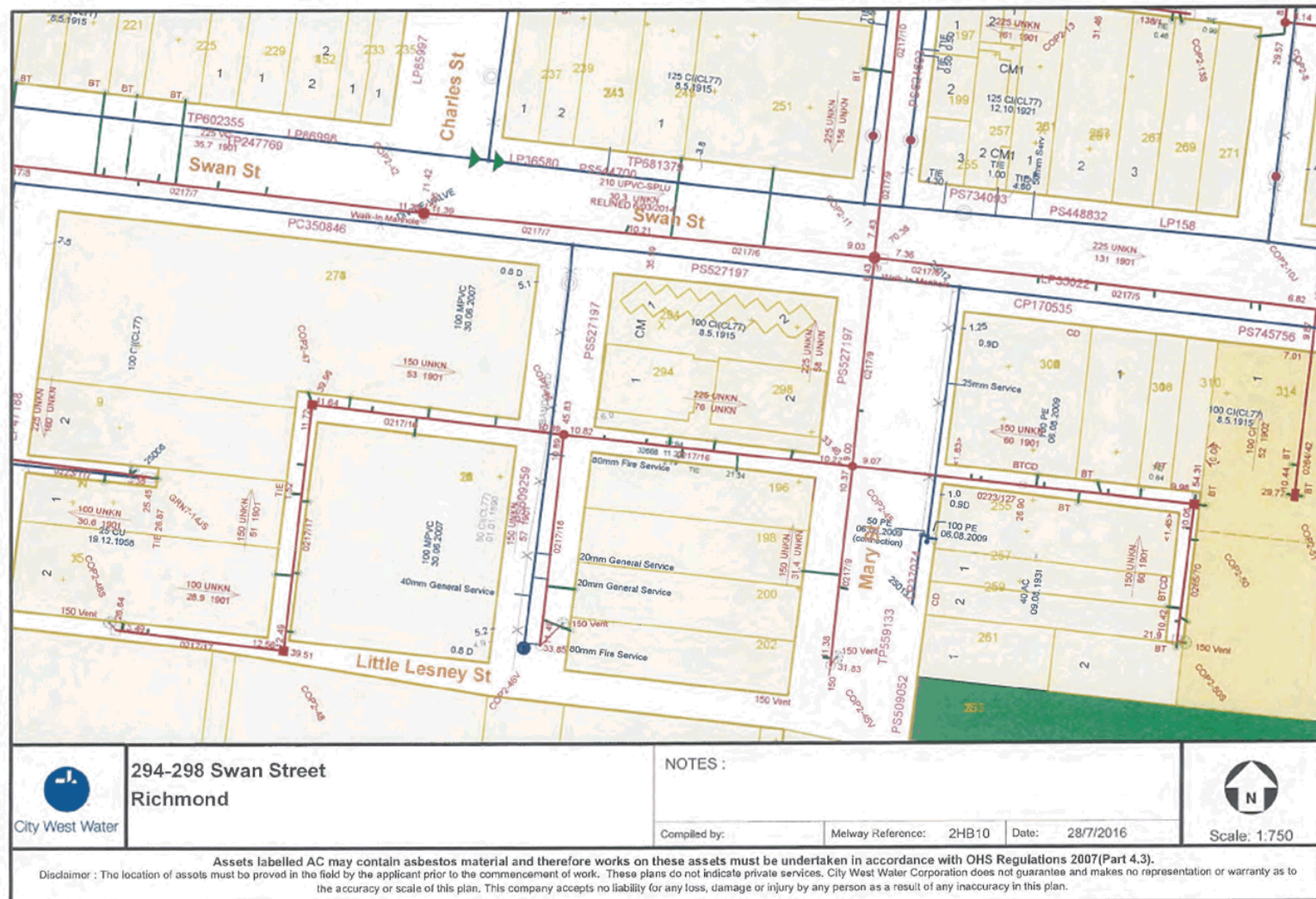
1. A certified Title Plan must show a 2.0m wide Sewerage Easement centrally located over the sewer main in favour of CWW pursuant to Section 12(1) of the Subdivision Act. This plan must then be referred to CWW for consideration prior to offering a withdrawal of objection.
2. Any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains.
3. Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
4. Any proposal to build over CWW assets will require CWW's written consent (i.e. Build-Over Application approval).

Should you wish to discuss this matter or require any further information, please do not hesitate to contact me on 0407 528 605.

Yours Sincerely,

Mark Abraham
Technical Officer, Other Authorities Works

Attachment 4 - Authority Responses



11.6 Proposed Discontinuance of the Road abutting 14 Lambert Street, Richmond

Trim Record Number: D17/67892

Responsible Officer: Chief Financial Officer

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 rear of 14 Lambert Street, Richmond, shown as lots 1 and 2 on the title plan attached as Attachment 1 to this report (**Title Plan**) and shown coloured red on the plan attached as Attachment 2 to this report (**Site Plan**), being part of the land contained in Memorial Book Z No. 815 (**Road**).

Background

2. The registered proprietors (**Owners**) of the property known as 14 Lambert Street, Richmond being the land contained in certificate of title volume 6608 folio 553 and coloured yellow on the Site Plan (**Owners' Property**), which abuts the Road on its eastern boundary.
3. The Road also abuts, or is adjacent the following properties (together **Adjoining Properties**), as shown coloured green on the Site Plan:
 - (a) 12 Lambert Street, Richmond, being the land contained in certificate of title volume 6608 folio 554, known as Adjoining Owner 1;
 - (b) 41 Baker Street, Richmond, being the land contained in certificate of title volume 10544 folio 267, known as Adjoining Owner 2; and
 - (c) 43 Baker Street, Richmond, being the land contained in certificate of title volume 7565 folio 107, known as Adjoining Owner 3.
4. Part of the garden constructed at the rear of the Owner's Property encroaches onto that part of the Road shown as lot 1 on the Title Plan.
5. That part of the Road shown as lot 2 on the Title Plan is currently fenced together with the property at 41 Baker Street, Richmond.
6. The Owners had recently purchased their Property and have requested that Council discontinue the Road (lots 1 & 2) and sell the discontinued Road to the Owners (**Proposal**) so that the occupation of the Road can be formalised.
7. The Owners have agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the sale of the discontinued Road.

Discussion

Road

8. The Road shown on title as a 'road' and historically has been used a right of way.
9. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing. Upon being discontinued, the Road will vest in Council.

Adjoining Owners

10. The Owners contacted the owners of the Adjoining Properties (**Adjoining Owners**) in respect of the Proposal.
 - (a) on 16 April 2015, the owners of the property at 12 Lambert Street, Richmond confirmed that they do not have any objection to the Proposal;
 - (b) by way of undated letter, the owners of the property at 41 Baker Street, Richmond confirmed that they do not have any objection to the Proposal; and
 - (c) on 16 April 2015, the owners of the property at 43 Baker Street Richmond confirmed that they do not have any objection to the Proposal.

11. Copies of the signed responses received from the Adjoining Owners are attached as Attachment 3 to this report.

Site Inspection

12. A site inspection of the Road was conducted Dean Loney of DML Land Surveys on 18 August 2015. The site inspection report notes that:
 - (a) the Road is open and not available for use by the public;
 - (b) the Road is obstructed by fencing and the private courtyard and rear garden area constructed on the Owners' Property;
 - (c) the Road is currently occupied largely by the Owners with a small sliver of approximately 0.5m wide of the Road being occupied by the Owners of the property at 41 Baker Street, Richmond (**Encroachment**);
 - (d) the Road provides access to the Owner's Property; and
 - (e) the Road is not currently used for public access.
13. A copy of the site inspection report is attached as Attachment 4 to this report.
14. The Owners are aware of the Encroachment. Any sale of the Road by Council would be subject to the Encroachment.

Public Authorities

15. The following statutory authorities have been advised of the proposed discontinuance of the Road 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, APA Group, Telstra, Optus and Yarra city Council.
16. All of the above authorities advised that they no assets in or above the Road and no objection to the proposed discontinuance of the Road.

Public Notice

17. Before proceeding with the discontinuance of the Road, council must give public notice of the Proposal in accordance with sections 207A and 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.
18. 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 that person to be heard before a meeting of Council, giving reasonable notice of the day, time and place of the meeting.
19. 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.

Internal Consultation (One Yarra)

20. Nil

Financial Implications

21. Nil

Economic Implications

22. The Owners Have agreed to acquire the Road for its market value (plus GST).
23. In addition to the market value of the Road (plus GST), the Owners have agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road.

Sustainability Implications

24. Nil

Social Implications

25. Nil

Human Rights Implications

26. Nil

Communications with CALD Communities Implications

27. All notices and correspondence issued with respect of this report will contain referral information to Yarralink Interpreter Service.

Council Plan, Strategy and Policy Implications

28. Nil

Legal Implications

29. If the Road is discontinued and sold to the Owner, Council will require the Owner to consolidate the title to the former Road with the title to the Owner's Property within 6 months of the date of transfer of the Road to the Owner, at the Owner's expense.

Other Issues

30. Nil

Options

31. Nil

Proposal

32. 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 sell the Road to the Owners.

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 14 Lambert Street, Richmond which is shown marked Lots 1 and 2 on Title Plan attached as Attachment 1 to this report (**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 adjoining owners at 14 Lambert Street, Richmond (**Owners**) for market value plus (GST); 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.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the Owners for no less than the market value (plus GST) as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents; and
 - (e) directs that the Owners be required to consolidate the title to the Road with the title to the property at 14 Lambert Street, Richmond, being the land contained in certificate of title volume 6608 folio 553, following the transfer of the Road, by no later than 6 months after the day of sale.

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

Attachments

- 1 Title of Road
- 2 Site Plan
- 3 Adjoining Owner Responses
- 4 Site Inspection Report

Yarra City Council – Ordinary Meeting of Council Agenda – Tuesday 15 August 2017

Attachment 2 - Site Plan

Maddocks

Site Plan



Attachment 3 - Adjoining Owner Responses

To whom it may concern,

I [REDACTED] being the owner of 43 Baker Street, Richmond 3121, agree to the proposal to discontinue the Road and Right of Way behind 14 Lambert Street as shown on the attached map. I also agree that the Yarra City Council transfer the discontinued Road to [REDACTED] and [REDACTED] being the owners of 14 Lambert Street, Richmond.

Many thanks,

[REDACTED]

15/4/2015

Attachment 3 - Adjoining Owner Responses

16th April 2015

To Whom it May Concern,

We, [REDACTED] and [REDACTED] being the owners of 12 Lambert Street, Richmond, consent to the proposal to discontinue the Road and Right of Way abutting 14 Lambert Street, Richmond, and transfer the discontinued road to [REDACTED] and [REDACTED] being the owners of 14 Lambert Street, Richmond.

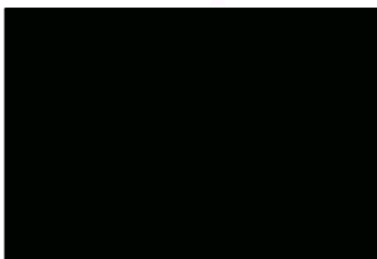
Signed,



Attachment 3 - Adjoining Owner Responses

To whom it may concern,

I, [REDACTED] on behalf of [REDACTED] [REDACTED], being the owner of 41 Baker Street, Richmond
[REDACTED] consent to the proposal to discontinue the Road and
Right of Way abutting 14 Lambert Street and transfer the discontinued Road to [REDACTED] and
[REDACTED] being the owners of 14 Lambert Street, Richmond.



Attachment 4 - Site Inspection Report



Maddocks

Ref: MAN:AVB:6386502

Maddocks
Lawyers
140 William Street
MELBOURNE 3000

Yarra City Council
Proposed discontinuance of right of way at rear 14 Lambert Street, Richmond

DATE OF INSPECTION:

18/ 08 /2015

PHOTOGRAPHS OF THE ROAD:

SEE OVER

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes ☐ No ☒

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Vegetation*	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rubbish	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Services*#	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other*	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	(# Including fire hydrants/plugs.)		

* Provide Details:

The subject section of Road is currently occupied largely by the property at No. 14 Lambert Street, with a small slither of approx. 0.5m wide of Road being occupied by the western abutting property at No.41 Baker Street. Both these properties have exclusively fenced their relevant occupied sections of Road.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input type="checkbox"/> Bitumen
<input type="checkbox"/> Bluestone	<input checked="" type="checkbox"/> Other _____

EVIDENCE OF THE ROAD BEING USED:

<input type="checkbox"/> Nil	<input type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input checked="" type="checkbox"/> Other <u>private courtyard & rear garden area</u>

TYPE OF TRAFFIC:

<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Vehicular	<input type="checkbox"/> Animal	<input checked="" type="checkbox"/> Nil
-------------------------------------	------------------------------------	---------------------------------	---

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input type="checkbox"/> Adjoining properties @	<input type="checkbox"/> Reserve/Park
<input type="checkbox"/> Main Road	<input type="checkbox"/> Shops
<input checked="" type="checkbox"/> Other <u>Provides access to the property at No.14 Lambert St</u>	

[6386502: 14610808_1]

Attachment 4 - Site Inspection Report



Maddocks

@ Specify which properties

No.14 Lambert Street and No.41 Baker Street both have direct access to their relevant occupied sections of Road

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

No.14 Lambert Street, Richmond also has access and frontage to Lambert Street

No.41 Baker Street, Richmond also has access and frontage to Baker Street

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

The only encroachment into the subject Road is by the western abutting property at No.41 Baker Street by approximately 0.5m

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?
OTHER OBSERVATIONS:

Yes

☐ No



Signed: Dean Loney (Surveyors Board of Vic. Reg. No.1927 Date: 01/09/2015

Title/Position: Licensed Surveyor Company: DML Land Surveys Pty Ltd.

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM

It should be noted that there currently exists significant encroachment into the western end of the Southern abutting section of Road by both No.14 Lambert Street and the southern properties at 43 and 45 Baker Street.

[6386502: 14610808_1]

Attachment 4 - Site Inspection Report



PO Box 136, Lower Plenty 3093
E: enquiries@dmlsurveys.com.au
www.dmlsurveys.com.au
M: 0422 741 385
ABN 65 540 850 590 ACN 148 149 688

AERIAL PHOTO & PHOTO POSITIONS



Attachment 4 - Site Inspection Report

PHOTO 1



PHOTO 2



Attachment 4 - Site Inspection Report

PHOTO 3



11.7 Proposed Discontinuance of road at rear of 247-255 Johnston Street, Abbotsford - consideration of submissions.

Trim Record Number: D17/76761

Responsible Officer: Chief Financial Officer

Purpose

1. For Council to consider whether the road shown as lots 1 and 2 on the title plan contained in Attachment 1 (**Title Plan**) to this report. Being part of the land contained in certificate of title volume 9757 folio 001 (**Road**), should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to the Owners of 243-245 and 247-255 Johnston Street, Abbotsford (**Adjoining Owners**) respectively (**The Proposal**).

Background

2. The Road is registered in the name of the Registered Proprietor (Owner 2) a copy of title to the Road is contained in Attachment 2 to this report.
3. The Road is shown as lots 1 and 2 on the Title Plan and coloured red on the plan attached as Attachment 3 to this report (**Site Plan**).
4. The Road is constructed as a road and abuts the following properties (together **Owner's Properties**), which are shown coloured yellow on the Site Plan:
 - (a) 243-245 Johnston Street, Abbotsford, being the land contained in certificate of title volume 6849 folio 564, which is registered in the name of Owner 1;
 - (b) 247 Johnston Street, Abbotsford being the land contained in certificate of title volume 6849 folio 724, which is registered in the name of Owner 2;
 - (c) 249-253 Johnston Street, Abbotsford being the land contained in certificate of title volume 9468 folio 344, which is registered in the name of Owner 2; and
 - (d) 36 Stafford Street, Abbotsford being the land contained in certificate of title volume 9468 folio 342, which is registered in the name of Owner 2.
5. No properties adjoin the Road apart from the Owners Properties.
6. At its meeting on 6 December 2016, Council resolved to commence the statutory procedures and give notice pursuant to section 207A and 223 of the Act of its intention to discontinue and sell the Road to the owners of the Owners' Properties.

Discussion

Public Notice

7. The required public notice was placed:
 - (a) on a sign in the Road on 1 February 2017;
 - (b) in the Age Newspaper on 1 February 2017;
 - (c) in the Weekly Review Melbourne Times on 1 February 2017;
 - (d) in the Herald Sun on 1 February 2017;
 - (e) on Council's Facebook page on 6 February 2017; and
 - (f) on Council's website on 6 February 2017.
8. Following the publication of the public notice, 3 submissions objecting to the Proposal were received by Council by 1 March 2017. Copies of all submissions received by Council are attached as Attachment 4 (confidential) to this report.

Objections to Proposal

9. The submissions received in opposition to the Proposal may be summarised as follows:
- (a) the Road should be reserved for future use by the community;
 - (b) the Road should be retained as a laneway for heritage purposes;
 - (c) the Road should not be sold to the Owner of 247 Johnston Street as the Owner has lodged a planning permit application for development of 247 Johnston Street which has received significant public objection from the Community; and
 - (d) Council should not be assisting developers.

Officer comments on objection to Proposal

10. The following officer comments are offered in respect of the submissions made in objection to the Proposal:
- (a) the Road is currently used to provide access to the rear of the Owners' Properties, which are predominantly owned by Owner 2. The physical closure of the Road would not obstruct access to any other properties;
 - (b) the most recent planning application for 247-249 Johnston Street was advertised on February 2016. The permit was reviewed by Council and is currently being determined by VCAT. Any objections regarding planning permit applications for development of land are addressed by Council's Planning Department as part of the planning process; and
 - (c) the Road discontinuance process requires Council to determine if the road is or is not required for public access, public access is not required as there are no adjoining properties.

Road Status

11. It is established that the Road is a road which Council has the power to consider discontinuing pursuant to the Act. Upon being discontinued, the Road will vest in Council.

Public/Statutory Authorities

12. The following public/statutory authorities have been advised of the proposed discontinuance of the Road 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, APA Group, Telstra, Optus and Yarra city Council.
13. Melbourne Water, CitiPower, APA Group, Optus and Yarra City Council have advised that they have no assets in or above the Road and no objection to the Proposal.
14. In a letter dated 26 February 2016, Telstra advised that it has assets in the near vicinity of the Road but does not object to the Proposal.
15. In a letter dated 26 February 2016, City West Water (**CWW**) advised that it did not object to the Proposal, subject to the following conditions:
- (a) a certified Title Plan must show a 2.0m wide centrally located Sewerage Easement to be in favour of CWW pursuant to section 12(1) of the Subdivision Act 1988 (Vic). This plan must be referred to CWW for consideration prior to offering a withdrawal of objection;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of centreline of existing CWW sewer mains;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).

16. Copies of the correspondence from CWW and Telstra are contained in Attachment 4 to this report.

External Consultation

17. As outlined in paragraphs 7 to 10.

Internal Consultation (One Yarra)

18. Consultation occurred with all relevant Council departments.

Financial Implications

19. The adjoining Owners have agreed to acquire the Road for its market value (plus GST).
20. In addition to the market value of the Road (plus GST), the Adjoining Owners have agreed to pay Council's costs and disbursements associated with the Proposal.

Economic Implications

21. Nil

Sustainability Implications

22. Nil

Social Implications

23. Nil

Human Rights Implications

24. Nil

Communications with CALD Communities Implications

25. All notices and correspondence issued with respect of this report will contain referral information to Yarralink Interpreter Service.

Council Plan, Strategy and Policy Implications

26. Nil

Legal Implications

27. If the Road is discontinued and sold to the Owners, Council will require the Purchasers to create a sewerage easement in favour of City West Water. The easement (**E-1**) is shown on the title plan (**Attachment 1**) created for the proposal.

Other Issues

28. Nil

Options

29. Nil

Conclusion

30. Council must now determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act.

RECOMMENDATION

1. That Council having considered all submissions received in response to the public notice and having heard the people who requested to be heard in support of their submission in accordance with section 223 of the *Local Government Act 1989*, regarding Council's proposal to discontinue and sell the road shown as lots 1 and 2 on the title plane contained in Attachment 1 to this report (**Road**), being part of the land contained in certificate of title volume 9757 folio 001, acting under clause 3 of schedule 10 of the Act:
 - (a) resolves, having followed all the required statutory procedures pursuant to section 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, lot 1 on the title plan be sold to the owner of 243-245 Johnston Street, Abbotsford for the market value (plus GST) as determined by the Act and lot 2 on the title plan be sold to the owner of 247-255 Johnston Street, Abbotsford, for the market value (plus GST) as determined by the Act;
 - (d) directs that, within 12 months of the date of transfer of the Road to the Owners and at their own cost, the Owner of 243-245 Johnston Street, Abbotsford be required to consolidate the title of lot 1 on the title plan with the title to 243-245 Johnston Street, Abbotsford and the Owner of 247-255 Johnston Street, Abbotsford be required to consolidate the title to lot 2 on the title plan with the titles of 247-255 Johnston Street, Abbotsford;
 - (e) directs that any right, power of interest held by any public authority in connection with any sewers, drains, pipes, wires or cables under control of the authority in or near the Road which are to be saved pursuant to section 207C of the Act be saved;
 - (f) directs that the Owners/Purchasers of the Road be required to observe any conditions imposed by a public authority in respect of the Road;
 - (g) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owners; and
 - (h) directs that all persons who have made a submission be advised of Council's decision.

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

Attachments

- 1 Title Plan
- 2 Title Search of Road
- 3 Site Plan
- 4 Copy of Submissions

Attachment 1 - Title Plan

TITLE PLAN		EDITION 1	TP956663D
LOCATION OF LAND PARISH: JIKA JIKA TOWNSHIP: ----- SECTION: ----- CROWN ALLOTMENT: ----- CROWN PORTION: 75 (PART) MGA CO-ORDINATES: E 323 450 ZONE: 55 N 5 814 430 GDA 94 (of approximate centre of land in plan) DEPTH LIMITATION: DOES NOT APPLY		NOTATIONS <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> THIS PLAN HAS BEEN PREPARED FOR LAND VICTORIA FOR TITLE DIAGRAM PURPOSES. </div> <div style="width: 45%;"> CHECKED BY: DATE: / / Assistant Registrar of Titles </div> </div>	
EASEMENT INFORMATION			
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)			
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	LAND BENEFITED /IN FAVOUR OF
E-1	SEWERAGE	SEE DIAG.	CITY WEST WATER CORPORATION ,

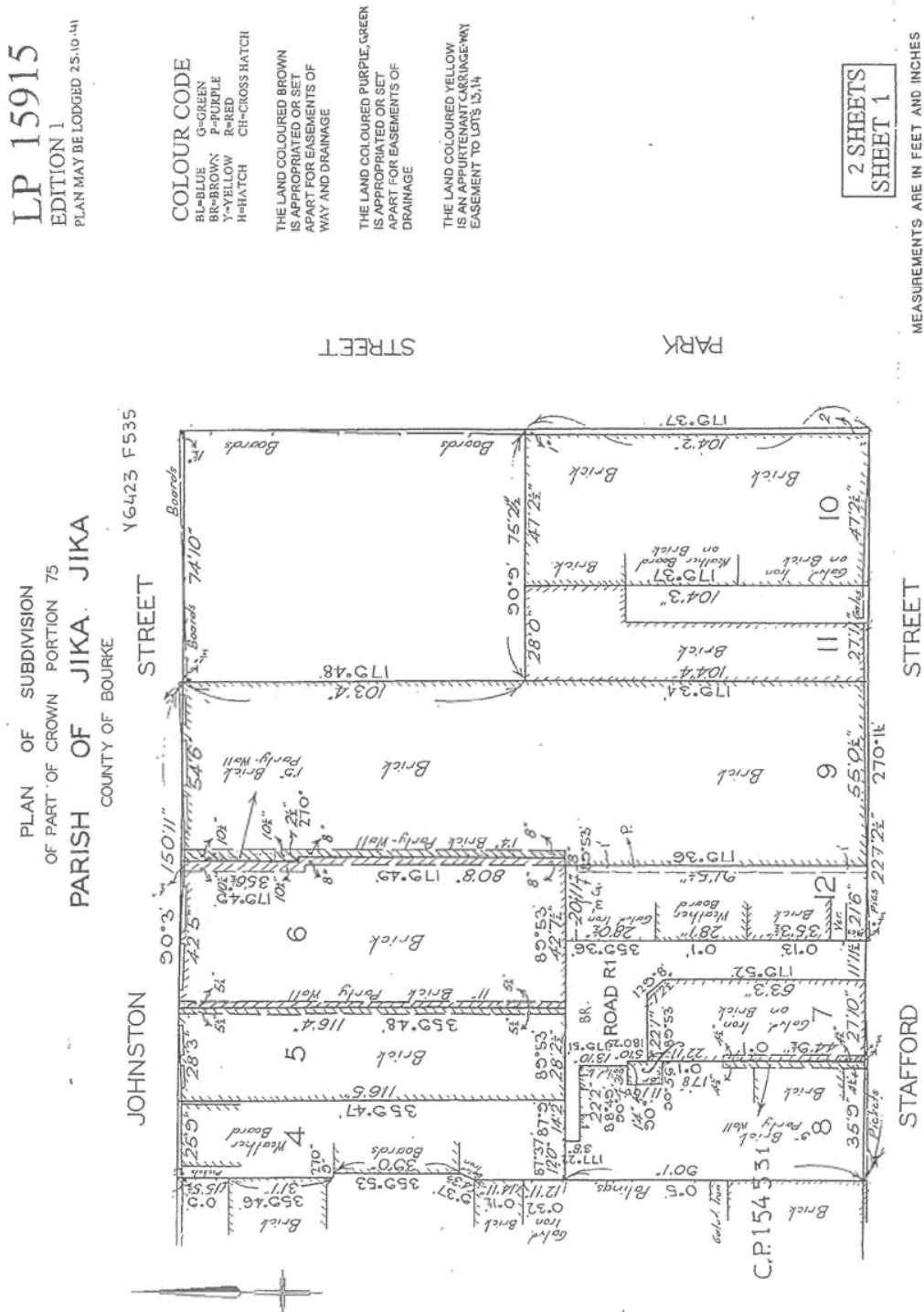
STAFFORD STREET

PARK STREET

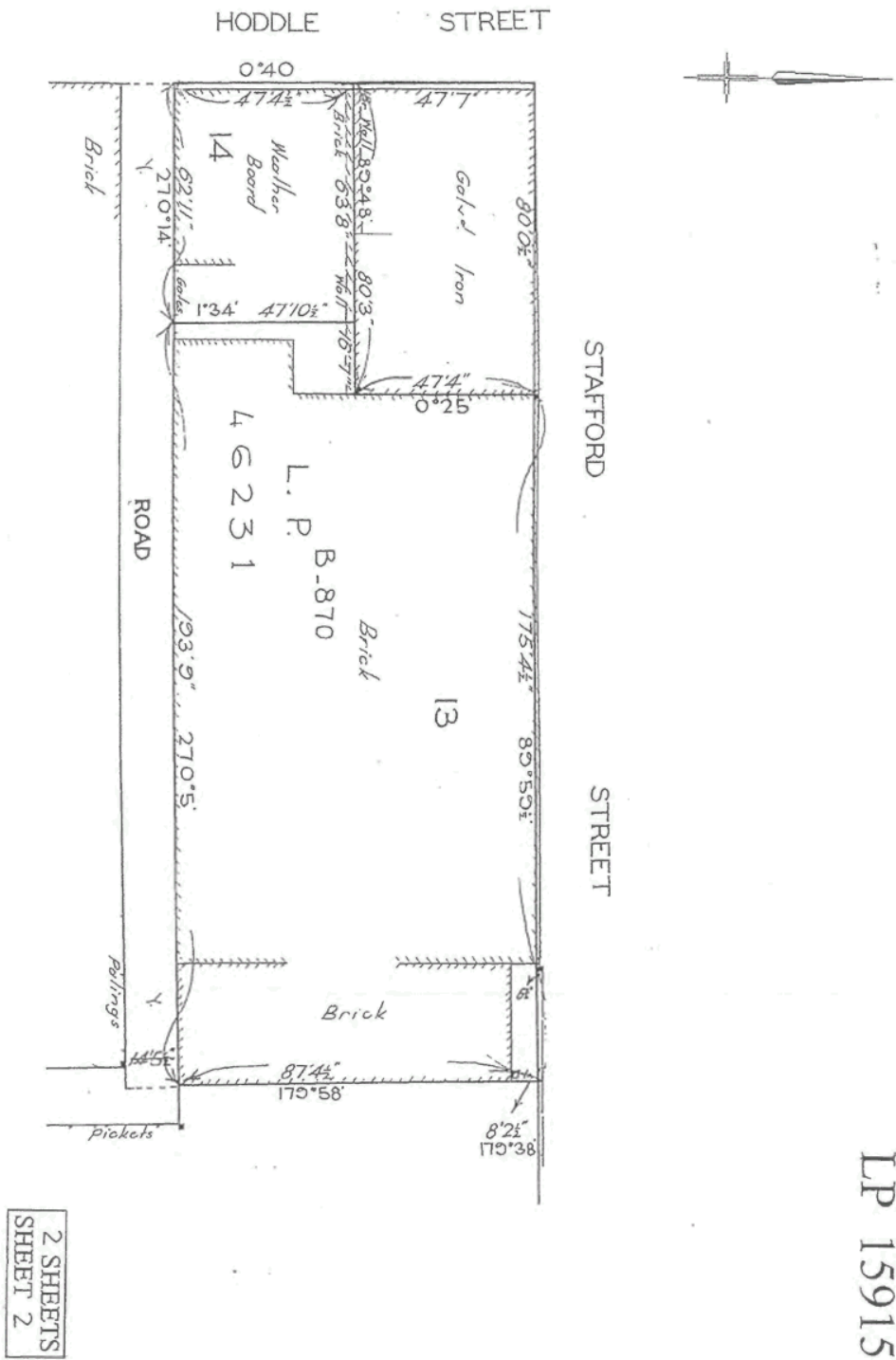
STAFFORD STREET

REF: 22765/TP	VERSION: C	DATE: 22/06/16 22765-0-TP-1-C.DGN	SCALE: 1:150 	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 1 SHEET
REEDS CONSULTING <small>Reeds Consulting Pty Ltd Lvl 5, 440 Elizabeth Street Melbourne Victoria 3000 p (03) 8660 3000 www.reedsconsulting.com.au survey@reedsconsulting.com.au</small>		LICENSED SURVEYOR NEIL OLIVER		GOVERNMENT GAZETTE No.: DEALING/FILE No.: DEALING CODE:	

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Attachment 2 - Title Search of Road



Delivered by LANDATA@ Land Victoria timestamp 10/12/2015 15:46 Page 2 of 2

Attachment 3 - Site Plan



Attachment 4 - Copy of Submissions

Ms Vijaya Vaidyanath
Chief Executive Office
Yarra City Council
PO Box 168
RICHMOND VIC 3121

February 27, 2017

Dear Ms Vaidyanath

I am a local resident to Johnston St Abbotsford, [REDACTED]
[REDACTED]

I strongly object to Council's proposal to discontinue the road abutting the rear of 247-255 Johnston St Abbotsford and "transferring" the ownership of Lot 2 to the adjoining owner.

I strongly object as there appears to be no logical reason for said land transfer (specifically of Lot 2) to take place – and at this time - other than to benefit the owners of 247 Johnston St Abbotsford who wish to develop a 13-story tower on this and the adjoining site. Without ownership of Lot 2 the developer's plans for the site will be negatively impacted, as it is key to providing vehicle access to their proposed basement parking.

Why would Council consider transfer of Council owned land when:

- Said land transfer would assist a proposed development that has significant public objection: over 100 objectors?
- The initial development proposal was overruled at VCAT in 2011/ 2012, with VCAT's decision concluding:
"... in our opinion, a building of 11, 14-16 or 17 storeys on this site is an intense or significant change in a neighbourhood activity centre that is predominantly one to three storeys. We are not persuaded the state or local planning policies in the planning scheme clearly identify this neighbourhood activity centre as an area in which intense or significant change is contemplated or encouraged"
- Such land transfer (it is also unclear whether any price is to be paid for the land...) might be seen by the public might as Council being in collusion with developers and not listening to their constituents' concerns?

The suburb of Abbotsford has experienced a 116% increase in residential dwellings in the last five years; from 2,012 in 2011 (Census 2011 data) to 4,363 in 2016 (Council's own data –not including sites currently under development which would add another 100 plus dwellings). Abbotsford is now under traffic and housing stress with very little outdoor communal public space. It is not a suburb fit for intense development, or identified as being of strategic state

Attachment 4 - Copy of Submissions

significance for Melbourne's population growth - as clearly stated in Plan Melbourne 2030, page 32.

To make matters worse, 247 Johnston St - to which Lot 2 shall be transferred and the site of the proposed development - has recently been identified as being of individual heritage significance and protected under Amendment C157 to the Yarra Planning Scheme, which was approved by the Minister for Planning and gazetted on 27 August 2015. The Panel Report Amendments C157 and C163 states:

"In regard to this site, we note that Johnston Street is classed as a Neighborhood Activity Centre and that while some redevelopment of the existing fabric might be expected over time, it should not be automatically assumed that the whole extent of the centre will be appropriate for more intensive development... We do not support the submissions that argued the site has only marginal significance. It is an impressive and well-proportioned building with a pleasing blend of functional and decorative elements and the evidence indicates that it played an important role in the industrial history of the City of Yarra.... the practice note on applying the HO recommends that the area to be mapped for a heritage place will usually be the whole allotment to the extent of the title boundary. It recognises a number of exceptions, but they do not apply to this property. Council opposes any proposal to redraw the boundaries of the HO as it applies to HO421."

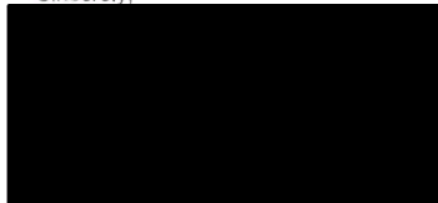
The Report clearly confirms it is not just the façade of the site which is considered of significance, but the whole site of St Crispin House' at 247-253 Johnston Street, Abbotsford.

It is appalling that Council would consider assisting the developers to partially demolish a site of individual heritage significance by transferring land for the sole purpose of providing vehicle access to that development. It shows complete disregard for community wishes and the heritage process.

Finally if Council is considering a better use of Lot 2, I am sure there would be numerous ideas local constituents could put forward if asked.

I sincerely hope Council consider whether the sudden transfer of Lot 2 is in the greater public interest of just that of one developer, before making a decision on the proposed road discontinuance.

Sincerely,



Attachment 4 - Copy of Submissions

Ms Vijaya Vaidyanath
CEO
Yarra City Council
PO Box 168
Richmond VIC 3121

Dear Ms Vaidyanath

Proposed Roadway Discontinuance

I object to the proposed discontinuance and roadway at 243-245 Johnston Street, Abbotsford, and Lot 2 to the adjoining owner of 247 Johnston Street, Abbotsford

Laneways have served this community well in the past providing access to properties for a range of reasons some now obsolete, some that remain active today and some that will no doubt come to be recognised for the City's future. I am concerned that the closure of any of the laneways that criss-cross this City and the sale of the land to an adjoining owner will forever change the typology, heritage and remove the fine grain of this City. It will also take away the opportunity for us to make use of the laneways in a climate changing world and to be protected from the heat island effect.

There is no doubt that our capacity to adapt and be resilient to future changes in our climate will necessitate some novel ways of using our laneways for residential amenity. Given the City is embarking on an Urban Forest Strategy there will be an opportunity to see the potential of our laneways for tree plantings and other vegetation to improve amenity and contribute to the reduction of the heat island effect.

The City of Melbourne recognised the important role played by its laneways in the past and importantly could play in the future. The City of Melbourne is now recognized for its imaginative and innovative use of the laneways for business, for entertainment and for pedestrian use. In the City of Moreland laneways today are recognised through 'Bluestonia' a project that recognises and celebrates that City's laneways. 'Bluestonia investigates the potential of Moreland's 67 kilometre network of bluestone laneways to provide a catalyst for community engagement and connectedness'. <http://bit.ly/2klFYx3> Artists together with residents can revitalise the use of laneways and thus contribute to the social and environmental health of the City.

Don't sell off our laneways; future citizens of this City will be unable to benefit from their existence as people for generations have in the past.

Yours sincerely,



Attachment 4 - Copy of Submissions

Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council
PO Box 168
Richmond, VIC 3121

[REDACTED]
[REDACTED] Abbotsford, VIC 3067

Re: Proposed Road Discontinuance, abutting the rear of 247-255 Johnston Street, Abbotsford

To Whom It May Concern,

I would like to formally oppose the discontinuance of the road abutting the rear of 247 – 255 Johnston Street, Abbotsford.

The proposal of discontinuance includes the transfer of 170 square meters of land (Lot 2) to the title of 247 Johnston Street. This title is owned by the Pace Development Group Pty Ltd, who is seeking a permit (PLN15/0612) for a 13 storey development which contradicts the designated 8 – 10 storey limit in the Johnston Street Local Area Plan. It is a completely unnecessary development for the suburb.

Furthermore, the permit for this proposed development was rejected by the City of Yarra and is now before VCAT (P2478/2016) for approval, with a Compulsory Conference on 6th April 2017 and a Final Hearing slated for 15th May 2017. I would note that MinterEllison has been retained by the Pace Development Group to act on its behalf in this matter before VCAT.

This discontinuance of this road, and subsequent sale of Lot 2, is a strategic piece in the City of Yarra's arsenal when it comes to negotiating an appropriate development outcome with Pace Development Group, its subsidiaries, or any subsequent owner(s) of 247 Johnston Street. Retaining ownership of Lot 2 will help ensure that a development is built which is in sympathy with the surrounding area, has a positive amenity for existing residents and does not adversely impact the 'livability' of the suburb.

Regards,

[REDACTED]

11.8 Proposed Discontinuance of Road adjacent to 2 Harding Lane, Richmond

Trim Record Number: D17/88006

Responsible Officer: Chief Financial Officer

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 adjacent to the property known as 2 Harding Lane, Richmond, being part of the land contained in Memorial Book 186 Number 16 (**Road**).

Background

2. The Road is shown as Lot 1 on the title plan attached as Attachment 1 to this report, and is shown as the areas hatched and cross hatched on the plan attached as Attachment 2 to this report (**Site Plan**).
3. The 'Owners' are the registered proprietors of the property known as 2 Harding Lane, Richmond, shown in red on the Site Plan, being the land contained in certificate of title volume 10782 folio 865 (**Owners' Property**).
4. The road is adjacent to the North of the Owners' Property.
5. The rear garden and courtyard which is constructed at the north of the Owners' Property encroaches onto that part of the Road shown cross-hatched on the Site Plan and is fenced into the Owners' Property.
6. The Owners' have requested that Council discontinue the Road and sell the Road to the Owners' (**Proposal**).
7. The Owners' have agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the transfer of the discontinued Road to the Owners.

Discussion

Road

8. The Road is known to title as a 'road'. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing.
9. Upon being discontinued, the Road will vest in Council.

Adjoining Owners

10. The Owners were requested to seek the written consent of the owners of the following properties (together, the **Adjoining Owners**) that are in the vicinity of the Road:
 - (a) 4 Harding Lane, Richmond;
 - (b) 6 Harding Lane, Richmond; and
 - (c) 201-203 Elizabeth Street, Richmond.

11. The Adjoining Owners consents are attached as Attachment 3 to this report.

Site Inspection

12. A site inspection of the Road was conducted by DML Land Surveys on 24 February 2017. The site inspection report notes that:
 - (a) the Road is constructed of bitumen;
 - (b) the Road is currently used exclusively for rear access to the Owners' Property;
 - (c) the Owners' currently use half of the Road as a rear garden and courtyard, which is fenced into the Owners' Property, and the other half of the Road as a car parking area;

- (d) there is an encroachment of approximately 0.10 – 0.15 metres onto the northern boundary of the Road; and
 - (e) the road is not required for public access.
13. A copy of the site inspection report is attached as Attachment 4 to this report.

Public/Statutory Authorities

14. 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, APA Group, Telstra, Optus and Yarra City Council.
15. Melbourne Water, CitiPower, United Energy, APA Group, Telstra, Optus and Yarra City Council have advised that they have no assets in or above the road and no objection to the Proposal.
16. In a letter dated 4 November 2016, City West Water (**CWW**) advised that it objects to the Proposal, subject to the following conditions:
- (a) a certified plan must show a 2.0m wide sewerage easement centrally located over the sewer main in favour of CWW. The plan must be referred to CWW for consideration prior to CWW offering a withdrawal of objection;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of existing CWW underground sewer assets;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposed to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).
17. Copies of the correspondence from CWW are attached as Attachment 5 to this report.

Public Notice

18. 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 publication of the public notice, lodge a written submission regarding the Proposal.
19. 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 that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
20. 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.

Internal Consultation (One Yarra)

21. Nil

Financial Implications

22. Nil

Economic Implications

23. The Owners Have agreed to acquire the Road for its market value (plus GST).
24. In addition to the market value of the Road (plus GST), the Owners have agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

25. Nil

Social Implications

26. Nil

Human Rights Implications

27. Nil

Communications with CALD Communities Implications

28. All notices and correspondences issued with respect of this report will contain referral information to Yarralink Interpreter Service.

Council Plan, Strategy and Policy Implications

29. Nil

Legal Implications

30. If the Road is discontinued and sold to the Owners, Council will require the Owners to:
- (a) create a sewerage easement in favour of CWW along the length of the Road (this can be affected as part of the transfer of the land);
 - (b) agree to observe the conditions imposed by CWW in respect of the Road; and
 - (c) consolidate the title to the former Road with the title to the Owners' Property within 6 months of the date of transfer of the Road to the Owners, at the Owners expense.

Other Issues

31. Nil

Options

32. Nil

Proposal

33. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road adjacent to 2 Harding Lane, Richmond, and transfer to the Owners' the discontinued Road.

RECOMMENDATION

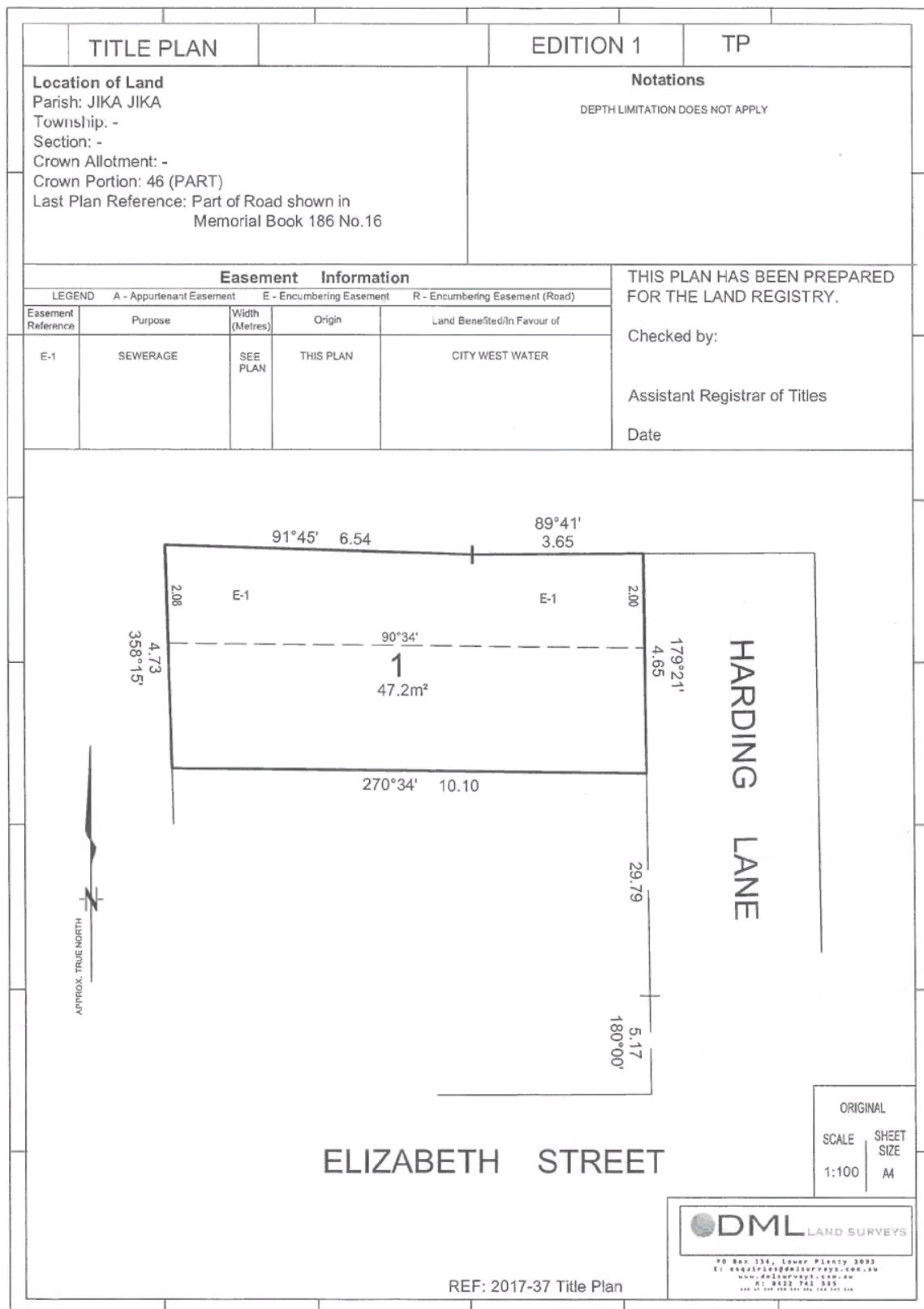
1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
 - (a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 2 Harding Lane, Richmond, which is shown marked lot 1 on the title plan attached as Attachment 1 to the report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in “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 owners’ for market value (plus GST); 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.
2. Further, should no submissions be received, Council:
 - (a) resolves that, having followed all the required statutory procedures pursuant to section 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that, once discontinued, the Road be transferred to the adjoining owner for no less than the market value (plus GST);
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owners;
 - (e) directs that any rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and sale; and
 - (f) directs that the adjoining owner be required to consolidate the title to the Road with the title to 2 Harding Lane, Richmond by no later than 6 months after the day of sale.

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

Attachments

- 1 Title Plan
- 2 Site Plan
- 3 Adjoining Owner responses
- 4 Site Inspection Report
- 5 CWW Response

Attachment 1 - Title Plan





Attachment 3 - Adjoining Owner responses

[REDACTED]
[REDACTED]
Richmond VIC 3121

Dear [REDACTED]

It's [REDACTED] here from 2 Harding Lane, Richmond - your neighbours at the end of our shared laneway.

I'm writing to you today, because we're hoping to purchase the small parcel of land adjacent to our front door from the City of Yarra. Please refer to the enclosed map.

We have begun the process and have been advised that as the owner of 201-203 Elizabeth Street, Richmond, we need to let you know of our intentions to see if you have any questions or objections.

The primary reason we are seeking to buy this land is to fence off our front door from public access and in particular, drug users, who have been an ongoing issue for us. Our little girl's bedroom currently opens onto this land, so we want to do everything we can to stop the public from accessing it.

If we were successful in purchasing the land, our goal would be to stop public access and thus, create a 'clear line of sight' down the laneway. This would mean drug users would no longer have a 'private area' to access at the end of Harding Lane, out of sight of Elizabeth St. It is our hope that as a result, drug users will be deterred from entering the laneway in the first place, which would mean no more used syringes in Harding Lane!

If you have no objections to [REDACTED] purchasing the land, would you mind signing the enclosed form and dropping it into our letterbox?

If you do have any questions or objections, we would be keen to understand what they are (and so would the council). So if this is the case, could I ask you to put them in writing and either drop off a letter in our letterbox or send an email to [REDACTED] so we can seek advice and respond accordingly?

Thanks for your time [REDACTED] we look forward to hearing from you soon.

All the best,

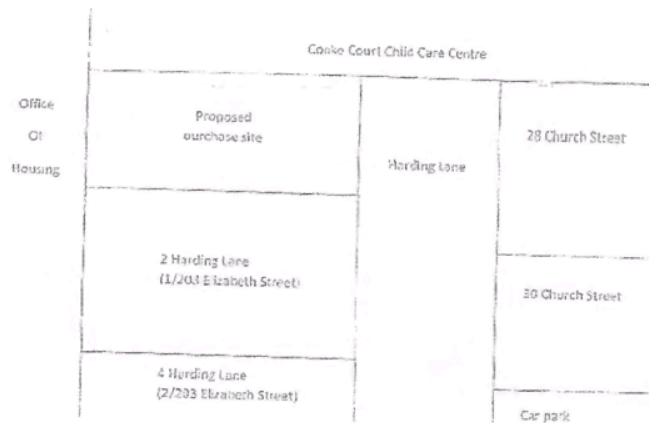
[REDACTED]

Attachment 3 - Adjoining Owner responses

City of Yarra
 c/o Maddocks
 Collins Square | Tower Two
 Level 25, 727 Collins Street
 Melbourne Victoria 3008

To whom it may concern,

We are writing to inform you that we have no objection to Jonathon and Eve Dutton, owners of 2 Harding Lane, Richmond, purchasing the small parcel of land as indicated in the diagram (not to scale) below.



Please contact me if you require any further information.

Name:

Address:

Phone:

Signature:

Date:

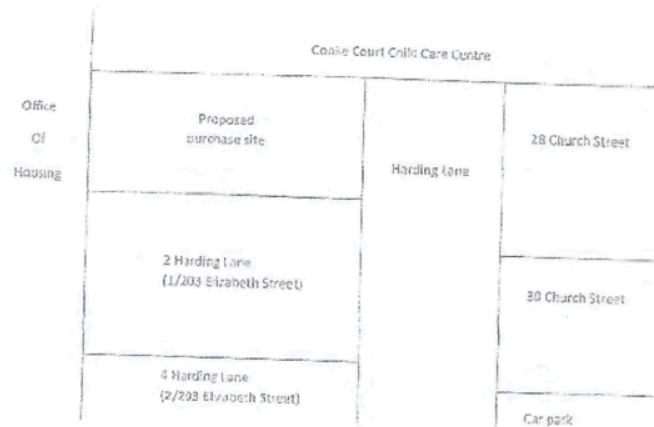
[Redacted]
 201-203 Elizabeth St Richmond 3121
 [Redacted]
 [Redacted]
 11/11/16

Attachment 3 - Adjoining Owner responses

City of Yarra
 c/o Maddocks
 Collins Square | Tower Two
 Level 25, 727 Collins Street
 Melbourne Victoria 3008

To whom it may concern,

We are writing to inform you that we have no objection to Jonathon and Eve Dutton, owners of 2 Harding Lane, Richmond, purchasing the small parcel of land as indicated in the diagram (not to scale) below.



Please contact me if you require any further information.

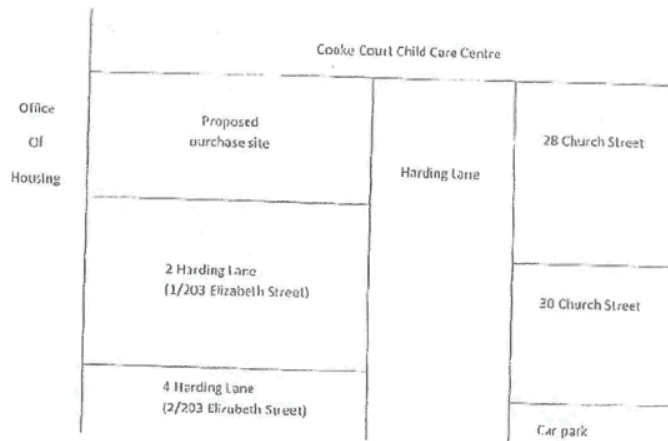
Name: [REDACTED]
 Address: 6 HARDING LANE
 Phone: [REDACTED]
 Signature: [REDACTED]
 Date: 15/11/16

Attachment 3 - Adjoining Owner responses

City of Yarra
c/o Maddocks
Collins Square | Tower Two
Level 25, 727 Collins Street
Melbourne Victoria 3008

To whom it may concern,

We are writing to inform you that we have no objection to Jonathon and Eve Dutton, owners of 2 Harding Lane, Richmond, purchasing the small parcel of land as indicated in the diagram (not to scale) below.



Please contact me if you require any further information.

Name: 

Address: 4 HARDING LANE, VIC 3121

Phone: 

Signature: 

Date: 8/11/16

Attachment 4 - Site Inspection Report



Maddocks

Ref: MAN:MZY:6350328

Maddocks
Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
MELBOURNE 3008

Yarra City Council
Proposed discontinuance of road adjacent to 2 Harding Lane, Richmond (Road)

DATE OF INSPECTION: 24/02/2017

PHOTOGRAPHS OF THE ROAD: Attached at end of this report

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes ☐ No ☒

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Vegetation*	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rubbish	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Services*#	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	(* Including fire hydrants/plugs.)		

* Provide Details:

The subject area of Road is currently used exclusively for rear access to No.2 Harding Lane. The part of a Road, which is old general law land currently not under the operation of the Transfer of Land Act.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Bitumen
<input type="checkbox"/> Bluestone	<input type="checkbox"/> Other _____

EVIDENCE OF THE ROAD BEING USED:

<input checked="" type="checkbox"/> Nil	<input type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input type="checkbox"/> Other _____

TYPE OF TRAFFIC:

<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Vehicular	<input type="checkbox"/> Animal	<input checked="" type="checkbox"/> Nil
-------------------------------------	------------------------------------	---------------------------------	---

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input checked="" type="checkbox"/> Adjoining properties @	<input type="checkbox"/> Reserve/Park
<input type="checkbox"/> Main Road	<input type="checkbox"/> Shops
<input type="checkbox"/> Other	

The subject Road is currently used exclusively for rear access to No.2 Harding Lane.

[6892592: 17808890_1]

Attachment 4 - Site Inspection Report

Maddocks

@ Specify which properties

The property at No.2 Harding Lane.

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

The property at No.2 Harding Lane has direct access and frontage to Harding Lane.

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

Currently the owners at No. 2 Harding Lane use half the subject Road area for a rear garden/courtyard and the other half as a car parking area. There exists some minor encroachment into the subject area of Road along the northern boundary. The encroachment is approx. 0.10-0.15m right along the northern boundary into the subject Road and whilst this should be noted but cause no real concern.

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?
OTHER OBSERVATIONS:

Yes ☐ No ☒

Signed: Dean Loney (Surveyors Board of Vic. Reg. No.1927) Date: 09/03/2017

Title/Position: Licensed Land Surveyor Company: DML Land Surveys Pty Ltd.

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM

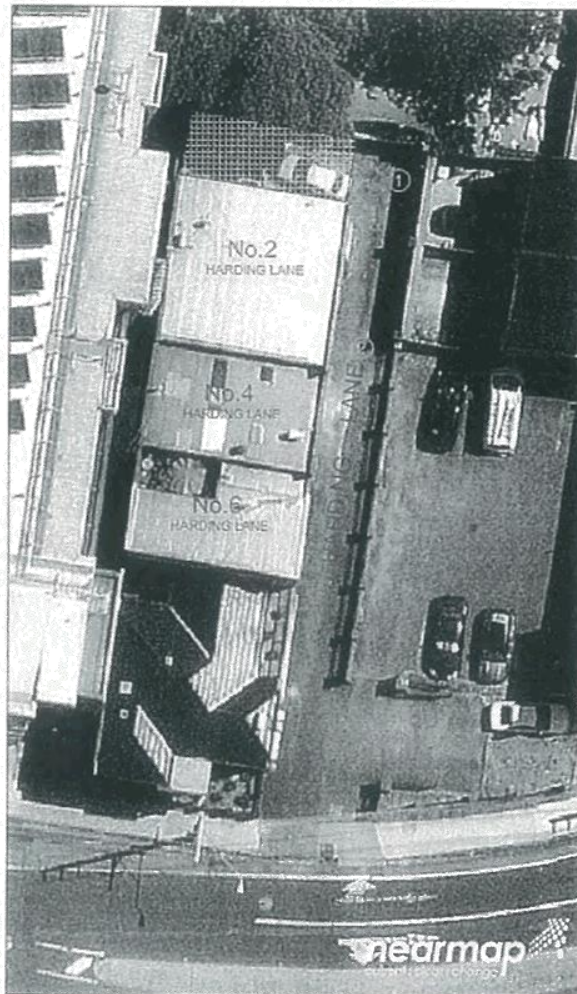
[6892592: 17808890_1]

Attachment 4 - Site Inspection Report



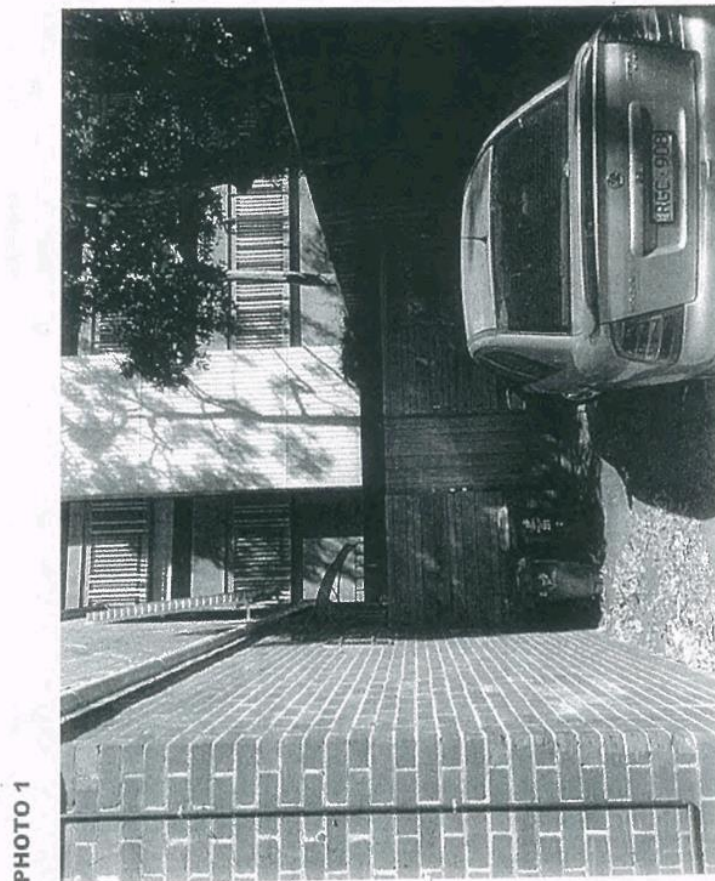
PO Box 126, Lower Plenty 3093
E: enquiries@dmlsurveys.com.au
www.dmlsurveys.com.au
P: 0422 741 385
M: 03 928 312 898 F: 03 928 312 898

AERIAL PHOTO & PHOTO POSITION



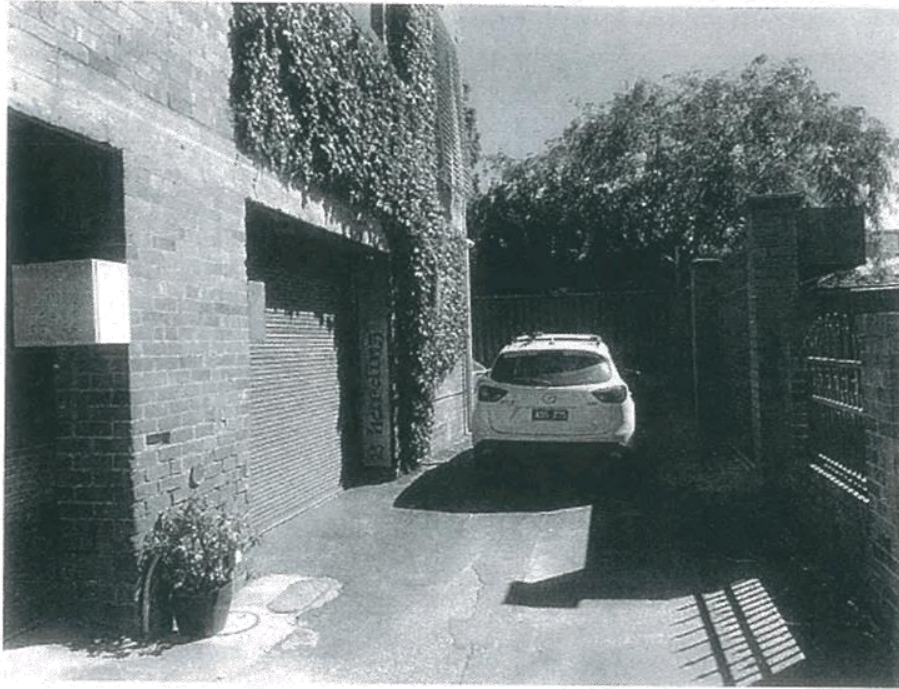
SUBJECT ROAD FOR PROPOSED DISCONTINUANCE IS SHOWN WITH PINK HATCHING ON ABOVE AERIAL PHOTO. NUMBERED PHOTO POSITIONS SHOWN IN GREEN.

Attachment 4 - Site Inspection Report



Attachment 4 - Site Inspection Report

PHOTO 2



Attachment 5 - CWW Response



City West Water[®]

4 November 2016

MARINE NINCEVIC
MADDOCKS
LEVEL 25, 727 COLLINS STREET
MELBOURNE VIC 3008

City West Water Corporation
ABN: 70 066 902 467
1 McNab Avenue
Footscray Vic 3011 Australia
Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine
citywestwater.com.au
Telephone (03) 9313 8422
Facsimile (03) 9313 8417

Dear Marine,

Re: PROPOSED ROAD DISCONTINUANCE
Location: 2 HARDING LANE, RICHMOND
CWW Reference: 16/445

I refer to your email received by City West Water (CWW) regarding the proposed Road Discontinuance at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's requirements for working in the vicinity of water and sewer assets and a plan of the general area.

As you will see on the plan provided, the parcel of land proposed for Discontinuance contains an existing CWW sewer main and a sewer manhole (HGT11-22). It is with respect to these assets that CWW currently objects to this proposal subject to the following:

1. A certified Title Plan must show a 2.0m wide Sewerage Easement centrally located over the sewer main in favour of CWW pursuant to Section 12(1) of the Subdivision Act. This plan must then be referred to CWW for consideration prior to offering a withdrawal of objection.
2. Any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains.
3. Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
4. Any proposal to build over CWW assets will require CWW's written consent (i.e. Build-Over Application approval).

Naturally, extreme care must be taken when working in the vicinity of CWW assets and CWW will seek cost recovery for any damage caused to its assets that can be attributed to your works.

If you have any questions, please do not hesitate to contact me on 9313 8602.

Yours faithfully,

Kritin Kumaran
Technical Officer, Network Operations

Attachment 5 - CWW Response



City West Water

QES Management System
Issue Date: 18/10/2016

Protection of City West Water's Water and Sewer Assets Other Authorities Works

Important Information

This document has been provided by City West Water (CWW) as a reference for standard conditions and requirements when working in close proximity to CWW's existing water and sewer assets.

1. The assets referred to in this document are water and sewer assets owned and/or controlled by CWW. Please note that some assets shown on plans provided by CWW may belong to Melbourne Water, South East Water and Yarra Valley Water.
2. Due to the nature, depth and age of CWW's assets and records, it is impossible to ascertain the exact location of all underground assets. CWW does not guarantee and makes no representation or warranty as to the accuracy or scale of information provided.
3. If asset relocation or protection works are undertaken by CWW as part of the required solution, payment for the cost of this work shall be borne by the principal developer, council, client or contractor requiring these works.
4. Unless otherwise stated in this document, all water and sewerage works must be carried out in accordance with the most recent versions of the Water and Sewerage Codes of Australia (MRWA Editions).

Duty to Avoid Damage

1. It is the responsibility of the owner and any consultant engaged by the owner (including, but not limited to; architect, building surveyor, consulting engineer, contractor and the developer) to ensure that CWW's assets are protected from the impact of any works.
2. It is the responsibility of the owner or person/s constructing the works to:
 - a) obtain 'Dial Before You Dig' plans showing CWW's assets in the vicinity of the proposed works no more than 30 days prior to the commencement of works
 - b) locate all underground assets that may be damaged or interfered with by the proposed works via non-destructive digging or hand excavation prior to commencement of works
 - c) contact CWW's Officer for Other Authorities Works (OAW) via email at oaw@citywestwater.com.au if any of CWW's assets will be affected or interfered with in any way by the proposed works
3. If any damage is caused to CWW's assets as a result of works, or if any of CWW's assets are interfered with (including being built over, buried, altered or if any cover or support is removed) without CWW's consent, CWW will seek recovery for the costs of repairing such damage or interference.
4. There are statutory offences under the Water Act 1989 and the Road Management Act 2004 for damaging or interfering with CWW's assets and for building over or removing cover or support of CWW's assets without prior written consent. In the event that damage is caused to CWW's assets, please contact Faults & Emergencies on 132 642.

This document is "UNCONTROLLED" if it has been saved locally or printed

Document IRD-178

Rev 6

Page 1/2

Attachment 5 - CWW Response



City West Water™

QES Management System
Issue Date: 18/10/2016

Standard Work Conditions & Requirements

1. When undertaking works in the vicinity of CWW's underground assets, the minimum clearances and cover in the table below must be maintained at all times:

Clearance	Conditions	
150mm	Water main \leq DN375 Sewer main (any size)	Vertical clearance when crossing an asset
500mm	Water main $>$ DN375	
300mm	Water main $<$ DN225	Horizontal clearance when running beside an asset
600mm	Water main \geq DN225 Sewer main (any size)	
600mm	Water and sewer	Depth of cover when operating hand-operated vibrating equipment (e.g. jackhammers/vibrating plates)
1000mm	Water main	Depth of cover when operating mechanical excavators and vibrating equipment (e.g. sheep's-foot roller)
1500mm	Sewer main	
300mm	Clearance from any proposed back of kerb to the outer wall of any CWW asset. Refer to note 4 below.	
Minimum cover over assets		
1200mm	VicRoads roadways (assessed on an individual basis)	
750mm	Major roadways (assessed on an individual basis)	
600mm	Sealed roadways	
450/600mm	Nature strip, reserve (Residential/Commercial)	

IMPORTANT: CWW's Officer for OAW must be contacted via email at least 14 days prior to any works in the vicinity of water mains 300mm or greater in diameter as additional work conditions may apply.

- All new and existing covers on CWW surface fittings must match the proposed finished surface levels.
- No new or existing hydrants are to be located within road pavements or crossovers. Hydrants must be converted below ground and relocated at least 1.0m clear of the roadway or crossover. Valves are not to be positioned within a kerb and channel under any circumstances.
- No CWW water main which is currently located in a nature/median strip is to be relocated underneath any pavement or kerb and channel without prior written approval from CWW.
- All works on CWW assets (including abandoned assets) must be undertaken by CWW or CWW accredited consultants and contractors listed at: www.citywestwater.com.au. All relevant CWW procedures and applications remain applicable.
- Should any of CWW's assets be exposed during the course of the works, 150mm of embedment material similar to existing (unless otherwise specified by CWW) must be placed around the pipe and the trench backfilled and compacted in accordance with requirements relating to asset location.
- CWW has a target for planned water supply interruptions to be completed in less than 150 minutes. It is the expectation of CWW that consultants and contractors will assist in decreasing the interruption times and thus reducing the impact of works.

NOTE: If you feel that any of the above requirements cannot be met, please contact CWW's Officer for OAW via email for advice on how best to resolve the situation.

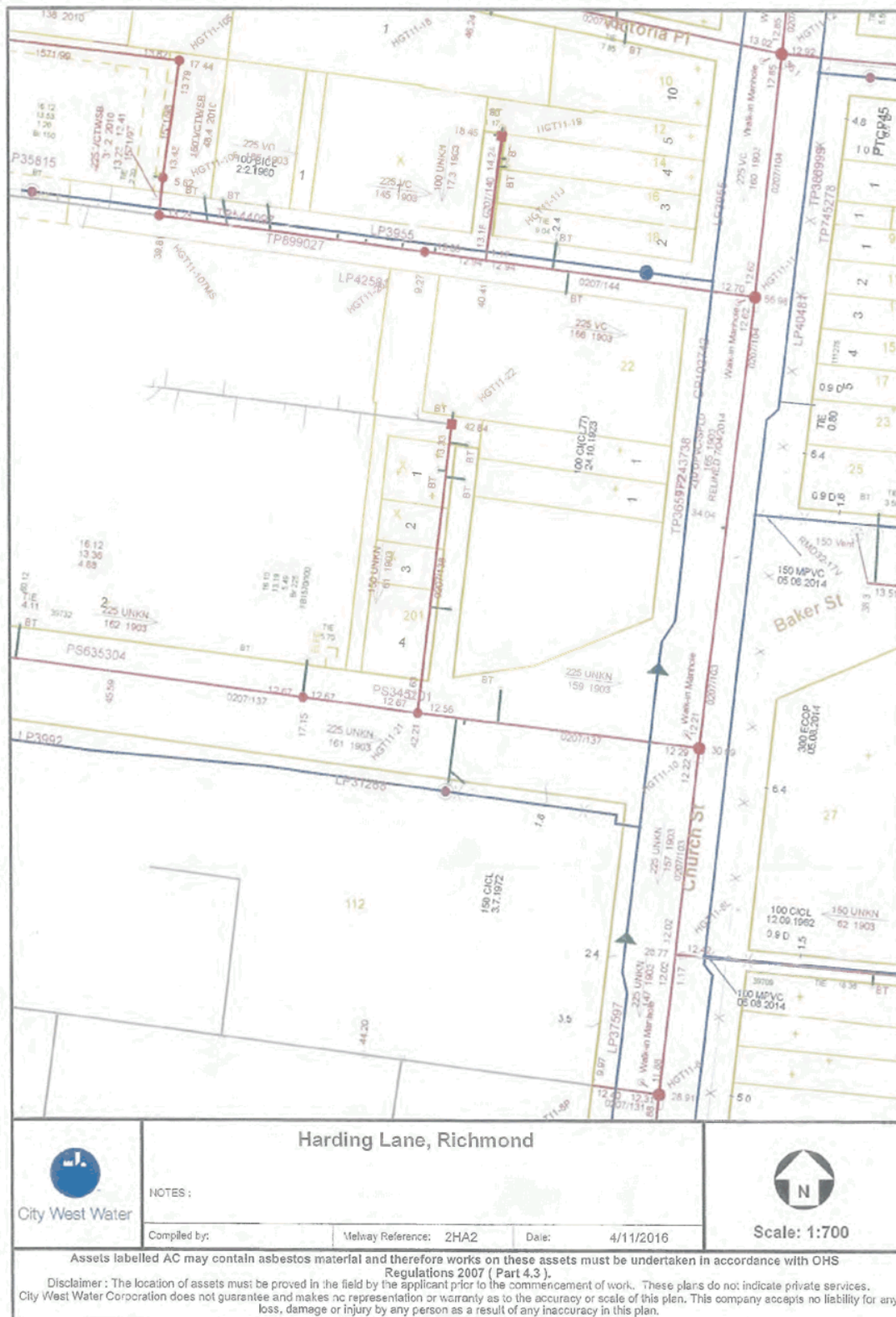
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Rev 6

Page 2/2

Attachment 5 - CWW Response



11.9 Digital Transmission of Council Meetings

Trim Record Number: D17/96840

Responsible Officer: Acting Group Manager, Chief Executive's Office

Purpose

1. To consider the digital transmission of Council meetings.

Background

History

2. On 22 November 2016, Council sought advice on the feasibility of recording Council Meetings and making the recording available online, either as a live stream or a podcast for later download.
3. Specifically, Council requested a list of Councils which currently record proceedings; a summary of the options available to Council; estimated costs; advice on the implications of the change and an officer's recommendation.
4. Following that meeting, a preliminary evaluation was presented to Councillors at a Briefing in February 2017 that outlined a number of alternative options, and the potential costs involved.
5. Given the potentially significant costs involved in transmitting proceedings, a decision was deferred pending the outcome of 2017/2018 budget deliberations, and officers have focussed on developing an alternative proposal that could be accommodated substantially within the adopted budget.

Objective

6. The digital transmission of Council meetings could provide an opportunity to make Council meetings accessible to a wider range of participants, further strengthening Council's commitment to transparent governance.
7. Currently, the formal record of Council meetings is the minutes prepared under section 93 of the Local Government Act 1989. While these minutes provide a record of motions, resolutions and procedural matters, they do not provide a record of the Councillor debate and in most cases (unless a formal Division is called for) do not record the voting of individual Councillors.
8. Advances in technology continue to provide new opportunities to engage and involve the community in an open and transparent manner with Council. Social media has transformed the way the community interacts and engages with Council.

External Consultation

Benchmarking

9. A review of the Council websites, of all Melbourne Councils shows that at the time of the benchmarking exercise (December 2016), 42% of Councils produce a publicly available digital transmission of Council Meetings. Of these, 26% of Councils produce an audio only recording and 16% produce a video recording.
10. The review also found that only four Melbourne Councils hold their Council meetings in more than one venue and of those, only one produces an audio record. No Council produces a video recording from multiple venues.
11. In those identified Councils, audio recordings are made available by the Municipal Association of Victoria, and video recordings are available of proceedings in both the Commonwealth Parliament and the Victorian Parliament.

Victorian Ombudsman

12. In its December 2016 report to the Victorian Parliament, *Investigation into the transparency of local government decision making*, the Victorian Ombudsman made a number of recommendations to improve local government transparency. One of the recommendations to the Victorian Government (Local Government Victoria) was to provide guidance to the sector on “audio recording wherever practicable of both open and closed council meetings, and posting of audio recordings of open meetings on council websites”. The Ombudsman did not recommend the video transmission of meetings.
13. In response, the Victorian Government states that the Local Government Minister “*is supportive of audio-visual streaming of council meetings and has recently promoted this medium. Guidelines will be issued to this effect.*” At the date of writing this report, no Guidelines have been issued by Local Government Victoria regarding the streaming of meetings.
14. The State Government’s response to the Ombudsman’s report goes on to say that “*audio recording of closed meetings potentially increases the risk of confidential information being inappropriately disclosed. Nor is it certain that audio recording councillors during closed meetings is the most effective means of improving councillor behaviour*”.

Internal Consultation (One Yarra)

15. Discussions have been held with the Executive Team, and with relevant subject matter experts including:
 - (a) Venues and Events, in relation to setting up equipment at the various venues for meetings;
 - (b) Information Services, in relation to the technical requirements and capacity of the current system to ensure effective broadcast of meetings;
 - (c) Communications, in relation to the capacity of Council’s website and the best delivery mechanism for the publication of recordings; and
 - (d) Finance and Human Resources, in relation to the development of cost modelling for various options.

Financial Implications

16. Modelling of the costs associated with each of the presented options has been developed and is summarised under ‘Options’ in this report. The cost modelling is based on officers’ best estimate derived from a mixture of confirmed costs and the experience of other Councils.
17. The development of the recommendation in this report has been made in full knowledge of Council’s budget constraints

Economic Implications

18. There are no economic implications of the matters considered in this report.

Sustainability Implications

19. There are no sustainability implications of the matters considered in this report.

Social Implications

20. It is recognised that there could be barriers faced by people wishing to attend Council’s formal meetings. The recording of Council meetings would allow anyone with internet access to gain a better understanding of how Council makes decisions that may affect their day-to-day lives. E.g. community who are unable to attend meetings due to physical impediment, employment, family commitments, lack of transport and non-resident ratepayers.
21. Those without the ability to access the internet in their homes could also have the opportunity to follow council meetings at the library, or electronic copies could be made available at a minimal cost (on USB media or similar).

Human Rights Implications

22. There are no human rights implications of the matters considered in this report.

Communications with CALD Communities Implications

23. Having the meetings available to watch and/or listen to (rather than current written agendas and minutes) may be of assistance to those with literacy difficulties and CALD communities who can understand spoken English but not written English.

Council Plan, Strategy and Policy Implications

24. The City of Yarra Council Plan 2013-2017 includes the Strategic Objective of “Leading Local Government”. This objective requires leadership across a range of areas, and by ensuring that its governance policy framework complies with the requirements of the Local Government Act as well as providing an example of best practice for the sector, Council demonstrates its commitment to the achievement of this objective.
25. Specifically, the transmission of Council meetings would be consistent with the following two strategies as part of the “Leading Local Government” objective:
- (a) Strategy 5: Build community engagement to inform Council’s policy development and decision making; and
 - (b) Strategy 6: Enhance access to Council information and services, including wider use of digital media.

Legal Implications

26. For risk management purposes, it is necessary to note that digital transmission of Council Meetings will potentially raise a number of legal risks that Council will need to consider and to manage or tolerate. While these risks need to be considered in formulating the detail of any proposal, it is possible to implement procedures to manage/minimise risks to a level where they may be tolerated.

Defamation

27. The *Defamation Act 2005 (Vic)* provides for civil remedies in the event of an injury to a person’s reputation without good reason or justification. A successful action for defamation can result in significant financial remedies, plus costs.
28. Any defamatory content raised during Council meetings *by members of the public* does not in itself expose Council to the risk of defamation proceedings, as the content is communicated by the member of the public, not Council. However, it is important to note that the publication of this matter by Council (in written or digital form) on the other hand, could lead to Council being drawn into defamation proceedings, by virtue of its publication of the material.
29. Any defamatory content raised during Council Meetings *by Councillors or Council Officers* potentially exposes Council to defamation proceedings. Councillors do not enjoy parliamentary privilege as do their Federal and State counterparts, rather, a form of qualified privilege. The defence of ‘qualified privilege’ may be applicable in some cases. Importantly though, it does not follow that this defence is available to Council in the event of the publication (i.e. in written or digital form) of this defamatory content, as the context of this publication is demonstrably different.
30. The digital transmission of Council meetings would therefore require processes to be established to reduce Council’s potential exposure to defamation proceedings.

Privacy

31. The *Privacy and Data Protection Act 2014 (Vic)* places limitations on the collection, use and dissemination of personal information, including the name and address of members of the public.
32. While it is current practice to publish the name and suburb of meeting participants in meeting Minutes (where provided), further details (such as the residential address) of meeting participants is not included in the written minutes.

33. The digital transmission of Council meetings will require processes to be established to ensure that personal information is not unnecessarily or inadvertently included in the transmission contrary to the Privacy and Data Protection Act.

Local Law

34. Council's *Meeting Procedures Local Law (Local Law No. 1 of 2011)* currently requires that permission be received from the Mayor before a using a mobile telephone or other device to record or transmit audio or visual of the meeting. The Local Law provides an exemption to this provision if the recording is conducted in accordance with Council's Recording Meeting Proceedings Policy.
35. The digital transmission of Council Meetings will require an update to this policy to set out the manner in which the recordings are made and used.

Copyright

36. The *Copyright Act 1968 (Cth)* places limitations on the use of copyright material by persons and organisations other than the owner of the content. The Act is relevant to the digital transmission of Council Meetings insofar as Council is the copyright owner of any transmissions and has the ability to assert its rights in this regard. In addition, the Act would prohibit Council from including the copyright material of others in a transmission.
37. While the Act enables Council to assert its copyright over material published (such as an audio record of a Council meeting), it does not enable Council to prohibit the publication of excerpts of this material under the "fair dealing" provisions of the Act.

Surveillance Devices Act

38. The *Surveillance Devices Act 1999 (Vic)* provides restrictions on the use of audio and/or video surveillance devices. In general terms, the Act does not limit Council's ability to record meeting procedures, as meetings take place in public and it cannot reasonably be expected that participants would consider their participation at meetings to be private. As a matter of custom, it would be appropriate to erect signage to alert meeting attendees that the proceedings will be recorded and also for the Chair to note such reference when opening the Meeting.

Other Issues

Barriers to Participation

39. Yarra City Council's meetings are characterised by an open and welcoming approach to public participation. The introduction of measures to address the legal issues raised above need to be considered against the potential barrier they place to public participation.

Technical Considerations

40. Council's current audio recording system produces an audio recording that would be of sufficient quality for transmission purposes. The file size of this recording is significant, with approximately 56MB required for each hour of a recording. It may be possible to reduce this file size by reducing the quality of the recording. On occasions, elements of meetings are not recorded, although this is primarily due to participants failing to activate their microphone or situations where a speaker faces away from the microphone toward the gallery and the microphone does not pick up (or properly pick up) the speakers voice.
41. Placing a file of this size on Council's website may slow down the responsiveness of the Council website if multiple end users were downloading the file simultaneously. The use of a third party hosting solution for audio files would overcome this problem at minimal cost.

Minutes of Council Meetings

42. The minutes of Council Meetings are the formal record of decisions made at Council Meetings, and are prepared under the provisions of section 93 of the Local Government Act 1989. This section requires that the minutes of Council Meetings must:
- (a) contain details of the proceedings and resolutions made;
 - (b) be clearly expressed;

- (c) be self-explanatory; and
 - (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.
43. Meeting minutes do not record the details of Councillor debate and they do not usually record the voting of individual Councillors (unless voting on a Division). Similarly, the minutes do not include a transcript of officer reports or public submissions.

Meeting Procedures

44. Accommodating a broadcast of meeting procedures will require some adjustments to meeting procedures to assist in the orderly conduct of the meeting and the quality of the transmission. These adjustments include:
- (a) an announcement at the beginning of meetings to alert all attendees to the recording of the meeting;
 - (b) a process to ensure each Councillor is introduced by name when they first speak to enable voice recognition for listeners;
 - (c) a stricter interpretation of time limits applied to meeting participants; and
 - (d) reduced reliance on the display of alternative motions and amendments on the visual display at the meeting.

Options

45. In considering a way forward, cost modelling was conducted on five different options. These are:
- (a) Option A – Status Quo
Continue to conduct audio recording for the purpose of assisting with preparation of the written minutes. The recording is not made available to members of the public.
 - (b) Option B – Audio for download
Review the existing audio recording and remove any defamatory or private material, then upload the recording to a third party website for download.
 - (c) Option C – Video for download
Capture a video recording of the meeting from multiple angles, which is then edited following the meeting to focus on the speaker and remove any defamatory or private material then either uploaded to Council's website for download, or to a third party video hosting site for watching online.
 - (d) Option D – Audio streaming
Publish an audio stream (with a short delay) via a third party streaming website. Put in place mechanisms to enable the stream to be cut in the event of defamatory or private material upload then resumed afterward. Also upload the audio after the meeting to Council's website for later download,
 - (e) Option E – Video streaming
Publish a video stream (with a short delay) via a third party video streaming website. Capture the meeting from multiple angles, with camera angles switched by a camera operator to focus on the speaker. Put in place mechanisms to enable the stream to be cut in the event of defamatory or private material then resumed afterward. Also upload the video after the meeting to Council's website for download or to a third party video hosting site for watching online.
46. The table below sets out each of these options, together with the results of the cost modelling. Separate modelling has been conducted for transmission of Council Meetings and for transmission of both Council Meetings and meetings of the Internal Development Approvals Committee. In all options, the greatest component of the cost is the staff time involved in recording, editing and uploading the necessary recordings.

47. Options B through E factor in a cost saving arising from a reduction in the time required to transcribe Public Question Time proceedings into the Minutes. Due to the availability of a recording, it is proposed that Council Minutes only include the name of the questioner, the topic of the question, the name of the respondent and whether or not an answer was provided. In addition, the Minutes would include a note directing the reader to the availability of the recording. This cost saving only applies for Council Meetings and accounts for the difference in cost between recording Council Meetings and IDAC meetings.

Option	Advantages	Disadvantages	Cost over four years (Council only)	Cost over four years (Council and IDAC)
<u>Option A</u> Status Quo	<ul style="list-style-type: none"> • Nil cost • Nil resource implications 	<ul style="list-style-type: none"> • Does not enable following meetings without attending 	\$ 0	\$ 0
<u>Option B</u> Audio for download	<ul style="list-style-type: none"> • Negligible cost for Council • Minor cost for IDAC • Recording can be edited before release 	<ul style="list-style-type: none"> • Requires changes to meeting procedures 	\$ 1,050	\$ 15,566
<u>Option C</u> Video for download	<ul style="list-style-type: none"> • Recording can be edited before release 	<ul style="list-style-type: none"> • Requires changes to meeting procedures • Requires camera operator to attend meetings 	\$ 97,184	\$ 162,878
<u>Option D</u> Audio streaming	<ul style="list-style-type: none"> • The lowest cost option able to deliver live access to meetings 	<ul style="list-style-type: none"> • Stream must be monitored 'live' for defamatory and private information • Requires stream operator to attend meetings • Requires changes to meeting procedures 	\$ 59,033	\$ 107,438
<u>Option E</u> Video streaming	<ul style="list-style-type: none"> • The next best thing to being in attendance 	<ul style="list-style-type: none"> • Stream must be monitored 'live' for defamatory and private information • Requires camera & stream operator to attend meetings • Requires changes to meeting procedures 	\$ 167,350	\$ 254,650

Conclusion

48. Given the cost implications of the various options, it is proposed to commence recording and publication of meeting proceedings by implementing Option B above. This has the advantage that it comes at negligible cost, and can be commenced immediately.
49. It is proposed that only Council Meetings be published at this stage, as IDAC proceedings are likely to contain significantly more material that will need to be removed in order to preserve the privacy of individuals. IDAC meetings routinely include discussions about the internal layout of private homes, usage by residents of particular rooms and transport movements of occupants. Further, as IDAC discussions are not currently transcribed for the Minutes, there is no efficiency gain that can be realised by moving to audio recordings in the way that is possible with Council Meetings.
50. It is further proposed that following twelve months of publication, a further report be brought to Council to consider whether the practice should be continued, and whether it should be expanded to include the proceedings of the Internal Development Approvals Committee.

Review of supporting policy

51. In order to support the publication of meeting recordings, review of the Recording of Meetings Proceedings Policy has been conducted. A copy of the draft policy resulting from this review can be found at **Attachment 1**. The key points of the draft policy include:
 - (a) Provision to enable the redaction of material that could be defamatory, private, offensive, subject to copyright or otherwise not suitable for publication;
 - (b) Establishment of the principle that as much information should be released as is possible and redactions should be kept to a minimum;
 - (c) Establishment of a provision that recordings be available in a timely fashion and for at least twelve months; and
 - (d) Inclusion of a requirement to include a notation in meeting minutes to alert readers to the existence of the audio recording and how it may be obtained.

RECOMMENDATION

1. That Council:
 - (a) adopt the Recording of Meeting Proceedings Policy attached to this report as **Attachment 1**;
 - (b) make audio recordings of Council meetings available via the Council website in accordance with the Recording of Meeting Proceedings Policy, commencing with the 15 August meeting of Council;
 - (c) note that the Summary of Public Question Time in the minutes shall comprise the names of questioners, the subject matter of questions, the name of the person providing a response, whether or not an answer was provided and a notice alerting readers to the existence of an audio recording which contains the detailed question and response; and
 - (d) note that Council's website will continue to include a Summary of Public Question Time which, in addition to the details included in the minutes, will include a summary of the response to any question taken on notice at the meeting and subsequently provided.
2. That a further report be presented to Council in late 2018 to evaluate the first twelve months of recording including:
 - (a) statistics regarding the number of people downloading and listening to recordings;
 - (b) recommendations regarding improvements to the process; and
 - (c) a recommendation as to whether the proceedings of the Internal Development Approvals Committee should be similarly recorded and made available.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

1 DRAFT Recording of Meeting Proceedings Policy

Attachment 1 - DRAFT Recording of Meeting Proceedings Policy



Recording of Meeting Proceedings Policy

Title	Recording of Meeting Proceedings Policy
Description	A policy to regulate the use of recording devices in accordance with the Yarra City Council Meeting Procedures Local Law.
Category	Council
Type	Policy
Approval authority	Council
Responsible officer	Senior Governance Advisor
Approval date	15 August 2017
Review cycle	Every four years
Review date	15 August 2021
Document Reference (Trim)	D09/51555
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

1. Purpose

This policy regulates the use of recording devices at meetings operated under the Yarra City Council Meeting Procedures Local Law, which includes Ordinary and Special Meetings of Council and Council's Internal Development Approvals Committee.

2. Policy

It is Council's policy to support measures that increase transparency of Council's decision-making. Council will make recordings of Council meetings available in order to make meetings accessible to a wider range of participants.

2.1. Council Meetings

The proceedings of Ordinary Council Meetings and Special Council Meetings shall be audio recorded for the purpose of enabling the publication of the meeting proceedings and to assist the minute clerk with the accurate recording of the minutes of meetings. Portions of a meeting which are closed to members of the public under section 89(2) of the Local Government Act 1989 shall not be recorded.

Following each Council meeting, audio recordings shall be reviewed and any necessary redactions made to ensure that the recording is suitable for lawful publication including compliance with (but not limited to) the following legislation:

- Copyright Act 1968 (Cth)
- Defamation Act 2005 (Vic)
- Local Government Act 1989 (Vic)
- Privacy and Data Protection Act 2014 (Vic)

Determinations on the need for the redaction of meeting proceedings shall be made by the Group Manager Chief Executive's Office, with a view to keeping redactions to a minimum and ensuring the maximum amount of information is included in the publication.

Within three working days of each Council meeting, audio recordings (after any necessary redactions) shall be published on Council's website where they shall be made freely available for download for a period of at least twelve months.

Attachment 1 - DRAFT Recording of Meeting Proceedings Policy



Recording of Meeting Proceedings Policy

A notation shall be placed in the minutes of the meeting to alert readers to the existence of the audio recording and how it may be obtained.

2.2. Internal Development Approvals Committee

The proceedings of the Internal Development Approvals Committee shall be audio recorded only for the purpose of assisting the minute clerk with the accurate recording of the minutes of meetings. Portions of a meeting which are closed to members of the public under section 89(2) of the Local Government Act 1989 shall not be recorded.

Audio recordings of meetings of the Internal Development Approvals Committee shall not be published and will not be available to members of the public, except where authorised under the Freedom of Information Act 1982.

The audio recording shall be retained only until Council has confirmed the minutes of that meeting.

3. Related Documents

- Yarra City Council Meeting Procedures Local Law

11.10 2016/17 Annual Plan Quarterly Progress Report - June 2017 and Council Plan Strategic Indicator Report 2017

Executive Summary

Purpose

To present the 2016/17 Annual Plan Quarterly Progress Report and Council Plan Strategic Indicator results – June 2017 to Council for noting.

Key Issues

The Annual Plan has 46 actions all of which were scheduled to have commenced by the June 2017.

Annual targets set a requirement for 75% of Annual Plan Actions to be Complete or On Track by 30 June each year. At the end of June 82.61% of actions are On Track or Completed.

The Strategic Indicator Report has 47 Measures. At the end of June 84.8% of measures had either met or exceeded target.

Financial Implications

There are no financial implications

PROPOSAL

The Council note the 2016/17 Annual Plan Quarterly Progress Report - June 2017 and Strategic Indicator Report June 2017.

11.10 2016/17 Annual Plan Quarterly Progress Report - June 2017 and Council Plan Strategic Indicator Report 2017

Trim Record Number: D17/102833

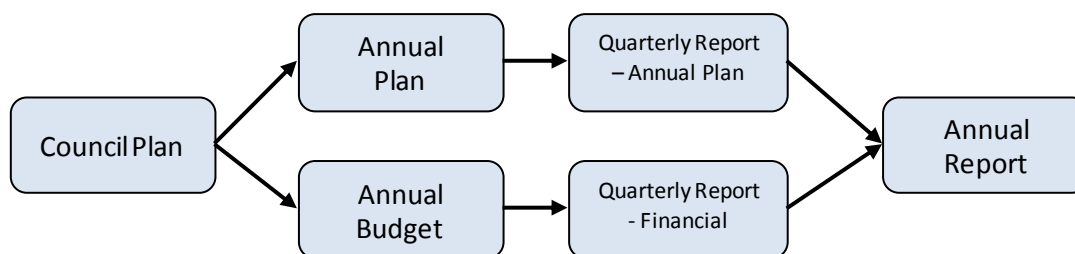
Responsible Officer: Manager Corporate Performance

Purpose

1. To present the 2016/17 Annual Plan Quarterly Progress Report – June 2017 to Council for noting.
2. To present the Council Plan Strategic Indicator results and targets to Council for noting.

Background

3. This year, 2016/17, represents the final year of the 4-year *Council Plan 2013-17*, adopted by Council on 4 June 2013.
4. The Annual Plan and Annual Plan Quarterly Progress Reports are two of Council's key accountability documents to the community.

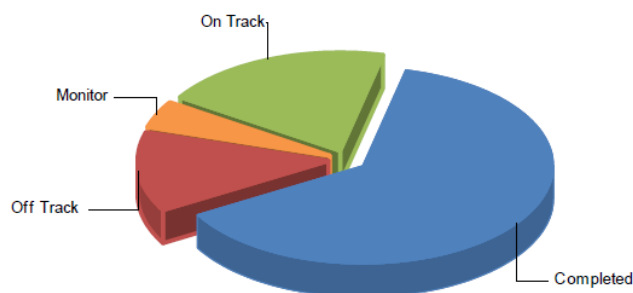


5. The 2016/17 Annual Plan was endorsed by Council on 7 June 2017 and details the organisation's annual response to Initiatives contained in the 4-year Council Plan.
6. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
7. The Annual Plan Quarterly Progress Report notes the year-to-date progress of the Annual Plan Actions and Milestones providing a performance rating and supporting commentary.
8. The 2016/17 Annual Plan contains 46 actions spread across the Council Plan's Strategic Objectives. It is achievable, delivers on Council's priorities and reflects the organisation's continued focus on delivering the Council Plan's Initiatives in 2016/17.

Strategic Objective	Number of Actions
Celebrating Yarra's uniqueness	8
Supporting Yarra's community	12
Making Yarra more liveable	13
Ensuring a sustainable Yarra	5
Leading Local Government	8
Total Actions	46

9. A snapshot of this year's Annual Plan includes:
 - (a) Significant projects that have been worked on over the life of the *Council Plan 2013-17* that are coming to fruition in 2016/17:
 - (i) Action 2.01 – Completion of the North Fitzroy Library and Community Hub;
 - (ii) Action 2.05 – Completion of the Strategic Community Infrastructure Framework;
 - (iii) Action 4.02 – Public exhibition of the draft Urban Forest Strategy;
 - (b) Development and implementation of major Strategies that were identified in the Council Plan 2013-17:
 - (i) Action 1.03 – Aboriginal Partnerships Plan;
 - (ii) Action 2.07 – Access and Inclusion Plan;
 - (iii) Action 5.01 – Organisational Development Strategy;
 - (c) Major capital works projects either planned or delivered:
 - (i) Action 2.03 – Leisure Centre Improvements;
 - (ii) Action 3.02 – New park at Charles and Mollison Streets, Abbotsford;
 - (iii) Action 3.07 – Wellington Street bicycle lane;
 - (d) Responses to more recent, topical issues:
 - (i) Action 2.04 – Hydrotherapy Pool Feasibility Study;
 - (ii) Action 2.12 – Richmond High School Advocacy;
 - (iii) Action 5.07 – Development of the new Council Plan;
 - (e) Service improvements:
 - (i) Action 2.06 – Service Reviews;
 - (ii) Action 3.08 – New Parking Technology;
 - (f) Advocacy initiatives:
 - (i) Action 2.11 – Socio-economic and social justice advocacy;
 - (ii) Action 3.05 – Bicycle Advocacy; and
 - (iii) Action 3.06 – Public Transport Advocacy.
10. To ensure the integrity and transparency of the Annual Plan, which is endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.
11. Officers or Councillors may propose changes to the Annual Plan.
Annual Plan Actions
12. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.
13. The following thresholds are used to determine the status of an action:
 - (a) On track ≥ 90%
 - (b) Monitor 75-89%
 - (c) Off track < 75%

14. Annual Plan Action progress summary as at 31 June 2017.






Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
Celebrating Yarra's Uniqueness	8	8	0	0	0	0
Supporting Yarra's community	12	10	1	0	1	0
Making Yarra more liveable	13	4	4	1	4	0
Ensuring a sustainable Yarra	5	2	1	1	1	0
Leading local government	8	5	3	0	0	0
	46 (100%)	29 (63.04%)	9 (19.57%)	2 (4.35%)	6 (13.04%)	0 (0.00%)

15. Annual targets set a requirement for 75% of Annual Plan Actions to be Complete or On Track by 30 June each year.
16. The Annual Plan has 46 actions and at the end of June 82.61% of actions are On Track or Completed.
17. The following actions are recorded as Not Started, Off Track or Monitor at the end of June. These actions have experienced delays to one or more of their milestones. More detail is contained in the attached report.
- (a) Off Track actions:
- (i) Action 2.03 – Leisure Centre improvements;
 - (ii) Action 3.01 – Strategic Land Acquisition;
 - (iii) Action 3.07 – Wellington street bicycle lane;
 - (iv) Action 3.08 – New parking technology;
 - (v) Action 3.12 – Yarra Activity Centre built form review;
 - (vi) Action 4.01 – Urban Wildlife Management Plan.
- (b) Monitor actions:
- (i) Action 3.11 – Urban Growth management.
 - (ii) Action 4.01 – Adaptive Assets Program
18. All Off Track and Monitor actions will be reviewed by Executive to determine if they should be carried forward into the 2017/18 Annual Plan.

Strategic Indicators

19. The Strategic Indicators form part of the Council Plan and are reported to Council annually in June. There are 32 Strategic Indicators comprised of 47 measures. One measure, Development of a volunteering strategy, was deferred by Council to the new *Council Plan 2017-21*.

20. Consistent with Annual Plan actions, the following thresholds are used to determine the status of an indicator.
- (a) Exceeded or within 10% of target $\geq 90\%$
 - (b) Within 25% of target 75-89%
 - (c) Did not meet target $<75\%$
21. At the time of writing, results for three measures are still outstanding. The provisional result is Council has met or exceeded the target in 39 of the 46 remaining measures. This is a result of 84.8%. Including indicators within 10% of the target, the result is 87%. Detailed results are contained in Attachment 2.

Status		# of measures	%
Met or exceeded target		39	84.8%
Within 10% of target		1	2.2%
Did not meet target		6	13.0%
Total		46	100
Deferred by Council		1	

External Consultation

22. A community consultation process is conducted during development of the Council Plan every four years. Members of the community will also have the opportunity to comment on this progress report when it is presented to the Council meeting on 15 August 2017.
23. Projects contained in the 2016/17 Annual Plan are subject to external consultation on a case-by-case basis.

Internal Consultation (One Yarra)

24. Managers and Directors were consulted during development of the 2016/17 Annual Plan Actions, and are responsible for providing quarterly updates on their progress against delivery of these actions.

Financial Implications

25. There are no financial implications.

Economic Implications

26. There are no economic implications.

Sustainability Implications

27. There are no sustainability implications.

Social Implications

28. There are no social implications.

Human Rights Implications

29. There are no human rights implications.

Communications with CALD Communities Implications

30. During development of the Council Plan 2013 – 2017, officers undertook a community consultation process which included an opportunity for people from a CALD background to participate.

Council Plan, Strategy and Policy Implications

31. The 2016/17 Annual Plan represents year four of the *Council Plan 2013 – 2017* adopted on 4 June 2013.

Legal Implications

32. There are no legal implications.

Other Issues

33. There are no other issues.

Options

34. The report does not include any options.

Conclusion

35. The 2016/17 Annual Plan Quarterly Progress Report - June 2017 and Strategic Indicator Report June 2017 is presented to Council for noting.

RECOMMENDATION

1. That:
 - (a) Council note the Yarra City Council Annual Plan Quarterly Progress Report – June 2017, attached to this report as Attachment 1; and
 - (b) Council note the Yarra City Council the Strategic Indicator Report June 2017, attached to this report as attachment 2.

CONTACT OFFICER: Shane Looney
TITLE: Corporate Planner
TEL: 9205 5397

Attachments

- 1 2016-17 Annual Plan Quarterly Progress Report - June
- 2 2016-17 Strategic Indicators Report - Draft

YARRA 2016-17 ANNUAL PLAN

The logo of the City of Yarra, featuring a stylized black silhouette of a person in motion, with the text "CITY OF Yarra" below it.

Q4 PROGRESS REPORT/JUN17

Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

Introduction

The Yarra City Council adopted its Council Plan 2013 – 17 on 4 June 2013. The Council Plan 2013 – 17 sets out the medium-term direction of Council and the outcomes sought by Councillors for their term. This financial year, 2016/17 is Year Four of the Council Plan 2013 – 17.

Under the Local Government Act 1989 (the Act), each council is required to produce a four-year Council Plan by 30 June in the year following a general election. The Plan must include Strategic Objectives, Strategies, Strategic Indicators and a Strategic Resource Plan.

Council has identified a number of initiatives under each Strategic Objective which are significant projects and activities that are proposed to be worked on over the term of the Council Plan, subject to approval through the annual budget process.

Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives. This will include priority projects, capital works projects, actions in response to initiatives in the Council Plan and other Council strategies and plans as well as service reviews and improvements.

The Council Plan 2013 – 17 has five Strategic Objectives which relate to a different aspect of service delivery:

Celebrating Yarra's uniqueness

Yarra is unique. A community different to the other 78 Victorian municipalities. There is a long history and deep identity that matter to people living, moving or visiting Yarra. Our decisions and priorities must respect this.

Supporting Yarra's community

There are strong community values that drive Council services and activity, as well as the representations to state and federal governments on community needs and views.

Making Yarra more liveable

Yarra is experiencing rapid change. Many feel this change is too fast. Growth and development need to add to what is valued in Yarra not detract from it. Consideration is needed for how the City's growth can be consistent with local values and amenities.

Ensuring a sustainable Yarra

Council has made significant inroads into reducing Council's environmental 'footprint'. We need to continue this as well as working to reduce the community's 'footprint' through advocacy and partnerships.

Leading local government

There has been a significant improvement in Council's fiscal management and customer responsiveness over the last few years. Our new focus is on how to ensure services meet changing community need and preferences, and emphasising efficiency and effectiveness in these services.

In response to its Strategic Objectives, Council has committed to 46 projects and activities from a broad cross-section of services in the 2016/17 Annual Plan.

Progress of these projects and actions will be reported in the 2016/17 Annual Plan Quarterly Progress Reports.

Further information can be found in the published version of the Council Plan 2013 – 17 on the City of Yarra's website (www.yarracity.vic.gov.au/Your-Council/Council-Plan/).

Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

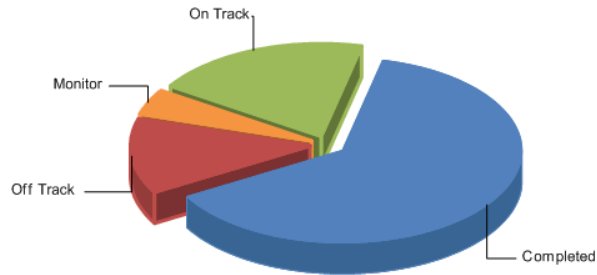
Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

Quarter Summary

Council has committed to 46 actions across a range of services. Any variations to the Annual Plan are made openly and transparently in the context of priorities that arise over the course of the year.

The status of actions is classified based on the percentage of targets achieved as assessed by the responsible officer (forecast milestones compared to actual work completed).



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
Celebrating Yarra's Uniqueness	8	8	0	0	0	0
Supporting Yarra's community	12	10	1	0	1	0
Making Yarra more liveable	13	4	4	1	4	0
Ensuring a sustainable Yarra	5	2	1	1	1	0
Leading local government	8	5	3	0	0	0
	46 (100%)	29 (63.04%)	9 (19.57%)	2 (4.35%)	6 (13.04%)	0 (0.00%)

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Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

1. Celebrating Yarra's Uniqueness

Identity is a passionate and recurring theme throughout Yarra. This is about our community diversity, our history and our sense of place – be it our street, neighbourhood, suburb or municipality.

An ongoing focus for Council is how to keep a sense of history and place, as reflected by streetscapes, shops and houses, as well as how to pay tribute to the lived history, connecting with the stories and experiences of those who came before us and shaped the character of Yarra.








Strategies









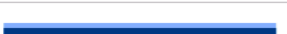



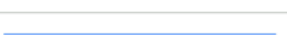

Council's work to achieve this Strategic Objective will include the following strategies:

- Protect heritage and the Yarra River corridor.
- Recognise the value of Yarra's Aboriginal cultural heritage.
- Foster and promote Yarra's arts, culture, history, diversity and vitality.
- Represent the community's views and needs, through strategic advocacy to state and federal governments, as well as local services and organisations.
- Engage and strengthen connections with diverse groups in our community.
- Support Yarra's business community and celebrate and promote sustainable, innovative and creative business.
- Advocate to businesses, landowners and state government to ensure Yarra's commercial and retail businesses are provided in accessible buildings.
- Strengthen relationships with key community partners such as Australian Catholic University, St Vincent's Hospital, Epworth Hospital and others.
- Advocacy for increased social and affordable housing in Yarra, including a minimum of 5% of apartments designed to be wheelchair accessible and comply with DDA standards.

The following actions are being undertaken in 2016/17 to work toward achieving Council's strategic objective of Celebrating Yarra's uniqueness.

Action Progress Summary

-  At least 90% of action target achieved
 -  Between 75 and 90% of action target achieved
 -  Less than 75% of action target achieved
 -  Not Started
 -  Completed
-  Target
-  % Complete

Action	Start Date / End Date	
1.01 Heritage Gap Study	01/07/16 30/06/17	 
1.02 Yarra River corridor planning controls	01/07/16 30/06/17	 
1.03 Aboriginal Partnerships Plan (APP) 2015-2018	01/07/16 30/06/17	 
1.04 Multicultural Partnerships Plan (MPP) 2015 – 2018	01/07/16 30/06/17	 
1.05 Room to Create	01/07/16 30/06/17	 
1.06 Affordable and suitable spaces for community and creative community	01/07/16 30/06/17	 
1.07 Public Art Projects	01/07/16 30/06/17	 


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Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

Action	Start Date		
	/ End Date		
1.08 Accessible communication and engagement	01/07/16		
	30/06/17	0% 20% 40% 60% 80% 100%	

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Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

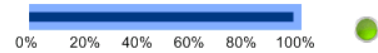
Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

1.01 Heritage Gap Study

Complete the Heritage Gaps assessments and seek improved planning controls to protect Yarra's heritage buildings.

Council is progressively reassessing areas and places for their heritage significance. A focus this year will be reviewing heritage places, particularly in commercial areas and activity centres, to improve statements of significance. Several outstanding planning scheme amendments have now been approved. Consultants have been engaged to review the heritage assessments of the activity centres as part of broader strategic planning work on the centres.



Branch City Strategy

Quarterly Milestones

September Q1. Report to Council on progress of Amendment C173

March Q3. Identify existing heritage places that require revised statements of significance

Quarterly Progress A panel report on proposed Amendment C173 was considered by Council 20 September. and referred to the Minister who has approved Amendment C173 (part 1).

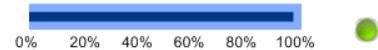
Comments Identifying existing heritage places that require revised statements of significance will be on-going as sites are identified through strategic projects. Current work is occurring in relation to Swan Street to identify any properties which may require a revised statement of significance.

1.02 Yarra River corridor planning controls

Council Plan Initiative:

Advocate to state government for improved controls and active inclusion in the Yarra River Corridor project .

The Yarra River Corridor Strategy prepared by consultants for Council was the basis for seeking interim and permanent controls for the Yarra River. The State Government, through Department of Environment, Land, Water and Planning is preparing a group planning scheme amendment (for 6 Councils) to introduce permanent planning controls to manage future development and its impacts on the Yarra River corridor .



Branch City Strategy

Quarterly Milestones

September Q1. Participate in any exhibition of a group Planning Scheme Amendment led by DELWP

December Q2. Participate in Advisory Committee/Planning panel hearings, as required

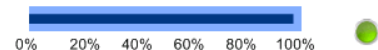
March Q3. Participate in Advisory Committee/Planning panel hearings, as required

June Q4. Brief Council on the progress of the amendment

Quarterly Progress The State Government has introduced new interim planning controls along the Yarra River and will be establishing a Yarra River Trust and prepare legislation to provide greater protection and improved management of the river.

1.03 Aboriginal Partnerships Plan (APP) 2015-2018

The APP 2015-2018 is Council's key document for working with the local Aboriginal and Torres Strait Islander community. The APP 2016 Action Plan (calendar year) contains 29 actions and will be completed by December 2016. The 2017 APP Action Plan will be developed and implementation commenced.



Branch People, Culture and Community

Quarterly Milestones

September Q1. Continue implementation of the 2016 APP Action Plan

December Q2. Complete implementation of the 2016 AAP Action Plan

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Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

March	Q2. Develop the 2017 AAP Action Plan Q3. Report on 2016 AAP Action Plan Q3. Present 2017 APP Action Plan for endorsement
June	Q4. Continue implementation of the 2017 APP Action Plan
Quarterly Progress Comments	The Aboriginal Partnership Plan Action Plan for 2016 has been completed, the internal RAP group membership has been refreshed and the group has contributed to the development of the 2017 APP Action Plan

Advocated for the Wurundjeri Council's contribution towards the Stolen Generations Marker . Artists have presented their proposals to the Panel in the Stolen Generations Marker project.

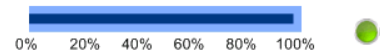
The completion of the Aboriginal mural at Youth services .

The continued membership and contribution of Council's Age and Disability Services towards Balit Narrum (successfully advocating for Aboriginal positions in the NDIS .

Facilitated negotiations with Wurundjeri around naming of Bargoonga Nganjin and its spaces .

1.04 Multicultural Partnerships Plan (MPP) 2015 – 2018

The MPP 2015 – 2018 has been developed to guide Council's relationship with its multicultural residents and communities, and includes actions in the areas of relationship building, access and inclusion, opportunities and anti-racism. The MPP 2016 Action Plan (calendar year) contains 34 actions and will be completed by December 2016. The 2017 APP Action Plan will be developed and implementation commenced.



Branch *People, Culture and Community*

Quarterly Milestones

September	Q1. Continue implementation of the 2016 MPP Action Plan
December	Q2. Complete implementation of the 2016 MPP Action Plan
March	Q3. Develop the 2017 MPP Action Plan
June	Q4. Report on 2016 MPP Action Plan
Quarterly Progress Comments	The 2017 Multicultural Partnerships Action Plan has been developed and endorsed by Council on 7 February 2017.

A draft version of the Stand Together Project – developing a resource for Yarra residents to use in the case of racial or religious abuse or attack, will be tested with focus groups and community leaders and then used as a capacity building opportunity for community leaders to share with their communities.

Approximately 250 people from the Yarra community attended the Cultural Diversity Week event on 22 March at Collingwood Town Hall to celebrate cultural diversity with performances and food .

Taste of Harmony at Yarra – celebrating the diversity of staff at Council , lunches were held at Collingwood Town Hall, Richmond Town Hall and the Depot.

1.05 Room to Create

Council Plan Initiative:
Establish City of Yarra Room to Create Charitable Fund.

The Yarra Room to Create Charitable Fund supports arts organisations with infrastructure related expenses . This contribution will help build the fund and enable more grants to be made. In 2016 Council granted \$10,000 in total to five worthy organisations.



Branch *Arts, Culture and Venues*

Quarterly Milestones

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Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

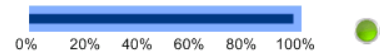
Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

September	Q1. Promote Room to Create fund via Council publications and networks
December	Q2. Distribute grants for Room to Create to creative organisations
March	Q3. Promote positive outcomes from Room to Create grant distribution
June	Q4. Continue to grow the Room to Create Fund throughout the year
Quarterly Progress Comments	<p>A Room to Create Fund grant round has not been established for the 2016/17 period and the Room to Create Panel are yet to decide on expenditure for this cycle.</p> <p>Once the framework for the next distribution of funds (interest raised) is determined by the panel we will proceed to invite applications.</p> <p>The Room to Create program contributed to the new Skylab dance studio. The creation of Skylab was promoted by Dancehouse through key programs which included DanceMassive, Melbourne Fringe Festival. Plans have been developed to promote of Council's leading infrastructure grants to live music venues for a venues forum in July.</p> <p>A conference paper on Room to Create has been developed and submitted to a forthcoming international conference in Melbourne.</p>

1.06 Affordable and suitable spaces for community and creative community

Undertake a range of actions to deliver and facilitate the development of affordable and suitable spaces for community use and specifically for the creative community.



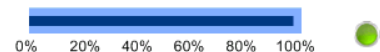
Branch Arts, Culture and Venues

Quarterly Milestones

September	Q1. Deliver a new community facility in 520 Victoria Street Richmond
	Q1. Submit funding applications for minor upgrades to 150 Princes St Carlton
March	Q3. Distribute grants to live music venues
Quarterly Progress Comments	<p>All the Queen's Men (a dance club for LGBTI elders) has been hosted at the Fitzroy Town Hall on a monthly basis since January 2017 with hire costs covered from the Arts Development budget.</p> <p>Council is currently exploring options to attract artists to activate underutilised spaces such as The Stables and Williams Reserve Community Room.</p>

1.07 Public Art Projects

Undertake a range of actions to deliver and facilitate the development of public art opportunities in Yarra.



Branch Arts, Culture and Venues

Quarterly Milestones

September	Q1. Contribute to the project team for the Stolen Generations Public Recognition Project
	Q1. Develop a curated exhibition program for: Carlton Library, Billboard Art Program
	Q1. Develop a roving projection art program
	Q1. Develop concept for new public art awards
December	Q2. Run EOI for Plinth Project for Edinburgh Gardens
March	Q3. Installation of new artwork at Edinburgh Gardens
June	Q4. Contribute to the project team for the Stolen Generations Public Recognition Project
	Q4. Deliver public art awards
Quarterly Progress Comments	<p>Adam Stone's sculpture Fall from Grace has been successfully installed on the Edinburgh Gardens Queen Victoria Plinth.</p> <p>The Visual Arts Panel met in May 2017 to evaluate the Public Art Award submission, a report has been prepared for Council recommending the award winner, this will go to Council early 2017/18</p>

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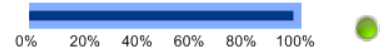
Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

1.08 Accessible communication and engagement

Implement the Community Engagement Policy specifically access and inclusion initiatives for CALD communities and people with disabilities.



Branch *Advocacy and Engagement*

Quarterly Milestones

September	Q1. Provide information to front line staff about the new Council service information kits to CALD communities so they are trained and equipped to promote and distribute them Q1. Initiate an internal creative support network of community engagement practitioners from across the organisation to act as a reference group, share learnings and improve engagement practice Q1. Promote the Council service information kits via communications channels that reach CALD communities
December	Q2. Train frontline staff in the use of the communications boards to assist people with a disability and people with English as a second language to better understand and communicate with Council
March	Q3. Ensure the Council Plan engagement strategy has specific focus on engaging CALD and disability stakeholders
June	Q4. Develop, publish and promote a Community Engagement Handbook resource for staff
Quarterly Progress Comments	Community engagement on the draft Council Plan was open for almost three months from 2 November 2016 to 23 January 2017. One of the objectives of the engagement strategy was to provide the opportunity for a broad cross-section of the community to participate, including under-represented groups such as young people, older residents, people with low proficiency in English, people who are disadvantaged or vulnerable.

To achieve this objective Council facilitated 13 workshops for a diverse range of groups including Chinese elderly residents association, Vietnamese disability group, a seniors group, people experiencing homelessness, parents from multicultural playgroups and the Billabong BBQ participants (local Aboriginal community).

Council also held a combined workshop for our 14 advisory groups with representation from the Disability Advisory Committee and Yarra's Multicultural Advisory Group. In addition to this we advertised the engagement in CALD media. Input from these workshops was presented to Councillors in developing the draft Council Plan and Budget and an engagement summary was made available to participants.

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2. Supporting Yarra's community

Yarra is a great place to live, to raise families, with access to a wide range of services, support and facilities, and is home to a diverse community.

Council provides many local human services and facilities important to the community's health and wellbeing. This includes ensuring early childhood health, education and development, providing support and opportunities for younger adults, ensuring access and inclusion for people with disabilities, supporting positive ageing, as well as assisting older residents and people with disabilities to remain in their homes. Sports, recreation facilities and infrastructure encouraging active lifestyles are also important to local wellbeing as are thriving local businesses offering jobs and services.








Strategies













Council's work to achieve this Strategic Objective will include the following strategies:

- Champion rights to civic and community participation for residents experiencing social disadvantage.
- Continue to create a resident-friendly city that reduces isolation, improves access to the built environment and builds social connections.
- Undertake Community Infrastructure Planning for all Yarra neighbourhoods to inform advocacy, funding applications and developer contribution negotiations.
- Encourage greater social cohesion and participation through volunteer initiatives and community development activities.
- Support Yarra's disadvantaged community into employment through direct recruitment, social procurement or development of social enterprises.
- Deliver Council services that meet community priorities and needs.
- Ensure Council strategies and plans address community aspirations and needs and work to deliver outcomes in a highly integrated manner.
- Ensure Council's Asset Management Plans deliver infrastructure and facilities that are fit for purpose.
- Implement the new Disability Action Plan continuing our focus on the empowerment of residents with a disability.

The following actions are being undertaken in 2016/17 to work toward achieving Council's strategic objective of Supporting Yarra's community.

Action Progress Summary

-  At least 90% of action target achieved
 -  Between 75 and 90% of action target achieved
 -  Less than 75% of action target achieved
 -  Not Started
 -  Completed
-  Target
-  % Complete

Action	Start Date / End Date		
2.01 North Fitzroy Library and Community Hub	01/07/16 30/06/17		
2.02 Regional Sports Facility	01/07/16 30/06/17		
2.03 Leisure Centre Improvements	01/07/16 30/06/17		
2.04 Hydrotherapy pool feasibility study	01/07/16 30/06/17		
2.05 Community Infrastructure Planning	01/07/16 30/06/17		
2.06 Service Reviews	01/07/16 30/06/17		













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Action	Start Date / End Date								
2.07 Access and Inclusion Plan	01/07/16 30/06/17		0%	20%	40%	60%	80%	100%	
2.08 Positive Ageing Strategy	01/07/16 30/06/17		0%	20%	40%	60%	80%	100%	
2.09 National Home Care and Disability Care reforms	01/07/16 30/06/17		0%	20%	40%	60%	80%	100%	
2.10 Communities that Care	01/07/16 30/06/17		0%	20%	40%	60%	80%	100%	
2.11 Socio-economic and social justice advocacy	01/07/16 30/06/17		0%	20%	40%	60%	80%	100%	
2.12 Richmond High School advocacy	01/07/16 30/06/17		0%	20%	40%	60%	80%	100%	

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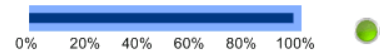
2.01 North Fitzroy Library and Community Hub

Council Plan Initiative:

Complete construction and commence operation of North Fitzroy Community Hub.

The North Fitzroy Community Hub development will feature the North Fitzroy Library, Maternal and Child Health Centre and spaces for multicultural groups and community meetings. With a focus on service integration, the Hub will feature increased space for library collections and activities, providing the neighbourhood with a new centre of community life.

This year construction of the North Fitzroy Community Hub will be completed and operations commenced.



Branch *Building Assets*

Quarterly Milestones

September Q1. Complete 70% building construction

December Q2. Complete building construction

March Q3. Launch the new North Fitzroy Library and Community Hub

Q3. Commence occupation and operations from the new facility

June Q4. Complete transition of Maternal and Child Health services

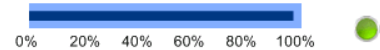
Quarterly Progress Comments the occupancy Certificate for Bargoonga Ngangin, North Fitzroy Library, was issued Thursday 30/3/17. The facility commenced operations and opened to the public on Thursday 6 April. Official opening took place on the 8 April 2017.

2.02 Regional Sports Facility

Council Plan Initiative:

Continue to advocate for the development of a major indoor sports facility for the Yarra community.

Council will continue to advocate to the State Government, Places Victoria and relevant agencies for the completion of a funding case for the building of the proposed Regional Sports Facility as part of the mixed use development proposed by the Government for the former Gas Works Site, 433 Smith Street, Fitzroy.



Branch *Office of the Director City Works and Assets*

Quarterly Milestones

September Q1. Assist Places Victoria with phase one community engagement and consultation process

December Q2. Update Council on the draft master planning process

March Q3. Present the outcomes of the master planning process to Council

June Q4. Update Council on the proposed statutory planning process

Quarterly Progress Comments Council has been regularly updated on the draft master plan process and continues to advocate for appropriate outcomes for our community.

2.03 Leisure Centre Improvements

Council's three Leisure Centres attract over one million visitors per annum.

As part of the capital renewal program, a significant investment is being made to improve facilities at Richmond Recreation Centre, Fitzroy Swimming Pool and Collingwood Leisure Centre.

Highlights include:

Renovation of male and female change rooms at Fitzroy Swimming Pool

Renovation of 'wet' change rooms at Richmond Recreation Centre

Installation of dry side HVAC system (Heating, Ventilating and Air Conditioning) at Collingwood Leisure Centre



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Branch *Leisure Services*

Quarterly Milestones

September Q1. Complete 'wet' change room works at Richmond Recreation Centre
June Q2. Complete installation of dry side HVAC system at Collingwood Leisure Centre
 Q2. Complete 'wet' change room works at Fitzroy Swimming Pool

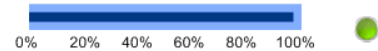
Quarterly Progress Works on the male/Female change rooms at Richmond Recreation Centre has been completed and they are now operational.
Comments

Works on the Male change rooms at Fitzroy Swimming Pool are under way with a carry over into 2017/18 financial year for the remainder of the works to the Female ,Family/Disabled and Ramp areas.

The new HVAC system for Collingwood Leisure Centre dryside has been tendered out and is currently being awarded.

2.04 Hydrotherapy pool feasibility study

Council will undertake a feasibility study for a warm water pool (Hydrotherapy Pool) will include an Industry analysis of the six latest facilities to be built, resulting in a design brief, preferred operating model, the most suitable site in Yarra and likely capital costs and return on investment for consideration by Executive for a capital works submission.



Branch *Leisure Services*

Quarterly Milestones

September Q1. Develop facility design brief
 Q1. Undertake Yarra site analysis
 Q1. Determine preferred operating model
 Q1. Undertake industry analysis

December Q2. Present feasibility report to Executive for consideration

Quarterly Progress The feasibility study was presented to Councillor Briefing 21/3/17
Comments Concept plans for each site have been drafted and the preferred operational model nominated and an Industry analysis has been completed and the facility design brief has been developed and passed onto the architect.

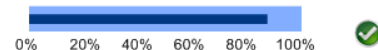
The Hydrotherapy Pool will be considered as part of the budget process

2.05 Community Infrastructure Planning

Council Plan Initiative:

Complete plans for the future infrastructure required to deliver library, leisure and child care services.

In 2015/16 the Neighbourhood Community Infrastructure Plans began by way of a pilot to guide the delivery of ten neighbourhood specific plans. In 2016/17, each plan will continue to be progressively developed with four plans to be completed by the end of the year.



Branch *Corporate Planning and Performance*

Quarterly Milestones

September Q1. Present proposed Richmond South Plan to Council Briefing
December Q2. Progress development of Neighbourhood Infrastructure Plans
March Q3. Present completed draft Neighbourhood Infrastructure Plans to Council Briefing
June Q4. Present final completed Neighbourhood Infrastructure Plans to Council for endorsement

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Quarterly Progress Comments	The Strategic Community Infrastructure Framework (SCIF) and Richmond South Community Infrastructure Framework were adopted by Council 6 December. The SCIF is a decision making tool to inform investments in community infrastructure as Yarra experiences continued growth and development.
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Work has progressed on the development of further Community Infrastructure Neighbourhood Plans with five being completed at the end of the financial year (Richmond South, Central Richmond, North Richmond, Abbotsford and Collingwood). These will be presented to Councillors in the first quarter of next financial year.

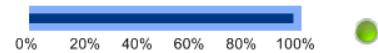
2.06 Service Reviews

Council Plan Initiative:

Develop a service review framework and undertake a review of the long term direction of all Council services.

In 2013/14 Council adopted a new Service Review Framework. To date Parking Services, Leisure Services and the Councillor Support Unit have completed Service Reviews. In addition to this, Statutory Planning, City Works, Family, Youth and Children's Services and Aged and Disability Services reviews are in progress. Planning is underway to evaluate the program and determine which services will be reviewed next.

The internal service level agreement framework will be linked to Service Reviews. A framework will be scoped as part of the first internal Service Review. So far the Service Review program has focussed on external service areas.



Branch Corporate Planning and Performance

Quarterly Milestones

September	Q1. Implement the Service Review program in accordance with agreed priorities.
December	Q2. Implement the Service Review program in accordance with agreed priorities.
March	Q3. Implement the Service Review program in accordance with agreed priorities.
June	Q4. Implement the Service Review program in accordance with agreed priorities.
	Q4. Commence scoping of an internal service level and agreement framework.

Quarterly Progress Comments	City Works Key Findings and Action Plan were presented to Council Briefing in mid-July 2016. This review is complete and the Action Plan is guiding service improvements for 2016/17.
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Aged and Disability Services

Key findings and recommendations, including a Continuous Improvement Action Plan, were presented to Executive and Council in March 2017. The Action Plan will help to inform the strategic direction of the Branch and clarify Councils' role in Aged and Disability Services in light of the Commonwealth Home Support program. This review is now complete.

Family, Youth and Children's Services

The focus of this review has been on Children's Services. A number of related projects have been in development which are informing the outcomes of this review - Out of School Hours Care (OSH) and Occasional Care (OC). It is expected these projects will be completed and presented to Executive and Council in the first quarter of 2017/18. In addition, a separate briefing is being prepared for Executive and Council that will identify the key achievements of this review and future improvement actions. This is scheduled to be presented by August 2017 and will complete this review.

Statutory Planning Service Review

Preliminary findings and recommendations for Statutory Planning Service Review have been presented to Executive and Council Briefing.

Recreation and Open Space

The planning and scoping for this review commenced in March 2017. A project team has been formed and a staff workshop held to assist in identifying the focus areas for the review. A draft Project Plan has been completed and is scheduled to be presented to Executive in July 2017.

Service Reviews Evaluation

The purpose of this evaluation is to identify achievements to date and issues relating to program implementation.

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The Corporate Planning and Performance Branch has completed a process evaluation of the Service Review program. An internal Program Evaluator was appointed and interviews with all internal stakeholders were completed by April. Program documentation was reviewed and interviews with a select number of comparable local governments occurred on their respective Service Review programs. The evaluation will provide recommendations on future program delivery. The evaluation is scheduled to be presented to Executive in the first quarter of 2017/18.

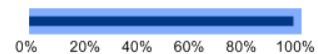
Preliminary discussions have been held with a number of Directors in relation to Service Levels. Scoping of an internal service level and agreement framework will be progressed as part of the 2017-21 Council Plan as part of the initiative to develop a Services Policy and develop service standards.

2.07 Access and Inclusion Plan

Council Plan Initiative:

Renew and adopt Yarra's Disability Action Plan.

Council's Access and Inclusion Plan covers the period 2014-2017. The Plan aims to improve access to community participation, employment and social activities; increase awareness and access to the built environment.



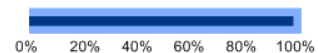
Branch Aged and Disability Services

Quarterly Milestones

December	Q2. Conduct a Seminar on Universal Design Principles for City Works and Assets staff to enhance their understanding of how to achieve accessibility that exceeds minimum compliance with Building Code of Australia Q2. Provide training for managers on disability awareness, including recruitment and selection of new staff
March	Q3. Develop and maintain an access and inclusion webpage, featuring all aspects of accessibility at Council
June	Q4. Develop access and inclusion key performance indicator that requires managers to meet their designated targets in the new actions for 2016 and 2017 (This KPI will be outlined in the Performance Development and Review of all relevant managers) Q4. Continue to promote and advocate for improved access and equity for Aboriginal people with disabilities and their carers
Quarterly Progress	Council continues to promote and advocate for improved access and equity for Aboriginal people with disabilities and their carers
Comments	Officers have attended Balit Narrum meetings to support work on issues experienced by members of the Aboriginal community on disability. Key performance indicators relating to access and inclusion have been developed for managers to meet in 2017. This KPI will be outlined in the Performance Development and Review of all relevant managers in the 2017/18 year.

2.08 Positive Ageing Strategy

The River of Life: Positive Ageing Strategy is a whole of Council strategy developed to respond to both the opportunities and the challenges of an ageing population in Yarra. The strategy aims to improve opportunities for older residents to participate in the community and remain active and independent.



Branch Aged and Disability Services

Quarterly Milestones

September	Q1. Develop the second LGBTI Plan to support inclusive practice within ADS services
March	Q3. Support transition of older persons groups into new community facilities such as North Fitzroy Community Hub and Studio One
June	Q4. Assess and report on implementation of the LGBTI Plan

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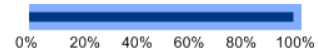
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Quarterly Progress Comments	Implementation of the Positive Aging Strategy is continuing through the participation of Aged and Disability staff on Council's QnA committee which is value adding to actions in the Branches LGBTI Plan. For example QnA members participate in Council's Induction sessions, explaining Council's inclusive culture where everyone is treated with dignity and respect regardless of age, ability/disability, sexual orientation, gender identity or intersex status, ethnicity and cultural and socio-economic background. Extra training is in 2017/18 exploring further the many issues faced by older LGBTI residents. This will deepen staff's understanding of the lived life experiences of the residents they support.
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2.09 National Home Care and Disability Care reforms

The national aged and disability care reforms will continue to roll-out over 2016-2017. The reforms have significant implications for how Yarra residents are supported into the future and the role of Council.



Branch Aged and Disability Services

Quarterly Milestones

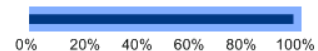
September	Q1. Complete MyAged Care (MAC) Assessor training and be an established MAC Assessment agency under the new Commonwealth Home Support Program (CHSP) Q1. Provide information to Yarra residents, in collaboration with NDIA about the introduction of the disability reforms
December	Q2. Work with local agencies and residents to assist in understanding the new CHSP and MAC referral pathways
March	Q3. Complete implementation of Council's role within the NDIS Q3. Support eligible residents to be ready to transition to the National Disability Insurance Scheme (NDIS)
June	Q4. Advocate for special needs groups interests to be included in the NDIS
Quarterly Progress Comments	Following a recommendation from the Disability Advisory Committee, Council has written to North East Metropolitan Councils, Brotherhood of St Laurence, State Department and NDIA seeking interest in conducting a regional forum to enable consumers and carers to discuss the roll-out and identify gaps and issues. This has also included a presentation by Officers to the Victorian Disability Advisory Committee. Officers continue to raise issues regarding individual and vulnerable people with the NDIA.

2.10 Communities that Care

Council is providing funding to support Communities That Care (CTC) which is an evidence-based process aimed at building capacity within communities to improve the healthy development of children and young people.

The Communities that Care project will drive evidence-based program delivery for each of the Yarra CTC priority areas, which are to:

- Reduce alcohol and other drug use
- Strengthen family relationships and management
- Improve personal resilience of middle years young people



Branch Family, Youth and Children's Services

Quarterly Milestones

September	Q1. Launch Yarra CTC community wide action and implementation plan for 2016 – 2019 Q1. Finalise Yarra CTC community wide action and implementation plan for 2016 – 2019
December	Q2. Complete Yarra CTC evaluation plan Q2. Complete Yarra CTC funding strategy Q2. Drive evidence-based program delivery for each of the Yarra CTC priority areas
March	Q3. Drive evidence-based program delivery for each of the Yarra CTC priority areas Q3. Monitor Yarra CTC action plan delivery Q3. Establish and maintain funding partners for the action plan delivery
June	Q4. Drive evidence-based program delivery for each of the Yarra CTC priority areas Q4. Monitor Yarra CTC action plan delivery

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Q4. Establish and maintain funding partners for the action plan delivery

Quarterly Progress Comments Yarra Communities That Care (CTC) 2016 -2019 Action Plan has been developed and reviewed regularly by the CTC Program Leader. Yarra CTC evaluation role (Feb 2017 – June 2017) has also been approved, and is developing overarching and program level CTC evaluation and monitoring frameworks.

Funding partnerships have been established for all aspects of the Yarra CTC Action Plan delivery that is currently underway. Including, in this quarter:

- In-kind contribution from cohealth of a 0.2 EFT role for six months to support the delivery of the SMART generation in Yarra in 2017.
- Contribution of \$10k from cohealth to match the contribution by Collingwood College of \$10K to implement the 12 month Berry Street Education Model (BSEM) across their whole school.
- \$55k secured through a Victorian Department of Education and Training (DET) grant to deliver two Strengthening Families Programs in Yarra.
- External funding has also been secured to support the development of a Yarra CTC evaluation framework and measurement tools, which will enable Yarra CTC to monitor and measure the collective impact of the Yarra CTC.

Delivery of all six evidence-based programs chosen by Yarra CTC Key Partners is currently underway. These programs are being implemented to address the Yarra CTC priorities:

To reduce (underage) alcohol and other drug use

- 2 secondary schools in City of Yarra have committed to deliver the SMART generation program in 2017. Staff from these schools will undergo training in May 2017

To build (young people's) personal resilience

- Whole school delivery (p – 12) of the 12 month Berry Street Education Model (BSEM) has commenced at Collingwood College. Melbourne University has been engaged to evaluate this delivery of the BSEM at Collingwood College.
- Fitzroy High School and Yarra Primary School lead teachers are being trained in the Berry Street Education Model in 2017, and will use their learning to drive school level practice change
- Four primary schools in Yarra continue to implement the whole school PATHS approach.

To strengthen Family relationships and management

- In term 2 2017, 40 local service providers and community members will be trained as Tuning into Kids and Tuning into Teens Program facilitators.
- Planning is underway to deliver 6-8 Tuning into Kids/Teens programs for families with children aged 8 – 14 years in 2017, using the locally trained program facilitators.
- In term 2 2017, 20 local service provider will be trained as Strengthening Family Connections Program facilitators.
- Funding has been secured and a partnership between 5 local organisations and 2 primary schools has been established to deliver two Strengthening Family Connections program in Yarra in 2017.

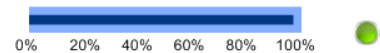
2.11 Socio-economic and social justice advocacy

Council Plan Initiative:

Conduct advocacy campaign on Yarra's diverse socio-economic profile and social justice issues.

As Yarra's population continues to grow and general socio-economic status improves there will be increasing importance for telling the underlying story of disadvantage and social justice to ensure appropriate access to funding and service responses. Around eight percent of Yarra's population lives in public or social housing and it is in this cohort that there is significant disadvantage and a need for a proactive advocacy to support identified needs.

Advocacy is a focus of key strategies including the Aboriginal Partnerships Plan, Multicultural Partnerships Strategy, Access and Inclusion Plan, as well as the homelessness, social and affordable housing, Neighbourhood Houses and community safety portfolio areas.



Branch People, Culture and Community

Quarterly Milestones

December Q2. Conduct an event for Poverty Week 2016 which involves raising awareness and advocacy

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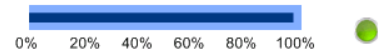
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March	Q3. Plan and implement staff training and advocacy on responding to primary homelessness in partnership with Launch Housing Q3. Advocate for and support Neighbourhood Houses in planning for long term sustainability and viability
June	Q4. Build external partnerships with existing and new service providers to the Aboriginal community in Yarra Q4. Conduct an event for Refugee Week in 2017 which involves raising awareness and advocacy Q4. Advocate around the implementation of harm reduction strategies and issues arising from injecting drug use Q4. Renew Council's Reconciliation Action Plan to continue a cross-organisational approach to implementing actions from the Aboriginal Partnerships Plan 2015-2018
Quarterly Progress Comments	Belgium Avenue Neighbourhood House internship project conducted in February 2017 with Melbourne University. The interns explored and developed strategies on how to improve financial sustainability. A forum was held on the 22 March at Studio 1 called "Stronger Together". The presenter was Heather McTaggart from The Basin Neighbourhood House and she spoke with great enthusiasm about how the formation of the Knox Learning Alliance had opened up so many new opportunities. This alliance is made up of five Neighbourhood Houses. Delivered information session to staff at Depot on Council's response to homelessness and rough sleeping, in partnership with Launch Housing outreach team.

2.12 Richmond High School advocacy

The State Government has announced a new secondary school in the Richmond Town Hall precinct: the announcement was to open the school for 2018. The Department of Education has set up a planning committee to deliver this school.



Branch Office of the Director Planning and Place Making

Quarterly Milestones

September	Q1. Advocate to the State Government to consult with groups that use Citizen's Park Q1. Continue to liaise with the State Government Project Director and appointed architects to seek to influence outcomes having regard to the overall precinct Q1. Provide information to the community regarding the State Government project Q1. Brief Councillors regularly
December	Q2. Continue to keep the community informed of the State Project Q2. Inform Council on the design adopted by the State Government
March	Q3. Brief Councillors on progress Q3. Brief Council on possible shared service arrangements
June	Q4. Report to Council on possible shared service arrangements Q4. Brief Councillors on progress
Quarterly Progress Comments	Construction of the Sports Precinct of the Richmond High School commenced around 15 March 2017. Council was also advised that the New School Planning Group (NSPG) which has operated for the past 18 months had its final meeting on 2 March, 2017. The Director Planning and Place Making has been Council's representative on the NSPG.

Colin Simpson, Principal Richmond High School (RHS) attended Council Briefing on 20/6/17 at which he discussed the intent and opportunity to work collaboratively with Council to activate the local area, including shared use of community infrastructure. This includes the intent for RHS to utilise existing local resources such as the Richmond Recreation Centre (on a fee for service basis) and Citizens park, amongst other facilities, and for community use of school facilities. The Director Community Wellbeing (who represents Council on the RHS Advisory Group) is leading negotiations regarding Joint Use Agreements and the potential development of an MOU to outline our intent to work towards joint objectives.

The traffic and parking implications of the new school are being analysed by officers and discussions occurring with Department of Education and Training.

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Highlights and Achievements

Branch *Aged and Disability Services*
Unit *Community Development*

Older Persons Groups

All members of the cultural groups from International House successfully transitioned to the community space at Bargoonga Nganjin during April.

During April, 18 older person Yarra groups were awarded the Commonwealth Home Support Program (CHSP) Participation Grants, 2017 to mid 2019. Nineteen applications were received, with 18 groups being awarded between \$1,552 to \$6,732 each year, for the next two and half years. All Groups have signed a Council's Funding and Service Agreement.

Early in May the renovations to the Collingwood Senior's Hub was completed. Willowview services returned to their Centre with all Centre participants attending each day.

IDAHO Day

During May ADS celebrated the International Day Against Homophobia/transphobia/biphobia Day. A guest speaker from the Gay, Lesbian Health Vic attended the celebration and spoke of the history of stigma and discrimination that many older LGBTI people have lived through. Several residents attended the celebration and spoke of their experiences growing up in a society that discriminated against them because of their sexual life preferences.

Elder Abuse Awareness

On June 15 ADS celebrated World Elder Abuse Awareness Day. The video 'Within these Walls', was screen at the Willowview Centre. Residents who watched the video discussed the hidden side of elder abuse, with the abuser often being a close family member.

MetroAccess Program

Sexual Lives and Respectful Relationships Project

This project offers a way for people with intellectual disability to come together and learn about living a safe sexual life and understanding what is a respectful relationship. The project has been developed by Deakin University and is being held in conjunction with Co Health, Darebin Council, Melbourne Polytechnic and Araluen Day Services. Three Peer Educators with disability have been employed and, along with the Yarra MetroAccess Officer, have attended four days training in order to facilitate the program. Each program will include at least 10 participants and will run for six sessions of approximately two hours and it is envisaged that three programs will be held in the second half of this year.

Bandmates Project

This program is a joint project between the LGA's of Darebin, Maribyrnong, Melbourne, Moreland, Port Phillip and Yarra, along with Access Arts Victoria and Music Victoria. The MetroAccess Officer is a member of the project steering group. Bandmates is a program that matches volunteers with people over 18 with disability or mental health issues, to go out to live music. Often people with disability and/or mental health issues are unable to attend live music unless they are with parents or support workers. This project creates solid foundations that facilitate social access, build community connections and enhance wellbeing through accessing popular and independent arts and culture. Funding was received from the Department of Health and a project officer has been employed to oversee the program. Around 80 people attended the launch at a live venue in May and approximately 20 Band mates and volunteers have been matched and a number of venues (including the Corner Hotel) have participated in disability awareness training so that staff are aware and inclusive of people with disability. It is envisaged that a Bandmates events will be held in conjunction with the Leaps and Bounds Festival.

Enabling Women in Leadership Program

This project is being held in conjunction with Women with Disabilities Victoria and the LGA's of Darebin, Moreland and Yarra. A person with disability has been employed as program coordinator and a mentor coordinator will also be employed to support the program. The program offers women with disability the opportunity to develop their leadership skills and offers them the opportunity to be mentored by other women with disability so they can become leaders within their local community. The MetroAccess Officer is also a member of the project steering group and has offered to be a mentor for a program participant.

Branch *Aged and Disability Services*
Unit *Services and Planning*

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Highlights and Achievements

Accessible Transport

Council's Disability Advisory Committee provided advice to VicRoads on the upgrade of Tram Route 96, and in particular on the section of Nicholson Street from Brunswick Road to Blyth Street where the road narrows and trams share the road with traffic. The committee discussed the design of the new Easy Access Stop at Miller St outside primary school. Tram Route 96 is the busiest tram route in Melbourne and it will be the first one that is fully accessible.

Changing Places Facility

A new Changing Places facility has been opened at the Bargoonga Nganjin North Fitzroy Library and Community Hub, to meet the needs of people with a disability and their carers. Changing Places facilities are larger than standard accessible toilets, and have extra features such as a height adjustable, adult-sized changing bench, a tracking hoist system, and space for a carer.

Branch *Family, Youth and Children's Services*
Unit *Children's Services*

Debt collection has continued and there is now very little current debt with the services.

Highly successful Professional Development Day held for the first time off sites at Scots Church. Over 100 educators attended and it really seemed to lift the spirits of the educators in many of the services. High level presenters really provided an informative and enlightening day. Work has commenced on the October PD day which will for the first time allow educators from non Yarra services to attend.

Completed the spend of the Long Day Care Professional Development Fund allowing significant professional development to occur (Commonwealth grant of approximately 175000). This allowed a number of educators to attend the Reconciliation conference in Queensland, the purchase of IPADS for all services, and significant professional development.

Branch *Family, Youth and Children's Services*
Unit *Family Services*

Yarra reached a new record with over 1,200 new babies born this financial year. Our Maternal and Child Health service completed over 9,000 Key Age and Stage consultations, supporting the health and development of babies and children from birth to school age.

Family Services have delivered a number of evidenced based programs for families, including Mothers Matter Too program for women experiencing perinatal or post-natal depression or anxiety, FASTA program (with Victoria Police) an after school soccer program for children, an African Women's Group (with New Hope Foundation), Tuning into Kids parent education program, Space 4 Us a youth mental health program with St Vincent's Mental Health.

Extensive additional support was provided to over 180 families during this time, through our enhanced maternal and child health nurse and our family support team. These two services assisted families to strengthen parent-child relationships and interactions by addressing some of the day-to-day stresses that families may be experiencing. By removing these negative stresses, parents have reported that they feel more confident and available to their children and that their family relationships have improved.

Yarra Playgroups have further strengthened the collaboration, planning and operation of playgroups across Yarra. The Yarra Playgroup Network; with over nine organisations participating, met quarterly and discussed practice expertise, group planning and partnerships for delivery. The formation of several new playgroups of interest have been flourishing in Yarra; a rainbow playgroups, a playgroup for multiples (twins, triplets), several language based speaking playgroups, dads, playgroups, and the Mother Goose playgroup.

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2016/17 Annual Plan Quarterly Progress Report - June

Highlights and Achievements

Branch	Family, Youth and Children's Services
Unit	Service Planning and Development

Contribution to Service Review of Family Youth & Children's Services Branch through project management of individual service reviews, contract management, community consultation, research and reporting.

- Completion of review of administrative service within the branch, which was informed by customer service perspective
- Significant progress on reviews of Outside of School Hours Care and Occasional Child Care services with expectation of reporting to Council on findings in first quarter 2017/18.
- Engaged Murdoch Children's Research Institute to present on the Australian Early Development Census (AEDC) and findings for Yarra and to guide a community conversation with service providers at an event in July 2016. This informed further work in local communities with Family Services leading a continued conversation on planning to improve services and opportunities for families and children living in the Collingwood Estate and Connie Benn Centre leading a continued conversation in service provision and responses for Atherton Gardens and Fitzroy areas.
- Developed Service Agreements as supporting documents for renewal of leases with education and care services to clarify expectations of service in the facility including application of priority of access for Yarra residents and vulnerable families, and to further a partnership approach on communication and understanding of services' needs.
- Active Sustainable Transport Project completed with four centres and 'ideas bank' developed and shared with all Yarra services to encourage, educate and promote active sustainable transport in early childhood centres for children, families and staff.
- Supported opportunities to enable inclusion of children's voices in consultative activities to inform new Council Plan and projects undertaken by Branch.
- Contribution towards recruitment strategy to attract and retain early childhood educators for the education and care services provided by Council.

Branch	Family, Youth and Children's Services
Unit	Youth and Middle Years

Successfully delivered the April School Holiday Program with 46 young people attending, including 23 new participants. Activities included the hugely popular Wheelchair Basketball, a multi-sports day (in collaboration with Sport & Rec), and a week-long in-house Film workshop.

- Young people participating in Soccer Pathways Program with Melbourne City FC (and who travelled to UK on MCFC Leadership Program), now delivering I Speak Football – a weekly soccer program for girls and boys aged 10 – 15s at Atherton Gardens Reserve. One young person returned to Manchester, UK, in June to further develop leadership skills. He received this feedback from one of their staff: "He did a fantastic job throughout the week and I was really impressed with the leadership he displayed".
- Annabel supported a young person who has accessed our service in the past to get a short-term paid role as a consultant (through CAPIRE) to work on a project about engaging young Sudanese and South Sudanese people. It will be her first paid role, and great opportunity to further her career ?
- Council Plan 2017 – 2021 submission put in on behalf of YYS & YYAC. A number of young people engaged in putting together submission for Council.
- Second YYAC meeting held @ Richmond Town Hall on 24 May. Next steps to prepare an Action Plan for the group. Young people have also prepared Delegate's Report (on behalf of Councillors on YYAC) which will be presented to Council in July.
- Young Entrepreneurs in the North program (a partnership between Yarra City Council and Moreland Council) commenced in May, with 8 young people from Yarra taking part. Kate Rizzo presented live on 3CR promoting the program.
- YYS held a successful Work Experience program (26 – 30 June) at the Youth Centre, with 5 students participating from Yarra schools.
- A Youth Peer Leader program – which will employ two local young people under the age of 25 – has been approved, and info sessions very well attended. Recruitment will start in July, with an additional 'how to apply' workshop to be run by YYS staff.
- YYPN #2 held at Reach in Collingwood, with young Reach Crew presenters taking participants through an experiential program. Participation & Development Coordinator from YACVic also ran short workshop on youth participation. Great turnout and really good feedback from participants. Also had 3 YYAC young people attend.

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Highlights and Achievements

Branch **Library Services**

Unit **Community Learning and Partnerships**

Community Learning and Partnerships-

- New Yarra Libraries Opening Hours report was adopted by Council which will result in Libraries opening an additional 35 hours per week across the service.
- New library strategy 2017-2020 consultation process commenced.
- Tim Winton came to Yarra, attracting over 200 participants.
- Family Fun day held at the Atherton Gardens Estate with over 700 community members in attendance, in partnership with the Connie Benn Centre, DHHS, Infoexchange, Family Service and Youth Services.
- Richmond Community Learning Centre partnered with Richmond library in our first progressive lunch. The booked out event hosted an Entrée at the Richmond Library, followed by a walk to Studio 1 for main course, then onto Burnley Backyard for dessert. This event jointly promotes Yarra Libraries and RCLC and strengthens our working relationship. Over 30 people attended the event.

Create Inviting Spaces

- Fitzroy Library to purchase new furniture.
- Bargoonga Nganjin, North Fitzroy Library planning for opening and Launch.

Realise Value from Technology

- Tech Savvy Seniors commenced - Grant from the State Library Victoria – Vietnamese and Chinese seniors groups of 10 for a 6 weeks basic computer training course.

Invest in our People.

- Two interns started the 'Stepping into Internship Program' aims to support individuals with a disability to gain meaningful work experience.
- Two Library staff were selected to participate in the State Library of Victoria's Shared Leadership Program 2017.

Extend our Reach

- Adult Literacy State Library Grant – Partnering with Carringbush Adult Education, Fitzroy Learning Network and Carlton Learning Centre to apply for the \$30,000 grant. This is the first time Yarra Libraries have worked directly with these three learning centres.
- Richmond Community Learning Centre – Family Fun day, Storytime plant potting, Progressive lunch.
- Author Talks in partnership with Brunswick Street Bookstore — Tim Winton, held at the Fitzroy Town Hall with over 200 community members attended.
- Yarra Family and Children's Services – One Million Stories Project – Outreach into the centres – delivering storytimes and variety of book collections.
- Alice Springs Public Library - One Million Stories Project – Joint programming.
- U3A programming events together – Tech Savy Seniors, Learning programs.
- Carlton Neighbourhood Learning Centre – Training staff on delivery of a conversation lounge at Carlton Library.
- Yarra Multicultural Advisory Group – staff member now a member of the group and building partnerships and discussing potential programs.
- Crèche, kinder, MCHC, and preschool external visits – storytimes and book delivery.
- Yarra Vacation Care – external visit – storytimes and book delivery.
- Livewires internal visit to Collingwood – future program planning.

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Highlights and Achievements

Branch *Library Services*
Unit *Library Development*

In partnership with the IS team, Yarra libraries have initiated a project to update all library computers to Windows 10 and streamline the application management/maintenance process of library computers utilising the Microsoft Systems Centre. This will allow library public computers to be managed centrally, maintain a standard operating environment and be flexible in applications we offer while remaining isolated from the Council corporate network.

Successful implementation will result in significantly low response times for IT helpdesk incidents , less onsite troubleshooting/fixes, centralise automated software distribution and most importantly greater application choices for library patrons.

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3. Making Yarra more liveable

Maintaining Yarra's valued qualities whilst the City continues to grow – both in residents, workers and visitors – will occupy more of our attention. Mediating conflicting needs and competition for space – parking, travel, recreation, social, environmental needs – will require considered community engagement and creative innovative solutions.








Strategies









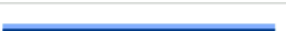

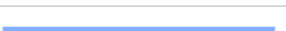



Council's work to achieve this Strategic Objective will include the following strategies:

- Manage competing demands for use of public and green open space.
- Continue to identify opportunities to convert road spaces and laneways for parks or improved pedestrian spaces.
- Increase amount of public and open space in areas with least access, in accordance with the Open Space Strategy.
- Advocate to protect green and open spaces on Yarra's public housing estates.
- Upgrade and refresh Leisure Centres, sports and recreation facilities and grounds to meeting growing demands.
- Seek to achieve more communal private open space within large developments.
- Increase cycling through improved access and infrastructure.
- Increase pedestrian activity and safety through improved access and infrastructure. This needs to include improved access for mobility aid devices.
- Advocate for public transport improvements.
- Continue to implement Council's Local Area Traffic Management Study (LATMS) program.
- Manage competing parking needs of residents, business and visitors.
- Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.
- Protect Council assets through effective proactive construction management.
- Improve disability access to community amenities and built environment.

The following actions are being undertaken in 2016/17 to work toward achieving Council's strategic objective of Making Yarra more liveable.

Action Progress Summary

-  At least 90% of action target achieved
-  Between 75 and 90% of action target achieved
-  Less than 75% of action target achieved
-  Not Started
-  Completed
-  Target
-  % Complete

Action	Start Date / End Date		
3.01 Strategic land acquisition report	01/07/16 30/06/17		
3.02 New parks	01/07/16 30/06/17		
3.03 Installation of sports lights at Kevin Bartlett Reserve	01/07/16 30/06/17		
3.04 Shared pathway at Coulson Reserve	01/07/16 30/06/17		
3.05 Bicycle Advocacy	01/07/16 30/06/17		
3.06 Public Transport Advocacy	01/07/16 30/06/17		
3.07 Wellington Street bicycle lane	01/07/16 30/06/17		









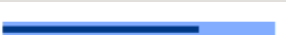



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Action	Start Date / End Date		
3.08 New parking technology	01/07/16 30/06/17		
3.09 Traffic management initiatives	01/07/16 30/06/17		
3.10 Advocacy on growth and change within Yarra	01/07/16 30/06/17		
3.11 Urban Growth management	01/07/16 30/06/17		
3.12 Yarra Activity Centre Built form review	01/07/16 30/06/17		
3.13 Licensed Premises Policy update	01/07/16 30/06/17		

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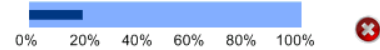
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3.01 Strategic land acquisition report

Council Plan Initiative:

Acquire land for development or redevelop existing land as open space in accordance with the Yarra Open Space Strategy.

Seek endorsement from Council to proceed with land acquisition for the purposes of creating new public open space.



Branch Recreation and Open Space

Quarterly Milestones

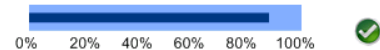
March Q3. Prepare a report to Council recommending the acquisition of land for open space purposes.

Quarterly Progress A market valuation for two parcels of land has been received and further due diligence on one of those parcels has commenced.

Comments Upon completion of this piece of work, officers will report back to Executive and Council on the opportunities to acquire this land for public open space.

3.02 New parks

Commence construction on a new park at Charles and Mollison Streets, Abbotsford.



Branch Recreation and Open Space

Quarterly Milestones

September Q1. Report to Council on the outcomes of consultation and seek approval to proceed.

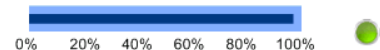
Q1. Complete the design process and seek community feedback on the design.

June Q4. Subject to Council approval, document and tender the works for construction.

Quarterly Progress In August 2016, Council endorsed a proposal to construct a new park at Charles and Mollison Streets, Abbotsford by way of a road discontinuance. The project is now in the detailed design stage and construction of the project is expected to be delivered across the 2017/18 – 2018/19 financial years.

3.03 Installation of sports lights at Kevin Bartlett Reserve

Council will install sports lights at two soccer fields in Kevin Bartlett Reserve to ensure that lighting levels are appropriate for sports training. This will increase the capacity for training on these pitches.



Branch Recreation and Open Space

Quarterly Milestones

December Q2. Appoint contractor to deliver works

March Q3. Complete works prior to commencement of winter sports

Quarterly Progress Sports lights have been installed at the Fletcher 1 and 2 sports ovals at Kevin Bartlett reserve.

Comments Lights have been tested and are operational.

3.04 Shared pathway at Coulson Reserve

The shared pathway connection on the Merri Creek Trail adjacent to Coulson Reserve, Clifton Hill is a recommendation of the Merri Creek Trail Review, endorsed by Council in 2007.

The connection removes a steep descent/climb at the Heidelberg Road underpass, addressing a significant risk identified in the Merri Creek Trail Review. The new connection will be designed and built at an accessible gradient and will remove the need for path users to use low bridges that are subject to inundation.

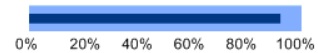
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Branch *Recreation and Open Space*

Quarterly Milestones

December Q2. Complete Stage 1 of the works

March Q3. Complete Stage 2 of the works (subject to funding being provided as part of the 2016/17 budget process)

Quarterly Progress The pedestrian crossing works have been completed, as have the approach paths and fencing works.

Comments Construction is underway on the main structure and will be complete in the first quarter of 2017/18.

3.05 Bicycle Advocacy

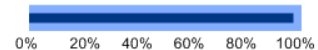
Council Plan Initiative:

Lobby for the extension of the Melbourne bike share scheme into Yarra and other inner-city areas.

If additional funding for the bike share scheme is included in the State 2016/17 budget, officers will continue to work with PTV to develop potential bike share locations in Yarra.

Council will:

- Continue to advocate for state funding of bicycle infrastructure on roads in Yarra, as part of any road infrastructure projects in Yarra funded by the State.
- Seek opportunities for funding by Active Transport department.
- Advocate (with City of Melbourne, Darebin and Moreland) to VicRoads for improved bicycle route connections across municipal borders.



Branch *Sustainability and Strategic Transport*

Quarterly Milestones

September Q1. Identify any opportunities in State 2016/17 Budget which could include bicycle infrastructure projects and advise Council

December Q2. If opportunities are identified at State level, work with VicRoads, PTV, ATV, Parks to advocate and seek outcomes within Yarra, and inform Council

March Q3. Inform Councillors (if any updates)

June Q4. Inform Councillors (if any updates)

Quarterly Progress No further progress this quarter.

Comments

3.06 Public Transport Advocacy

Council Plan Initiative:

Advocate for Melbourne Metro and Doncaster Rail project, and other public transport improvements, as a priority for Federal and State funding.

Improvements to Yarra's sustainable transport capacity are critical to accommodating a growing population. While Council can work on major improvements to cycling and walking infrastructure, strong advocacy to state and federal governments by Council and the community is needed to significantly improve public transport infrastructure and capacity. Enhanced public transport capacity is needed to ensure trams and trains are able to serve Yarra residents and workers in peak periods.

Melbourne Metro

Melbourne Metro is now back on the agenda as a key city shaping rail project.

Transport solutions for Doncaster

Improved transport solutions to Doncaster is important to reduce the dominance of car travel from that region to the inner city business areas creating further road congestion. The Doncaster Rail project has been a key priority for Yarra City Council in conjunction with other eastern suburb Councils for a number of years. Ongoing advocacy is

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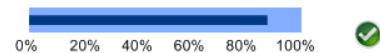
required to continue the momentum for increased public transport by the State to serve the Doncaster region.

The state government is committed to finding solutions to the problem of congestion on Hoddle Street. It is considered that the 2016/7 state budget will include a major project on Hoddle St. Advocacy is likely to be needed to deliver best outcomes for Yarra residents.

New Tram Stops
DDA compliant tram stops are proposed for the following locations:
Nicholson Street
Brunswick Street

Chandler Highway

The State Government has announced that a new bridge across the Yarra River abutting the current Chandler Highway bridge will be built and opened in mid-2018. Council has expressed a position on this project and that will continue to be advocated to the State Government and VicRoads.



Branch Sustainability and Strategic Transport

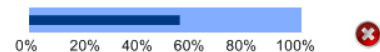
Quarterly Milestones

September	Q1. Commence Brunswick St tram route consultation Q1. Commence advocacy for improved Hoddle St project outcomes Q1. Continue to advocate for improved public transport across Chandler Hwy to commence if new bridge is built
December	Q2. Inform Council of any updates on Chandler Highway
March	Q3. Inform Council of any updates on Chandler Highway
June	Q4. Complete Brunswick St tram route consultation
Quarterly Progress	Council is liaising with VicRoads to improve the Hoddle Street project outcomes.
Comments	A number of meetings have occurred with Public Transport Victoria (PTV) and VicRoads to advocate for improved public transport across Chandler Hwy. A new north south bus route has been identified and we are continuing to work towards getting this delivered. It has yet to be formally confirmed/funded. PTV have recently put in a budget bid and it has a high level of priority.

The Brunswick Street tram route project has been delayed by PTV and will need to go through another PTV business case/submission process. Urban design are continuing to develop the streetscape master plan.

3.07 Wellington Street bicycle lane

Planning and commencement of construction of 500m of 'Copenhagen' separated bicycle lane on both sides of Wellington Street between Gipps Street and Johnston Street (subject to formal inclusion in the adopted 2016/17 budget).



Branch Sustainability and Strategic Transport

Quarterly Milestones

September	Q1. Finalise design and specification for project (if in 2016/17 adopted budget)
December	Q2. Establish whether the project requires a planning permit Q2. Undertake tender process and evaluate tenders
March	Q3. Report to Council
June	Q4. Commence construction if no planning permit is required and Council has approved project
Quarterly Progress	Tender documents have been finalised. Tender bids will be sought in quarter 3 2017..
Comments	

3.08 New parking technology

Council Plan Initiative:

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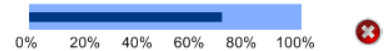
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Implement emerging parking enforcement technologies to improve efficiency and effectiveness of parking enforcement operations.

As part of Council's innovation program, new parking technology is being rolled out to make on street parking more accessible to the public and to encourage efficient turnover/sharing of on road parking spaces.

This project involves the implementation of technology to support the enforcement operations and improved data analysis and reporting on the effectiveness of the operations.

In addition, Council resolved to undertake a trial of variable parking fees in Bridge Road and explore a one hour free parking option.



Branch Innovation

Quarterly Milestones

September	Q1. Install and test Infringement management system Q1. Roll-out new hand held ticket issuing devices Q1. Install new "pay stay" mobile phone payment option in all paid parking bays Q1. Develop sensor implementation plan
December	Q2. Complete sensor "pilot" trial and sensor roll-out in the sporting precinct in accordance with implementation plan Q2. Develop a project brief for a trial of Variable parking fees in Bridge Road
March	Q3. Complete sensor roll-out in Sporting Precinct
June	Q4. Complete sensor roll-out for remaining locations in accordance with implementation plan Q4. Evaluate variable pricing trial in Bridge Road and consider options for a broader rollout in other shopping strips
January	Q3. Commence a variable pricing trial in dedicated bays in Bridge Road Q3. Install in ground sensors in Bridge Road and compile occupancy data to help develop the pricing model
Quarterly Progress Comments	<p>Installation of "pay stay" mobile phone payment option in all paid parking bays has been completed and is now operating.</p> <p>Installation of parking sensor is underway with 2000 (50%) sensors already installed, the target for installation of the remaining 2000 sensors is December 2017.</p> <p>The roll-out new hand held ticket issuing devices to parking officers has been complete.</p> <p>The roll-out new hand held ticket issuing devices to parking officers has been complete.</p> <p>The bridge Road Variable Parking Trial scheduled to be undertaken during this year has been postponed to 2017/18, agreement has already been reached with Bridge road traders and VicRoads for the trial, sensors are being installed and data collection will commence during quarter 1 2017/18 once installation of remaining sensors is completed. The data will inform the development of the Variable Pricing trial proposal.</p>

3.09 Traffic management initiatives

Council undertakes Local Area Traffic Management Studies (LATMS) to identify traffic calming measures and safety improvements.

This year Council will investigate the feasibility of a permanent road closure in Station Street, North Carlton.

Subject to funding, activities to deliver the Local Area Traffic Management program in 2016/17 are:

- Completion of Stage Two LATMS 9 (Rose) and
- Stage Two LATMS 10 (Gold)



Branch Traffic Services and Special Projects

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Quarterly Milestones

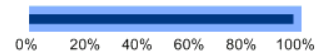
December	Q2. Complete Stage Two works, LATMS 9 (Rose) Q2. Prepare a traffic report for VicRoads on temporary road closure in Station Street, North Carlton Q2. Complete community consultation on temporary road closure in Station Street, North Carlton
March	Q3. Report to Council on temporary road closure in Station Street, North Carlton Q3. Complete Stage Two works, LATMS 10 (Gold)
Quarterly Progress Comments	Officers reported to Council on the temporary road closure in Station Street, North Carlton. Council resolved to undertake further assessment which will be presented to Council during the 2017/18 financial year.

3.10 Advocacy on growth and change within Yarra

Council Plan Initiative:

Advocate to State Government of rate of growth and change within Yarra.

Yarra municipality continues to be under significant development pressure. State Government metropolitan policies promote development at localities near public transport and strategic locations. Yarra City Council seeks to manage this growth appropriately.



Branch City Strategy

Quarterly Milestones

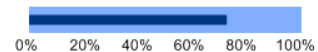
September	Q1. Consider the final version of Plan Melbourne Re-fresh, if released, and the Inner City Framework Plan and brief Councillors Q1. Commence Built Form Analysis project of five commercial precincts to inform future planning controls
December	Q2. Continue to advocate for improved planning tools to better manage development pressure
March	Q3. Continue to advocate for improved planning tools to better manage development pressure
June	Q4. Continue to advocate for improved planning tools to better manage development pressure
Quarterly Progress Comments	Final Plan Melbourne was released in March 2017 with some changes to planning directions for Yarra. Advocacy continues with the state government Department of Environment Land Water Planning officials regarding the need for greater planning certainty in local planning scheme in order to manage the rate of growth that is occurring. Regular meetings with local member of Parliament held by CEO, Director Planning and Place Making continue to advocate for these changes. The recent Victorian Auditor General's review of the planning system was another opportunity to advocate for improvements to the legal and operational aspects of the Victorian Planning Provisions.

3.11 Urban Growth management

Council Plan Initiative:

Develop an over-arching strategy that seeks to preserve community values and amenity through the effective management of urban growth and the rate of change within Yarra.

As part of council's approach to managing growth in Yarra, this year Council will prepare a draft Housing Strategy and exhibit planning scheme amendments for Swan Street and Johnston Street.



Branch City Strategy

Quarterly Milestones

September	Q1. Exhibit planning scheme amendments for Swan Street and Johnston Street Q1. Prepare draft spatial economic and employment strategy Q1. Prepare new draft housing strategy
December	Q2. Council to consider submissions in relation to Swan Street and Johnston Street amendments
March	Q3. Participate in Planning Panel hearings for amendments
June	Q4. Consider Planning Panel report and amendment

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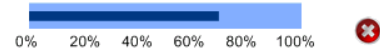
Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

Quarterly Progress	Conditional authorisation from the Minister for Planning to exhibit the proposed Johnston Street planning scheme has been received and Officers are reviewing the draft amendment to meet the conditions .
Comments	<p>The Swan Street planning scheme amendment is being formulated and anticipated to be ready for Council adoption in the first quarter of 2017/18.</p> <p>The draft Economic and employment Strategy has been completed and the draft Housing Strategy has been commenced.</p>

3.12 Yarra Activity Centre Built form review

Council will undertake an analysis of the built form of all Yarra activity centres as the basis for preparing urban design guidelines and planning height controls that can be introduced in to the Yarra Planning Scheme .



Branch City Strategy

Quarterly Milestones

September Q1. Commence Built Form Analysis study

December Q2. Finalise study

March Q3. Report to Council on study

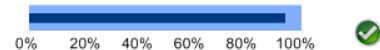
June Q4. Report to Council with draft Planning Scheme Amendments (DDO's)

Quarterly Progress Study of lessons learnt from Swan Street Built form analysis completed. Built form studies underway for the Brunswick Street/Smith Street centres and the Victoria Street and Bridge Road centres . This work is expected to be finalised later this year, reporting to Council will occur when initial work is completed.

3.13 Licensed Premises Policy update

The update of the Licensed Premises Policy is an action arising out of the Night Time Economy Strategy and the Health Plan. It relates to amending and updating the licensed premises policy in the Planning Scheme.

Background work has been undertaken to provide justification for the policy change. This year Council will consider and exhibit a revised policy.



Branch City Strategy

Quarterly Milestones

September Q1. Present draft revised policy to Council for consideration

December Q2. Seek Minister's authorisation to exhibit planning scheme amendment

March Q3. Participate in Planning Panel hearings

June Q4. Present Panel report and amendment to Council for consideration

Quarterly Progress Authorisation to exhibit the Licensed Premise Planning Scheme Amendment was received from the Minister on 14 October 2016.

Comments The amendment was place on public exhibition and submissions referred to a Planning Panel. Panel, hearings held in April 2017. The Panel will present a report to Council on the outcome of the submission process in first quarter 2017/18.

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Highlights and Achievements

Branch	City Works
Unit	Admin and Management - City Works
	<p>During the year the Engineering and Asset Management team achieved the following.</p> <ul style="list-style-type: none"> • Endorsement of the revised Road Management Plan 2017. • Delivery of Road Capital Works Program. • Procurement of Annual Supply Contracts – Engineering Design & Services; Asset Consultancies, Road and Drainage Works. • Road Management Plan - Annual Inspection Program.
Branch	Compliance and Parking Services
Unit	Admin and Management - Parking Services
	<p>The new handheld devices and in ground sensors introduced in the Parking services area have allowed for greater efficiencies and clearer retention and analysis of data which enables Officers to align resources more appropriately to address any significant problems. The sensors have also been well received by the community with a number of residents and traders contacting Council to acknowledging the improvements in the turning over of traffic within their area.</p>
Branch	Construction Management
Unit	Admin and Management - Construction Management
	<p>This year in the Supreme Court the Building Officers successfully prosecuted an operator of an illegal boarding house, for illegal building work and non-compliant essential safety measures.</p> <p>A review of all outstanding building permit applications dating back 10 years was successfully undertaken and completed resulting in all outstanding applications being finalised, thereby reducing Council legal liability.</p>
Branch	Construction Management
Unit	Construction Enforcement
	<p>The introduction of an ongoing process to internally inspect all Council's pits and drains boarding building sites with a Construction Management Plan. This process has identified damage to Council's assets, resulting in the appropriate enforcement action being taken and the asset being repaired at the builder's costs.</p>
Branch	Recreation and Open Space
Unit	Arboriculture and Streetscapes
	<p>The Local Government Customer Satisfaction Survey has identified that the quality of park and street tree maintenance is highly regarded by the community and is among the important services in the eyes of the community.</p> <p>The new street tree planting has proceeded very well during the financial year and saw Council plant 271 trees as part of that program.</p>
Branch	Recreation and Open Space
Unit	Open Space Capital Works and Design
	<p>In a successful year of planning and delivering projects, 85% of the capital works program was completed in 2016/17 and a major project - the Merri Creek Trail at Coulson Reserve - is underway and will be complete in the first quarter of 2017/18.</p>
Branch	Recreation and Open Space
Unit	Open Space Maintenance
	<p>The results from the annual park users satisfaction survey were received in February 2017. The survey has</p>

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Highlights and Achievements

been conducted for more than ten years and Yarra's score continue to sit among the best performing Municipalities.

The findings identified an overall satisfaction with Yarra's parks of 8.4 out of 10, which was second highest among the 18 participating Councils.

These survey results have been supported by the Local Government Customer Satisfaction Survey which has identified that the quality of open space maintenance is highly regarded by the community and is among the important services in the eyes of the community.

Branch

Traffic Services and Special Projects

Unit

Admin and Management - Traffic Services and Special Projects

During the year Council upgraded five accessible parking bays at the following locations:
Rutland Street Clifton Hill, Vere Street Abbotsford, Condell Street Fitzroy and Gertrude Street Fitzroy.

The works to upgrade the bays included the widening of bays by indenting the bays into the footpath, construction of wheelchair ramps, installation of road markings and wheelchair symbol and the upgrade of existing parking signs.

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Council Plan 2013-2017 Year 4

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4. Ensuring a sustainable Yarra

Reducing Yarra's environmental footprint is critical – including a target to become carbon neutral by 2020, reduce waste going to landfill, increase renewable energy use, improve biodiversity, increase local food production, use more locally collected rainwater to reduce storm water run-off and dependency on Melbourne's water catchments.

In November 2012 Yarra became the first Victorian Council to be certified carbon neutral. This reflects our commitment to reducing the City's environmental footprint – the resources we use to live – such as reducing the use of potable water and energy, as well as reducing waste going to landfill. In 2011 Yarra was named as the Sustainable City of the Year, acknowledging the wide range of programs working to make Yarra more sustainable.

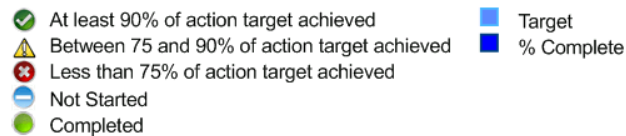
Strategies

Council's work to achieve this Strategic Objective will include the following strategies:

- Develop and renew Council's key environmental strategies.
- Initiate and implement strategies to reduce Council's carbon emissions and energy use.
- Support the community to reduce greenhouse gas emissions.
- Increase implementation of water-sensitive urban design.
- Encourage urban agriculture.
- Initiate and implement strategies to reduce Council's potable water consumption.
- Initiate and implement strategies to reduce waste to landfill in Yarra.
- Advocate to state and federal governments on their responsibility to achieve a sustainable Yarra.

The following actions are being undertaken in 2016/17 to work toward achieving Council's strategic objective of Ensuring a sustainable Yarra.

Action Progress Summary



Action	Start Date / End Date	
4.01 Urban Wildlife Management Plan	01/07/16 30/06/17	
4.02 Urban Forest Strategy	01/07/16 30/06/17	
4.03 Yarra Energy Foundation	01/07/16 30/06/17	
4.04 Adaptive Assets Program	01/07/16 30/06/17	
4.05 Implementation of new waste management contract	01/07/16 30/06/17	

Attachment 1 - 2016-17 Annual Plan Quarterly Progress Report - June

Council Plan 2013-2017 Year 4

2016/17 Annual Plan Quarterly Progress Report - June

4.01 Urban Wildlife Management Plan

Council Plan Initiative:

Progress implementation of Council's Urban Wildlife Management Plan.

Developed in 2009, City of Yarra's Urban Wildlife Management Plan aims to identify areas of remaining fauna habitat, identify and address threats to fauna habitat, identify opportunities for potential habitat improvement and protection, review existing control methods or pest animal species and provide recommendations for updating where required.



Branch Recreation and Open Space

Quarterly Milestones

September Q1. Draw on outcomes of the biodiversity health survey (April 2016) and review the Urban Wildlife Management Plan

June Q4. Finalise Urban Wildlife Management Plan

Quarterly Progress A consultants' brief has been prepared and fee proposals are being sought to review the Urban Wildlife Management Plan.

Comments

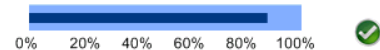
4.02 Urban Forest Strategy

Council Plan Initiative:

Investigate feasibility of an Urban Forests Strategy.

An Urban Forest Strategy will provide broad directions and key principles for the delivery of urban greening initiatives with a particular focus on reducing the impact of the Urban Heat Island effect. Council has commenced the developmental work including data gathering and internal engagement.

This year Council will progress development of the Urban Forest Strategy.



Branch Sustainability and Strategic Transport

Quarterly Milestones

September Q1. Finalise tree inventory data

December Q2. Analyse tree inventory data and continue to formulate strategy

March Q3. Brief Councillors on draft Urban Forest Strategy

June Q4. Present draft Strategy to Council, for public exhibition

Quarterly Progress The draft UFS is expected to be presented to Council in quarter 3 2017.

Comments

4.03 Yarra Energy Foundation

Council Plan Initiative:

Continue Council support for the work of the Yarra Energy Foundation.

The Yarra Energy Foundation was officially launched in 2011. Council provides funding to support the Foundation. Council will continue to monitor Yarra Energy Foundation's progress against the funding agreement.

The four year funding agreement will conclude in 2016/17. Council will be able to determine whether it wishes to commit to a new agreement.



Branch Sustainability and Strategic Transport

Quarterly Milestones

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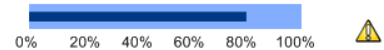
Council Plan 2013-2017 Year 4

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September	Q1. Present Jan – Jun 2016 six monthly report to Council
March	Q3. Present Jul-Dec 2016 six monthly report to Council Q3. Council to resolve whether to enter into a new funding agreement for YEF
Quarterly Progress	The funding agreement proposal for Yarra Energy Foundation for 10/18 was adopted by Council in June 2017.
Comments	

4.04 Adaptive Assets Program

Funding has been allocated to support Council to meet its organisational greenhouse reduction and renewable generation targets as set out in the Yarra Environment Strategy (YES). Council is considering an innovative renewable energy project.



Branch Sustainability and Strategic Transport

Quarterly Milestones

December	Q2. Establish asset list to receive new solar and/or battery installations
March	Q3. Complete tender and award contract to preferred supplier
June	Q4. Complete installations
Quarterly Progress	The contract has been awarded to the successful tenderer and installation of new solar and/or replacement battery installation has commenced. Installation will be completed in 2017/18
Comments	

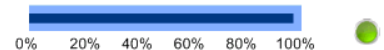
4.05 Implementation of new waste management contract

Council Plan Initiative:
Develop and implement new Waste Management Strategy 2014-20.

Council entered into a new Waste Services contract. The service model for waste management services includes:

weekly domestic garbage collection; housing estate refuse collection; and community education; and
weekly domestic recycling collection; litter bin clearance and maintenance;
recyclables acceptance and sorting;
festivals and events;
at-call green waste collection.

The implementation and transition for the waste contracts includes a comprehensive communication strategy and development of service specific quality and contract management plans.



Branch City Works

Quarterly Milestones

September	Q1. Commence implementation of all waste contracts on 1 July 2016 Q1. Commence contract transition period
December	Q2. Undertake contract monitoring during transition period to ensure compliance with contract requirements
March	Q3. Undertake formal contract monitoring to ensure full compliance with contract requirements
June	Q4. Undertake formal contract monitoring to ensure full compliance with contract requirements
Quarterly Progress	Monitoring of the contract performance in on-going, currently maintainig compliance with contract requirements
Comments	

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5. Leading local government

A changing and divergent community requires an agile and responsive organisation. To maximise value to our community, the services and facilities they want it is critical that Council review our services to ensure they are relevant and appropriate.






Strategies















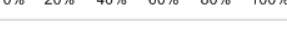

Council's work to achieve this Strategic Objective will include the following strategies:

- Align vision, values and organisational culture.
- Encourage and support a workforce that reflects our community's diversity.
- Enhance internal systems and processes, and their integration, to improve community service delivery and governance support.
- Build Council's emergency management and recovery response.
- Build community engagement to inform Council's policy development and decision making.
- Enhance access to Council information and services, including wider use of digital media.
- Seek to achieve best practice standards, measured by benchmarking all services.
- Enhance procurement and contract management practice to extract better value for money.
- Enhance productivity and business support, and reduce risk for critical business processes.

The following actions are being undertaken in 2016/17 to work toward achieving Council's strategic objective of Leading Local Government.

Action Progress Summary

-  At least 90% of action target achieved
 -  Between 75 and 90% of action target achieved
 -  Less than 75% of action target achieved
 -  Not Started
 -  Completed
- Target
■ % Complete

Action	Start Date / End Date		
5.01 Develop 2017-20 Organisational Development Strategy	01/07/16 30/06/17		
5.02 Continuous Quality Improvement Program	01/07/16 30/06/17		
5.03 Project Management Framework	01/07/16 30/06/17		
5.04 Executive and Council strategic planning sessions	01/07/16 30/06/17		
5.05 Capital works program	01/07/16 30/06/17		
5.06 Council election 2016 and Councillor induction	01/07/16 30/06/17		
5.07 Development of the new Council Plan	01/07/16 30/06/17		
5.08 Government Relations	01/07/16 30/06/17		

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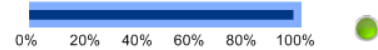
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5.01 Develop 2017-20 Organisational Development Strategy

Council Plan Initiative:

Adopt an Organisational Development Strategy and progressively implement actions.

The OD Team will work with the One Yarra CORE group to scope a project plan to develop a new OD strategy. The plan will involve consultation with the business and as a result will produce a three year OD strategy.



Branch *People, Culture and Community*

Quarterly Milestones

September	Q1. Consult with the CORE group, leadership team and employees to scope the actions to be included in the OD strategy
December	Q2. Finalise draft of the OD strategy
March	Q3. Present OD strategy to Council for adoption
June	Q4. Commence implementation of actions as outlined in the strategy
Quarterly Progress Comments	The Culture Strategy has been adopted by Executive after having been taken for consultation to the One Yarra Core Group and the People and Culture Team. Implementation of the strategy has commenced

5.02 Continuous Quality Improvement Program

Council Plan Initiative:

Commit to an organisational continuous improvement program.

In 2015/16 Executive endorsed a Continuous Quality Improvement (CQI) Framework. The program is being trialled for branches undertaking a Service Review to redesign systems and process for improved efficiency and effectiveness.

Service Planning and Reviews provide a Continuous Improvement framework for Council whereby Services are consistently and regularly subject to review and critical thinking. We will report to Council on improvements that have been identified and implemented as a result of this process.



Branch *Corporate Planning and Performance*

Quarterly Milestones

September	Q1. Undertake staff training in CQI methodology
December	Q2. Develop plan for implementation of CQI actions in two branches
June	Q4. Evaluate CQI program to date
Quarterly Progress Comments	In 2015/16 Executive endorsed a Continuous Quality Improvement (CQI) Framework. The program is initially being trialled for branches undertaking a Service Review to redesign systems and processes for improved efficiency and effectiveness. City Works and Family, Youth and Children's Services have been redesigning some of their processes to improve service efficiency and effectiveness. Service Planning and Reviews provide a Continuous Improvement framework for Council whereby Services are consistently and regularly subject to review and critical thinking. We will report to Council on improvements that have been identified and implemented as a result of this process.

The Acting Co-ordinator Organisational Performance was the Project Co-ordinator for the City of Yarra on a co-design project for the Childcare Waitlist. The co-design pilot project led by City of Melbourne and in collaboration with four other Councils has been completed. This project was identified in the Service Review for Family, Youth and Children's Services.

A showcase of the project was held at City of Melbourne on 30 March and briefed to Executive on 5 April. This project has been widely praised by the participants for the shared understanding and learnings it has provided, networks formed between participating Councils and the potential benefits of implementing its recommendations.

5.03 Project Management Framework

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Council Plan Initiative:

Develop and implement agreed project management principles to improve project completion.

Council will continue to implement its Project Management Framework to ensure a consistent methodology is applied to managing projects with a key objective of providing best value to the community.

Key activities this year include:

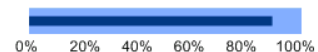
Develop a standard set of project management templates, including status reports and PCG agendas

Develop options and recommendation to Executive for harmonising Capital and Operational project portfolio management, including identification of specific improvements to portfolio reporting for broad based project performance reporting.

Process bids for Capital Upgrade projects using same process as other discretionary project types (Capital New Asset and Operational).

Update PMF policy to improve quality and incorporate learnings from usage of policy to date

Implement agreed changes for harmonising Capital and Operational project portfolio management, including specific improvements to portfolio reporting for broad based project performance reporting.



Branch Corporate Planning and Performance

Quarterly Milestones

September Q1. Develop options and recommendation to Executive for harmonising Capital and Operational project portfolio management, including identification of specific improvements to portfolio reporting for broad based project performance reporting

Q1. Develop a standard set of project management templates, including status reports and PCG agendas

December Q2. Process bids for Capital Upgrade projects using same process as other discretionary project types (Capital New Asset and Operational)

March Q3. Update PMF policy to improve quality and incorporate learnings from usage of policy to date

June Q4. Implement agreed changes for harmonising Capital and Operational project portfolio management, including specific improvements to portfolio reporting for broad based project performance reporting

Quarterly Progress A number of standard templates have been developed including Project Concept Brief, Project Business Case/Project Management Plan, Project Risk Register, Project Staff Worksheets (existing & new staff), Project Schedule using Excel, Project Status Report, Project Financial Tracking using earned value management and Quadruple Bottom Line (QBL) tool.

Report presented to Executive on principles for selection of Executive reported projects including identification of 2017/18 projects for Executive reporting. Executive endorsed framework for reporting of major projects includes common approach to identification and reporting of major capital and operating projects, including projects resourced out of recurrent branch budgets.

2017/18 Capital Upgrade, Capital New Asset and Operating project bids evaluated using unified process during November-December.

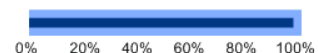
Revised PM policy draft in progress, taking into account review comments, learnings to date from policy application and PMO assistance to key projects, and harmonising with agreed approach for Executive reporting of major projects.

5.04 Executive and Council strategic planning sessions

Council Plan Initiative:

Establish periodic strategic planning sessions with Executive and Council to work on emerging issues and matters of significant importance to the community (links to strategic advocacy, research and organisational agility).

Strategic planning workshops to facilitate engagement between Executive and Councillors will continue this year. These workshops will focus on emerging issues and significant community priorities.



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Branch CEO Office

Quarterly Milestones

December Q2. Hold strategic planning workshop

March Q3. Hold strategic planning workshop

Quarterly Progress Comments Three Councillor Planning Workshops were held during the third quarter as part of the 2017/18 Annual Planning Process. Community engagement results were presented to Council for consideration in development of the new four-year Council Plan and Budget. Councillors were also focussed on development of the 2017/18 Budget including the capital works program. The proposed Budget and Council Plan were put out on public exhibition in early April, following public submission than amended Budget was put back out on public exhibition in June. Council will hear submission and make a resolution in relation to the proposed Budget and Council Plan in August.

5.05 Capital works program

Council implements major capital works to improve facilities and services within the municipality. The capital works program ensures facilities and infrastructure are maintained at appropriate standards to meet community and Council needs. Council's target is to complete at least 85% of renewal, upgrade and new capital works projects during the year.



Branch Engineering and Asset Management

Quarterly Milestones

September Q1. Complete 10% of the capital works program

December Q2. Complete 25% of the capital works program

March Q3. Complete 50% of the capital works program

June Q4. Complete 85% of the capital works program

Quarterly Progress Comments In 2016/17 Council's adopted Capital Works program budget was \$43.19 million across 310 adopted projects. As at the end of June 295 capital works projects were completed (95%) with a budget spend of \$34.69 million. In terms of expenditure, 80.3% of the adopted budget was spent compared to a target of 85%. This is a result of 94.4%. Compared to the revised budget of \$36.6 million, the result is 94.7%.

5.06 Council election 2016 and Councillor induction

We will conduct a successful Council Election in October 2016 which will result in the election of nine Councillors to the Yarra City Council for the 2016-2020 Council term. Immediately following the election, we will conduct a comprehensive induction process designed to equip both new and returning Councillors with the information and resources they need to undertake their duties.



Branch Governance and Support

Quarterly Milestones

September Q1. Commence Election Period

Q1. Finalise the voters' list of ratepayers and submission to the Victorian Electoral Commission

Q1. Open the Early Voting Centre

December Q2. Complete formal Councillor induction program

Q2. Hold a Special Meeting to elect a Mayor

Q2. Complete the 2016 Council Election

Q2. Publish Election Campaign Donation Return summaries

March Q3. Review the Councillor Code of Conduct

June Q4. Review and determine the level of the Councillor allowance and the Mayoral allowance

Quarterly Progress Comments The review of the Councillor Code of Conduct was undertaken in February 2017, and adopted by at a Special Meeting of Council on 21 February 2017. Following adoption, a copy of the Code of Conduct was provided to all Councillors and placed on Council's website in accordance with section 76C(6) of the Local Government Act 1989. In addition, all Councillors have made a written declaration that they will abide by the Code of

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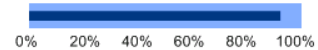
Council Plan 2013-2017 Year 4

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Conduct.

5.07 Development of the new Council Plan

Council is required to develop a Council Plan by 30 June following a general election which will occur on 22 October 2016. The Council Plan is a strategic document, setting out Council's priorities and direction for a four year period. A cross-organisational team will be established to inform the new Council Plan and work with Councillors on its development.



Branch Corporate Planning and Performance

Quarterly Milestones

September Q1. Complete environmental scan and supporting documentation for the new Council

December Q2. Commence discussions with new Council on Council Plan

March Q3. Develop the draft Council Plan

June Q4. Present Council Plan to Council for endorsement for public submission

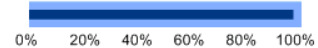
Q4. Present Council Plan to Council for adoption

Q4. Submit Council Plan to the Minister

Quarterly Progress Comments The draft Council Plan was presented to Council for adoption on 6 June 2017 following a period of 35 days public exhibition from 6 April – 11 May 2017. The draft Budget and Council Plan attracted 1,006 submissions covering 1,113 issues. At its meeting on 6 June Council resolved to endorse an alternate budget for a further 28 days public exhibition. Adoption of the Council Plan has been held over until the Budget has been adopted. This is now scheduled to take place on 1 August 2017. Council has until the end of August to submit the Council Plan to the Minister following adoption.

5.08 Government Relations

A key action in Yarra's Strategic Advocacy Framework is to advocate for improved State and Federal funding to local government. Key advocacy projects this year include the Richmond Secondary College, Regional Sports Facility, Affordable Housing and AMCOR. Council also advocates for improved bicycle provisions and public transport (See Actions 3.05 and 3.06).



Branch Advocacy and Engagement

Quarterly Milestones

September Q1. Promote and inform local members of parliament, relevant Minister and government departments about Yarra's advocacy priorities and funding needs

December Q2. Promote and inform local members of parliament, relevant Minister and government departments about Yarra's advocacy priorities and funding needs

March Q3. Promote and inform local members of parliament, relevant Minister and government departments about Yarra's advocacy priorities and funding needs

June Q4. Promote and inform local members of parliament, relevant Minister and government departments about Yarra's advocacy priorities and funding needs

Quarterly Progress Comments Council continues to advocate strongly to state government on a number of priority projects, including- the, former Gasworks site, planning scheme rewrite, Ryan's reserve, Walmer St planning issues, Queen's Parade, Richmond Secondary School, Pride Centre. Yarra continues its strong leadership in the local government sector advocacy groups such as IMAF and ISMMF.

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Highlights and Achievements

Branch *Advocacy and Engagement*
Unit *Customer Service*

The Customer Service Branch has responded to 41,724 customer calls this quarter achieving an overall 88% grade of service (GOS). YTD the Customer Service Branch has responded to 80,561 customer calls and has achieved 87% overall GOS.

The Branch has also received eight compliments directly from customers acknowledging the excellent and prompt service delivered by Customer Service team members.
 In November 2016, the Customer Service Team successfully transitioned Social Media from Communications. Customer Service is now engaging with residents and ratepayers using Twitter and Facebook.

The Customer Service Branch continues to deliver the actions of the Customer Responsiveness Strategy. A Business/Digital Transformation core group has been established to develop a change roadmap. This road map will support staff to transform the customer experience utilising new technology.

Attachment 2 - 2016-17 Strategic Indicators Report - Draft

2016-17 Strategic Indicators Report - DRAFT

Council Plan 2013 - 17 Strategic Indicators	Unit	2016-17				2015-16		2014-15		2013-14	
		Target	Actual		Comment	Target	Actual	Target	Actual	Target	Actual
Celebrating Yarra's uniqueness											
Condition of Council owned heritage building assets	%	100	100	<div></div>	All Council listed heritage buildings are fit for purpose with a condition rating of 3 or better.	<= 4	0	<=7	0	<=10	0
Increased participation in arts and cultural activities in Yarra.											
Number of attendees at Council supported festivals and events	#	120000	197000	<div></div>	Leaps and Bounds Gertrude Projection Fest The Village Fiesta Lunar Harvest Emerge Fringe The Boite Winter Series Reclink Community Cup Faitfield Summer Concert Series Smaller events - Rock-a-bye-baby, Polyphonic Social, Dancemassive, etc.	115000	170000	110000	160000	105000	150000
Number of projects funded	#	30	73	<div></div>	Triennial Grants - 11 Annual Grants - 21 Small Project Grants - 25 Room To Create - 6 Visual & Public Art Projects - 10	30	62	30	63	30	51
Number of participation focus projects funded	#	0	15	<div></div>	Wheel of Fate Smith Street Dreaming Leaps and Bounds x2 Rock-a-bye-Baby Extreme Close Up The Grand Imaginarium Xsite Act Your Age Koorie Games Film Club Troy Boys Pan African Poets Café Blakwiz Emerge	0	18	0	6	0	6
Number of public art projects funded or produced	#	3	8	<div></div>	Bob Rose Stand - Projection Carlton Lightbox Kiron Robinson - Bargoonga Nganjin Peel Street Pasteups x 2 Projection on Peel Street x 2 Ed Gardens Plinth	3	6	3	3	3	8






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Council Plan 2013 - 17 Strategic Indicators	Unit	2016-17				2015-16		2014-15		2013-14	
		Target	Actual		Comment	Target	Actual	Target	Actual	Target	Actual
Nos attending events and activities for cultural and ethnically diverse communities at Yarra Libraries											
Number of attendees at Library programs and events	#	26000	37034	<div></div>	Program attendance was up on 2015/16 and well above target.	25000	35471	24000	35877	23000	28105
Conduct an annual review of cultural events and programs delivered by Yarra Libraries	%	100	100	<div></div>	Continually reviewing cultural events and programs delivered by Yarra Libraries. Template in place for program review and assessment of events	100	100	100	100	100	100
Develop an annual program of learning and reader focused activities.	%	100	100	<div></div>	Annual program developed to provide the Yarra community with ongoing learning and reader focussed activities at all five library branches.	100	100	100	100	100	100
Sustained or increased space, both Council and privately owned, available for creative practice											
Develop a Richmond Theatrette Program	%	100	100	<div></div>	Space and funding program. Slapstick Action Plan - comedy theatre & disability theatre development Strive - development of new theatre piece MKA - Theatre of new writing Quipping's - GLBTIQ and disability performance development	100	100	100	100	100	100
Number of facilities maintained for medium term accommodation for creative organisations.	#	5	5	<div></div>	Dancehouse Yarra Sculpture Gallery Visionary Images Australian Print Council Women's Art Register	5	5	5	5	5	5
Number of exhibition spaces maintained	#	3	4	<div></div>	Richmond Town Hall Fitzroy Library Richmond Libraries Bargoonga Nganjjin	3	3	3	3	3	3
Develop a corpus for the Room to Create Fund of \$200,000 in the first 4 years.	\$	265000	318957	<div></div>	Fundraising and awareness raising programs: Event at Bus Projects in 2016 Event at Seventh Gallery in 2017	265000	289000	125000	255000	100000	250000
Number of MOUs established with key community partners	#	0	3	<div></div>	Council signed a Memorandum of Understanding with Kangan, Epworth and the Royal Flying Doctors in 2016/17. Council signed a Memorandum of Understanding with Australian Catholic University and Melbourne and Olympic Park Trust in previous years for a total of 5 over the life of the Council Plan.	2	2	2	1	0	0

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		Target	Actual			Target	Actual	Target	Actual	Target	Actual
Supporting Yarra's community											
Number of submissions made to State and Federal Governments on Yarra's diverse socio-economic profile.	#		11		<p>The Strategic Advocacy Framework guides the advocacy efforts of Yarra City Council both in its role as a single Council and as a member of a range of Local Government associations and peak bodies. Intended to be used as a resource, this Framework is a key priority of the 2013-17 Council Plan. Socio-economic and social justice issues are addressed within this framework.</p> <p>This Framework, which is a first for Yarra, seeks to provide a nexus between the City of Yarra's proud history of advocating on behalf of its community and outcomes. It does this by outlining Council's strategic advocacy priorities in a planned, coordinated and resourced approach to facilitate action and results.</p> <p>These priorities have been identified through a process of evidence based research and benchmarking, consultation with the community and the Council Plan 2013-2017.</p> <p>The following submissions (or other relevant activities) have been made this year: Review Of The Liquor Control Reform Act 1998 (DoJR) Plan Melbourne Refresh (DELWP) Response to the Coroner's Report into the death of Ms A; submissions to the Law Reform, Road and Community Safety Committee (the Committee) Inquiry into the Effectiveness of Laws, Procedures and Regulations Relating to Illicit and Synthetic Drugs; and, the Legislative Council (LC) Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017. Correspondence to the Commonwealth Attorney General in support of securing ongoing funding for community legal centres locally Submission to the Parliamentary Inquiry into Ride Sourcing Services (Re Terms of Reference Item (5) – access for people with disabilities Submission to the Victorian Government's Directions Paper on the review of the Local Government Act 1989, Response to DHHS Rough Sleeping in Victoria Situation Appraisal Correspondence to Premier Daniel Andrews (co-signed with four other councils) advocating for retention of the MetroAccess program; Correspondence to National Disability Insurance Authority advocating for resources to support the Aboriginal community.</p>	N/A	1	0	0	0	0
Number of new strategies and plans that consider disability access and inclusion.	%	100	100		All key strategies that have been developed in 2016-2017, gave consideration to Access and Inclusion through consultation with Council's Disability Advisory Committee or liaison with the Disability Access & Inclusion Officer.	100	100	100	100	90	90
Community Infrastructure Plans developed for all Neighbourhoods.	#	0	5		<p>The Strategic Community Infrastructure Framework (SCIF) and Richmond South Community Infrastructure Framework were adopted by Council 6 December. The SCIF is a decision making tool to inform investments in community infrastructure as Yarra experiences continued growth and development.</p> <p>Work has progressed on the development of further Community Infrastructure Neighbourhood Plans with five being completed at the end of the financial year (Richmond South, Central Richmond, North Richmond, Abbotsford and Collingwood). These will be presented to Councillors in the first quarter of next financial year. The remainder of the plans will be developed in 2017/18.</p>			5	0	0	0
Volunteering Strategy adopted by Council	%	0	0		Development of a Volunteering Strategy was deferred by Council resolution on 7 June 2016. Development of a Volunteering Strategy has been included in the Council Plan 2017-21 and will be progressed over the life of the new Plan.			100	0	0	0
Service review framework adopted by Council	%	100	100		Council adopted the Service Review Framework in March 2014.	100	100	100	100	100	100

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		Target	Actual		Comment	Target	Actual	Target	Actual	Target	Actual
Number of service areas reviewed in accordance with the service review framework each year	#	8	1	●	<p>Aged and Disability Services completed a Service Review in 2016/17. The following branches completed Service Reviews in previous years - Leisure Services, Parking Services, Councillor Support Unit and City Works.</p> <p>The Family, Youth and Children's Services Review and related projects will be presented to Executive and Council in the first quarter of 2017/18.</p> <p>Statutory Planning presented preliminary findings and recommendations to Executive and a Councillors' Briefing.</p> <p>Recreation and Open Space commenced scoping their Service Review and developed a project plan which will be presented to Executive in the first quarter of 2017/18.</p> <p>An evaluation of the Service Review program commenced in 2016/17. The purpose of this evaluation is to identify achievements to date and issues relating to program implementation. The evaluation will provide recommendations on future program delivery.</p>	4	3	5	1	3	0
Achievement against actions and targets in Asset Management Plans	%	85	92.5	●	<p>A Municipal-wide audit of Council's street trees and streetscape plantings was complete and asset conditions recorded. The Open Space Asset Management Plan is in draft form.</p> <p>The Buildings Asset Management Plan is undergoing final review with identified five improvement tasks ongoing items. These were risk, systems or data technology related. The revision of Road Asset and Drainage Maintenance Plans has been finalised, with the Water Sensitive Urban Design Strategy being completed and endorsed by Council. The Fleet Management Unit is trialing lease arrangements for passenger vehicles.</p>	85	88	85	86	85	90

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Council Plan 2013 - 17 Strategic Indicators	Unit	2016-17				2015-16		2014-15		2013-14	
		Target	Actual		Comment	Target	Actual	Target	Actual	Target	Actual
Making Yarra more liveable											
Number of new parks planned and constructed	#	1	0	●	In August 2016, Council endorsed a proposal to construct a new park at Charles and Mollison Streets, Abbotsford by way of a road discontinuance. The project is now in the detailed design stage and construction of the project is expected to be delivered across the 2017/18 – 2018/19 financial years.	0	0	1	1	1	1
Completion of bicycle and pedestrian assets in accordance with the adopted capital works program	%	85	95	●	95% of adopted capital works budget for bicycle and pedestrian works completed.	85	100	85	112	85	95
Number of LATMS precinct plans designed and constructed per annum	#	2	2	●	Stage 2 works were completed in LATMS 9 (Rose) and LATMS 10 (Gold).	2	5	2	5	2	4
Updated Parking Strategy endorsed by Council	%	100	100	●	The Parking Management Strategy was endorsed by Council in November 2013.	100	100	100	100	100	100
Effective metrics and measures established to monitor rate of growth and change in Yarra	%	100	90	●	This will be considered as part of the background to the housing data analysis and housing strategy. Additional work has occurred to improve the spatial analysis available using Council's GIS and DELWP's housing development data.	100	100	100	80	100	80
Completion of the Yarra Planning Scheme review and preparation of a revised Planning Scheme	%	100	85	●	Review has been completed and specific policies are being reviewed and redrafted. This has entailed undertaking a range of expert reports to investigate issues and provide strategic support for policy changes. For example this has included a housing strategy, Spatial Employment and Economic Strategy, and the review of heritage planning policy. The policy development for activity centres is also being informed by the work underway for the activity centre built form analysis. Policy drafting will commence. The need for additional strategic studies has caused some delay in drafting policy but these studies are needed as a prerequisite for developing final draft planning policy content.	100	100	0	0	50	50
Increased use of disability access audits for Council facilities											
Set up Council's Panel of Accredited Disability Access Consultants.	%	0	0	●	The need for establishment of a panel of preferred access consultants arose from the fact that the majority of infrastructure designs provided only for minimum accessibility compliance. However, with the implementation of the social reform (National Disability Insurance Scheme), and in attempt to create Inclusive Cities, stronger emphasis is placed on the Universal Design principles. The current Victorian State Disability Plan 2017 -2020 demonstrates government's commitment to Universal Design in community infrastructure, products, services and programs. Consequently, accredited access consultants are now required to focus on Universal Design instead of minimum accessibility compliance. Therefore, establishment of a specific panel of access consultants is not necessary any more.	100	80	100	80	0	0
All redevelopments of Council facilities and capital works identified in the Annual Plan demonstrate the use of Panel consultants at all phases from design to completion.	%	100	100	●	Council's capital works projects completed in 2016/17 engaged accredited accessibility consultants at both the planning and construction stages. An example includes the completion of the Bargoonga Nganjin North Fitzroy Library. This new community hub is fully accessible. It includes a certified Changing Places toilet facility which provides specialist equipment for people with specific personal care requirements.	100	0	90	90	80	100

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		Target	Actual		Comment	Target	Actual	Target	Actual	Target	Actual
Monitor and improve turnaround times of planning applications and appeal rates											
Fast Track	%	100	100	●	A total of 188 VicSmart applications have been received. All are determined within 10 days.	100	100	100	100	100	100
Simple	%	60	65	●	A total of 762 Simple Application were determined, of these 497 were determined within 60 days equating 65%.	60	65	60	65.78	60	56.25
'Failure to determine' appeals	%	10	17	●	Out of 121 Appeals lodged with VCAT in 2016/2017, 21 related to 'failure to determine' applications, equalling 17%	<=10	16	10	15.79	10	10
Ensuring a sustainable Yarra											
Targets in the new Environment Strategy met for the following measures:											
Reduction in Council's energy use	%	55	40	●	Council's organisational greenhouse has emissions have further reduced to 40% down on the baseline. This is a very strong result, however the target has not been met.	N/A	35.9	50	34.9	0	29.6
Reduction in community emissions	%	N/A	0	●	Council is working with the Yarra Energy Foundation towards zero emissions by 2020, no interim annual targets have been set. The Yarra Energy Foundation is responsible for reporting on progress towards zero.	N/A	0	N/A	0	N/A	0
Reduction in Council's potable water use	%	45	0	●	0	40	17.4	0	31.1	0	36.3
Council's energy needs generated from renewable (and low carbon energy sources)	%	25	25	●	Council continued to meet this target, however this target has been superseded as per Yarra Environment Strategy 2013-17 and should be updated.	25	25.8	25	25	0	14.6
Council's carbon neutral status (zero net emissions) for council operations retained	%	100	100	●	Yarra remains a certified carbon neutral organisation	100	100	100	100	100	100
Stormwater and Drainage Asset Management Plans completed	%	100	96	●	Drainage Asset Management Plan executive summary with management for review	100	90	100	94	100	98
Waste per household going to landfill reduced in accordance with the new Waste Management Strategy 2014 - 20	%	TBC	98	●	The total waste generated for Kerbside services in 2016/17 is 15,680 tonnes, a decrease of 98 Tonnes per annum. When compared with the previous years waste to landfill per person it fell from 3.44kg/pp/wk to 3.36kg/pp/wk.	N/A	46	0	0	0	0
Leading Local Government											
Agreed project management principles implemented	%	100	100	●	Agreed project management principles have been implemented, with a PM policy endorsed, a unified capital/operating project bidding and evaluation process; establishment of a Project Management Office (PMO) function to promote development of project management capability and culture in the organisation and provide a project assurance role to key projects; and a One Yarra approach to strengthen ties between project management and relating functions including capital works planning, financial and risk management. Embedding, refinement and reinforcement of the principles will be an on-going responsibility of the PMO.	100	95	100	91	100	21
Council adoption of strategic advocacy framework	%	100	100	●	Yarra's first strategic advocacy framework was adopted by Council in December 2013.	100	100	100	100	100	100

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		Target	Actual			Target	Actual	Target	Actual	Target	Actual
Achievement of Customer Guarantee targets	%	70	0	●	Council no longer reports on the Customer Service Guarantee since the introduction of the State Government's Local Government Performance Reporting Framework (LGPRF). Under the LGPRF, Council is required to report on 41 service performance indicators across nine broad service areas as well as a Governance and Management checklist of 24 items.	70	80	70	80	70	72.73
Overall performance (as measured through the Annual Customer Service survey)	#	6.79	6.97	●	Council has maintained its overall good result in the Annual Customer Satisfaction Survey 2017	6.79	7.2	6.79	6.78	6.79	7.1
Successfully obtain funding as a result of strategic advocacy	#	100	100	●	A key priority of Yarra's Strategic Advocacy Framework is to successfully obtain government competitive grants. A centralised grants register tracks grant applications and outcomes. In 2016/17 Council received \$2,159 m in government competitive grants.	100	100	100	100	0	0
Implement new/upgraded finance system	%	100	100	●	The new finance system cutover was completed on 30 June 2014.	100	100	100	100	80	100
Council remains high performing against VAGO Financial Sustainability Indicators											
Liquidity	%	>=1.50	0	●	Not available until after audit	>= 1.40	1.03	>=1.25	1.064	>=1.0	1.07
Underlying Result	%	>=0	0	●	Not available until after audit	>= 0	5.9	>=0	5.67	>=0	8.03
Completion of Capital Works projects	%	85	80.3	●	In 2016/17 Council's adopted Capital Works program budget was \$43.19 million across 310 adopted projects. As at the end of June 295 capital works projects were completed (95%) with a budget spend of \$34.69 million. In terms of expenditure, 80.3% of the adopted budget was spent. Compared to the revised budget of \$36.6 million, the result is 94.7%.	85	75.59	85	80.27	85	129.9
Status						#		%			
● Exceeded or within 10% of target						39		84.8%			
● Within 25% of target						1		2.2%			
● Did not meet target						6		13.0%			
Total						46		100.0%			
● Deferred by Council resolution						1					

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