



Ordinary Meeting of Council Agenda

**to be held on Tuesday 13 August 2019 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
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- 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. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri 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 Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O'Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Personnel matters

Confidential business reports

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

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) Matters prejudicial to Council and/or any person; and
 - (b) Personnel matters.
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 30 July 2019 be confirmed.

That the minutes of the Special Council Meeting held on Tuesday 30 July 2019 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

When you are invited by the 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. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Update on Yarra Riverbank, Alphington	8	14	Vijaya Vaidyanath – Chief Executive Officer
11.2	Consumption of Liquor in Public Places Local Law	28	32	Stewart Martin – Manager Compliance and Parking Services
11.3	Outcome of the Expression of Interest for 150-152 Hoddle Street Abbottsford	57	62	Michael Ballock- Executive Planner
11.4	Mayor's Park Tennis and Netball Centre Management Update	63	66	Sally Jones – Manager Recreation and Leisure Services
11.5	Visit to Baucau - Timor Leste and the Municipal Agreement	67	71	Aldo Malavisi – Community Partnerships Unit Manager
11.6	Appointment of Authorised Officers - Planning and Environment Act 1987	85	86	Ivan Gilbert – Group Manager Chief Executive's Office

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

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No. 12 of 2019 - Request for Report on Future of Burnley Cottage	87	88	James Searle - Councillor
12.2	Notice of Motion No.13 of 2019 - Support for Climate Emergency Strike	89	90	Stephen Jolly - Councillor

13. Urgent business

Nil

11.1 Update on Yarra Riverbank, Alphington

Reference: D19/139190

Authoriser: Director City Works and Assets

Purpose

1. To provide Council with an update to the report that was presented to Council on 30 July 2019 regarding the Yarra Riverbank at the Former AMCOR site in Alphington, specifically:
 - (a) that prior to a planning permit being granted to remove Tree 1, an assessment be conducted by Alluvium for an alternative solution that will enable preservation of the tree; and
 - (b) that officers approach Glenvill regarding the provision of alternative continuous access for the community along the river front.

Background

2. The former AMCOR site in Alphington is currently being re-developed. The site abuts Heidelberg Road and the Chandler Highway and extends to the Yarra River. There is a 30 metre strip of land along the river bank that is owned by the lead developer (Glenvill), and is highly valued by the community for the amenity it provides, and the access it provides to the river. The intent is that this strip of land will vest in a public authority in future to enable ongoing public access to the land.
3. The 16 hectare site has been systematically and progressively demolished by Glenvill in line with the staging of the development works. An environmental management plan has been put in place to manage stormwater run-off and infiltration that includes the construction of swale drains and open earth drains to intercept and direct stormwater runoff into sedimentation ponds.
4. In January of 2019, it was reported that a section of the river bank had slumped, causing a tree to fall into the river. This tree was subsequently removed.
5. In May 2019 a second section of river bank slumped with a second tree falling into the river, and two other trees being at risk due to being within the affected slump zone.
6. There has been considerable community interest in the AMCOR development, and most recently in relation to the slumping of the river bank, the loss of one mature tree and the potential loss of more mature trees in the slump area.
7. Council officers have engaged an independent consultancy Alluvium to investigate the cause of the river slumping and its impact on river bank trees. The investigations and subsequent reports will be staged.
8. The first report considered the stability of two trees within the bank slump zone and was presented to Council on the 30 July 2019 recommending that a planning permit would be required in order to remove Tree 1.
9. Alluvium submitted their first report on 29 July 2019. The report addressed the potential for imminent tree collapse at the subject site. Their recommendations, which were included in a report to Council on 30 July 2019 are as follows:
 - (a) Tree 1 is at imminent probability to collapse and should be removed, following application for a permit;
 - (b) Tree 2 appears to be outside the zone of existing tension cracks of the slump area. The report suggests that the tree not be removed but to be regularly monitored;
 - (c) Monitoring of the slump area to be undertaken weekly;
 - (d) Continue to restrict access to the subject site to maintain public safety;

- (e) If tree removal is undertaken, the stump and root plate must be retained to reduce damage to the bank and to provide ongoing soil stability; and
 - (f) With pedestrian controls in place, the tree collapse does not constitute an emergency. Therefore, the trees do not meet the Permit exemption conditions of immediate risk as required under the terms of the Victorian Planning Provisions – Significant Landscape Overlay (SLO 42.03-3) and Native Vegetation (VPP 52.17-7).
10. Council at its meeting on 30 July 2019 considered the recommendations of the Alluvium report and resolved to:
- (a) *note the contents of the report;*
 - (b) *note that the Alluvium report has been provided to Glenvill and Melbourne Water;*
 - (c) *note the contents of Alluvium's report of 29 July 2019 and instruct Officers to advise Glenvill that a planning permit will be required in order to remove Tree 1;*
 - (d) *request that prior to a planning permit being granted to remove Tree T1:*
 - (i) *an assessment be conducted by Alluvium for an alternative solution that will enable preservation of the tree; and*
 - (ii) *such assessment be presented to the next Council meeting;*
 - (e) *instructs Officers to ensure that weekly monitoring of the slump area and trees occurs to determine if conditions change and increase the likelihood of trees falling;*
 - (f) *notes that Officers will provide a further report to Council, based on expert advice, on the cause of the slumping of the river bank, and any remediation works that could be considered to prevent further deterioration of the river bank and/or further loss of trees in this area; and*
 - (g) *officers to approach Glenville regarding the provision of alternate continuous access for the community along the river front and report back to council on their response.*
11. An addendum to Alluvium's first report was received on Monday 12 August 2019 providing an assessment of all possible solutions to enable preservation of Tree 1. Please see **Attachment 1.**

Alluvium Report 12 August 2019

12. Alluvium have provided advice for the purpose of identifying management options for tree T1 as shown below.
13. **Option 1:**
- (a) Fall the tree and install as desirable instream habitat. Place tree in river as aquatic habitat and retain root ball for protection of the river bank;
 - (b) This option addresses the current safety issue presented by T1 and provides an opportunity to reopen the existing walking path to the community. It provides a certain outcome including the potential addition of large wood habitat in the river. The option is not confounded by other issues related to the ground stability and success is not dependent on other issues being resolved. This option is consistent with recommendations of arborists that have visited the site;
 - (c) The requirement to obtain a permit for native vegetation removal does not apply to emergency works to reduce immediate risk to property. The active movement of the bank and the extent of damage to both property and the Yarra River, constitute 'an immediate risk to property' and enables activation of clause 42-03.3 of the state planning provisions, creating an exemption for emergency works; and

- (d) Reopening of the walking path: While this option provides the opportunity for reopening of the walking path, significant further work will be required to provide safe public access. The extent of such work should be explored in subsequent investigations and reporting.

14. **Option 2:**

- (a) Retain the living tree with possible engineering interventions such as cable bracing, rock beaching, and reduction in the crown (lopping);
- (b) This option partially addresses the current safety issue presented by T1. This option provides a short-term benefit with the outcome of delivering a living tree that may persist for some years;
- (c) However, the longevity of the tree would remain uncertain. The retained tree will have a compromised health and a changed visual appearance. The tree will also pose an ongoing safety hazard. The compromised tree is likely to continue to shed limbs. This may restrict access in the future and will require ongoing monitoring and maintenance commitments; and
- (d) The success of this options is uncertain as is dependent upon the underlying ground stability issue being resolved. If the slump progresses the tree will fail regardless of the interventions applied.

15. **Option 3:**

- (a) Retain the dead standing tree with possible engineering operations such as cable bracing, rock beaching and reduction in the crown (lopping);
- (b) This option partially addresses the current safety issue presented by T1. The outcome of a standing stag on the site is uncertain. If this achieved it is likely to provide a 5-10-year ecological benefit to the riparian zone. Uncontrolled failure of the tree with further damage to the bank and adjacent vegetation is possible;
- (c) However, the tree will pose an ongoing hazard. This may restrict access in the future and will require ongoing monitoring and maintenance commitments; and
- (d) The success of this option is uncertain as it is dependent upon the underlying ground stability issue being resolved. If the slump progresses, the stag is more threatened and may fail.

16. The Alluvium report provides the following recommendations:

- (a) The success of Options 2 and 3 are uncertain. These options retain the tree at the current location in an altered state. However, they also retain a safety hazard on the site and will require ongoing maintenance input. Option 3 should be immediately dismissed as an unacceptable outcome as it provides limited benefits over Option 2;
- (b) Option 2 seeks to retain the current aesthetic and ecological attributes of the existing T1. However, the crown of the tree would need to be modified and would pose an ongoing public risk as the condition of the tree declines and sheds timber. The option does not provide a practical and feasible solution to the risks at the site and is not recommended;
- (c) Option 1 (Remove the tree and retain trunk for habitat and root ball for bank protection) provides a predictable outcome for the site and enables most short- and long-term objectives to be achieved. While the loss of the tree will have some impact on the character of the site, this is the only option that provides for the practical and feasible resolution to the risks posed by the severely compromised tree T1. Option 1 is the only feasible option that addresses the immediate risk of damage to property (riverbank);
- (d) Option 1 is recommended for implementation as a matter of urgency. The active movement of the bank and the extent of damage to both property and the Yarra River, constitute 'an immediate risk to property' and enables activation of clause 42.03-3 of the state planning provisions, creating an exemption for emergency works; and

- (e) While not essential for public safety, the option would also help to reduce risks to public safety. Until this option is enacted, site access control (walking and boating) must be in place to manage the site safety risks.
17. Glenvill position:
- (a) Glenvill provided a letter to the CEO on 8 August 2019 in relation to the Council Resolution of 30 July 2019;
 - (b) Glenvill state that the expert advice obtained from their arborists and geotechnical engineer indicates that the potential risks associated with the two trees should be mitigated by removing the trees as soon as practicable;
 - (c) Glenvill state that the exemption contained within the Significant Land Overlay (SLO) ought to be utilised to allow them to remove the two trees without obtaining a planning permit;
 - (d) Glenvill advise that they are currently considering their position in relation to Council's decision on 30 July 2019; and
 - (e) To date Glenvill have not applied for a planning permit to Council.
18. Council's Resolution of 30 July 2019 does not prevent Glenvill from apply for a permit to fell Tree 1, it states that prior to a permit being granted alternative solutions to the preservation of the trees are assessed and presented to the next Council meeting.

Glenvill response to request for alternative access for the community

19. Glenvill provided an email on 9 August 2019 regarding Council's request for provision of alternative continuous access for the community along the river front.
20. Glenvill has advised that alternative access is not possible, and has provided the following rationale:
- (a) Whilst we (Glenvill) understand pedestrian access in an east west movement along the Yarra River is an important link for the community, the land is currently in private ownership and the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed. Following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
 - (b) Whilst the riverfront matters are being addressed and prior to any further approvals in accordance with the Development Plan and Section 173 we (Glenvill) unfortunately don't believe there is a safe alternate access through the site for public use;
 - (c) At the lower level the topography near the tree and river edge slump edge is very steep and therefore an alternate path on the lower edge is not possible and at the upper edge of the riparian zone is a construction site, including heavy vehicle movements and therefore deemed unsafe for public access. The only safe path for pedestrians at present is via the public road network via Heidelberg Road and Chandler Highway, which we note has been reviewed for pedestrian safety around designated construction access points at Mills Blvd and Latrobe Ave; and
 - (d) Glenvill are open to reviewing this position in the future should site conditions change, including but not limited to removal of at-risk trees on the riverfront and completion of building works in the Park Precinct.

Recent site inspections by Council officers

21. Numerous site inspections have been carried out by Council officers, with the latest carried out on 12 August 2019 which indicate that the riverbank slumping appears to have accelerated over the recent days. Refer to Attachment 2 for photos of the slump site.

External Consultation

- 22. External consultants have been engaged by Council to provide independent advice on the trees and river bank slump.
- 23. Melbourne Water have been consulted and have advised that they support the management recommendations made by Alluvium in Section 5 of their report of 29 July 2019.
- 24. Melbourne Water have advised that they have organised a crew to clear up the litter trapped by the fallen tree in the river. They will also deploy buoys in the river to alert boat traffic of the fallen tree. This work is scheduled to occur this week (week beginning 12 August 2019).
- 25. The Environment Protection Agency (EPA) has also been engaged and have been provided a copy of the two Alluvium reports, as well as other background reports and material.

Internal Consultation (One Yarra)

- 26. Relevant internal units have been engaged as part of these matters.

Financial Implications

- 27. There has been a cost to Council to commission independent expert advice. There may be some ability to recover costs once the cause of the river bank slumping is determined.

Economic Implications

- 28. Not applicable

Sustainability Implications

- 29. There are potentially local sustainability implications.

Social Implications

- 30. Not applicable.

Human Rights Implications

- 31. Not applicable.

Communications with CALD Communities Implications

- 32. Not applicable.

Council Plan, Strategy and Policy Implications

- 33. Sustainability and bio-diversity outcomes are important to Council and the Community, and officers' efforts are to achieve the best outcomes possible.

Legal Implications

- 34. There may be legal implications should there be further river bank movement or if more trees fall.
- 35. There may also be legal implications once the cause of the river bank slumping is known.
- 36. Recent correspondence from Minter Ellison, acting on behalf of Glenvill and received on 9 August 2019 indicates that if the trees were to fail and to subsequently cause damage to persons, property, surrounding trees and/or to vegetation, Glenvill will hold Council liable for any costs, damages and liability associated with the tree failure and resultant damage.

Other Issues

- 37. A further report on the cause and potential mitigation options to address the river bank slumping is to be presented to Council separately at a later date.

38. The Table of Exemptions in clause 42-03.3 of the Yarra Planning Scheme states:

The requirement to obtain a permit does not apply to	
Emergency Works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> • in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or • <i>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</i> (emphasis added).

Options

39. This report presents three options considered by Alluvium for an alternative solution that will enable preservation of Tree 1, as per the Council Resolution of 30 July 2019:
- Option 1:** Fall the tree and install as desirable instream habitat. Place tree in river as aquatic habitat and retain root ball for protection of the river bank;
 - Option 2:** Retain the living tree with possible engineering interventions such as cable bracing, rock beaching, and reduction in the crown (lopping); and
 - Option 3:** Retain the dead standing tree with possible engineering operations such as cable bracing, rock beaching and reduction in the crown (lopping).

Conclusion

40. There has been significant slumping of the river bank at the Yarra Bend development site, and this appears to have worsened in recent days.
41. As part of its Resolution on 30 July 2019 Council resolved that prior to a planning permit being granted to remove Tree T1:
- an assessment be conducted by Alluvium for an alternative solution that will enable preservation of Tree 1; and*
 - such assessment be presented to the next Council meeting; and*
 - officers approach Glenvill regarding the provision of alternate continuous access for the community along the river front and report back to Council on their response.*
42. The Alluvium Report dated 12 August 2019 (Attachment 1) presents Alluvium's expert advice on options to manage Tree 1, recommending that the tree be removed immediately utilising the exemption provisions within the Yarra Planning Scheme, which enables the removal of vegetation without a permit where it presents an immediate risk of personal injury or damage to property.
43. In relation to the provision of alternative continuous access for the community along the river front, Glenvill has advised they have not been able to identify a safe solution at this point in time to enable this.
44. A further report on the cause and potential mitigation options to address the river bank slumping is to be presented to Council separately at a later date.

RECOMMENDATION

1. That Council:
 - (a) notes the advice from Glenvill that the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed;
 - (b) notes that Glenvill are open to reviewing this position in the future should site conditions change;
 - (c) notes that following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
 - (d) notes the assessment on Tree 1 and the options presented by Alluvium to preserve the tree;
 - (e) notes that due to further slumping of the river bank, the likelihood that the tree will fall in the coming days or weeks, and the immediate risk to the property (river bank) should the tree fall, the advice from Alluvium is that Tree 1 should now be removed without the need for a planning permit;
 - (f) endorse the removal of the tree, retaining the root ball for bank protection, and in conjunction with Melbourne Water, locate the trunk in the river to act as instream habitat;
 - (g) instruct officers to liaise with Glenvill and Melbourne Water to inform them of this resolution and to work with them to give it effect as soon as practicable; and
 - (h) note the options provided within the report by Alluvium to stabilise the riverbank, and further note that Alluvium will provide a future report on both the cause and the options to address further river bank slumping as part of a future report.

CONTACT OFFICER: Dennis Cheng
TITLE: Manager Traffic and Civil Engineering
TEL: 9205 5712

Attachments

- 1 [↓](#) Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019
- 2 [↓](#) Attachment 2 - Site Inspection 12 August 2019

Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019



Memo

Subject Options analysis for Tree T1, AMCOR paper mill, Alphington
Distribution City of Yarra
Date 12 August 2019
Project P119162.10_Tree_Collapse_Bank_Slump_Investigation

1 Introduction

The City of Yarra has engaged Alluvium Consulting Australia Pty Ltd (Alluvium) to investigate recent tree collapse and bank slumping events on the Yarra River adjacent to the former Amcor paper mill site in Fairfield. The subject site adjoins the right bank of the Yarra River and is the subject of an urban renewal / development project by Glenwill.

Alluvium has convened an expert panel to review the issues associated with the bank slump and tree collapse. Alluvium submitted an initial memo to identify any immediate issues arising from a site inspection including potential for imminent tree collapse and additional information requirements.

The purpose of this memo is to identify management options for tree T1 covered in our previous memo on this topic.

The memo covers following:

1. A description of the processes leading to tree collapse
2. Development of a set of objectives for tree T1
3. Identification of constraints to the attainment of those objectives
4. Options to manage the subject tree

2 Background

The subject site is located on the right bank of the Yarra River upstream of Dights Falls, immediately upstream of the Chandler Highway and adjacent to the former Amcor paper mill. The riverbank at the subject site is located within freehold land. It is understood that a 30metre wide riparian corridor will be secured for public access and use as a component of the proposed redevelopment project.

The riverbank at the subject site comprises a lower terrace (including walking path) adjacent to the Yarra River water edge and a steep embankment up to the former industrial and proposed residential lands. A portion of the lower terrace comprises fill at site of a prior confluence of the Yarra River and a small creek. The steep embankment was established during the period of site occupation by Amcor, to the 1% AEP (approx.) flood elevation, to prevent flood inundation of the site. The steep embankment contains uncontrolled historic fill material.

The lower terrace and steep embankment have been revegetated with non-indigenous native trees. However, the edge of the riverbank comprises indigenous river red gums (*Eucalyptus camaldulensis*), likely to be from natural regeneration.

The riverbank on the lower terrace has been subject to recent slumping. There are three large (but not mature hollow bearing trees) River Red Gum trees within and adjacent to a recent bank slump. One of these trees has

P119162.10_Tree_Collapse_Bank_Slump_Investigation_M01v1a_Tree_T1_Options_Analysis

Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

fallen into the river and is currently lying across the Yarra River. Two other trees (T1 and T2) have been identified as at risk of collapse.

A further River Red Gum fell into the river in January 2019. This tree has been removed leaving the root ball in the bank. Other bank slumps are present and other trees along the waterway reserve may be at risk.

The mechanisms for the cause of the bank slumping is to be the subject of detailed investigations into the extent and cause of the problem and the identification of mitigation measures.

It is understood that City of Yarra and members of community wish to explore options to retain Tree T1. This memo sets out those options.

3 Potential process leading to tree collapse

The expert panel, convened by Alluvium to assess the issues, has identified the potential processes leading to the collapse of trees at the site and has identified the following factors that could contribute to the collapse of T1.

3.1 Bank slump

The primary driver of T1 collapse will most likely be further ground movement destabilising the tree. Tree T1 has tilted due to bank slump and unless this issue is addressed, there is an imminent (weeks to months) risk of Tree T1 falling. Further slumping will lead to further tilting of the tree and the ultimate collapse of the tree.

The expert panel has identified a rise in groundwater in lower the terrace of the Yarra River at the subject site as the likely cause of the bank slumping. The expert panel noted the poor condition (and death) of some of the introduced vegetation on the lower terrace and lower levels of the steep embankment. While a decline in vegetation condition could be the result of many factors, it is consistent with the elevated groundwater levels, indicating water logging of roots.

In addition to the tilting, the root system of T1 has most likely been damaged as a result of the bank slumping. The damaged root system reduces the ability of the tree to:

- collect and transport water to the foliage.
- Support the tree at a tilt and from falling in wind events

Initial baseline investigations suggest that riverbank erosion at site is unlikely to be the cause of the slumping. However, stream erosion has the potential to remove recently slumped material leading to further slumping and tree movement.

3.2 Wind load

The impact of wind load on trees depends on wind velocity, diameter and volume of stem, height of tree, crown area, stem breakage strength, root system (depth, weight, and diameter of roots), and strength of roots and soils. If the tree has a root system inconsistent with the size of the crown, there is a significant risk of tree collapse due to uprooting. Due to recent slumping, the root system of Tree T1 has been compromised. Heavy wind load under current root conditions can destabilise the tree, leading to collapse.

However, T1 is in a relatively well protected location and has other trees around it offering wind protection. Therefore, the tree is not highly exposed to wind, and while contributing to the threats, the wind load may not be the immediate primary driver of collapse.

3.3 Drought stress

The root system of T1 has been disturbed by the bank slump. This will have an impact on the tree's ability to transport water to the crown. The effect of this will be seen when the water demand of the tree increases in

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Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

summer and the tree experiences seasonal drought stress. The tree will be expected to lose much of the foliage and may begin to shed branches. If the root system is not able to supply adequate water to the tree it will most likely die within two summers. Ongoing shedding of limbs will create an ongoing risk to access. An ongoing decline in the condition of the tree will also increase the WHS risks to arborist and others tasked with the ongoing management of the tree.

4 Objectives

Council meeting (30th July) and ongoing discussion with council officers have assisted the expert panel identify objectives for the management of Tree T1. The objectives can be listed as:

4.1 Ecological value

Tree T1 (River red gum) is an indigenous native tree that has provided a healthy arboreal habitat. The tree is a character species of the endangered EVC56 Floodplain Riparian Woodland, the natural vegetation community for this section of the Yarra River. The tree has not matured into a hollow bearing tree and so is not providing valuable nesting habitat.

The tree can provide ecological value as a standing dead “stag”. Standing dead trees provide rooting and nesting sites especially if they have hollows in them.

Trees falling into rivers introduces large wood structures to the river and can form primary instream habitat features. The Yarra River has a low density of large wood. The tree could provide significant ecological value as instream large wood.

4.2 Aesthetic value of tree

The Tree T1 together with other trees along this reach of the river provides significant aesthetic value to riverbank and walking path. As an indigenous species to the area, the tree contributes to the character of the river and riparian zone.

4.3 Public access

The public access to riverbank has been restricted since past few months as a result of the bank collapse and risk of tree fall. The current bank slump and condition of Tree T1 prevents access to the site. Return of public access is sought for the site.

4.4 Protection of riverbank

An uncontrolled collapse of Tree T1 will compromise the existing lower terrace of the riverbank. The tree also contributes to the surcharge / load on the riverbank.

The collapse of tree will result in further loss of bank material and damage to the path. The uncontrolled loss of the lower terrace will also compromise the stability of the steep upper bank. The loss of the lower bank and steep upper bank would result in significant loss of property, with potential release of the uncontrolled historic fill material into the Yarra River.

However, the root ball of the existing tree can offer stability to the bank and could be kept if the tree is removed.

4.5 Protection of other trees

If T1 falls in an uncontrolled manner it may fall onto adjacent trees and shrubs damaging them. The size of this tree means other trees could be lost on the site following an uncontrolled failure of the tree. Protection of other trees will be important for the site.

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Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

5 Constraints on options

Constraints that impact on the feasibility of options include:

5.1 Work health safety

The use of large machinery, on the lower terrace with accompanying surcharge and vibration could increase the likelihood of collapse and may pose a work health and safety risk for operators.

Similarly, any tree work that requires an arborist to climb the tree can pose some work health and health safety risks. Retention of the tree, that results in an ongoing decline in its health, will increase the WHS risk to staff tasked with the management of the tree

5.2 Environmental regulations

A planning permit is required for native vegetation removal. However, clause 42.03-3 of the state planning provisions provides for an exemption to the requirements for a planning permit for vegetation removal to enable emergency works.

A review of the risk assessment (likelihood and consequence framework) used by Ryder Arboriculture has not changed the low risk assessment to the public safety. With pedestrian controls in place, this situation (while not ideal) may not constitute an emergency.

However, the subject tree in its current form threatens the bank stability. Council officers, have advised that the subject riverbank has undergone significant further movement over the weekend (10 and 11 August 2019), refer figure below. The subject bank is active. Further bank slumping can be expected over the forthcoming days and weeks.

The loss of the lower terrace and steep upper bank would result in significant loss of property including the walking path, with accompanying adverse outcomes for the Yarra River including release of uncontrolled historic fill material. Removal of the tree T1, to reduce the mass of the tree, and the uncontrolled collapse of the tree would meet the requirements of emergency works to protect the riverbank.



Tree T1 on and related bank slump 12 August 2019

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Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

5.3 Timeliness of action

Timeliness of actions are essential in the identification of the best available option for management of Tree T1. Based on the recent bank movement over the last few days, actions to address the risks should be undertaken with a level of urgency over a period of days rather than months.

6 Option assessment

6.1 Possible interventions

A set of possible interventions for management of T1 are set out below. All the following interventions will require the input from specialist contractors and a work safe assessment to ensure a safe method is applied. These interventions have been combined into three alternate management options in section 7 of this report.

Restrict site access

Ongoing signage and fencing of the path to prevent the public access along the waterway reserve. This is required while the tree is in an unstable state. Signs in the river to inform people on the water are also required. This must be in place in the short term until the site can be made safe.

This is an unlikely to be a long-term intervention option as the public will require access along the river to make use of their public spaces.

Fall tree

Tree to be cut down in a controlled manner ensuring adjacent vegetation is not impacted. The trunk and main branches to be kept intact as much as practical to enable the tree to be used for instream habitat. The root ball to be retained intact to assist the protection of the bank

Install main trunk and large branches in river as a habitat snag

The tree can be used as large woody debris (snag) in the river. This will provide desirable instream habitat which is at low levels in this section of the Yarra River.

Approval from Melbourne Water will be required for this intervention. The installation of large wood is consistent with Melbourne Water's management and priorities for waterways improvement and subject to appropriate placement, approval will most likely be given for this action.

Brace tree

Install cables and land anchors to stabilise the tree. This will provide support to the tree against wind loads until significant ground movement occurs. If further ground movement occurs the bracing will most likely fail.

This intervention may require machinery to install the land anchors.

Infill slumping cracks

Infilling the slumping cracks with a sandy-loam soil will assist in stabilising the site and help protect the roots from exposure to air. This will also provide a substrate for roots to regrow into assisting in future growth of the tree. Infilling the slump cracks will also reduce water access to the slumped soil.

Reduce crown of tree

Lop tree to remove branches over public access paths and to even the weight distribution in the crown. This will also reduce the water demand of the tree and potential drought stress it will experience in summer.

After lopping, the tree it will produce epicormic shoots to replace the reduced crown. These can be prone to dropping and pose an ongoing safety hazard. Regrowth on the tree will need to be managed over time to maintain public safety.

- It will involve arborists climbing the tree.
- A permit is required to lop the tree.

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Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

Kill tree, reduce crown and retain upright as habitat tree

This aims to retain the tree as a stag for future habitat. The tree will have most of the branches removed and be treated with herbicide to prevent regrowth and hazards from epicormic growth. Holes can be bored into the tree structure to initiate hollows for nesting.

This will not reduce weight on the bank and the stag will most likely fall if there is further ground movement.

Rock armour the bank

Rock rip rap can be used to prevent the loss of slumped bank material via river erosion processes.

To limit the safety risks, this work would need to be undertaken from the river via a barge. Placement of rock in this manner is not generally used to prevent slumping from banks as the saturated bank material can still pass through the rock. As a consequence, the approach may limit the erosion of slumped material but may not prevent further bank slumping.

Melbourne Water approval will be required to undertake rock armouring.

Sheet pile the bank

Sheet piling could be used to 'prop up' the riverbank. Stabilising the bank using sheet piling will have less intrusion into the river channel than rock and may be more successful in preventing further slumping than rock beaching. The sheet piling would also need to be installed from a barge on the river

However, sheet piling introduces a highly unnatural engineered feature into the river which is both visually and ecologically unacceptable in this location. The sheet piling may also further damage (cut) the root material of existing vegetation

Melbourne Water approval will be required for sheet piling. It is unlikely that sheet piling would be approved for installation at the site. Although this has not been tested with Melbourne Water.

Reduce slumping potent by managing soil moisture

Further soil movement and slumping will be activated by increased ground water flowing to the location. If the ground water is intercepted the risk of slumping may be mitigated.

This option requires further detailed investigation of the ground water and geotechnical conditions to ensure this is the driver for soil movement.

7 Option package

The development of the option for the removal or retention of T1 has considered the site context.

Tree T1 raises a problem at this location due to the level of public access. In addition, the location has been modified in the past with vegetation clearing, replanting, land filling and land use changing over time. The current and planned use of the waterway reserve is for public use, amenity and waterway health. The waterway is expected to be in a naturalistic state but not a fully intact ecological condition. The trees along the river provide support to the waterway aquatic environment, habitat to birds and arboreal animals and visual amenity for the reserve users.

Three alternate options have been developed for T1 (the tree within the recent bank slump).

Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

7.1 Option 1: Fall the tree and install as instream habitat

Interventions

- Fall the tree
- Place the tree in river as aquatic habitat
- Infilling of slump cracks
- Retain the root ball for bank protection
- Manage soil moisture

Advantages	Limitations:
Short term <ul style="list-style-type: none"> • Opens potential for access of river frontage to community • Increases instream habitat • Reduces damage to bank due to tree falling in uncontrolled manner • Reduces risks to other trees from an uncontrolled fall • Removes safety hazard to river users • Predictable outcome. 	<ul style="list-style-type: none"> • Tree is not standing/ loss of existing aesthetic and ecological values
Long term (>10 years) <ul style="list-style-type: none"> • Access to site is unrestricted • Future planning can provide outcomes for the community • Habitat improvement in waterway. 	

Discussion

This option addresses the current safety issue presented by T1 and provides an opportunity to reopen the existing walking path to the community (refer discussion below). It provides a certain outcome including the potential addition of large wood habitat in the river. The option is not confounded by other issues related to the ground stability and success is not dependent on other issues being resolved. This option is consistent with recommendations of arborists that have visited the site.

The requirement to obtain a permit for native vegetation removal does not apply to emergency works to reduce immediate risk to property. The active movement of the bank and the extent of damage to both property and the Yarra River, constitute 'an immediate risk to property' and enables activation of clause 42-03.3 of the state planning provisions, creating an exemption for emergency works.

Reopening of the walking path: While this option provides the opportunity for reopening of the walking path, significant further work will be required to provide safe public access. The extent of such work should be explored in subsequent investigations and reporting.

Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

7.2 Option 2: Retain the living tree with possible engineering interventions

Interventions

- Rock beaching to protect slumped material from river erosion
- Bracing of the tree to enable safe river access, limit direction of tree fall and enable access to tree for crown lopping
- Infill slump cracks
- Reduce the crown (lopping)
- Ongoing monitoring of tree
- Ongoing maintenance of crown (if possible) if the tree suffers dieback
- Manage soil moisture
- Intermittent site access subject to tree condition and access for maintenance

Advantages	Limitations:
Short term <ul style="list-style-type: none"> • Tree could be alive, but is increasingly unlikely given recent ground movement 	<ul style="list-style-type: none"> • Tree will be changed from current visual condition. • Uncertain outcome with ongoing likely collapse. • Limited public access • Ongoing safety hazard • No guarantee of tree survival, tree loss is imminent
Long term (2-5 years) <ul style="list-style-type: none"> • Tree may be retained on the site 	<ul style="list-style-type: none"> • Ongoing survival of tree is not certain • Tree will fall or die and investment in retaining it will be lost • Ongoing site access constraint. • Ongoing safety hazard from tree of branches falling • Ongoing maintenance requirement • Tree is likely to fall

Discussion

This option partially addresses the current safety issue presented by T1. This option provides a short-term benefit with the outcome of delivering a living tree that may persist for some years.

However, the longevity of the tree would remain uncertain. The retained tree will have a compromised health and a changed visual appearance. The tree will also pose an ongoing safety hazard. The compromised tree is likely to continue to shed limbs. This may restrict access in the future and will require ongoing monitoring and maintenance commitments.

The success of this options is uncertain as is dependent upon the underlying ground stability issue being resolved. If the slump progresses the tree will fail regardless of the interventions applied.

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Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

7.3 Option 3: Retain the dead standing tree with possible engineering operations

Interventions

- Rock beaching
- Bracing
- Infill slump cracks
- Reduce the crown
- Restrict access
- Manage soil moisture
- Kill tree with herbicide

Advantages	Limitations:
Short term <ul style="list-style-type: none"> • Tree is retained vertically • Habitat is retained riparian zone • Local character is maintained to some extent 	<ul style="list-style-type: none"> • Uncertain outcome • Restricted public access • Possibility of collapse with future ground movement • Limits options for future reserve plans
Long term (5-10 years) <ul style="list-style-type: none"> • Habitat is provided in riparian zone • Local character is maintained to some extent 	<ul style="list-style-type: none"> • Ongoing persistence of standing stag is not certain • Tree may fall and investment in retaining it will be lost • Further damage to the bank.

Discussion

This option partially addresses the current safety issue presented by T1. The outcome of a standing stag on the site is uncertain. If this achieved it is likely to provide a 5-10-year ecological benefit to the riparian zone. Uncontrolled failure of the tree with further damage to the bank and adjacent vegetation is possible.

However, the tree will pose an ongoing hazard. This may restrict access in the future and will require ongoing monitoring and maintenance commitments.

The success of this option is uncertain as it is dependent upon the underlying ground stability issue being resolved. If the slump progresses, the stag is more threatened and may fail.

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Attachment 1 - Attachment 1 - Alluvium report on River bank and tree 12 Aug 2019

Recommendation

The success of Options 2 and 3 are uncertain. These options retain the tree at the current location in an altered state. However, they also retain a safety hazard on the site and will require ongoing maintenance input. Option 3 should be immediately dismissed as an unacceptable outcome as it provides limited benefits over Option 2

Option 2 seeks to retain the current aesthetic and ecological attributes of the existing T1. However, the crown of the tree would need to be modified and would pose an ongoing public risk as the condition of the tree declines and sheds timber. The option does not provide a practical and feasible solution to the risks at the site and is not recommended.

Option 1 (Remove the tree and retain trunk for habitat and root ball for bank protection) provides a predictable outcome for the site and enables most short- and long-term objectives to be achieved. While the loss of the tree will have some impact on the character of the site, this is the only option that provides for the practical and feasible resolution to the risks posed by the severely compromised tree T1. Option 1 is the only feasible option that addresses the immediate risk of damage to property (riverbank).

Option 1 is recommended for implementation as a matter of urgency. The active movement of the bank and the extent of damage to both property and the Yarra River, constitute 'an immediate risk to property' and enables activation of clause 42.03-3 of the state planning provisions, creating an exemption for emergency works.

While not essential for public safety, the option would also help to reduce risks to public safety. Until this option is enacted, site access control (walking and boating) must be in place to manage the site safety risks.

Attachment 2 - Attachment 2 - Site Inspection 12 August 2019

Attachment 2 – Site inspection 12 August 2019



Tree 1



Path adjacent to Tree 1 (Tree 1 is just out of shot to the left)

Attachment 2 - Attachment 2 - Site Inspection 12 August 2019



Tree 2

Attachment 2 - Attachment 2 - Site Inspection 12 August 2019

Tree 1 (outside of shot to left) - 9 August

12 August

11.2 Consumption of Liquor in Public Places Local Law

Executive Summary

Purpose

To endorse the proposed *Consumption of Liquor in Public Places Local Law 2009 (Local Law)*, statement of changes, Community Impact Statement and Human Rights Compatibility Statement and authorise the making available of the documents to the general public for the purposes of consultation in accordance with the requirements of sections 119(2) and 223(1) (a) of the *Local Government Act 1989 (Act)*.

Key Issues

Whether any further and final amendments are required to be made to the proposed Local Law following the preliminary public consultation process, prior to publication of a final draft as part of the formal consultation process. To consider the adoption of the proposed Local Law which will enable control of anti-social behaviour and to declare areas or times to be 'alcohol free' depending on events, for example New Year's Eve.

Financial Implications

None perceived.

PROPOSAL

The current Local Law is due to sunset on 19 October 2019. The proposed Local Law has been drafted and preliminary public and internal consultation has been undertaken.

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

It is now proposed that Council consider the feedback received and thereafter determine whether any amendments are required to be made. If no further amendments are required, Council may resolve to endorse the proposed Local Law, publish a notice in the Government Gazette and a public notice advising of the availability of the proposed Local Law for viewing and calling for submissions, and make the relevant documents available for viewing.

11.2 Consumption of Liquor in Public Places Local Law

Reference: D19/130944

Authoriser: Director Corporate, Business and Finance

Purpose

1. To endorse the proposed Consumption of Liquor in Public Places Local Law 2009 (Local Law), statement of changes, Community Impact Statement and Human Rights Compatibility Statement and authorise the making available of the documents to the general public for the purposes of consultation in accordance with the requirements of the Local Government Act 1989 (Act).

Background

2. The Local Law is due to sunset on 19 October 2019. In preparation, a review of the Local Law was conducted and a proposed Local Law was drafted by solicitors on behalf of Council. A Councillor's briefing report was also presented 27 May 2019.
3. The proposed Local Law seeks to strike the balance between the use and enjoyment of the municipality's public places and the safety and amenity factors which relate to, and result from, public liquor consumption.
4. Changes were made which were directed primarily at reducing the repetition of the Local Law, improving the readability of the document and ensuring that the Local Law was enforceable. The major substantive amendment was the power of an authorised officer to give a direction. The current Local Law affords an authorised officer the power to give a direction to a person he or she *observes* to have contravened or be contravening a clause of the Local Law. The proposed Local Law amends the element of observation to one of *reasonable belief*, that is, an authorised officer may give a direction to a person he or she *reasonably believes* to have contravened or to be contravening a particular clause (see Attachment 2).
5. Section 119 of the *Local Government Act 1989 (Act)* requires that, prior to making a new local law, Council must allow any person affected by the proposed local law to make a submission relating to the proposed local law. This section relevantly provides:
 - (2) The Council must give a notice in the Government Gazette and a public notice

Stating:-

 - (a) the purpose and general purport of the proposed law; and
 - (b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and
 - (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.
 - (2A) The Council must ensure that –
 - (a) a copy of the proposed local law; and
 - (b) an explanatory document setting out prescribed details in relation to the local law

–

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

External Consultation

7. A preliminary external consultation period was undertaken, running from early June to 4 July 2019. Notices were published advertising the intention to amend the Local Law, along with copies of the proposed Local Law, a statement of changes, and a current list of 'prescribed areas.'
8. Members of the general public, Victoria Police, Victorian Commission for Gambling and Liquor Regulation, and community groups were invited to complete an online or hard-copy survey or provide feedback in-person at a pop-up session.
9. 241 online responses and 8 hard-copy surveys responses were received and 30 discussions were had at pop-up sessions.
10. 30% of responses showed high levels of support for the proposed Local Law, 37% of those surveyed were moderately supportive, and 33% were not supportive, demonstrating a relatively even spread of views.
11. Those who were highly- supportive agreed that the regulation of the consumption of liquor by the Council was required and beneficial, that the use of prescribed areas takes a well-balanced approach which allows for the community to enjoy its parks and reserves and contributes to the 'vibrant' and 'lively' atmosphere.
12. Those who were moderately supportive expressed concerns with the issue of anti-social behaviour rather than the consumption of liquor itself, the times stipulated as 'day-time hours', particularly in summer, and the coverage of 'prescribed places.'
13. Those who were not supportive stated that the proposed local law was too restrictive and that consumption of liquor should be permitted in all public places. Concerns were also expressed in relation to an authorise officer's 'reasonable belief' as opposed to the actual observation of consumption or possession, with some believing that this may be 'misused' against marginalised and vulnerable members of the community.
14. A summary of the survey responses can be found in Attachment 5.
15. The publication and 223 submission period (28 days) is proposed to run during September 2019.

Internal Consultation (One Yarra)

16. All City of Yarra managers and advisory groups were invited to provide feedback via an online submission portal.
17. Senior officers within the Compliance & Parking Services department also offered to attend individual department meetings to discuss any aspects of, or concerns regarding the proposed Local Law.

Financial Implications

18. None perceived.

Economic Implications

19. None perceived.

Sustainability Implications

20. None perceived.

Social Implications

21. Feedback from the public and aboriginal communities reveals concerns that the Local Law is being, and will be, used to target aboriginal and other vulnerable persons such as those experiencing homelessness. It is noted that authorised officers and police officers understand that the Local Law is to be used as an education tool, to address anti-social behaviour and is supported by the enforcement mechanisms within it.

22. Concerns were also expressed in relation to the restriction of persons who wish to consume liquor in public places as part of social engagement. The proposed Local Law makes no changes to the coverage of the areas in which liquor is able to be consumed. This is dealt with by declarations of Council of 'prescribed areas' and 'festivals' pursuant to a power under the Local Law (which remains unchanged).
23. A comprehensive discussion of the social implications of the proposed Local Law are addressed in the Community Impact Statement.

Human Rights Implications

24. The proposed Local Law has been drafted in accordance with the *Charter of Human Rights and Responsibilities Act 2006*. A complete discussion of the human rights implications are contained in the Human Rights Compatibility Statement (see Attachment 4).

Communications with CALD Communities Implications

25. On 2 May 2019 officers consulted with the Yarra Aboriginal Advisory Group at their regular meeting. In addition, the Community Partnership Unit arranged for 'in-person' meetings with Aboriginal community members, including the group that refers to themselves as 'Parkies', Aboriginal organisations and the Yarra Aboriginal Support Network. The Mayor also spoke on 3KND about the proposed Local Law.
26. Concerns were also raised that the Local Law was being, or would be, used to target Aboriginal persons. The Aboriginal Advisory Group was advised in response that the Local Law is administered with a view to educate first and that enforcement by Police officers and Council authorised officer followed educational action if, and when, necessary.

Council Plan, Strategy and Policy Implications

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

A Healthy Yarra

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

Legal Implications

28. The legal requirements for the making of a new local law are as set out above.

Other Issues

29. No other issues perceived.

Options

30. Having considered the preliminary feedback and if Council considers further amendments to the proposed Local Law are required after the section 223 process, it may specify and determine that such amendments are to be made. The revised proposed Local Law will then return to Council for endorsement.
31. If Council does not consider any amendments to be required, Council may resolve to endorse the proposed Local Law.
32. Council must then publish a notice in the Government Gazette and a separate public notice stating the purpose and general support of the proposed Local Law, that a copy of the proposed Local Law and explanatory documents may be obtained from Council's office, and that any person affected by the proposed Local Law may make a submission relation to the proposed Local Law.
33. Council must ensure that a copy of the proposed Local law and any explanatory documents are available for inspection at, and able to be obtained from, Council's offices.
34. Any person who wishes to make a submission must be provided with the opportunity to do so.

35. If a person makes a request to be heard in-person, he or she must be given the opportunity to make oral submissions at a Council meeting or a meeting of the committee determined by Council. Council must fix a time and location for this meeting and provide the person(s) with reasonable notice.
36. Council must take all submissions into consideration in determining whether to make the proposed Local Law and notify, in writing, each person who made a submission of Council's decision and the reasons for the decision.

Conclusion

37. A proposed Local Law, statement of changes, Community Impact Statement, and Human Rights Compatibility Statement have been drafted for endorsement and publication for the purposes of public consultation (see attachments).
38. It is proposed that the proposed Local Law and associated documents be published and a broad public consultation period (28 days) be undertaken during September in which it will invite submissions from all stakeholders.
39. Following this consultation period, submissions will be composed and a further report of submissions and proposed Local Law will be drafted for Council's consideration. In the event the proposed Local Law is not adopted by 19 October 2019, Council will not be in a position to put in any restrictions relating to the consumption of alcohol during any event, including any ban on New Year's Eve.

RECOMMENDATION

1. That Council considers whether, in light of the preliminary feedback, amendments to the proposed Local Law are required.
2. If it is considered that amendments are required, that Council specify such amendments and determine that a revised version be drafted.
3. If it is considered that no amendments are required, that Council endorse the proposed Local Law for publication for the purposes of inviting submissions from stakeholders and that Council resolve to undertake the following:
 - (a) publish a notice in the Government Gazette and a separate public notice stating:
 - (i) the purpose and general purport of the proposed Local Law;
 - (ii) that a copy of the proposed Local Law and explanatory documents may be obtained from Council's office; and
 - (iii) that any person affected by the proposed Local Law may make a submission relation to the proposed Local Law;
 - (b) ensure that a copy of the proposed Local Law and any explanatory documents are available for inspection at, and able to be obtained from Council's offices;
 - (c) provide any person who wishes to make a submission with the opportunity to do so;
 - (d) provide any person who makes a request to be heard in-person the opportunity to make oral submissions at a Council meeting or a meeting of a committee determined by Council; and
 - (e) fix a time and location for this meeting and provide the person(s) with reasonable notice of the meeting.

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

Attachments

- 1 [!\[\]\(86b7331e04fe40a56bcff2e9c065738b_img.jpg\)](#) Draft- Consumption of Liquor in Public Places Local Law
- 2 [!\[\]\(92f87f30b7499b35d0173f4346c498d6_img.jpg\)](#) Statement of Changes
- 3 [!\[\]\(497b6684f704c0aa6fbea9f0fd4d56c7_img.jpg\)](#) Human Rights Compatibility
- 4 [!\[\]\(4320279ad715106747262028f44bd102_img.jpg\)](#) Community Impact Statement
- 5 [!\[\]\(25e9c4c673069177325c65bf4771169e_img.jpg\)](#) Summary of Responses from Public Survey

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law



Yarra City Council

Consumption of Liquor in Public Places

Local Law No. # of 2019

**Adopted by Council on [DATE]
Effective [DATE] to [DATE]**

YARRA CITY COUNCIL

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

CONSUMPTION OF LIQUOR IN PUBLIC PLACES LOCAL LAW No. # 2019

Part 1: General Provisions

1. Title

This Local Law is known as the Consumption of Liquor in Public Places Local Law No. # 2019.

2. Objective

The objectives of this Local Law are:

- (a) to control the consumption and possession of Liquor in Public Places within the Municipal District, including where such consumption or possession may interfere with the amenity and enjoyment of Public Places or of land in the vicinity of Public Places;
- (b) promoting the minimisation of alcohol-related harm by restricting the opportunity for unregulated public drinking within the Municipal District;
- (c) supporting the effective governance of the Municipal District by promoting improved amenity of public spaces and discouraging anti-social behaviour;
- (d) providing an effective means for police to deal with unregulated public drinking;
- (e) improving the management of festivals and events to reduce risk to attendees, organisers, and Council; and
- (f) the peace, order and good government of the Municipal District.

3. The power to make this Local Law

This Local Law is made pursuant to section 111 of the *Local Government Act* 1989.

4. Operation

This Local Law applies to all Public Places within the Municipal District of Council.

5. Commencement

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

This Local Law commences operation on the day after the date of the notice of the making of the Local Law is published in the Victorian Government Gazette.

6. **Revocation of the Consumption of Alcohol in Public Places Local Law 2009**

Upon the commencement of this Local Law, the Consumption of Alcohol in Public Places Local Law 2009 is revoked if it has not already been revoked.

7. **Revocation of this Local Law**

This Local Law will cease to operate on [DATE], unless sooner revoked.

8. **Definitions**

In this Local Law, unless inconsistent with the context:

"**Act**" means the *Local Government Act 1989*.

"**Authorised Officer**" means an Authorised Officer appointed by Council to be an Authorised Officer pursuant to section 224 of the Act, and includes a police officer referred to in section 224A of the Act.

"**Council**" means Yarra City Council.

"**Day Time Hours**" means 9.00 am to 8.59 pm.

"**Festival**" means a festival or other event declared by Council to be such in accordance with clause 11 of this Local Law.

"**Liquor**" has the same meaning as in the *Liquor Control Reform Act 1998*.

"**Municipal District**" means the district under the local government of Council.

"**Prescribed Area**" means an area declared by Council to be such in accordance with clause 16 of this Local Law.

"**Procedure and Protocol Manual**" means the Procedure and Protocol Manual authorised and published by Council from time to time and which is incorporated into this Local Law pursuant to section 112 of the Act.

"**Public Place**" means:

- (a) a Road; and
- (b) any land that is owned, managed or otherwise controlled by Council; but does not include any authorised premises or licensed premises within the meaning of the *Liquor Control Reform Act 1998*.

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

“Road” has the same meaning as in the Act.

Part 2: General Conditions

9. Consumption or possession of Liquor

- (1) Subject to clause 9(2), a person must not, in a Public Place:
 - (a) consume any Liquor; or
 - (b) possess or control any Liquor other than in a sealed container.
- (2) Clause 9(1) does not apply to:
 - (a) Festivals as declared under Part 3; or
 - (b) Prescribed Areas as declared under Part 4.

10. Directions to the public

- (1) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened clause 9, the Authorised Officer may direct the person to:
 - (a) cease the consumption of Liquor;
 - (b) seal the container of Liquor; or
 - (c) dispose of the Liquor into a receptacle approved by the Authorised Officer.
- (2) A person who fails to comply with a direction given in accordance with clause 10(1) is guilty of an offence.

Part 3: Festivals

11. Declaration of Festivals

Council may, of its own volition or upon application by any person, declare by a resolution of Council that a festival or public event is a Festival for the purpose of this Local Law.

12. Scope of declaration

A declaration made pursuant to clause 11 must specify:

- (a) the time period over which such Festival is to be conducted;

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

- (b) the area of the Municipal District within which the Festival is to be conducted, as may be described by words, plan, map, or a combination thereof;
- (c) areas within the Festival that are designated as allowing responsible service of Liquor and the specified times during which Liquor may be served; and
- (d) the name of the person or persons conducting the Festival.

13. Operation of declaration

A declaration made pursuant to clause 11 comes into operation upon publication of the declaration on Council's website.

14. Consumption or possession of Liquor at a Festival

A person must not in a Public Place during a Festival:

- (a) consume any Liquor; or
- (b) possess or control any Liquor other than in a sealed container;

other than in accordance with a declaration made by Council pursuant to clause 11.

15. Directions to the public

- (1) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened clause 14, the Authorised Officer may direct the person to:
 - (a) cease the consumption of Liquor;
 - (b) remove the Liquor from the festival;
 - (c) seal the container of Liquor;
 - (d) dispose of the Liquor into a receptacle approved by the Authorised Officer; or
 - (f) leave the Festival.
- (2) A person who fails to comply with a direction given in accordance with clause 15(1) is guilty of an offence.

Part 4: Prescribed Areas

16. Declaration of Prescribed Areas

Council may, of its own volition or upon application by any person, declare by a resolution of Council an area within the Municipal District to be a Prescribed Area for the purposes of this Part.

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

17. Scope of declaration

- (1) A declaration made pursuant to clause 16 must specify:
 - (a) the area of the Municipal District declared to be a Prescribed Area, as may be described by words, plan, map, or a combination thereof; and
 - (b) the hours to which the declaration applies.
- (2) For the purpose of clause 16, the whole of the Municipal District may be a Prescribed Area.

18. Operation of declaration

A declaration made pursuant to clause 16 comes into operation upon the publication of the declaration on Council's website.

19. Consumption, possession, or control of Liquor in a Prescribed Area

- (1) A person may in a Public Place within a Prescribed Area during Day Time Hours:
 - (a) consume any Liquor;
 - (b) possess or control Liquor other than in a sealed container.
- (2) A person who consumes, possesses or controls Liquor within a Prescribed Area must not:
 - (a) detrimentally affect the amenity of the area; or
 - (b) behave in a way that is likely to detrimentally affect the amenity of the area;
 - (c) possess or control Liquor, other than in a sealed container, or consume Liquor other than during Day Time Hours;
 - (d) consume or possess or control Liquor other than in accordance with the declaration.

20. Directions to the public

- (1) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened clause 19, the Authorised Officer may direct the person to:
 - (a) cease the consumption of Liquor;
 - (b) seal the container of Liquor; or
 - (c) dispose of the Liquor into a receptacle approved by the Authorised Officer.
- (2) A person who fails to comply with a direction given in accordance with clause 20(1) is guilty of an offence.

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

Part 5: Administration and Enforcement

21. Consideration of applications

In considering an application for the declaration of a Festival, Council must have regard to the matters specified in the Procedure and Protocol Manual which relate to the declaration of a Festival.

22. Offences

A person who contravenes or fails to comply with any provision of this Local Law is guilty of an offence and is liable to a penalty of 20 units.

23. Infringement notices

- (1) If an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue and serve, or caused to be served, on that person an infringement notice as an alternative to prosecution for an offence.
- (2) The infringement notice must specify the penalty (shown as penalty units) specified for that offence in Schedule 1.

Attachment 1 - Draft- Consumption of Liquor in Public Places Local Law

Schedule 1: Penalties

Clause	Offence	Penalty Unit
9(1)	Consume, possess or control Liquor in a Public Place	1
10(2)	Fail to comply with direction given in accordance with clause 10(1)	1
14	Consume, possess or control Liquor in an open container other than in accordance with a declaration	1
15(2)	Fail to comply with direction given in accordance with clause 15(1)	1
19(1)	Consume, possess or control Liquor other than in accordance with the declaration	1
19(2)	Consume, possess or control Liquor and did detrimentally affect the amenity of the area or behave in a way that is likely to detrimentally affect the amenity of the area	1
20(2)	Fail to comply with a direction given in accordance with clause 20(1)	1

Attachment 2 - Statement of Changes

STATEMENT OF CHANGES

City of Yarra Consumption of Liquor in Public Places Local Law 2019

GENERAL AMENDMENTS

Proposed Amendment	Reason
Amend dates	All dates have been amended to reflect the correct dates. Clause 5 has been amended to create greater certainty as to the commencement date of the Local Law.
Capitalise defined terms	All defined terms have been capitalised to improve clarity of where terms are defined in the Local Law.
Amend wording	To improve readability and to ensure consistency throughout the Local Law, some minor amendments have been made to the wording of some clauses, without changing the substance of the clauses.
Remove penalty units below individual clauses	Penalties now included in Schedule to the Local Law.

PART 1: GENERAL PROVISIONS (DEFINITIONS)

Clause	Proposed Amendment	Reason
2	Equalise objectives so that there is no 'principal objective', but rather six	Objectives are used to interpret the local law. Further, the objects help in determining whether the local law is within power.
5	Amend description of day of commencement	Removes any ambiguity
7	New clause – Revocation of the Local Law	Insert new clause (7) which sets out the date on which the Local Law ceases to operate.
7 (now clause 8)	Definitions clause	
	Remove definition of Chief Executive Officer	Definition not required.
	Remove definition of 'Night-Time Hours'	This term is not used in the Local Law and is not required.
	New definition of 'Procedure and Protocol Manual'	This incorporates Council's Procedure and Protocol Manual into the Local Law. Allows for flexibility to incorporate decision making guidelines into the Procedure and Protocol Manual without amending the Local Law.
	Amend definition of 'Public Place'	Refines the definition of Public Places and uses defined terms rather than undefined and potentially ambiguous terms. Limits the scope of the Local Law to Council land only as directed.
	New definition of 'Road'	Further clarifies the definition of Public Places.

Attachment 2 - Statement of Changes

PART 2: GENERAL CONDITIONS

Clause	Proposed Amendment	Reason
8 (now 9)	Remove sub-clauses (2) – (4)	These are not required
9	Add possession or 'control of' any Liquor <i>'other than in a sealed container'</i> . <i>Sub clause (2) included which excludes festivals or prescribed areas.</i>	Allows for greater regulation of liquor in public places, slightly broadens scope of clauses. The inclusion of sub clause (2) creates a clear offence and exception.
10	Add <i>'believes on reasonable grounds that a person is contravening or has contravened'</i> as a basis for giving a direction	Requirement of Authorised Officer to actually observe contravention replaced to allow officers to better regulate the possession and consumption of liquor so that an Authorised Officer may act on evidence provided to that officer so long as the officer holds a reasonable belief.
10	Remove <i>'surrender any opened container or Liquor to the Authorised Officer'</i>	Council is not authorised to deprive a person of their property without providing for means for their return. In the case of liquor, it is not practical to allow impoundment and opportunity for reclaim. Accordingly, the taking of property without compensation or any other mechanism is removed.

PART 3: FESTIVALS

Clause	Proposed Amendment	Reason
11	Clause deleted	This clause is not required.
12 (now 11)	Removal of the word "Part" and changed to Local Law	The declaration of a 'Festival' affects the whole of the Local Law and not just the "Part" in which it sits.
13 (now 12)	Remove sub-clause (b)	This is contained within sub-clause (a) and is not required to be re-stated.
14 (now 13)	Remove the requirement to advertise in newspaper circulating generally in the municipality and replaced with Council's website.	We are instructed that there is no newspaper in the area and therefore, we have adopted the Council's website as the means of communication.
15 (now 14)	Add possession or 'control of' any Liquor <i>'other than in a sealed container'</i>	See above, Part 2.
	Add <i>"other than in accordance with a declaration made by Council pursuant to clause 11"</i>	Creates the offence if a person consumes or has in their possession liquor other than in accordance with Council's declaration.
16	Add <i>'believes on reasonable grounds that a person is</i>	See above, Part 2.

Attachment 2 - Statement of Changes

	<i>contravening or has contravened'</i> as a basis for giving a direction	
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PART 4: PRESCRIBED AREAS

Clause	Proposed Amendment	Reason
17	Clause deleted	Clause not required.
18 (now 16)	Deletion of the word "Part" and insertion of the words "Local Law".	
19 (now 17)	Clause 1(b) amended to simplify clause so that the declaration specifies the hours of the prescribed area.	Simplify the workability of the clause.
20 (now 18)	Removal of the requirement to advertise in a newspaper to Council's website.	No newspaper circulates in the municipality and the website is utilised for communication of the declaration.
21 (no 19)	Add possession or ' <i>control of</i> ' any Liquor ' <i>other than in a sealed container</i> ' <i>Further amendments to ensure an offence and a requirement is created.</i>	See above, Part 2.
22 (now 20)	Add ' <i>believes on reasonable grounds that a person is contravening or has contravened</i> ' as a basis for giving a direction	See above, Part 2.

PART 5: ADMINISTRATION AND ENFORCEMENT (previously Offences and Reporting)

Clause	Proposed Amendment	Reason
23 and 24	Remove clauses	Substance of clauses substituted by new clauses, as below.
22	Add clause for consideration of applications	Allows for Council to set matters to be considered in determining whether to grant an application for a declaration of a Festival
23	Add clause creating offence for contravening or failing to comply with the Local Law	Replaces original offence clause
24	Add clause to authorise issue of infringement notices	Creates power of Authorised Officer to issue infringement notice for contravention of Local Law

SCHEDULE 1: PENALTIES

Proposed Amendment	Reason
Add schedule of penalties	Brings penalties together in one place

Attachment 3 - Human Rights Compatibility

Statement of compatibility with Human Rights and Responsibilities Charter

Introduction

Human rights are basic rights and freedoms enjoyed by every person, regardless of gender, culture, religion, social background or otherwise. Such rights may be categorised into civil and political rights, economic and social rights, and environmental and cultural rights. The *Victorian Charter of Human Rights and Responsibilities Act 2006 (Act)* was enacted to protect and promote specific human rights and aims to ensure that, if limited in any way by Parliament or a public authority, a right is only limited to a reasonable extent, and that the limitation is justified.

Pursuant to the Charter, it is unlawful for a public authority such as Council to act in a way that is incompatible with a human right, or, in making a decision, to fail to give proper consideration to the relevant human right. All statutory provisions, including local laws, must be interpreted in a way that is compatible with human rights.

The purpose of this statement is to assess the compatibility of the *Stonnington General Local Law 2018 (Local Law)* with the Charter.

Local Law

The Local Law is to replace the *Yarra City Council Consumption of Liquor in Public Places Local Law No. 8 2009 (2009 Local Law)*, which will cease operation on 19 October 2019. Whilst the Local Law largely reproduces the 2009 Local Law, it will give effect to amendments and additions designed to respond to changes in the community and to protect the amenity and liveability of the municipality in the face of such changes.

The Local Law has been assessed against the Charter, and is compatible with the human rights protected thereunder.

Right to recognition and equality before the law

Section 8 provides that every person has the right to recognition as a person before, and equal protection of the law without discrimination.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Right to freedom of movement

Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation

Attachment 3 - Human Rights Compatibility

Clause 15 provides for an Authorised Officer to direct a person to leave an area within Council's municipal district declared to be a 'Festival'.	Council must balance a person's right to freedom of movement with public safety and protection of amenity within its municipality.	A direction to leave is only able to be made in circumstances where the person to whom the direction is directed is consuming or possessing liquor contrary to a declaration by Council. Council must regulate the possession and consumption of liquor within its municipal district to protect the safety of the public and maintain the amenity of the district.
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Right to privacy and reputation

Section 13 provides that a person has the right—

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Right to freedom of thought, conscience, religion and belief, and freedom of expression

Section 14 provides that every person has the right to freedom of thought, conscience, religion and belief, and the freedom to demonstrate his or her religion or belief in public or in private.

Section 15 protects the right of every person to hold an opinion without interference, and the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Right to peaceful assembly and freedom of association

Section 16 protects the right to peaceful assembly and freedom of association with others.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Right to take part in public life

Attachment 3 - Human Rights Compatibility

Section 18 provides that every person has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives..

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Cultural rights

Section 19 recognises the distinct cultural rights of Aboriginal persons and protects the right for all persons with a particular cultural, religious, racial or linguistic background to enjoy his or her culture, to declare and practise his or her religion and to use his or her language.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Property rights

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
Clauses 10, 15 and 20 provide that an authorised officer may direct a person to cease consumption or dispose of liquor in their possession.	Council must balance this right with the appropriate use and enjoyment of public places and the safety and amenity of the municipality.	Council must ensure that public places are able to be safely used and enjoyed by the community. If a person's consumption or possession of liquor presents a threat to the safety and amenity of the area, Council considers it reasonable to direct that the person cease the consumption or possession.

Right to liberty and security of person

Section 21 protects the right of every person to liberty and security.

Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
None found.	N/A	N/A

Right to a fair hearing

Section 24

Attachment 3 - Human Rights Compatibility

A person charged with a criminal offence has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.		
Impacts or limitations on right	Balance of interests	Reasonability of limitation and solutions or measures to reduce limitation
Clause 24 provides that an Authorised Officer may issue an infringement notice to a person whom they reasonably believe to have committed an offence.	This right must be balanced with the need to administer and enforce the Local Law and Council's obligations to protect the community and ensure appropriate use and enjoyment of public places.	This limitation is reduced as the person may apply for an internal review of the decision to serve an infringement notice and/or elect to have the matter heard and determined in court.

Attachment 4 - Community Impact Statement

Community Impact Statement

PART A: INTRODUCTION

Background

Local laws are regulatory instruments which enable local government councils to fulfil their functions and exercise their powers under State and Federal legislation within their respective municipalities. The *Local Government Act* 1989 (Vic) ('**Act**') grants the power to councils to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under that or any other Act.

The Act includes matters with which a local law must ensure compliance. A local law must, importantly, not duplicate or be inconsistent with any other Act or regulation, or the planning scheme of the municipality, and becomes inoperative to the extent of any duplication or inconsistency. It must also be directed towards its objectives and not go beyond them, and adopt the means of achieving those objects which appear likely to involve the least burden or the greatest advantage on the community.

The Guidelines for Local Laws Manual, released by the Minister for Local Government Victoria, aims to assist councils in achieving better practice when making, reviewing, and amending local laws.

Yarra City Council currently has three local laws:

1. General Local Law (2016);
2. Consumption of Liquor in Public Places Local Law (2009); and
3. Meeting Procedure Local Law (2011).

Pursuant to the Act, local laws are revoked 10 years after the day they come into operation. The current Consumption of Liquor in Public Places Local Law (**Local Law**) will be revoked on [DATE].

Objectives of the Local Law

Objectives of the proposed Local Law are:

- (a) controlling the consumption and possession of Liquor in Public Places within the Municipal District, including where such consumption or possession may interfere with the amenity and enjoyment of Public Places or of land in the vicinity of Public Places.
- (b) promoting the minimisation of alcohol-related harm by restricting the opportunity for unregulated public drinking within the Municipal District;
- (c) supporting the effective governance of the Municipal District by promoting improved amenity of public spaces and discouraging anti-social behaviour;
- (d) providing an effective means for police to deal with unregulated public drinking;
- (e) improving the management of festivals and events to reduce risk to attendees, organisers, and Council; and
- (f) the peace, order and good government of the Municipal District.

Process

Attachment 4 - Community Impact Statement

Consultations have been undertaken with internal stakeholders across various areas of Council and with Councillors in creating this draft. Following Council's approval of the Local Law for consultation purposes, submissions will be sought from residents, Council Advisory Groups, neighbouring Councils, key external stakeholders and government bodies, including Victoria Police, the Metropolitan Fire Brigade, and the Victorian Commission for Gambling and Liquor Regulation.

The consultation period will run from [DATE] to [DATE]. The community will be able to obtain information, provide feedback, and make submissions, which will then be considered by Council in preparing a final draft.

This Community Impact Statement will also be available to the community during this period. It is intended that this Statement will improve clarity and transparency for those affected by the current Local Laws and the proposed Local Law.

The final draft of the Local Law will be presented to Council in [DATE] for adoption and gazettal. Following gazettal, the current Local Law will cease to operate and the new Local Law will come into effect.

Application and summary

Local laws apply throughout the whole of the municipal district.

The structure of the proposed Local Law is as follows:

- Part 1: Introduction
- Part 2: General Conditions
- Part 3: Festivals
- Part 4: Prescribed Areas
- Part 5: Administration and Enforcement
- Schedule 1: Penalties

PART B: EXAMINATION OF THE LOCAL LAW

Measures of success

Council will measure the success of the proposed General Local Law by:

- (a) monitoring the level of compliance and comparing levels with those of previous years;
- (b) measuring efficiency and effectiveness in administering and enforcing the Local Law and success in responding to issues;
- (c) assessing the resources required to administer and enforce the Local Law;
- (d) assessing and measuring the adequacy of the Local Law in achieving its objectives.

Performance-measuring is undertaken and reported by Council in its Quarterly and Annual Reports and Annual Customer Satisfaction Survey. Performance is measured against Yarra's strategic objectives, being the following:

Attachment 4 - Community Impact Statement

- 1) A healthy Yarra: Community health, safety and wellbeing are a focus in everything we do;
- 2) An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed, respected and celebrated;
- 3) A sustainable Yarra: Council leads on sustainability and protects and enhances its natural environment;
- 4) A liveable Yarra: Development and growth are managed to maintain and enhance the character and heritage of the city;
- 5) A prosperous Yarra: Local businesses prosper and creative and knowledge industries thrive;
- 6) A connected Yarra: Connectivity and travel options are environmentally sustainable, integrated and well-designed; and
- 7) A leading Yarra: Transparency, performance and community participation drive the way we operate.

Existing legislation

Council has examined the provisions of the Act and the other Acts and Regulations and considers the proposed Local Law to be supplementary to existing legislation. Council is unaware of any provision of the proposed Local Law which unduly overlaps, duplicates or is inconsistent with existing legislation. The Local Law does not regulate anything already regulated by the Yarra Planning Scheme.

State legislation more appropriate

State legislation empowers Council to make Local Laws to address issues within its municipality. Council is of the view that each of the issues identified in relation to the proposed Local Law are those over which Council is delegated responsibility and has functions and powers.

Risk Assessment

Council has adopted a risk management approach to the review and development of the proposed Local Law. This approach has involved consideration of the following:

- (a) impacts on community safety and amenity;
- (b) existing laws; and
- (c) long term solutions.

Legislative approach adopted

Council maintains the position that its local laws should not impose itself unduly or unreasonably on the community. The proposed Local Law reflects this approach by implementing reasonable enforcement procedures, including the giving of directions instead of direct infringements. In consideration of the least burden/greatest advantage test, where possible and appropriate, Council has created provisions for permissions rather than prohibiting certain activities.

Attachment 4 - Community Impact Statement

Council has ensured that the proposed Local Law:

- (a) is expressed plainly and unambiguously, consistently with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria;
- (b) does not exceed the powers conferred by the Act;
- (c) is not inconsistent with the principles, objectives or intent of the enabling Act;
- (d) does not make unusual or unexpected use of the powers conferred by the Act under which the Local Law is made;
- (e) does not unduly trespass on rights and liberties of the person previously established by law;
- (f) does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;
- (g) does not purport to shift the onus of proof to a person accused of an offence; and
- (h) does not unduly restrict competition.

Penalties

The Act provides that a local law may prescribe a penalty for a contravention of a local law and sets a maximum penalty of 20 penalty units. Under the *Sentencing Act* 1991, the penalty unit for local laws is set at \$100.00.

Council has compared the level of penalties provided for in the proposed General Local Law with those of its neighbouring Councils. The proposed penalties are not inconsistent with those neighbouring Councils.

Fees

The proposed Local Law does not provide for the determination of any fees for the purposes of the Local Law.

Performance standards rather than prescriptive requirements

Where appropriate, Council has adopted a performance-based approach rather than a prescriptive approach to the proposed Local Law.

Comparison with neighbouring and like Councils

In drafting the proposed Local Law, Council examined the Local Laws of its neighbouring and comparable municipalities. This allowed Council to assess the similarities and differences between like municipalities and ensure that a best-practice approach was taken in the drafting process.

Charter of Human Rights and Responsibilities

The *Charter of Human Rights and Responsibilities Act* 2006 applies to all subordinate legislation, including local laws. Council is satisfied that the proposed Local Law is compatible with the Charter and consistent with the principles of justice and fairness.

Consultation meetings

Attachment 4 - Community Impact Statement

Internal consultations with Council departments, Councillors and stakeholders have been conducted throughout the review process.

Submissions

A submission process will be conducted in accordance with the legislative requirements under the Local Government Act 1989. All submissions will be considered by Council.

PART C: ASSESSMENT OF MAJOR CHANGES

1. Definition of 'Public Place'

Part(s) or clause(s)	3
Issue(s) local law intends to address	The definition of a 'public place' for the purposes of the Local Law.
Action / change	Amendment of definition to: (a) a Road (as defined in the <i>Local Government Act</i>); (b) any land that is owned, managed or otherwise controlled by Council; but does not include any Authorised Premises or Licensed Premises within the meaning of the <i>Liquor Control Reform Act 1998</i> .
Perceived benefit(s)	Improves clarity as to what is a 'public place' for the purposes of the Local Law, replaces undefined and potentially ambiguous terms with defined terms.
Perceived disadvantage(s)	None found.
Applicable strategic objective(s)	A healthy and liveable Yarra

2. 'Possession or control of Liquor'

Part(s) or clause(s)	9 (now 10), 15 and 21
Issue(s) local law intends to address	Regulation of possession, consumption and control of liquor in public places within the municipality.
Action / change	Addition of 'or control', that is, "a person must not in a public place... be in possession <i>or control</i> of liquor in an open container."
Perceived benefit(s)	Allows Council regulate the control of liquor in open containers in addition to mere 'possession' and allow greater protection of safety and amenity by widening clause.
Perceived disadvantage(s)	Creates slightly more onerous prohibition on liquor in open containers.
Applicable strategic objective(s)	A healthy and liveable Yarra

3. 'Reasonable belief'

Part(s) or clause(s)	10 (now 11), 16 and 22
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Attachment 4 - Community Impact Statement

Issue(s) local law intends to address	Ability to direct persons to cease consumption or relinquish possession of liquor if an Authorised Officers deems it necessary.
Action / change	Addition of requirement of Authorised Officer to have a believe on reasonable grounds that a person has contravened or is contravening a clause of the Local Law before giving a direction.
Perceived benefit(s)	Allows Authorised Officers to have greater control over the possession and control of liquor in open containers and enables better protection of amenity and safety of the public.
Perceived disadvantage(s)	
Applicable strategic objective(s)	A liveable Yarra

4. Delegation of powers, discretions, authorities and considerations

Part(s) or clause(s)	23
Issue(s) local law intends to address	Ability of Authorised Officers and the CEO to carry out functions of Council.
Action / change	Delegates powers and functions of Council to Authorised Officers and CEO.
Perceived benefit(s)	Eases burden on Council and allows Authorised Officers to undertake functions and powers of Council. This will increase the efficiency of Council and ensure that the Local Law is able to be administered and enforced practicably with the least .
Perceived disadvantage(s)	None perceived.
Applicable strategic objective(s)	A liveable and leading Yarra

5. Consideration of applications

Part(s) or clause(s)	24
Issue(s) local law intends to address	Potential for perceived lack of understanding as to when and why an application for a declaration for a Festival made be granted or refused.
Action / change	Addition of clause which allows for considerations of Council to be specified in the incorporated Procedures and Protocols Manual.
Perceived benefit(s)	Enables persons applying for a declaration of a Festival by Council to address considerations and/or criteria, allows for greater transparency.
Perceived disadvantage(s)	None perceived.
Applicable strategic objective(s)	A liveable and leading Yarra

6. Infringement notices

Attachment 4 - Community Impact Statement

Part(s) or clause(s)	26
Issue(s) local law intends to address	Ability to address contraventions and failures to comply with the Local Law.
Action / change	Addition of definitive and express power to issue infringement notices by Authorised Officers.
Perceived benefit(s)	Enables infringement notices to be issues as an alternative to the more serious action of prosecution in court
Perceived disadvantage(s)	None perceived.
Applicable strategic objective(s)	A leading Yarra

Attachment 5 - Summary of Responses from Public Survey

Summary of Responses from Public Survey	Officers Comments
Approximately 30% were supportive.	General comments supporting the proposed Local law which enables some regulation. There is no proposed changes to the proposal
Sensible changes	No comment
I think that it is a fair system and having the ability to drink in a park is a privilege	Times and ability to prescribe places allows for a fair system
It's a good balance of supporting community events while protecting public safety	As above
I like to have a drink in the local park with a BBQ and my family	Proposal allows for this during the day time
Approximately 37% were moderately supportive	Comments were subjective to personal opinions relating to times and also to the individuals that may be affected. No changes were proposed to the draft. Times remained consistent with existing Local Law
Think the 9.00 am is too early	No comment – personal opinions
These types of public drinking spaces are vital for some people's social engagement	Local Law allows for the flexibility and to socialise
The most vulnerable in our community will be disproportionately affected	No comment
Think 9.00 pm is too early, it should align with the sun setting in summer	No comment – personal opinion
Approximately 33% were not supportive	General comments were around having no ban at all. This would not allow Council to place restrictions during events and certain places or times i.e. New Year's Eve.
The main objective should be to control anti-social behaviour. Blanket bans on alcohol do not achieve this.	The proposed Local Law doesn't put a blanket ban.
Casually drinking a beer in the street (while not being intoxicated) should not be an offence.	No comment
Local Law not required and drinking responsibly should be allowed, over regulation, not necessary	Proposed Local Law allows for responsible drinking
I am concerned with wording that no longer requires an officer to actually observe an infringement	No comment – An Officer would require evidence for any breach

11.3 Outcome of the Expression of Interest for 150-152 Hoddle Street Abbotsford

Executive Summary

Purpose

The purpose of this report is to update Council on the outcome of the call for Expressions of Interest to use the building at 150-152 Hoddle Street Abbotsford, known as the Soldiers and Sailors Memorial Hall for uses that provide support services and assistance to returned services veterans.

Key Issues

No submissions were received in response to the release of the Expression of Interest.

Financial Implications

The building requires ongoing maintenance and restorative works. However there are no major works proposed for the building and consequently no immediate financial implications.

PROPOSAL

That Council note this report and note the Council 2019/20 budget resolution that provides funding for a feasibility study for social/affordable housing within the Collingwood Town Hall precinct.

11.3 Outcome of the Expression of Interest for 150-152 Hoddle Street Abbotsford

Reference: D19/126286
Authoriser: Director City Works and Assets

Purpose

1. The purpose of this report is to update Council on the outcome of the call for Expressions of Interest to use the building at 150-152 Hoddle Street Abbotsford, known as the Soldiers and Sailors Memorial Hall for uses that provide support services and assistance to returned services veterans.

Background

2. On 16 October 2018, Council resolved:

That in the matter of the "Soldiers and Sailors" Building at 150 - 152 Hoddle Street, Collingwood (also known as the Soldiers Memorial Hall - RSL), Council:

- (a) *note recent representations made by members of the Tramways and East Melbourne RSL;*
- (b) *note Council's now adopted Property Strategy and the associated Property Assessment Framework, which is to formally guide the process of reviewing all properties, over a period; and*
- (c) *request officers to bring forward a comprehensive report to the first Council meeting in November:*
 - (i) *detailing the history of the ownership and occupancy of that property;*
 - (ii) *noting that Council has received a number of representations/suggestions concerning the future possible uses of the site, including but not limited to, affordable housing, RSL activities, Arts, Cultural and Social hubs;*
 - (iii) *referencing Council's Property Strategy and noting the Property Assessment Framework requires Officers to report back to Council outlining the range of potential opportunities for the future management of Council properties and to also include options for Council consideration re future potential development and use of such properties; and*
 - (iv) *detailing the statutory requirements on the Council should it proceed with any future arrangements concerning development, occupancy and/or use of Council properties.*

3. A report was presented to the meeting on 13 November 2018 and Council resolved:

That:

- (a) *Council note the report in respect of the building at 150-152 Hoddle St, Abbotsford;*
- (b) *Council acknowledge the keen community interest in this site and note the previous 2013 expression of interest process;*
- (c) *Council seeks a narrow scope Expressions of Interest (EOI) responses for uses that provide support services and assistance to returned services veterans and noting that the EOI proposal should respond fully to the following requirements:*
 - (i) *provide satisfactory evidence of a financial capacity to undertake and complete the identified works and restoration and a demonstrated capacity to undertake and supervise the works;*

- (ii) *undertake all necessary preliminary assessments of the building to restore the integrity of the building and make it fit for purpose, including that the outcome of this step would produce a scope of works costed by a Quantity Surveyor and a conservation management plan to be agreed by Council;*
- (iii) *have Council approval of the final design;*
- (iv) *include an assessment of the requirements to upgrade all services to the building;*
- (v) *have prior approval by Council of the tender to undertake the works;*
- (vi) *have clearly identified inspection and hold points during the construction of the building to ensure the restoration is undertaken to Council's satisfaction;*
- (vii) *demand completion of the restoration within a specified time frame;*
- (viii) *provide for the ongoing maintenance of the building;*
- (ix) *be consistent with the directions of the Collingwood Town Hall Urban Design Framework;*
- (x) *include the restoration and preservation of the Honour Roll contained inside 150 Hoddle Street; and*
- (xi) *include a forward plan to provide for community access and use of the building in the future.*
- (d) *As a first step in this process, Officers report back to Council with a draft Expression of Interest brief (and proposed criteria) and a proposed time frame for conducting the Expression of Interest, as well as information relating to:*
 - (i) *any zoning, heritage or cultural obligations/constraints; and*
 - (ii) *structural constraints on the restoration of the building.*

4. On 5 March 2019, Council received a further report with a draft Expression of Interest. Council resolved:

1. *That:*

- (a) *Council note the officer's report with respect to the Expression of Interest for the restoration and use of the building at 150-152 Hoddle Street, Abbotsford;*
- (b) *Endorse the attached draft Expression of Interest and call for responses to the document;*
- (c) *Receive a further report on the responses to the Expression of Interest; and*
- (d) *The attached structural engineering advice and planning controls review be attached to the Expression of Interest.*

Expression of Interest

5. The adopted Expression of Interest (EOI) required that respondents address the following matters:

- (a) details of the organisation's capacity and experience in the provision of services to returned service men and women;
- (b) provision of satisfactory evidence of the financial capacity to undertake and complete the works and restoration and a demonstrated capacity to undertake and supervise the works to completion;
- (c) provision of a detailed plan to:
 - (i) undertake all necessary preliminary assessments of the building to restore the integrity of the building and make it fit for purpose;

- (ii) establish a procurement process consistent with Council's Occupational Health and Safety policies and social and environmental procurement policies;
 - (iii) produce a scope of works costed by a Quantity Surveyor and a conservation management plan to be agreed by Council and Council approval of the final design;
 - (iv) include an assessment of the requirements to upgrade all services to the building; and
 - (v) have prior approval by Council of the tender and principal contractors to undertake the works;
 - (d) Proposed inspection and hold points during the planning and construction works to ensure the restoration is undertaken to Council's satisfaction including completion of the restoration within a specified time frame to be agreed with Council;
 - (e) provision for the ongoing maintenance of the building;
 - (f) a reconciliation, to Council's satisfaction, of the proposal against directions of the Collingwood Town Hall Urban Design Framework including;
 - (i) delivering on UDF principles;
 - (ii) opportunities for the refurbished facility to contribute to the precinct; and
 - (iii) how the reinstatement and use of the building will contribute to the Collingwood Town Hall precinct;
 - (g) a plan for the restoration and preservation of the Honour Roll contained inside 150-152 Hoddle Street; and
 - (h) a plan to provide for community access and use of the building in the future.
6. Officers developed draft criteria for the consideration of these matters as part of the review and assessment of any responses to the EOI.
 7. The draft EOI and the assessment criteria were peer reviewed by consultants with expertise in this area.
 8. The EOI was published in 'The Age' on 20 April 2019 and invited responses by 17 May 2019.
 9. On 15 May Council received a request from RSL Victoria to extend the time for submissions to the EOI until 11 June.
 10. On 17 May 2019 the Evaluation Committee met and agreed to extend the date for submissions to Friday 14 June 2019. All parties that had downloaded the EOI were advised of the extension of time on 17 June 2019 and the EOI documents were altered to include the revised submission date.
 11. On June 4, 2019, Luke Gilholme, Head of Strategic Projects, RSL Victoria advised by email, that the State Executive on 29 May 2019, resolved not to be a respondent to the Yarra City Council EOI for the Collingwood site and to formally withdraw from the process.
 12. The EOI formally closed on 14 June 2019. No submissions to the EOI were received.

External Consultation

13. No external consultation with the broader community has occurred specifically in relation to this report or its recommendations. However, public notification of the EOI occurred when the documents were released.

Internal Consultation (One Yarra)

14. The relevant internal departments have been consulted in preparation of this paper.

Financial Implications

15. The approach adopted for the EOI was that the restoration of the building and its use should be at no direct cost to Council.

Economic Implications

16. The Property Strategy formalises assessment and evaluation principles, thus ensuring due consideration of economic implications.

Sustainability Implications

17. Council has the ability to influence the sustainability of any development of this site, and where practical, sustainability criteria were included in the criteria for the EOI.

Social Implications

18. Council has the ability to control the community outcomes for this site and the precinct. There is an opportunity to meet community needs through the provision of spaces and/or services on this site.

Human Rights Implications

19. There are no human rights implications.

Communications with CALD Communities Implications

20. At this stage there are no communication with CALD community implications.

Council Plan, Strategy and Policy Implications

21. Council's adopted Property Strategy provides a framework for the assessment of these properties. This EOI has adhered to this Strategy.

Legal Implications

22. At this stage there are no legal implications.

Options

23. The absence of a response provides Council with the opportunity to reconsider its position with respect to the use and development of the Memorial Hall.

Conclusion

24. The Memorial Hall has remained unused and in a state of deterioration for a number of years; this EOI was an attempt to attract investment into the site, and to meet community needs.
25. The narrow scope EOI process was developed in response to a request by the RSL to use the building.
26. The Memorial Hall will require considerable investment to return it to a state suitable for occupation, and to meet community needs, whatever the focus.
27. Council resolved in June 2019 to fund a feasibility study to explore options for social and affordable housing in the Collingwood Town Hall precinct. The Memorial Hall site may be considered within the scope of this study.
28. Any use and redevelopment of the Memorial Hall building and site should now be considered in the context of the social and affordable housing feasibility study, and in the context of the Collingwood Town Hall Urban Design Framework and any potential development on the land owned by Council in Vere Street.

RECOMMENDATION

1. That Council:
 - (a) note the officer's report on the outcome of the call for Expressions of Interest for the restoration and use of the building at 150-152 Hoddle Street Abbotsford;
 - (b) note the Council budget resolution for a feasibility study for social and affordable housing in the Collingwood Town Hall precinct; and
 - (c) note that a separate report will be presented to Council on the outcome of the social and affordable housing feasibility study funded to occur in 2019/20.

CONTACT OFFICER: Michael Ballock
TITLE: Executive Planner Strategic Projects
TEL: 9205 5669

Attachments

There are no attachments for this report.

11.4 Mayor's Park Tennis and Netball Centre Management Update

Reference: D19/133713

Authoriser: Director City Works and Assets

Purpose

1. To provide Council with a report on the Mayors Park Tennis and Netball Centre (MPTNC) management structure, including, proposed fee structure and the arrangements to continue coaching and social programs.
2. To seek Council endorsement of the proposed management and fees structure for a two year trial period.

Background

3. As Council is assuming the management of the MPTNC in August 2019, the following report is presented for Council's determination.

External Consultation

4. Consultation has occurred primarily with the Clifton Hill Tennis Club, TIS as the incumbent Manager, and Tennis Victoria as the governing body for Tennis.
5. There has been significant correspondence with club members and facility users following the Council decision to undertake direct management of the Mayors Park Netball and Tennis Centre.
6. The focus of consultation with the respective key stakeholders is outlined below.
7. Clifton Hill Tennis Club (CHTC):
 - (a) Management structure:
 - (i) Council Officers continue to meet regularly with the CHTC committee to consult on changes; and
 - (ii) CHTC members met with Council Officers and representatives from Tennis Victoria at MPTNC on Sunday 4 August 2019 to discuss the management decision and the impact on members;
 - (b) Fees and charges:
 - (i) Regular discussion with CHTC committee on the fee structure; and
 - (ii) Draft proposal presented to members at CHTC meeting and feedback provided in follow up meetings with Council Officers.
8. Tennis Victoria, governing body for tennis:
 - (a) Fees and charges:
 - (i) Tennis Victoria provided a draft fees and charges proposal which was used as a resource in establishing fees for CHTC.
 - (b) Coaching structure and appointment:
 - (i) Coaching position draft was provided as a reference; and
 - (ii) Assisted in promoting the Expression of Interest for the coaching position at MPTNC;
 - (c) CHTC relations:

- (i) Tennis Victoria representatives were present at a CHTC members gathering on Sunday 4 August 2019 to discuss the management changes and provide support for Officers; and
 - (d) Booking system installation.
- 9. Tennis Information Services (TIS) has been consulted in relation to current management requirements.

Internal Consultation (One Yarra)

- 10. Consultation with Yarra Leisure Officers has occurred in relation to:
 - (a) Creating a page on the Yarra Leisure website which directs users to the Book a Court system;
 - (b) Yarra Leisure staff assisting as 'Hosts' at MPTNC during the management transition, explaining the new booking system and easing any potential frustration during a period of change; and
 - (c) Yarra Leisure Officer to take over booking management of MPTNC once the new management structure is established. This is to be confirmed at a later date.
- 11. Procurement team has assisted with an Expression of Interest for Head Tennis Coach and advertising this through their tender application program.
- 12. Building Maintenance were consulted regarding:
 - (a) Book a Court hardware installation at MPTNC; and
 - (b) Ongoing maintenance requirements at the venue.
- 13. Information Services were contacted relating to the Book a Court hardware installation.

Financial Implications

- 14. The new management model would have a number of financial implications for stakeholders:
 - (a) Netball provider (currently CitySide Sports):
 - (i) Fees will be paid to Council based on the endorsed commercial rate for netball court hire, rather than being paid directly to TIS as per the former management model.
 - (b) Clifton Hill Tennis Club:
 - (i) Officers have proposed a set annual fee of \$12,000 for court access based on the current fees and charges;
 - (ii) Previously CHTC members were charged a fee for the use of lights, however it is proposed that this be removed. Lighting will be automated with the new booking system and can be used as required based on light sensor readings;
 - (iii) CHTC agrees to take on additional responsibilities and costs associated with cleaning of the pavilion at MPTNC (previously undertaken by TIS);
 - (iv) CHTC agrees to oversee maintenance of tennis nets/poles and replacement of this equipment (previously undertaken by TIS) as required;
 - (v) CHTC agrees to take over facilitating key community programs;
 - (c) Tennis Coaching provider:
 - (i) The appointed Head Tennis Coach will pay a nominated fee to Council for court access to provide tennis coaching services; and
 - (ii) This fee will be agreed upon through an Expression of Interest process and assessed against the services offered.
 - (d) Casual court hire fees:

- (i) Council will receive income from casual court hire through the Book a Court online booking system; and
- (ii) Fees for casual court hire are \$30.10 per hour in peak time and \$23.20 in off-peak. These fees are endorsed in the 2019/20 Council budget.

Economic Implications

15. There are no economic implications.

Sustainability Implications

16. Council Officers will explore the option of switching the court lighting to LED lights once the management transition is complete.

Social Implications

17. There are no social implications. Programs and court access will continue under the new management model.

Human Rights Implications

18. There are no human rights implications.

Communications with CALD Communities Implications

19. There have been no explicit communications with CALD communities.

Council Plan, Strategy and Policy Implications

20. Officers have sought to deliver on key objectives from;

Yarra's Council Plan 2017 – 2021: *Strategies 1.6. Promote a gender equitable, safe and respectful community; and*

Yarra's Gender Equity Strategy 2016 – 2021: *Policies and Processes 11. Gender issues are considered in all policy, planning and service delivery.*

These will be achieved through two key actions:

- (a) Create Key Performance Indicator's (KPI's) in Council's contract with CHTC which address the diversity of the CHTC committee and membership base; and
- (b) The contract with the successful Tennis Head Coach will ensure programs cater for all of the community with a gender diverse coaching group.

21. Officers will investigate delivering key objectives from;

- (a) Yarra's Council Plan 2017 – 2021: *Strategies 3.3. Lead in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality and maintain Council as a carbon neutral organisation.*

This will be achieved by:

- (i) Planning for the installation of LED sports lighting at the facility to reduce energy use and reduce Council's carbon footprint.

Legal Implications

22. The primary legal implications relate to insurance for MPTNC facility users:

- (a) CHTC are required to insure all members of the tennis club;
- (b) The netball service provider is required to insure all netball players;
- (c) The appointed Tennis Coach will be responsible for insuring everyone using their services; and
- (d) Council Officers are consulting with Tennis Victoria regarding insurance cover for casual visitors.

Other Issues

23. Officers will work with the CHTC, its members, the appointed Coach and Tennis Victoria to transition to a new management structure.
24. An Expression of Interest process is underway to confirm the Coach post 22 August 2019. At the time of publishing this report, the process had not yet concluded; Officers are currently in the process of reviewing responses.
25. CHTC have committed to continuing to run valued social programs from the facility, including Monday social tennis and Wednesday and Friday ladies sessions. Officers will continue to work with the CHTC and relevant stakeholders such as Tennis Victoria to inform the offering of social programs.
26. No other issues are canvassed in this report.

Options

27. Officers propose Council endorse the proposed fees and charges to CHTC and terms of the contract for a two year trial period.
28. No other options are canvassed within the report.

Conclusion

29. Council Officers will establish contracts with all stakeholders in preparation for taking over management of MPTNC on 22 August 2019. These contracts and the terms of management will be reviewed throughout the two year trial period with the intention of determining the ideal structure for MPTNC and the Yarra community.

RECOMMENDATION

1. That:
 - (a) Council endorses the proposed management and fees structure, as outlined in this report.

CONTACT OFFICER: Trent Carpenter
TITLE: Sports Development Officer
TEL: 9205 5735

Attachments

There are no attachments for this report.

11.5 Visit to Baucau - Timor Leste and the Municipal Agreement

Reference: D19/124817

Authoriser: Group Manager People, Culture and Community

Purpose

1. To report to Council on the recent visit to Baucau - Timor Leste and seek endorsement of its recommendations.

Background

2. There is a historic bond between the people of Timor Leste and the Australian people. The first Timorese to flee their home during the violent occupation settled in Yarra and regard Yarra as their home. This historic bond to the East Timorese in Yarra was extended to those living in Baucau.

Friends of Baucau

3. A friendship relationship between the District of Baucau, City of Darebin and City of Yarra began in May 2000. As a result, Yarra City Council and Darebin City Council entered into a joint project which saw the Friends of Baucau (FoB) become a program of both Councils that participated in a community support network with the District of Baucau in East Timor. This arrangement included regular visits by community representatives to Baucau to exchange information and support community development programs, especially as the system of local government was gradually being established.
4. In 2004 FoB supported the Baucau District government and played a pivotal role in building and operating Baucau Buka Hateni - a neighbourhood House that serviced the local community for six years with financial support from Yarra and Darebin Councils until it was handed over to local groups in 2010.
5. In November 2005, FoB facilitated a formal Memorandum of Understanding between Yarra and Darebin Councils and the district of Baucau to encourage 'the transfer of knowledge, skills and resources as appropriate.'
6. The relationship between the two Councils and FoB matured in 2014 when FoB became an independent community organisation with formal connections to both Councils.

Municipal/District Cooperation Agreement

7. Council in 2014 resolved to sign a Municipal/District Cooperation Agreement between Yarra City Council and the Timor Leste, District of Baucau. Similar Agreements were signed by a number of Victorian Councils at the time concerning their respective "sister" Districts. The Agreement program was developed following negotiations between the Victorian Government (Local Government Victoria) and the Timor-Leste Government as part of a program to further develop its governmental structures and programs as part of the decentralisation of powers to the Districts and Municipalities. Refer to the Municipal/District Cooperation Agreement - **Attachment 1**.
8. In short, Yarra Council has signed a Municipal Agreement, brokered by the Victorian Government, to support Baucau and have thus made a commitment to be part of the process of decentralisation.
9. The Agreement program is also supported by a network of community groups across Victoria, one of which is the Friends of Baucau being a Yarra/Darebin based organisation, which provides ongoing support to a range of community organisations in Timor-Leste.

10. In addition to the above, from time to time Yarra in conjunction with Local Government Victoria and the Friends of Baucau, hosts representatives from each of the District of Baucau and the Timor – Leste Government for short periods (1 to 2 weeks) to offer training, advice and practical experiences in each of the structuring and the delivery of local government and community services (e.g. planning, waste management, governance and community services).
11. Our commitment to the Agreement was cemented with the Dili Declaration made on the 18th August 2016 at the 5th Conference on Administrative De-concentration and Decentralization and Local Government held in Dili, Timor Leste. This declaration acknowledges the historic bonds between the Timorese and the Australian people and supports the development of relationships between Australia and Timor Leste for the improvement of the population's quality of life. Refer to the Dili Declaration - **Attachment 2**.

Other commitments to East Timorese

12. Another way that demonstrates the historic bond between Yarra and the East Timorese was when the City of Yarra and Yarra community established the **East Timor Asylum Seeker Task Force** in August 2002 in support of the East Timorese asylum seeker community. This task force ran several high profile advocacy campaigns – ‘*Let Them Stay*’ and ‘*Common Sense for East Timorese*’, as well as co-ordinating practical (material & financial) and social support.
13. Further to this the Melbourne East Timorese Activity Centre (METAC) which acts as a gathering point for anything East Timorese in Melbourne meets in Richmond each month under the auspice of Belgium Avenue Neighbourhood House and has done so since 2001.

2019 Visit to Baucau –Timor Leste

14. Timor Leste is one of the world's youngest nations and needs support to develop and consolidate its democratic processes. The formation of local government will be a logistical and administrative challenge though in the words of the Dili Declaration ‘it will strengthen national cohesion and consolidate democracy and a democratic state based on the rule of law.’ Victorian Councils, especially those with an existing relationship with a district through a Friendship Group, are well placed to provide practical support in this process.
15. Friends of Baucau in partnership with the North-East Neighbourhood House Network and the Baucau Women's Network in Timor Leste had organised a 10 day visit to Timor Leste. Representatives from Darebin and Yarra Neighbourhood Houses and Darebin and Yarra Councils went to Timor Leste 28 April - 10 May 2019 with a particular emphasis on meeting with and identifying appropriate support mechanisms especially for Women's Networks in Baucau and establishing connections with Neighbourhood Houses in Darebin and Yarra.
16. The delegation was part of a broader asset based community development project that seeks to establish a new medium-term relationship of friendship, exchange, learning, support and resource sharing.
17. Council in February 2019 approved the participation of Mr. Aldo Malavisi, Community Partnerships Unit Manager, in the visit to Timor Leste to seek ways to further advance the municipal agreement whilst supporting the work of FoB and the Neighbourhood Houses in strengthening relationships with the women's groups in Bacuau.
18. The members that participated in the visit were Chris Dureau – Convenor Friends of Baucau, Ursula Harrison – Friends of Baucau, Cr. Kim le Cerf – City of Darebin, Chris Lombardo – The Bridge, Gina Wittingslow – Jika Jika Community Centre, Leanne Coughlin – Alphington Community Centre, Colleen Duggan – Span Community House, Angie Davidson – Reservoir Neighbourhood House and Aldo Malavisi – City of Yarra.
19. The Office of Local Government Victoria assisted in the organisation of the visit by establishing appropriate connections with relevant Government officials.
20. A report to Council on the visit to Timor Leste – Baucau with recommendations has been prepared. Refer to **Attachment 3**.

External Consultation

21. Ongoing communication is occurring with officers of Local Government Victoria, Friends of Baucau, the North-East Neighbourhood House Network, organisers of METAC and the Yarra Neighbourhood House Network.

Internal Consultation (One Yarra)

22. In specific regards to the proposed recommendations consultation has occurred with relevant areas of council: Communications and media; and selling of the East Timorese coffee. All areas have been consulted on the recommendations and are supportive of them.

Financial Implications

23. Council had made provision within the 2018/19 budget to support the ongoing arrangements under the Municipal/District Cooperation Agreement. The total cost for this visit was \$3,579, comprising: air travel \$1,362; accommodation, transport, translator and selected meals \$1,750; and vaccinations, insurance and incidentals \$467.

Economic Implications

24. Not relevant to this report.

Sustainability Implications

25. Not relevant to this report.

Social Implications

26. Local residents are involved in FoB and METAC which provide avenues for the local community to contribute and participate in asset based community development projects. This builds up the skills and understanding of Yarra residents which has wider benefits for the municipality leading to a more inclusive and just community.
27. The local East Timorese are also supported and empowered to contribute to Yarra by being included in events and projects either run by themselves or by FoB.

Human Rights Implications

28. Council is a strong supporter of human rights and equal opportunity. A key principle underpinning the way in which Council engages in and through the Agreement program and how it supports FoB is one of mutual respect.

Communications with CALD Communities Implications

29. In going forward in implementing the Municipal Agreement it is necessary to ensure that any material is translated into the relevant language to ensure information is accessible and understood. The official languages of Timor Leste are, Portuguese and Tetum.

Council Plan, Strategy and Policy Implications

30. Not relevant to this report.

Legal Implications

31. There are no legal implications to this report.

Other Issues

32. None applicable.

Options

33. None applicable.

Conclusion

34. The recent visit to Timor Leste has provided an opportunity for Council to clarify its various commitments to the Municipal Agreement, the Friends of Baucau and the Melbourne East Timorese Activity Centre. The recommendations from the attached report of the visit will continue Council's commitment to Baucau municipality and its people.

35. That Council endorse the recommendations as listed in the Report to Yarra City Council on the recent visit to Timor Leste (**Attachment 3**):
- (a) Strengthen the existing partnership between Council and Friends of Baucau by:
 - (i) Improving promotion and marketing of the FoB coffee which is sold at Council cashiers;
 - (ii) Supporting the Yarra Neighbourhood Houses to partner with FoB because the neighbourhood house asset based community development model is at the forefront of community development practise internationally and neighbourhood houses have unique skills to share in relation to making the grant/aid systems work/deliver for grassroots communities;
 - (iii) Supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau because at the community level many issues are shared and there is value in building and strengthening a network for mutual learning and professional development; and
 - (iv) Promoting the work of FoB through Council's communications channels.
 - (b) Support Melbourne East Timorese Activity Centre through the community grants program:
 - (i) Support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
 - (ii) Continue to promote Community Grants for community development projects based in Yarra;
 - (c) Action the Municipal Agreement between Baucau and Yarra by:
 - (i) Assigning a Council officer to drive the municipal Agreement;
 - (ii) Building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - Beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - Sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies;
 - (iii) Investigating the possibility of an officer exchange;
 - (iv) Exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
 - (v) Continue participation in the Local Government Timor-Leste Partnership Network.

RECOMMENDATION

1. That Council:

- (a) note the Baucau – Timor Leste Visit 2019 Report;
- (b) endorse the full recommendations from the report as listed below;
- (c) strengthen the existing partnership between Council and Friends of Baucau by:
 - (i) improving promotion and marketing of the Friends of Baucau coffee which is sold at Council cashiers;
 - (ii) supporting the Yarra Neighbourhood Houses to partner with Friends of Baucau;
 - (iii) supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau; and
 - (iv) promoting the work of FoB through Council's communications channels.
- (d) support Melbourne East Timorese Activity Centre through the community grants program:
 - (i) support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
 - (ii) continue to promote Community Grants for community development projects based in Yarra;
- (e) action the Municipal Agreement between Baucau and Yarra by:
 - (i) assigning a Council officer to drive the municipal Agreement;
 - (ii) building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies;
 - (iii) investigating the possibility of an officer exchange;
 - (iv) exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
 - (v) continue participation in the Local Government Timor-Leste Partnership Network.

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

Attachments

- 1 [!\[\]\(79de0df6c6ddd2d4eb74f1cc5f48ec50_img.jpg\)](#) Yarra Baucau Municipal/District Cooperation Agreement
- 2 [!\[\]\(d4c9768318b38eff1042b07478e20b4c_img.jpg\)](#) Dili Declaration 2016
- 3 [!\[\]\(27d314856359a9d7feca17161bc1f4a4_img.jpg\)](#) Baucau - Timor Leste Visit 2019 Report

Attachment 1 - Yarra Baucau Municipal/District Cooperation Agreement

MUNICIPAL/DISTRICT COOPERATION AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese Districts and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The Victorian Municipality of Yarra will cooperate with the Timorese District Management of Bacau according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of Bacau's district officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Organising study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors.
 - Providing support with technical advice to assist with implementation of district programs and projects under the direction of the Secretariat of State for Administrative Decentralisation.
 - Regular networking, collaboration and interchange of information between District Management and Municipal officers and interested parties;
3. The Municipality of Yarra and the District Management of Bacau will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The Municipality of Yarra will cooperate with the District Management of Bacau in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of Bacau's population.
5. The Municipality of Yarra and the District Management of Bacau will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Secretariat of State for Administrative Decentralization, Timor-Leste.



MS VIJAYA VAIDYANATH
CHIEF EXECUTIVE OFFICER
CITY OF YARRA



MR TOMÁS DO ROSÁRIO CABRAL
SECRETARY OF STATE FOR ADMINISTRATIVE
DECENTRALISATION



Attachment 2 - Dili Declaration 2016

DILI DECLARATION

The organizations identified below, participants in the 5th Conference on Administrative Deconcentration and Decentralization and Local Government, held in Dili between the days of 17th and 18th of August 2016, in the city of Dili, Timor-Leste

PRAISING the efforts undertaken by the several constitutional governments of the Democratic Republic of Timor-Leste towards the reform of the Local Administration with the purpose of creating a free and democratic Local Government able to meet the interests of local communities.

RECOGNIZING that the creation of Local Government In Timor-Leste will contribute to the increased quality, quantity and proximity of goods and services to the citizens, especially to those residing further from the city or Dili.

UNDERSTANDING that the creation at Local Government in Timor-Leste will strengthen national cohesion and consolidate democracy and a Democratic State based on the Rule of Law in this young country.

CONSCIOUS that the process of creating Local Government faces, and has to overcome, complex challenges, namely on the matters of infrastructure, Local Administration human resource capacity, and development and introduction of administrative systems at the local level.

CONVINCED that the establishment of a cooperation platform for the creation of Local Government in Timor-Leste, involving our traditional development partners, our friends from national, state and local governments, and nongovernmental organizations, will facilitate the sharing of knowledge and experiences in the domain of administrative decentralization and overcome the challenges that the latter faces in Timor-Leste.

INVOKING the historic bonds of friendship and of solidarity existing between the Timorese people, the Portuguese people and the Australian people.

REMEMBERING the existence of cooperation agreements made in the domain of administrative decentralization between our traditional development partners, national, state or local governments and nongovernmental organisations from our countries of friendship.

TAKING NOTE of the approval, by the 70th General Assembly of the United Nations, of the 2030 Sustainable Development Agenda, which adopted the goal of “Strengthening global partnership for sustainable development, complemented by multisector partnerships mobilizing and sharing knowledge, expertise, technology, and financial resources, to support

Attachment 2 - Dili Declaration 2016

the realization of the sustainable development objectives in all countries, particularly in developing countries”.

DECLARE:

1. Their friendship and solidarity towards the Democratic Republic of Timor-Leste and the Timorese people in order to implement free and democratic Local Government in Timor-Leste.
2. To support the efforts undertaken by the Government of the Democratic Republic of Timor-Leste in order to improve the quantity and the quality of public goods and services provided to the citizens, notably through processes of deconcentration and decentralization of competencies to support Local Administration.
3. Their availability to refinance and deepen the bonds of cooperation established with the Democratic Republic of Timor-Leste beyond the current legislature, where that may be the wish of the National Institutions of Timor-Leste.
4. The will to share knowledge and experience gathered in the domain of administrative deconcentration, administrative decentralization, Local Government, local development and fostering the development of the private sector in rural areas.
5. To support the development of relationships between Australian and Portuguese Civil societies and local communities for the improvement of the population's quality of life.
6. To congratulate the Ministry of State Administration for the organization of the 5th Conference on Administrative Deconcentration and Decentralization and Local Government.

Dili, 18 August 2016

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

Baucau Timor Leste

Report to Yarra City Council on the recent visit to Timor Leste



Aldo Malavisi
Yarra City Council

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

Visit to Baucau Timor Leste

28 April – 10 May 2019

Purpose of visit to Baucau Timor Leste

The recent visit to Baucau, Timor Leste was jointly organised between the Friends of Baucau (FoB) and the Darebin Neighbourhood House Network (DNHN). Their main purpose of the visit was to broaden, develop and strengthen friendship relationships between women's groups and organisations in the Baucau district and women in the Darebin community as represented by FoB and DNHN. The visit supported the objective of extending the long-term friendship relationship of mutual exchange, learning and resource sharing in order to improve the wellbeing and capacity of communities in Timor Leste, in particular women and their families in the Baucau sub-district.

Yarra City Council has had a long standing relationship with FoB (from 2000) and the relationship has gone through several iterations though FoB has always been supported by the Cities of Yarra and Darebin. Friends of Baucau became an independent community association in 2011. The current support that Yarra provides to FoB is through Councillor participation on the committee of management (constituted) and the selling of FoB Timorese Coffee through Council's cashiers.

Friends of Baucau and the Darebin Neighbourhood House network planned the visit over 12 months ago and funding for the visit was sourced from: a City of Darebin community grant; Neighbourhood Houses Victoria; the Clifton Hill branch of the Bendigo Bank; and fundraising through the extra sale of FoB Timorese Coffee.

A partnership agreement was signed between Friends of Baucau and the Darebin Neighbourhood House network in 2018. The purpose of the partnership is to identify and work with and through established Women's Networks in Baucau to improve the wellbeing and social welfare of women, children, and whole communities.

City of Yarra's additional purpose

The visit to Baucau organised by FoB and DNHN provided an opportunity for Yarra City Council to support this visit to Timor Leste and continue to build the relationship between Yarra and Baucau. In February 2019 Council approved Aldo Malavisi, Community Partnerships Unit Manager to join the group and further explore ways that Yarra could implement its commitment to the Baucau district through the Municipal/District Cooperation Agreement.

Council in 2014 resolved to sign a Municipal Agreement between Yarra City Council and Timor Leste, District of Baucau. Similar Agreements were signed by several other Victorian Councils at the time with their respective Districts. The Agreement program was developed following negotiations between the Victorian Government (Local Government Victoria) and the Timor-Leste Government as part of a program to further develop its governmental structures and programs as part of the decentralisation of powers to the Districts and Municipalities.

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

Members of the group who travelled to Timor Leste



Figure 1 Chris, Kim, Alzira from Alola Foundation, Angie, Ursula, Gina, Colleen, Leanne, Chris & Aldo

Chris Dureau – Friends of Baucau
Ursula Harrison – Friends of Baucau
Cr. Kim le Cerf – City of Darebin
Aldo Malavisi – City of Yarra
Chris Lombardo – The Bridge
Gina Wittingslow – Jika Jika Community Centre
Leanne Coughlin – Alphington Community Centre
Colleen Duggan – Span Community House
Angie Davidson – Reservoir Neighbourhood House

All meetings held in Timor Leste

Government

- Antonio Guterres, President of the municipality of Baucau;
- Aderito Manuel Alves Guterres, Director of the Ministério Da Administração dos Municípios, Dili;
- Maria Angelina Sarmento, Vice President Parliament of Timor Leste, Dili

International NGO's and Aid Programs

- Fernando Peres, Director, Caritas Australia, based in Dili;
- Junilda Maria Vilanova, Baucau Area Manager, World Vision, Baucau;
- Florentino Sarmento, Director, Timor Aid, Dili;
- Bernadino Da Costa Pereira, National Project Manager, UNDP, Dili.

Timor Leste NGOs and Women's Organisations

- Alzira dos Reis, CEO, Fundasaun Alolo, Dili;
- Helen Gomez, Director, Alola Esperensa, Dili;
- Marita de Jesus Marques, Executive Officer, Rede Feto, Timor Leste. Dili;
- Marilia da Silva Alves, Director, Fokupers, Dili;
- Femi Belo, Coordinator, UMA PAS, Baucau;
- Teresa Pereira, Director, Centro Feto Human Development (CFHD), Baucau;
- Regina da Sousa, AFEHABAD, Baucau;
- 6 village xefes from Baucau sub-district
- Margy Beck, Marist Teacher Training College, Baucau;
- Marqy da Costa, Louis 'Hos' da Costa, Afalyca Community Arts Centre, Baucau;
- Sister Louisa, Canossian Training College.

Australian Embassy

- Peter Roberts, Ambassador;

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

- Anita do Santos Silva, Coordinator Development Cooperation, Community development;
- Januario Bere Buti, Political Research Officer

Others

- Emanuel Braz, editor, Dili Times
- Inga, project manager Tomak project

Baucau Visit 1-8 May



Figure 2 Planning meeting in Baucau with xefes and Frineds of Baucau

A planning meeting was held on the first day in Baucau with representatives from women's organisations, several village xefes (leader), and the directors of Afalyca to finalise plans for village visits, cultural exchange, and a two-day workshop.

Visits were made to 6 of the 11 villages in the Baucau sub-district to meet with women involved in community activities such as women's economic empowerment projects, including jam-making, community gardens, machine embroidery and sewing, and tais making. Friends of Baucau has supported many of these programs during the past several

years. In several villages the women prepared traditional food for lunch. The village visits enabled the group to learn of successful projects and the challenges and issues faced in the communities.

Villages visited

- Bucoli (Head of Village (Xefe) & 6 women village Council delegates and 15 university students);
- Triloca (Xefe & 20 women);
- Samalari (Xefe and family, visited the primary school);
- Bahu (Xefe, Village Delegates & 3 young women);
- Buibau (Xefe, Village Delegates & 15 women); and
- Caibada Waimea (Xefe, Delegates & 15 women).

The weeklong visit to Baucau culminated in a two day workshop held with representatives from women's organisations in Baucau, 25 women from village women's collectives, four xefes de suco, and the Xefe Posto Baucau Vila (Baucau sub-district administrator). The first day of the workshop, with leaders of women's organisations based in Baucau, featured presentations from DNHN, and three Baucau women's organisations (CFHD, AFEHABAD, Equality and Inclusion Baucau municipality). The second workshop day was experiential and participatory and featured cultural exchanges with women's organisations and cooperatives and the DNHN. Activities included traditional Timorese cooking, tais weaving, basketry, singing and dancing. The DNHN made pasta sauce, and 'rum' balls, and facilitated a popular jewellery making workshop.

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

Cultural experiences

We were invited to attend two highly enjoyable cultural performances in Baucau; an evening performance of traditional songs and dances by women students at the Canossian Training College in Baucau and songs and dances with young students from Baucau surrounds at the Afalyca Community Arts Centre. Afalyca also had a display of artwork made by local students.



Figure 3 Afalyca Community Arts Centre is supported by FoB. As a way of being financially sustainable they are developing a cultural experience of song and dance to be marketed to tourists.

In Dili visits were made to the Resistance and Archives Museum, Santa Cruz Cemetery, Chega Musuem and Dare War memorial Museum. Other visits included the Church of Laleia, the Heroes Cemetery, UmaPas Safe House, and Centro Feto Human Development.

In return the group shared two songs from Australia – “I am woman” a feminist anthem, and “Lingmara” a northern indigenous song.

Video

The group made a short video which was shown at the State Conference of Neighbourhood Houses in Victoria on May 9th.

<https://www.youtube.com/watch?v=xCp5gpbPHoU&feature=youtu.be>

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

Final Day Workshop in Baucau

The time in Baucau culminated with a day workshop on the 7th May and brought together a group of over 35 people (front cover photo). In preparation for this workshop the Darebin-Yarra group reflected on their overall experience in Timor Leste. Here are some summary thoughts from that reflection.

What did we learn?

There are some key issues in Timor-Leste

- Basic hygiene and health
- Nutrition and food security
- Climate change impacts
- Access to communication
- Basic services (safe roads, waste disposal, water supply etc.), and
- Centralised government.

Issues that women in particular face in Timor-Leste include:

- Economic independence
- Domestic violence and sexual abuse, and
- Maternal and child health care.

What inspiring things did we see?

- Strong people trying to improve their communities.
- Dynamic women tirelessly fighting a patriarchal society.
- Women's collectives working together.
- Savings and loans schemes supporting local projects and the most vulnerable in communities.
- Entrepreneurial women (jam, banana chips, coconut products, embroidery).
- Women xefe's leading communities, some male xefe's enabling women.
- Women proportionally well represented in politics and strong women part of the bureaucracy
- Strong women educating women and men (NGOs in Dili, Teresa).
- Women delivering meaningful and life-changing projects and programs (Samalari, UMA PAS, Alola Esperansa).

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

Reflections from local women who participated in the final day workshop

"Would like to do these activities (jewellery making) in the future, and make to sell."

"Respect for meeting together. Learning about doing these things in my community. Thanks to Regina for including women in Baucau in these activities. Important to include all women in Baucau in these kinds of activities. Several organisations focus on women in Baucau."

"Hope we can gain more skills and do something for our community. Lots of women in rural areas have lots of skills, and they want to show you what they've got. There was not much time to organise women, and they don't have these opportunities. Relationship is important. I did not hear about this meeting – want to have a strong relationship in the future. Hope that we can send some of our women delegates to learn so that they can do something in their communities (Benita)."

"These activities are good for young people. Bring more activities in the future. At the moment I am doing cultural activities" (Sonia Soares).

One of the women spoke about her work at Baucau Buka Hakatene (BBH) and how much she learned from working with the women there. She spoke about one of the women attending the workshop who had been a victim of domestic violence and the challenges that she had overcome for herself and her children. There are lots of challenges for women in Timor Leste. She hopes to continue the friendship and to visit Melbourne one day (Domingas, UmaPas).

Final words on behalf of the Municipal President Antonio Guterres at the workshop

Francisco Ximenes, welcomed and thanked the local xefes, women's organisations, and women who have come today. Stressed the importance of the friendship between Baucau and Australia, and on behalf of the Baucau Municipal President expressed the hope that it would be a long term friendship working together to find solutions to some of the issues that we face in Baucau.

He expressed the hope that the xefes de sucos could visit Australia and see what is being done there. Even though we live a very long distance apart, we are always together.

Key meeting notes around the Municipal Agreement

Alongside what was primarily a strength based community development visit, the opportunities to listen and discuss how the Municipal/District Cooperation Agreement could be built on was more challenging.

Timor Leste has currently one level of Government which is divided into 13 municipalities, which are then divided into 65 administrative posts (formerly subdistricts). Each administrative post is divided into several sucos, (villages). The suco is the smallest political division of East Timor.

The National Government is in the process of establishing a second level of Government commonly referred to as the decentralisation process. The decentralising process has been slowly progressing for some time though it has currently stalled for what seems to be several reasons. Apart from this it was noticed that the Baucau administration was hamstrung with so many decisions needing to be made by the administration in Dili. E.g. The Municipal Offices in Baucau cannot make any recruiting decisions on their own, they all need to go to Dili for a decision and on another level when a car needs to be serviced or repaired it cannot be repaired in Baucau, it needs to go to Dili.

There were three meetings with Government officials that were extremely beneficial and have assisted in clarifying how the Municipal Agreement can be improved.

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

1. Meeting with Antonio Guterres, President of the municipality of Baucau

The President of the municipality of Baucau was very supportive of FoB and he praised them for all their community work over the years and was excited by this collaborative venture between the women's groups in Baucau and the Darebin Neighbourhood Houses. He was also appreciative to have met with representatives from Darebin and Yarra Councils and wants to develop a stronger Municipal Agreement between our organisations. He would like to see some clear and reportable actions that would be of mutual benefit.

He expressed frustration with the slow process of decentralisation and highlighted some of the greater needs he was experiencing as the President. The things he mentioned that were of great need were planning especially the lack of something like a municipal strategic plan, waste management and asset management.

2. Meeting with Bernardino (Dino) Da Costa Pereira, National Project Manager, Decentralization Project, Democratic Governance Unit, United Nations Development Program (UNDP)

Dino manages the decentralisation project and he and his team happened to be in Baucau at the same time we were visiting the municipal offices. They were leading a two day strategic planning session with the directors of the local administration. These planning sessions have happened in the past though have not resulted in many tangible actions though this time was different because the planning was based on the consultation they did with the community and other stakeholders over two sessions in late 2018. They were all hopeful that this planning session would lead to some real change because it was based on the consultation.

3. Meeting with Aderito Manuel Alves Guterres, Director of the Ministério Da Administração dos Municípios in Dili. He is the Director of the secretariat for the establishment of municipalities and the Municipal/District Cooperation Agreements.

Since the election in 2018 only half the ministerial positions have been filled and the acting Minister has expressed continued support for the Municipal Agreements with a desire to see more practical outputs and outcomes.

The process of establishing local governments is slow and long though the National Government has already delegated some basic services such as primary schools and health clinics to municipalities. There are three pieces of legislation that need to go through Parliament so that municipalities can be fully established. One is about local government, the second is about the election process and the third is about finance and procurement. The first two laws are currently going through the Parliament with the third to follow.

The new Parliament is in for 5 years and they have a mandate to establish 3-5 local governments by 2021 or 2022. The decision on which councils are to be established first will depend on a performance evaluation.

These local governments will have responsibility for everything except for areas such as defence and security, finance, foreign affairs and major roads. They will be able to generate their own income and the draft currently states they will be able to collect taxes on behalf of the central government.

At this stage the village structures with their Xefes as leaders will remain. Council assemblies will be separate with the direct election of a mayor for 4 years and election of councillors for 4 years as well.

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

The Director said “Until the laws are passed there is not much we can do though perhaps training and keeping in regular contact. Training of a government person from Baucau would be a good thing to do”. He could provide a job description of a position from the Baucau office and we (Yarra/Darebin) could offer a training experience for the person in that role.

Some reflections on the visit to Timor Leste

As an outsider it seems that one of the main areas that will need addressing is the merging of the two styles of governance. There already exists a level of governance at the village level which seems to be functioning quite well. At the village (suco) level the governance is strong, traditional and functioning. The fact that at this stage the village structures and council assemblies will be separate, highlights that there will be two different governance structures which will need to relate to each other. Without further understanding this situation I’m unable to add anything else other than it seems like there will be a governance structure which has grown out of the community and one which will be introduced to the community.

An ongoing impact of the early work of the FoB, when it was a joint project between Darebin and Yarra councils, was very encouraging to witness. There were three women who had attended classes or were involved at Baucau Buka Hakatene, a Neighbourhood House that was run by FoB. These three women were leaders in their respective villages whilst employed in key roles. Two were employed by the local administration, one in finance and the other in equality and inclusion. The third was employed in a women’s organisation that provided services and a safe house for women experiencing domestic violence.



Figure 4 A business run by women supported by FoB. One of the leaders in this business said that METAC saved her whilst she studied in Melbourne.

I came across several people who had spent time in Melbourne mainly as students or on cultural exchange programs and were appreciative of the support they received from the Melbourne East Timorese Activity Centre (METAC). Some of these people were now community leaders which was heartening to see. This is important to note for Council because METAC was developed in partnership with the then Yarra East Timorese community, the North Richmond Community Health Centre and Belgium Avenue

Neighbourhood House in 2001 with a \$1,000 grant from City of Yarra. Council continues to support METAC through the community grants program and recently funded a Melbourne wide celebration of the 17th anniversary of Timor Leste’s restoration of independence in May. The event was held at the Collingwood Underground.

As we visited the villages and spoke with various groups in particular women’s groups and organisations it was obvious that FoB had made a positive contribution to the life of people in Baucau. The long term commitment has been critical to building relationships and trust with people

Attachment 3 - Baucau - Timor Leste Visit 2019 Report

in Baucau and if the Municipal Agreement is to have any chance of success then it will be built on these relationships that have been forged over many years by FoB. There is a healthy level of civic participation and civic leadership in Baucau where people are empowered and feel comfortable to express their thoughts and free to challenge and hold decision makers and bureaucracies to account. I felt this was a common community trait between Baucau and Yarra.

The following recommendations are based on the experience of this recent trip to Timor Leste and are mindful of the long-term commitment and work of Yarra City Council and the Friends of Baucau and in particular seek to further develop Council's commitment to the Municipal Agreement.

Recommendations

Strengthen the existing partnership between Council and Friends of Baucau by:

- Improving promotion and marketing of the FoB coffee which is sold at Council cashiers;
- Supporting the Yarra Neighbourhood Houses to partner with FoB because the neighbourhood house asset based community development model is at the forefront of community development practise internationally and neighbourhood houses have unique skills to share in relation to making the grant/aid systems work/deliver for grassroots communities;
- Supporting the mutual exchange between Yarra Neighbourhood Houses and community groups in Baucau because at the community level many issues are shared and there is value in building and strengthening a network for mutual learning and professional development; and
- Promoting the work of FoB through Council's communications channels.

Support Melbourne East Timorese Activity Centre through the community grants program:

- Support local groups such as Belgium Avenue Neighbourhood House to develop the capacity of METAC to self-govern;
- Continue to promote Community Grants for community development projects based in Yarra;

Action the Municipal Agreement between Baucau and Yarra by:

- Assigning a Council officer to drive the municipal Agreement;
- Building the relationship between the Municipal Office in Baucau and Yarra City Council by:
 - Beginning regular correspondence, in the relevant language, with the Municipal office in Baucau to keep communications open and provide updates; and
 - Sharing of relevant information that can be easily translated such as pertinent sections of relevant strategies.
- Investigating the possibility of an officer exchange;
- Exploring training opportunities for people in relevant positions in the Municipal Office in Baucau that can be delivered in cost effective and meaningful ways; and
- Continue participation in the Local Government Timor-Leste Partnership Network.

Acknowledgement

I would like to acknowledge Ursula Harrison and Leanne Coughlin for their contributions to this report.

11.6 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D19/136030

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

Background

2. In order to undertake the duties of office, the below named staff member should be appointed as an Authorised Officer pursuant to the above referred legislation.
3. This authorisation cannot be made by the Chief Executive Officer under delegation, and must be made by resolution of Council.

Consultation

4. Not applicable.

Financial Implications

5. There are no direct financial implications arising from the appointment of an authorised officer.

Economic Implications

6. This report has no economic implications.

Sustainability Implications

7. This report has no sustainability implications.

Social Implications

8. This report has no direct social implications.

Human Rights Implications

9. This report has no Human Rights implications.

Communications with CALD Communities Implications

10. Not applicable.

Council Plan, Strategy and Policy Implications

11. This report is an example of this Council's positive action, in demonstrating its commitment to its legislative obligations.

Legal Implications

12. Appointment of Authorised Officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 232 of the *Local Government Act 1989*).

Other Issues

13. Not applicable.

Options

14. Not applicable.

Conclusion

15. That Council formally appoint the officers listed below as Authorised Officers pursuant to Section 147 (4) of the *Planning and Environment Act* 1987 and Section 232 of the *Local Government Act* 1989. The Instruments of Appointment and Authorisation document will be signed accordingly by the Chief Executive Officer.

RECOMMENDATION

1. That Council formally appoints:
 - (a) Ian Banks
as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act* 1987 and Section 232 of the *Local Government Act* 1989.
2. That Council directs that the Instrument of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

There are no attachments for this report.

12.1 Notice of Motion No. 12 of 2019 - Request for Report on Future of Burnley Cottage

Reference: D19/135873

Authoriser: Group Manager Chief Executive's Office

I, Councillor James Searle, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 August 2019:

"That in relation to the building in Burnley Park, known as Burnley Cottage:

(a) Council note:

- (i) the building's status on the Victorian Heritage Register as part of the "Richmond Park" precinct and its history as one of the oldest park-keeper residences remaining in Victoria and dating back to the 1860s;*
- (ii) the poor state of repair of the building and the \$45,000 allocated in the 2019/2020 budget for works to the building;*
- (iii) that the cost of bringing the building up to appropriate standards for a community or other use, is significantly more than \$45,000;*
- (iv) the high level of local community interest in both the state of repair and in the future role of the historic building; and*
- (v) that there has been no formal consideration of the future of the building since 2017;*

(b) Council receive a report in the October meeting cycle which includes:

- (i) a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building;*
- (ii) an update on the 2019/2020 budgeted capital works;*
- (iii) an estimate of the cost of works required to the building to both:*
 - a. restrict further deterioration of the structure; and*
 - b. bring it up to the minimum standard required for use;*
- (iv) funding sources which could be used to support the necessary works to the building; and*
- (v) any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration."*

RECOMMENDATION

1. That in relation to the building in Burnley Park, known as Burnley Cottage:
 - (a) Council note:
 - (i) the building's status on the Victorian Heritage Register as part of the "Richmond Park" precinct and its history as one of the oldest park-keeper residences remaining in Victoria and dating back to the 1860s;
 - (ii) the poor state of repair of the building and the \$45,000 allocated in the 2019/2020 budget for works to the building;
 - (iii) that the cost of bringing the building up to appropriate standards for a community or other use, is significantly more than \$45,000;
 - (iv) the high level of local community interest in both the state of repair and in the future role of the historic building; and
 - (v) that there has been no formal consideration of the future of the building since 2017;
 - (b) Council receive a report in the October meeting cycle which includes:
 - (i) a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building;
 - (ii) an update on the 2019/2020 budgeted capital works;
 - (iii) an estimate of the cost of works required to the building to both:
 - a. restrict further deterioration of the structure; and
 - b. bring it up to the minimum standard required for use;
 - (iv) funding sources which could be used to support the necessary works to the building; and
 - (v) any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration.

Attachments

There are no attachments for this report.

12.2 Notice of Motion No.13 of 2019 - Support for Climate Emergency Strike

Reference: D19/137667

Authoriser: Group Manager Chief Executive's Office

I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 August 2019:

"That Council:

- (a) having regard to its strong support for our environment and in particular, its acknowledgment of a Climate Emergency facing the world and the need for prompt attention thereto and:
 - (i) noting its range of policies now in place to address the impacts of climate change through the implementation of a progressively expanding range of community works and programs in Yarra to protect our environment and reduce waste; and*
 - (ii) noting the need for other levels of government to acknowledge, plan for and implement actions which address the climate emergency;**
- (b) note the Melbourne School Strike 4 Climate which is programmed for 20 September;*
- (c) note the IMARC (International Mining And Resources Conference) programmed at the Melbourne Convention and Exhibition Centre from 28 – 31 October 2019 and the 3 day protest which will take place against the Conference; and*
- (d) note its support for each of the Melbourne School Strike 4 Climate and the IMARC Protest and that we support Yarra residents who choose to support these two important events."*

Background

- Reference the Melbourne School Strike 4 Climate which:
 - seeks commitment to our national demands:
<https://www.schoolstrike4climate.com/about>.
 - seeks help us make September 20 the biggest mobilisation that ever was.
- Reference the IMARC Conference
https://imarcmelbourne.com/?utm_source=google&utm_medium=cpc&utm_campaign=tagdigital&gclid=EAlaIqObChMlpfPNn7Lw4wIV2IRwCh261AeWEAAYASAAEgKA2PD_BwE

RECOMMENDATION

1. That Council:

- (a) having regard to its strong support for our environment and in particular, its acknowledgment of a Climate Emergency facing the world and the need for prompt attention thereto and:
 - (i) noting its range of policies now in place to address the impacts of climate change through the implementation of a progressively expanding range of community works and programs in Yarra to protect our environment and reduce waste; and
 - (ii) noting the need for other levels of government to acknowledge, plan for and implement actions which address the climate emergency;
- (b) note the Melbourne School Strike 4 Climate which is programmed for 20 September;
- (c) note the IMARC (International Mining And Resources Conference) programmed at the Melbourne Convention and Exhibition Centre from 28 – 31 October 2019 and the 3 day protest which will take place against the Conference; and
- (d) note its support for each of the Melbourne School Strike 4 Climate and the IMARC Protest and that we support Yarra residents who choose to support these two important events.

Attachments

There are no attachments for this report.