



Ordinary Meeting of Council Agenda

**to be held on Tuesday 8 October 2019 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

www.yarracity.vic.gov.au

Order of business

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

1. Statement of Recognition of Wurundjeri Woi-wurrung Land

"Welcome to the City of Yarra."

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

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

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

4. Confidential business reports

Item

- 4.1 Personnel matters

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

RECOMMENDATION

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

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

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

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

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

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Draft Consumption of Liquor in Public Place Local Law	8	15	Stewart Martin – Manager Compliance and Parking Services
11.2	Proposed Discontinuance of Road abutting 12-20 Victoria Crescent, Abbotsford.	56	59	Bill Graham – Coordinator Valuations
11.3	Review of the Health and Wellbeing Plan Advisory Committee (HWPAC)	91	95	Malcolm McCall - Unit Manager Social Policy and Research
11.4	Public health, amenity and safety update and actions taken in North Richmond and Abbotsford	117	136	Malcolm McCall - Unit Manager Social Policy and Research
11.5	Lourdes Site - Consideration of concept	139	152	Bruce Phillips – Director Planning and Place Making

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

Public submissions procedure

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

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

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

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No. 15 of 2019 - Witness K and Bernard Collaery prosecutions	198	198	Cr Amanda Stone

13. Urgent business

Nil

11.1 Draft Consumption of Liquor in Public Place Local Law

Executive Summary

Purpose

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

Key Issues

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

Financial Implications

None perceived

PROPOSAL

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

Preliminary consultation:

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

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

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

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

11.1 Draft Consumption of Liquor in Public Place Local Law

Reference: D19/158710

Authoriser: Director Corporate, Business and Finance

Purpose

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

Background

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

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

External Consultation

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

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

Summary of Responses from Public Survey	Officers Comments
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

Summary of Responses from Public Survey	Officers Comments
	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	An Officer would require evidence for any breach. (see paragraph 14 & 15 below)

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

Internal Consultation (One Yarra)

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

Financial Implications

28. None perceived

Economic Implications

29. None perceived

Sustainability Implications

30. None perceived

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

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

A Healthy Yarra

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

Legal Implications

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

Other Issues

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

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

Options

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

Conclusion

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

RECOMMENDATION

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

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

Attachments

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

Attachment 1 - Proposed- 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 - Proposed- 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 - Proposed- 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 - Proposed- 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 who observes a person contravening 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 - Proposed- 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 who observes a person contravening 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 - Proposed- 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 who observes a person contravening 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 - Proposed- 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 - Proposed- 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 change- Proposed Consumption of Liquor in a Public Place Local Law

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 change- Proposed Consumption of Liquor in a Public Place Local Law

PART 2: GENERAL CONDITIONS

Clause	Proposed Amendment	Reason
8 (now 9)	Remove sub-clauses (2) – (4)	These are not required
9	Add possession or ' <i>control of</i> ' any Liquor ' <i>other than in a sealed container</i> '.	Allows for greater regulation of liquor in public places, slightly broadens scope of clauses.
	<i>Sub clause (2) included which excludes festivals or prescribed areas.</i>	The inclusion of sub clause (2) creates a clear offence and exception.
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 ' <i>control of</i> ' any Liquor ' <i>other than in a sealed container</i> '	See above, Part 2.
	<i>Add "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.

PART 4: PRESCRIBED AREAS

Clause	Proposed Amendment	Reason
17	Clause deleted	Clause not required.

Attachment 2 - Statement of change- Proposed Consumption of Liquor in a Public Place Local Law

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 'control of' 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.

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.
21	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
22	Add clause creating offence for contravening or failing to comply with the Local Law	Replaces original offence clause
23	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 - Consumption of liquor in a public place-- list of prescribed places

Minutes Page 130

Attachment 4: Part Four – Prescribed Areas – Open Space Reserves

Reserve Name	Street Address	Suburb	Post Code	Melway Ref
VICTORIA PARK	ABBOT ST	ABBOTSFORD	3067	2C K7
COULSON RESERVE	HEIDELBERG RD	CLIFTON HILL	3068	30 E12
DARLING GARDENS	NORTH TCE / HODDLE ST / SOUTH TCE	CLIFTON HILL	3068	2C H3
GEORGE KNOTT RESERVE	HEIDELBERG RD	CLIFTON HILL	3068	30 F12
QUARRIES PARK	DWYER ST / WRIGHT ST	CLIFTON HILL	3068	2D C3
RAMSDEN ST OVAL	FIELD ST / RAMSDEN ST	CLIFTON HILL	3068	2D C4
RAMSDEN STREET RESERVE	FIELD ST / RAMSDEN ST	CLIFTON HILL	3068	2D C4
WALKER ST OVAL	WALKER ST	CLIFTON HILL	3068	2D D2
WALKER ST SOCCER	WALKER ST	CLIFTON HILL	3068	2D D2
YAMBLA ST OVAL	YAMBLA ST / WHITE ST	CLIFTON HILL	3068	2D B2
YAMBLA ST SOCCER	YAMBLA ST / WHITE ST	CLIFTON HILL	3068	2D B2
FAIRFIELD PARK	HEIDELBERG RD / YARRA BEND RD	FAIRFIELD	3078	30 J12
EDINBURGH GARDENS OVAL (ALFRED CRESENT OVAL)	ALFRED CRES	FITZROY	3065	2C D1
EDINBURGH GARDENS	CNR ST GEORGES RD / BRUNSWICK ST	FITZROY NORTH	3068	2C D1
W T PETERSON COMMUNITY OVAL	BRUNSWICK ST	FITZROY NORTH	3068	2C C2
BURNLEY PARK	PARK GVE / YARRA BLVD	RICHMOND	3121	2H H10
BURNLEY PARK OVAL	PARK GRV / YARRA BLVD	RICHMOND	3121	2H H10
K BARTLETT RES. BASTOW SOCCER 1	F R SMITH DR	RICHMOND	3121	59 B1
K BARTLETT RES. BASTOW SOCCER 2	F R SMITH DRV	RICHMOND	3121	59 B1
K BARTLETT RES. FLETCHER SOCCER 1	YARRA BLVD	RICHMOND	3121	59 B1
K BARTLETT RES. FLETCHER SOCCER 2	YARRA BLVD	RICHMOND	3121	59 B1
K BARTLETT RES. LOUGHAN OVAL	F R SMITH DVE / YARRA BVD	RICHMOND	3121	59 B1
K BARTLETT RESERVE (EXCL SPORT FIELD & PAVILLION)	YARRA BOULEVARD / F R SMITH DVE	RICHMOND	3121	59 B1
RYAN RESERVE	SWAN ST / STAWELL ST	RICHMOND	3121	2H F11
COLLINGWOOD TOWN HALL PARK (ST PHILLIPS RES)	HODDLE ST / STANTON ST	ABBOTSFORD	3067	2C H10
MAUGIE ST RESERVE	MAUGIE ST / LULIE ST	ABBOTSFORD	3067	2C K6
YARRA RIVER PARKLANDS - FLOCKHART	FLOCKHART ST	ABBOTSFORD	3067	2D E12

Yarra City Council - Ordinary Council Meeting Minutes - 20 October 2009

Attachment 3 - Consumption of liquor in a public place-- list of prescribed places

Minutes Page 131

Reserve Name	Street/Address	Suburb	Post Code	Melway Ref
RESERVE				
MCILWRAITH ST RESERVE (PRINCESS HILL PS)	MCILWRAITH ST (B/W PARK & PIGDON ST)	CARLTON NTH	3054	29 J11
PIGDON ST MEDIAN STRIP LYGON TO BOWEN	PIGDON ST	CARLTON NTH	3054	29 H11
CONDELL ST PARK	CONDELL ST (B/W GEORGE & NAPIER ST)	FITZROY	3065	2C C9
GARRYOWEN PARK	LEICESTER ST	FITZROY	3065	2C A6
SMITH RESERVE	ALEXANDRA PDE / GEORGE/ NAPIER/ CECIL STS	FITZROY	3065	2C C5
BATSON (RUSHALL STATION) RESERVE	RUSHALL CRS	FITZROY NORTH	3068	30 D11
EDWARDS PLACE	FALCONER ST / SCOTCHMER ST	FITZROY NORTH	3068	30 C12
INNER CIRCLE - HOLDEN BYRNE RESERVE	HOLDEN ST / BYRNE ST	FITZROY NORTH	3068	30 C11
LANGDON RESERVE	MILLER ST / NICHOLSON ST	FITZROY NORTH	3068	30 A10
MERRICK PARKLANDS - BUNDARA ST RESERVE	OFF ST GEORGES RD AND BUNDARA ST	FITZROY NORTH	3068	30 D10
MERRICK PARKLANDS - RUSHALL STATION RESERVE	B/W RAILWAY LINE AND MERRI CREEK	FITZROY NORTH	3068	30 D11
RAINES RESERVE	QUEENS PDE	FITZROY NORTH	3068	2C H1
TRIANGLE PARK (ALEXANDRA PDE/ QUEENS/ NAPIER ST)	NAPIER ST / ALEXANDRA PDE	FITZROY NORTH	3068	2C C4
BROOKES CRESCENT RESERVE	BROOKES CRES NTH	FITZROY NORTH	3068	2C A1
ANNETTES PLACE (RIVER ST RESERVE)	RIVER ST	RICHMOND	3121	2H H4
DAME NELLIE MELBA MEMORIAL RESERVE	COPPIN ST	RICHMOND	3121	2H C7
GOLDEN SQUARE	MADDEN GVE	RICHMOND	3121	2H F11
WILLIAMS RESERVE	VICTORIA ST / BURNLEY ST	RICHMOND	3121	2H F2
YARRA RIVER PARKLANDS - O' CONNELL RESERVE	BRIDGE RD	RICHMOND	3121	2H H7
YARRA RIVER PARKLANDS- CRN BRIDGE AND YARRA BOULEVARD	CRN BRIDGE AND YARRA BOULEVARD	RICHMOND	3121	2H H7
CAIRNS RESERVE	LYNDHURST ST.	RICHMOND	3121	2H A8
BOWEN ST PARK	BOWEN ST	RICHMOND	3121	2G H5
DIGHTS FALLS RESERVE	TRENNERY CRS	ABBOTSFORD	3067	2D A6
GAHANS RESERVE	PARK ST / VERE ST	ABBOTSFORD	3067	2C J10

Attachment 3 - Consumption of liquor in a public place-- list of prescribed places

Minutes Page 132

Reserve Name	Street Address	Suburb	Post Code	Melway Ref
ALPHINGTON PARK	BW PARKVIEW & VIEW ST	ALPHINGTON	3078	31 C12
COATE PARK	COATE AVE	ALPHINGTON	3078	31 A12
CURTAIN SQUARE	CURTAIN ST / RATHDOWN ST	CARLTON NTH	3054	2B J2
INNER CIRCLE - HARDY GALLAGHER RESERVE	GARTON ST TO WILSON ST	CARLTON NTH	3054	29 H10
INNER CIRCLE - LYGON TO NICHOLSON	PARK ST NICHOLSON TO LYGON	CARLTON NTH	3054	30 A11
ALPHINGTON PARK OVAL	PARKVIEW RD	FAIRFIELD	3078	31 B12
ATHERTON RESERVE	NAPIER ST	FITZROY	3085	2C B10
INNER CIRCLE - MARK ST RESERVE	CAPITAL CITY TRAIL (BW ST GEORGES RD & ALFRED CR)	FITZROY NORTH	3088	30 C11
INNER CIRCLE - JANET MILLMAN RESERVE	PARK ST (BW NICHOLSON & ST GEORGES)	FITZROY NORTH	3088	30 B11
INNER CIRCLE - ST GEORGES RD TO BENNETT ST	PARK ST (BENNETT TO ST GEORGES RD)	FITZROY NORTH	3088	30 C11
INNER CIRCLE - THOMAS KIDNEY RESERVE	PARK ST / RUSHALL ST TO BENNETT ST	FITZROY NORTH	3088	30 D11
ALLEN BAIN RESERVE	MARY ST	RICHMOND	3121	2H B12
BARKLY GARDENS	MARY ST	RICHMOND	3121	2H B11
CIRCUS SITE	SWAN ST	RICHMOND	3121	2H J10
CITIZENS PARK	CHURCH ST / HIGHETT ST	RICHMOND	3121	2H B5
CITIZENS PARK OVAL	CHURCH ST / HIGHETT ST	RICHMOND	3121	2H B5
MCCONCHIE RESERVE	MARY ST	RICHMOND	3121	2M B2
MERRICK LINEAR RESERVE (ST GEORGES RD TO HOLDEN)	ST GEORGES RD TO HOLDEN	FITZROY NORTH	3088	30 D10
YARRA LINEAR RESERVE (DIGHT'S FALLS-JOHNSON ST)		ABBOTSFORD	3121	2D B6
YARRA LINEAR RESERVE (WALMER ST FOOTBRIDGE)	WALMER ST FOOTBRIDGE TO VICTORIA ST	ABBOTSFORD	3121	2D F12
YARRA LINEAR RESERVE ST HELIERS - GIPPS ST	ST HELIERS TO GIPPS ST FOOTBRIDGE	ABBOTSFORD	3121	2D D9
MAYORS PARK (EXCLUDES COLLINGWOOD LEISURE CENTRE)	TURNBULL ST/HEIDELBERG RD/HODDLE ST	CLIFTON HILL	3068	2C J1
MERRICK PARKLANDS - HALL RESERVE	THE ESPLANADE	CLIFTON HILL	3068	2D E1
ALPHINGTON PARK WETLAND	PARKVIEW RD	FAIRFIELD	3078	31 C12
MERRICK LINEAR RESERVE (HOLDEN ST TO QUEENS PDE)	HOLDEN ST TO QUEENS PDE	FITZROY NORTH	3088	30 D11

Attachment 3 - Consumption of liquor in a public place-- list of prescribed places

Minutes Page 133

Reserve Name	Street Address	Suburb	Post Code	Melway Ref
MERRI CK LINEAR RESERVE (MORELAND BOUNDARY TO OTTERY RES)	SUMNER PARK TO OTTERY RES	FITZROY NORTH	3068	30 C9
MERRI CK LINEAR RESERVE (QUEENS PDE TO HEIDELBERG)	QUEENS PDE TO HEIDELBERG	FITZROY NORTH	3068	30 E12
SWAN ST (YARRA BOULEVARD) RESERVE	SWAN ST / YARRA BLV (OPP AMRAD)	RICHMOND	3121	2H K10
YARRA LINEAR RESERVE (BRIDGE RD- RAILWAY LINE)		RICHMOND	3121	2H H7
YARRA LINEAR RESERVE (RAILWAY LINE- SWAN ST)		RICHMOND	3121	2H J10
YARRA LINEAR RESERVE (VICTORIA ST- BRIDGE RD)		RICHMOND	3121	2H H3
YARRA RIVER PARKLANDS - LOYS PADDOCK	SNOW ST	RICHMOND	3121	2M F1
BATH ST RESERVE	BATH ST / TRENNERY CR	ABBOTSFORD	3067	2C K7
BREARLY RESERVE (EXISTING RED GUM IN THE RESERVE)	TURNER ST / BATH ST	ABBOTSFORD	3067	2C K7
BROWNS RESERVE	NICHOLSON ST	ABBOTSFORD	3067	2C K10
CLARKE STREET RESERVE	CLARKE STREET	ABBOTSFORD	3067	2D B10
EDDY CRT RESERVE	VERE ST	ABBOTSFORD	3067	2C J9
STUDLEY ST RESERVE	STUDLEY ST	ABBOTSFORD	3067	2C K9
RUDDER GRANGE	ALPHINGTON ST	ALPHINGTON	3078	31 A12
NICHOLSON & PRINCES STS PARK	NICHOLSON & PRINCES STS	CARLTON NTH	3054	2B K4
SHAKESPEARE STREET RESERVE	SHAKESPEARE ST	CARLTON NTH	3054	2B H1
CLIFTON RESERVE	CNR CLIFTON ST/ ROW	CLIFTON HILL	3068	2D D1
GRAY ST RESERVE	GRAY ST (CNR TRENNERY)	CLIFTON HILL	3068	2D B5
YAMBLA ST RESERVE	YAMBLA ST / WRIGHT ST	CLIFTON HILL	3068	2D B2
ALEXANDER ST RESERVE	ALEXANDER ST	COLLINGWOOD	3066	2C G6
CAMBRIDGE STREET RESERVE	CAMBRIDGE ST	COLLINGWOOD	3066	2C E11
MCMANARA STREET RESERVE	KEELE ST / GOLD ST	COLLINGWOOD	3066	2C G6
FRANK KING PARK (BELL STREET)	BELL ST	FITZROY	3065	2C A8
GEORGE ST RESERVE	GEORGE ST / CHARLES ST	FITZROY	3065	2C C10
GREEVES STREET RESERVE	GREEVES ST / YOUNG ST	FITZROY	3065	2C B8
KING WILLIAM RESERVE	CNR KING WILLIAM ST. EAST OF FITZROY ST	FITZROY	3065	2C A9

Yarra City Council - Ordinary Council Meeting Minutes - 20 October 2009

Attachment 3 - Consumption of liquor in a public place-- list of prescribed places

Minutes Page 134

Reserve Name	Street Address	Suburb	Post Code	Melway Ref
WHITLAM PLACE	MOOR ST / NAPIER ST	FITZROY	3085	2C B9
BATMAN ST RESERVE	BATMAN ST	FITZROY NORTH	3088	30 A12
LIVERPOOL ST PARK	LIVERPOOL ST	FITZROY NORTH	3088	30 A11
OTTERY RESERVE	ST GEORGES RD / MILLER ST	FITZROY NORTH	3088	30 D10
PIEDMONTES CORNER	CNR SCOTCHMER ST / ST GEORGES RD	FITZROY NORTH	3088	30 B12
PORTER ST RESERVE	HOLDEN ST / PORTER ST	FITZROY NORTH	3088	30 B11
RUSHALL STATION PATHWAY	ADJACENT TO TRAIN LINE	FITZROY NORTH	3088	30 D12
ALEXANDER RESERVE (BEN ALEXANDER PLAYGROUND)	BW BERRY ST & HODGSON TCE	RICHMOND	3121	2H A6
ATHOL J BROWN RESERVE	CRN BURNLEY ST & MADDEN GVE	RICHMOND	3121	2H E11
BARKLY AVE & GIBDON ST	BARKLY AVE & GIBDON ST WEST SIDE	RICHMOND	3121	2H E12
CHARLES EVANS RESERVE	CUBITT ST	RICHMOND	3121	2L H1
DURHAM ST RESERVE	DURHAM ST	RICHMOND	3121	2M A2
EGAN PLACE RESERVE	EGAN ST / EGAN PLACE	RICHMOND	3121	2G J4
MURPHY ST RESERVE	MURPHY ST / COPPIN ST	RICHMOND	3121	2H C5
STEPHENSON ST RESERVE	STEPHENSON ST / DOVER ST	RICHMOND	3121	2G H10
TWICKENHAM CRS & GIBDON ST	TWICKENHAM CRS & GIBDON ST EAST SIDE	RICHMOND	3121	2H G12
TWICKENHAM RESERVE	TWICKENHAM CR NEAR LOYOLA GV	RICHMOND	3121	2H G12
URBAN ART SQUARE	BRIDGE RD / HOODLE ST	RICHMOND	3121	2G G5
WHITE STREET PARK	WHITE ST	RICHMOND	3121	2G J10

Yarra City Council - Ordinary Council Meeting Minutes - 20 October 2009

Attachment 3 - Consumption of liquor in a public place-- list of prescribed places

Attachment 4 - Victoria Police Submission proposed Consumption of liquor in public places



VICTORIA POLICE

Local Area Commander for Yarra
North West Metro Region

217-225 Church Street
Richmond 3121
Victoria, Australia
DX 212450
Telephone (03) 8420 3610
Facsimile

Email anne.rudd@police.vic.gov.au
www.police.vic.gov.au

18 September, 2019

Attention
Vijaya Vaidyanath, CEO Yarra City Council
Mayor Danae Bosler, City of Yarra

Re: Proposed Consumption of Liquor in Public Places Local Law No. 1 of 2019

Victoria Police is committed to reducing alcohol related harm in our community and promotes the responsible, safe use of alcohol.

Victoria Police is supportive of the overall objectives of the proposed Consumption of Liquor in Public Places Local Law No. 1 of 2019 ('the proposed local law') which generally speaking prohibits the consumption of liquor in public and carrying of alcohol in open containers, except for some public places known as prescribed areas and at designated times and places to facilitate festivals and events.

It is noted that the proposed local law includes a narrower definition of a 'public place' than the definition present in the current Consumption of Liquor in Public Places Local Law No. 8 of 2009. With the exception of the narrower definition of a 'public place', Victoria Police is supportive of the proposed local law.

The City of Yarra has over 700 licensed venues for people to consume alcohol in a controlled, regulated, legislative environment. Additionally, the proposed local law allows for the responsible consumption of liquor in prescribed areas including parks, gardens and reserves in recognition of the special use of these places by the community for social occasions.

Victoria Police acknowledge the rights of all members of the community to use public spaces, whilst also recognising our responsibility towards other members of the community who have the right to live in a safe and peaceful environment.

In recent times it has become evident that the City of Yarra, in particular, the North Richmond precinct, is experiencing challenges with anti-social behaviours and crimes committed against persons (assaults, robberies) that involve large groups of intoxicated non-residents congregating on the grounds of the Richmond housing estate. The narrower definition in the proposed local law will remove the ability of police to request groups of non-residents congregating in the grounds of the housing estate, to cease drinking and seal the container if possible or dispose of the alcohol.

Attachment 4 - Victoria Police Submission proposed Consumption of liquor in public places

To minimise the high risk of alcohol related harm that adversely impacts perceptions of safety, public order and crime, Victoria Police support the proposed local law however request the Yarra City Council consider amending the definition of a 'public place' to remove reference to clause (b) 'any land that is owned, managed or otherwise controlled by Council'.

Victoria Police has a clear vision for reducing alcohol related harm in the community which is outlined in the *Policing Alcohol in Victoria 2014-2024* strategic plan and in the *Blue paper: A vision for Victoria Police in 2025*. We know that alcohol significantly contributes to road trauma, assaults and sexual assaults, family violence, property damage, child abuse, victimisation and public disorder.

Reducing the harms associated with alcohol is not the sole responsibility of Victoria Police. In assessing the impacts of public drinking laws, the academic research of Pennay, Manton, Savic, Livingston, Matthews and Lloyd¹ (2013), recommends that public drinking laws should remain the discretion of local councils and local council's should work closely with police to design and enforce public drinking laws specific to the sensitivities and needs of the individual community.

Local police members in Yarra respond to alcohol harm in the community through a range of approaches including the effective policing of licensed premises, promotion of responsible service of alcohol and by targeting alcohol fuelled violence and antisocial behaviour.

Since the commencement of the current local law 8 in 2009, Victoria police members have been encouraged to use discretion when enforcing the provisions of the local law in recognition that street drinkers may be among the most vulnerable people in our society.

Victoria Police will continue to work with our partners in health, justice, the not-for-profit sector, business and academia towards a consolidated whole of government approach to develop new and flexible approaches to respond to the challenges of alcohol misuse.

I would be pleased to speak to this submission at the Ordinary Council Meeting on the 8th of October 2019.



Anne RUDD
Inspector
Local Area Commander
Yarra Police Service Area
North West Metro Region

¹ <http://www.ndlrf.gov.au/sites/default/files/publication-documents/bulletins/research-bulletin-01.pdf>

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

Formal Submissions received under section 223 of the Local Government Act 1989 in relation to the Proposed Consumption of Liquor in Public Places Local Law.

No.	Submission	Officer comment
1	I do not agree with alcohol use in public places unless with explicit permission through licencing for specific events and policing of those events and the public places in general. If there are to be prescribed times then from noon to an hour before sunset is quite adequate for a social BBQ. Still needs to be policed to ensure compliance	Limited comment – personal opinion Times and ability to prescribe places allows for a fair system
2	Your proposal is unnecessary, unfair and a bit racist. How on Earth can you justify fining people based on a 'suspicion' they have alcohol? Massive over reach and destined to be unworkable...	Limited comment – personal opinion Amendments were made to the proposed Local Law at the Council meeting on 13 August 2019 prior to the formal consultation process beginning. The words 'reasonably believes' were changed to 'observes' in section 10, 16 & 22 of the proposed Local Law which is consistent with the previous Local Law.
3	Unfortunately when these types of laws are enacted they often target a 'worst case scenario'. Most people across the City of Yarra are law abiding and responsible when consuming alcohol in public places. I often enjoy going to many of the cafes along some of the streets in Yarra and having a meal with a few drinks. These laws appear to be targeting areas more like parks & gardens, of which there are many Prescribed Areas. This is good as it will allow responsible people to enjoy a few drinks in public places at family picnics/bbqs etc. Is also concerns me regarding the definition of an 'Authorised Officer'. Other than mentioning the police as one type of officer I can't see what qualifies someone to become an Authorised Officer.	No comment – personal opinion An Officer is appointed by legislation
4	The drinking of alcohol in public spaces, particularly in parks and gardens should be banned. These are places where mothers take their babies and young children as well as the elderly etc. They don't want to be harassed by the alcoholics which tend to spend most of their time in these places.	Local Law allows for the flexibility and to socialise and to drink responsibly.

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

No.	Submission	Officer comment
5	People drinking alcohol in a public space presents a likely far greater nuisance at 9am, than it does at 9pm! It should be either 11am till 10pm - or noon till 10pm. Particularly in summer. Anti-social behaviour is the risky problem. For some this is directly linked to alcohol, for many, it is not.	Times and ability to prescribe places allows for a fair system
6	Regarding the specifics of the proposal: 1. Prescribed Areas: Picnics on median strips across the Council are a joyful, positive part of living in this area and contribute to the area's great atmosphere and sense of community. In the list of Prescribed Areas only the PIGDON ST MEDIAN STRIP LYGON TO BOWEN is listed. Please make all medians a Prescribed Area so that the tradition of picnics can continue. At the very least, the Canning Street median should be a Prescribed Area. 2. Hours: Please make the hours later. 9pm is too early, particularly after Daylight Savings kicks in and people want to enjoy Melbourne's amazing long summer evenings. Picnics should not be subject to something akin to Sydney's lockdown laws. Regarding the need for a law: Will this law actually solve a problem? Please create regulations and policies that address the anti-social behaviour of a small minority (not necessarily alcohol-related) instead of curtailing the freedom of the vast majority of responsible residents.	Times and ability to prescribe places allows for a fair system Anti-social behaviour issues are handled by the Police. The prescribed areas can be reviewed and locations added or removed at Council discretion by resolution.
7	The 9pm curfew should be pushed back to 10pm during summer. Lowering the standard of evidence required for police to give out penalties is regressive, and may disproportionately effect minorities. Financial penalties are regressive, effecting those with less financial capital more than wealthier people in our communities. Rather than a penalty system - a health-based approach to public drinking may be more effective at deterring the behaviours these laws are seeking to curb.	Times and ability to prescribe places allows for a fair system. The standard evidence required by authorities remains the same as in the previous Local Law and a protocol with the Police in relation to enforcement has been developed.
8	the state of Victoria is removing public drunkenness from the laws... https://www.theguardian.com/australia-news/2019/aug/22/victoria-abolishes-public-drunkenness-as-a-head-of-death-in-custody-inquest ...so why is Yarra proceeding with this law that was implemented only to target the Parkies? It's racist.	The proposal to decriminalising public drunkenness is different to the proposed Local law in that public drunkenness is a social health issue. While the proposed Local law is a preventative tool to provide early intervention in relation to anti-social behaviour by restricting the consumption of alcohol in public.

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

No.	Submission	Officer comment
9	Strongly opposed to this proposal - safety of young people severely compromised should this become local law. We, as a community, have to be better than that. Surely, we are not so reliant upon alcohol in our lives that such a measure needs to be adopted?	No comment – personal opinion Local Law already exists
10	I support limiting permissible areas for alcohol consumption in our community. I would like to add the grass medians down Canning and Drummond Streets as prescribed areas. These strips of grasses open space are regularly used by the local residents to relax and socialise and they should not be set up to fail or prevented from using the limited open space in Carlton North. Other, similar streets in Yarra should be given the same treatment. I also want to make sure that drinking outside at local, licensed businesses is not negatively impacted by changes to this local law. Council must also properly resource itself to monitor and enforce this law through own processes or responding in a timely manner to requests from the public. Nothing worse than having a law that cannot it will not be enforced. Is Yarra up to implementing this law to a standard that meets community expectations?	Times and ability to prescribe places allows for a fair system and prescribed areas can be altered at any time by resolution of Council. This Local Law has no impact on liquor licences or licensed venues in the consumption under their red line plans approved by VCGLR.
11	Thank you for asking for public opinions on the proposed changes. The city of Yarra is the best area of Melbourne to live in by far. Please do not ruin the area by over-regulating and amending existing public consumption of alcohol laws to make them even stricter. If we wanted to live in a nanny state we could move to Sydney. If laws do change please ensure the changes are properly signed in all public areas affected - often signage to do with public consumption of alcohol is not clear or visible enough. I also agree that in future when asking for feedback on these laws, the council should provide a map so we don't have to Google every single park or street to assess if we'll be affected. If the council would like to address real issues in the city of Yarra, more needs to be done to tackle drug abuse and drug crime in the area in a constructive and efficient way. Please consult with experts and act to address this ongoing health and safety issue. Thank you.	The Consumption of Liquor in a Public Place Local Law has been in place for the last 10 years and no changes in intent are proposed in the new Local Law.
12	People should be able to have a traveller without fear of prosecution	Local Law allows for the flexibility and to socialise

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

No.	Submission	Officer comment
13	I object to the proposed local law. 1. It's unnecessary and an overreach. 2. It's an infringement on my civil liberties 3. It unfairly targets indigenous, the homeless and the disadvantaged.	The Consumption of Liquor in a Public Places Local Law has been in place for the last 10 years and the new Local Law has no changes in intent.
14	The main objective should be to control anti-social behaviour. Blanket bans on alcohol do not achieve this... I am concerned with wording that no longer requires an officer to actually observe an infringement. These types of public drinking spaces are vital for some people's social engagement. I think 9pm is too early, it should align with 1 hour after the sun sets in summer. We want Melbourne to continue to be a place of community socialising.	No comment - personal opinion Amendments were made to the proposed Local Law at the Council meeting on 13 August 2019 prior to the formal consultation process beginning. The words 'reasonably believes' were changed to 'observes' in section 10, 16 & 22 of the proposed Local Law which is consistent with the previous Local Law.
15	There is way too much legalese to read through. It would have been nice if you had bullet points with key changes. If the map and list on the links covers the areas where you are currently allowed to consume alcohol in public spaces, then I think NO changes should be made. It would be a shame to remove alcohol from public spaces such as Yarra Bend Park and other green spaces around the river.	Statement of changes was available. No major changes proposed
16	I think the focus of these laws should be on disruptive behaviour caused by alcohol - not on drinking in general.	Anti-social behaviour issues are handled by the Police
17	Australians are generally obese and drink at levels far too high. I align the two because they are both concerned with public health. They are both supported by commercial interests that wish to promote more consumption for profit. (sugary food and alcohol) Restricting and promoting fun activity without alcohol is to be supported. The consumption at sporting fields and venues should not be condoned. As the television community service ads say "our children are watching".	No comment - personal opinion
18	In the interests of keeping our area liveable, I would prefer that drinking is NOT allowed in public places. It leads to visitors behaving in ways that are inappropriate and is detrimental to the amenity of our area for people living here.	No comment - personal opinion Local Law allows for the flexibility and to socialise
19	Very keen to see people be allowed to enjoy some wine or a couple of beers with a picnic in the park on a sunny afternoon - or at a summer evening park barbie!	Local Law allows for the flexibility and to socialise

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

No.	Submission	Officer comment
20	Laws exist to prohibit public intoxication, therefore no law preventing drinking alcohol in public places is required.	A proposal for decriminalising Public drunkenness is being considered.
21	We should be able to have a drink as long as we're not disturbing others, anywhere in public as we used to be able to, this law is targeted at and affects predominantly those marginalised in society and the law is providing for further reason for police/council to persecute those seen as undesirable by those wealthy newcomers to the area.	Local Law allows for the flexibility and to socialise. The current Consumption of Liquor in Public Places Local Law has been in place for the last 10 years and since 2013 no infringements have been issued.
22	I believe these laws are overly complex, harsh and unenforceable. I believe drinking should be legal within the entire City of Yarra between 9am-9pm. It is much simpler, and enshrines in law essentially what is de facto legal anyway.	No comment - personal opinion Local Law allows for the flexibility
23	Alcohol consumption should not be banned in public parks or places. Casually drinking a beer in the street (while not being intoxicated) should not be an offence.	No comment - personal opinion Local Law allows for the flexibility
24	All seems reasonable. I support the proposal.	No comment
25	Very supportive of this, however I think restrictions around timing (e.g. Not past 10pm) would be useful. Having lived in London where public park drinking is allowed and a part of the culture there in summer, it was treated with respect and enjoyed by many. I do think there should be some parks (such as dog off leash and kids playgrounds) which have areas with no glass wear rule to protect their safety and ensure there are regular bin cleans	No comment - personal opinion Local Law allows for the flexibility
26	I think you should be able to drink in a park from 11am until 10 pm. Any park in Yarra.	No comment - personal opinion Local Law allows for the flexibility

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

No.	Submission	Officer comment
27	It is not clear what problem Council is actually fix by making changes to the existing local law. In the absence of a clearly defined problem with the existing local law, I am strongly opposed to any 'tinkering' of the existing law. It is noted that the only justification for the proposed changes seems to be "to reduce repetition" and "make it easier to understand" (for who?). It is not clear that there has been any specific issues caused by this purported repetition, or that the current law is actually difficult to understand. It is therefore also unclear how these proposed changes will achieve the stated intent to "make shared spaces safe and welcoming". Council should be spending its efforts focusing on real problems in the local area rather than trying to create problems that are not real.	<p>No changes in the intent of the Local Law is proposed.</p> <p>The current Local Law sunset on 19 October 2019 and therefore Council is required to conduct a review and adopt a new Local Law if they want to continue to have a Local Law that controls public drink of alcohol.</p>
28	I would like the pocket park in the corner of Richmond Terrace and Docker Street be added to the prescribed areas list for the consumption of alcohol please. The park is very popular and it used by many of the residents to enjoy the view, have picnics and catch up with neighbours and friends. Friday night drinks in the warm weather is popular with the neighbours. The park is highly valued and these social occasions are very respectful of the park and nearby residents. I hope you will consider adding our park to the prescribed list please.	<p>Local Law allows for the flexibility of prescribe areas.</p> <p>The prescribed areas can be reviewed and locations added or removed at Council discretion by resolution. Applications for changes by the community can be considered at any time.</p>
29	The median strips in Carlton North (especially Drummond and Canning Streets) should be included as prescribed places. These are popular outdoor spaces, especially for those who live in apartments. In my years living in Carlton North I have never observed any antisocial behaviour from those having what is usually a quiet drink with family and/or friends in those places.	<p>Local Law allows for the flexibility of prescribe areas.</p> <p>The prescribed areas can be reviewed and locations added or removed at Council discretion by resolution. Applications for changes by the community can be considered at any time.</p>
30	This law unequally effects the Aboriginal and Torres Strait Islander members of our community. In this regard it can be considered racist. In light of the Tania Day inquest and the State government proposal to abolish public drunkenness as a crime, this local law should be abolished.	The Local Law does not control public drunkenness, the intent of the Local Laws is to enable the early intervention and prevent anti- social behaviour.

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 5 - Formal submissions in relation to Consumption of Liquor in a Public Place Local Law.

No.	Submission	Officer comment
31	<p>I am writing concerning the proposed updates to the Consumption of Liquor in Public Places. I live near the park at the top of Richmond Terrace and Docker Street, which I don't believe is on the list of approved prescribed areas. Drinking in this park occurs all the time particularly in the warmer months - either a Friday evening gathering after work, to the occasional private party held in the park, and of course New Year's Eve - this location being is a prime viewing location for the city's fireworks. I'm not aware of any signage confirming that the park is a non-approved prescribed area. When things are more raucous how is this to be managed or enforced - as either the police are too busy, or the revellers have moved on. To those living around the park it can be disruptive for two reasons; 1. the noise that is generated when people are drinking over a long duration, and 2. that it makes it uncomfortable and unwelcoming for other people to use the park.</p>	<p>Local Law allows for the flexibility of prescribe areas.</p> <p>The prescribed areas can be reviewed and locations added or removed at Council discretion by resolution. Applications for changes by the community can be considered at any time.</p>
32	<p>I'm writing to you in regards to recent local law submission on restricting drinking alcohol in public spaces. From what I understand, you are planning on limiting the consumption of alcohol in public places unless the places are specifically designated. I am from European background (Italy and Swiss) and I believe in giving people the freedom to make choices as long as this occurs with respect for their surroundings and for local community. I would rather educate people to be more responsible with drinking rather than enforcing more prohibitive laws. These laws will achieve the desired result but will not achieve any improvement with regards to knowledge & understanding of responsible drinking.</p>	<p>No additional restriction proposed</p> <p>Local Law allows for the flexibility of prescribe areas and the consumption of Liquor in a Public Place Local Law has been in place for the last 10 years.</p>

Note: submissions have been lightly edited to remove private details and other identifying information.

Attachment 6 - Protocol YCC & Victoria Police- Consumption of Liquor in a Public Place Local Law



City of Yarra and Victoria Police

Memorandum of Understanding: Consumption of Liquor in Public Places

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.

Context

1. In 2009, The Yarra City Council introduced the Consumption of Liquor in Public Places Local Law No. 8 ('Local Law 8') which prohibits the consumption of liquor in public, except for in designated places within designated times. The Local Law allowed for responsible consumption of liquor in prescribed areas including parks, gardens and reserves in recognition of the special use of these places by the community for social occasions.
2. In relation to the enforcement of this law, Victoria Police and the Yarra City Council co-signed the 'Protocol for public places 2009-2013'¹ that defined that way that Local Law 8 would be enforced. The purpose of the protocol was to ensure that residents and visitors, particularly those experiencing hardship or with cultural links to the area were not marginalised or disadvantaged by the creation or enforcement of the law.
3. Local Law 8 will sunset on the 19th of October 2019 at which time the Consumption of Liquor in Public Places Local Law No.1 of 2019 will take effect. This memorandum of understanding seeks to update and clarify the role of police and council in enforcing the updated local law.

Objectives

4. Victoria Police and the Yarra City Council support the overall objectives of the updated local law which are detailed below;
 - 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

¹ City of Yarra - Public places protocol 2019-2029

Attachment 6 - Protocol YCC & Victoria Police- Consumption of Liquor in a Public Place Local Law

City of Yarra and Victoria Police

Memorandum of Understanding: Consumption of Liquor in Public Places

- f) Maintaining the peace, order and good governance of the Municipal District while ensuring vulnerable members of society are not unduly targeted.

Key Principles

- 5. Yarra City Council and Victoria Police acknowledge the rights of all members of the community to use public spaces, whilst also recognising their responsibility towards other members of the community who have the right to live in a safe and peaceful environment.
- 6. Council supports social inclusion and maintains a commitment to reducing the impact of alcohol on our most vulnerable populations such as young people, some Aboriginal and Torres Strait Islander people and people who are homeless and socially isolated.
- 7. This document is based on the additional principles that:
 - a) All people have a right to participate in public activities or events;
 - b) Police have a responsibility to address community concerns around safety and security and to ensure that appropriate intervention takes place prior to the commission of any criminal offences.

Street drinking within Yarra

- 8. The Yarra City Council and Victoria Police recognise that street drinkers may be among the most vulnerable people in our society. In enforcing the amended local law Victoria Police, Council officers and other services must be aware of the following background information, and take into consideration when enforcing this local law:
 - a) The person may be of Aboriginal or Torres Strait Islander heritage and, as such, have a special cultural relationship with a particular public place, event or suburb;
 - b) The person may be of the Stolen Generations and be dealing with complex social and personal issues as a result;
 - c) The person may have financial, cultural or social barriers preventing them from drinking alcohol in a licensed premise;
 - d) The person may be homeless or at risk of becoming homeless and, as a result, not have other places to meet and socialise with his or her community; and
 - e) The person may have substance abuse issues, a mental illness, acquired brain injury, or a combination of these which affect behaviour and capacity.

Where the Local Law applies

- 9. As defined within the updated provisions (2019), the local law relates only to public places which are defined as;
 - a) A Road; and;
 - b) Any land that is owned, managed or otherwise controlled by Council;

Attachment 6 - Protocol YCC & Victoria Police- Consumption of Liquor in a Public Place Local Law

City of Yarra and Victoria Police

Memorandum of Understanding: Consumption of Liquor in Public Places

- c) But does not include any authorised premises or licensed premises within the meaning of the Liquor Control Reform Act 1998.

Enforcement of the local law

10. The enforcement of this local law - Consumption of Liquor in Public Places 2019 will be enforced by Victoria Police and City of Yarra enforcement officers. Victoria Police and City of Yarra enforcement officers are encouraged to attend cultural awareness training as opportunities arise.
11. Council and Victoria Police will share information regarding locations in which members of the public have been regularly consuming alcohol contrary to the local law.
12. All decisions regarding the prioritisation of policing resources to enforce this local law remains with Victoria Police.
13. Members of the community who are drinking in public in a non-offensive manner and are otherwise law abiding should not be unfairly treated through the implementation of the local law.
14. Victoria Police and Council enforcement officers are encouraged to use appropriate discretion when enforcing the provisions of the local law, particularly with vulnerable members of the community as outlined in Item 8. Victoria Police and Council enforcement officers will apply the ask, tell, enforce approach when applying the powers conferred to them in the updated local law as detailed below;
 - a) Ask – If a member of the public is seen consuming or has in his/her possession an open container of liquor, the first step is to advise them of the Local Law and request that they cease consuming the liquor and seal the container;
 - b) Tell – If there is a refusal to comply, the member of the public may then be told they must dispose of the alcohol in an approved receptacle;
 - c) Enforce – If there is still a refusal to comply then an infringement may then be issued.
15. This approach is consistent with the wording of the updated law and the way in which Police and Council have operated since 2009.
16. Nothing in this document seeks to prevent or curtail police from exercising their lawful responsibilities in relation to behaviour that threatens their own safety or the safety and security of people or that is likely to result in damage to property or to the environment

Communications

17. The Yarra City Council will lead any communications regarding the local law restrictions regarding the consumption of alcohol in public places. Communications may involve temporary signage at events, press releases, digital platforms and printed publications for specific audiences

Attachment 6 - Protocol YCC & Victoria Police- Consumption of Liquor in a Public Place Local Law

City of Yarra and Victoria Police

Memorandum of Understanding: Consumption of Liquor in Public Places

18. Victoria Police will share consistent messages through media channels supporting communications regarding the local law restrictions regarding the consumption of alcohol in public places.

Evaluation

19. The Yarra City Council will regularly evaluate the updated local law.
20. The Yarra City Council will consult with Victoria Police and other partners regarding the evaluations to ensure all relevant information is assessed in the preparation of evaluation data.
21. Victoria Police will share information in the form of stakeholder interviews regarding the success or otherwise of the regulation of the consumption of alcohol in public spaces.
22. All official crime data will be sourced via Crime Statistics Agency through existing public access processes.

Signed by:

Vijaya Vaidyanath
Chief Executive Officer
City of Yarra

XX September 2019

Insp. Anne Rudd
Local Area Commander for Yarra
Victoria Police

XX September 2019

Attachment 7 - Statement of Compatibility with Human Rights and Responsibilities Charter

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 proposed *Yarra City Council Consumption of Liquor in Public Places Local Law (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 7 - Statement of Compatibility with Human Rights and Responsibilities Charter

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.
---	--	---

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 7 - Statement of Compatibility with Human Rights and Responsibilities Charter

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 7 - Statement of Compatibility with Human Rights and Responsibilities Charter

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 8 - 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 19 October 2019.

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.

Attachment 8 - Community Impact Statement

Process

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 and the Victorian Commission for Gambling and Liquor Regulation.

The consultation period was conducted from 6 June 2019 to 4 July 2019 and in addition a formal consultation period as per the requirements of section 223 of the Local Government Act between 21 August 2019 and 19 September 2019. 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 8 October 2019 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.

Attachment 8 - Community Impact Statement

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:

- 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

Attachment 8 - Community Impact Statement

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.

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.

Attachment 8 - Community Impact Statement

Consultation meetings

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)	8
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, 14 and 19
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

Attachment 8 - Community Impact Statement

3. Delegation of powers, discretions, authorities and considerations

Part(s) or clause(s)	21
Issue(s) local law intends to address	Ability of the CEO to carry out functions of Council.
Action / change	Delegates powers and functions of Council to the CEO.
Perceived benefit(s)	Eases burden on Council and allows the CEO 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

4. Consideration of applications

Part(s) or clause(s)	22
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

5. Infringement notices

Part(s) or clause(s)	24
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

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

Reference: D19/159578

Authoriser: Director Corporate, Business and Finance

Purpose

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

Background

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

Road

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

Adjoining Owners

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

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

Site Inspection

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

Public/Statutory Authorities

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

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

Public Notice

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

Planning Permit

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

Internal Consultation (One Yarra)

28. No Internal consultation is required for this report.

Financial Implications

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

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

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

Legal Implications

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

Other Issues

38. There are no other issues

Options

39. There are no options associated with this report.

Proposal

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

RECOMMENDATION

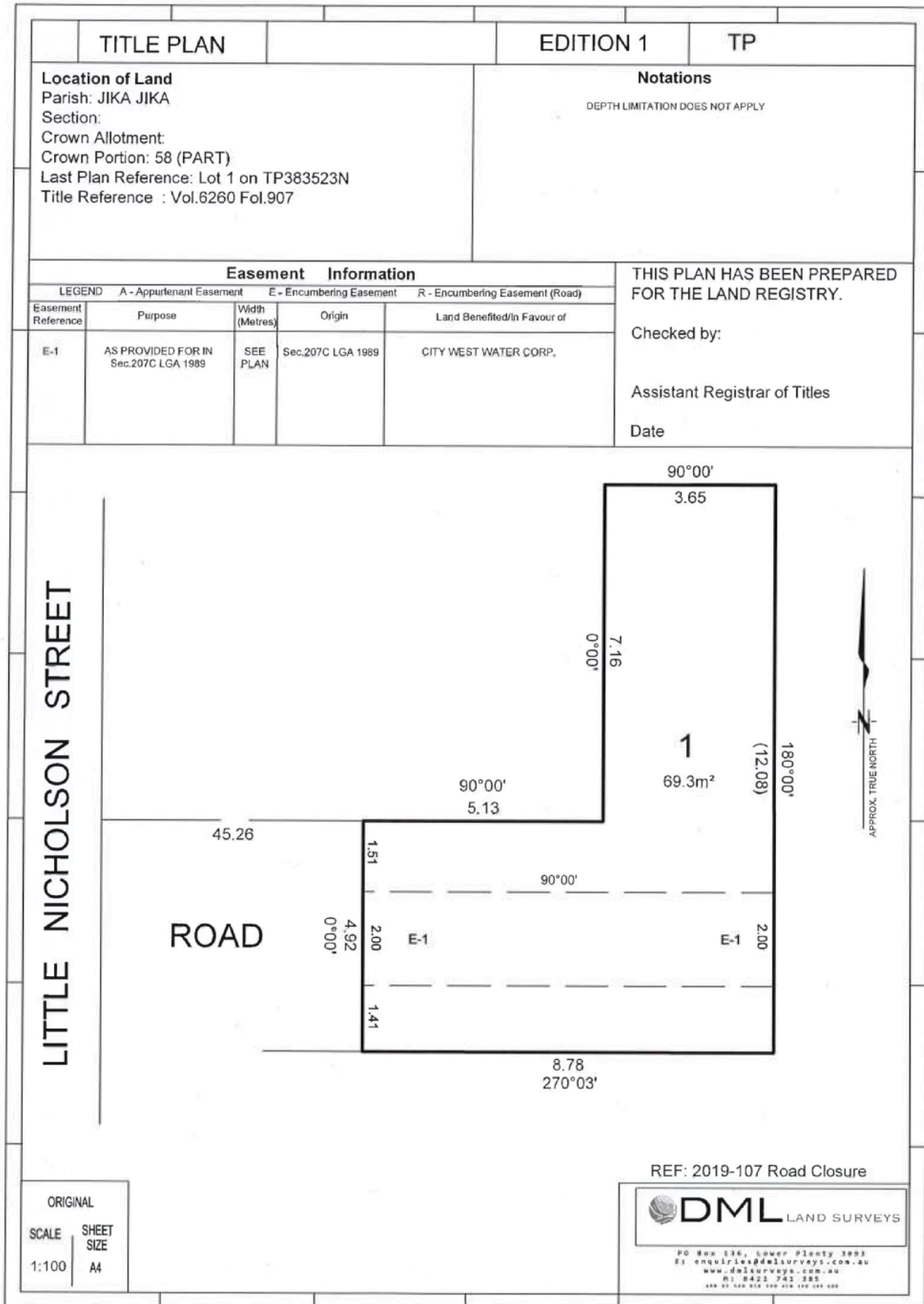
1. That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:
- (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 12-20 Victoria Crescent, Abbotsford, being the whole of the land contained in certificate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

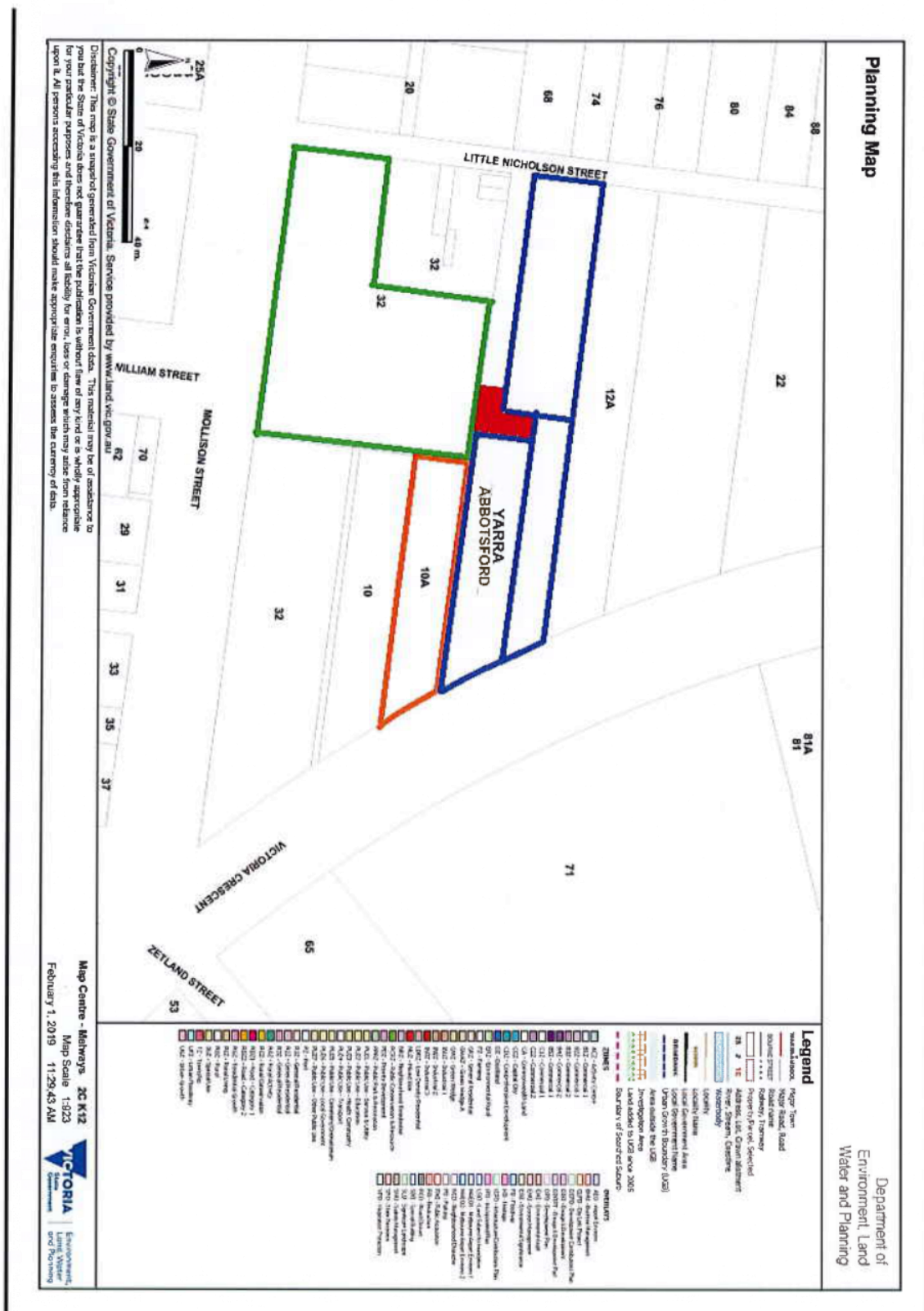
CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1** [!\[\]\(95b42f0077faf7439a26242a54e021ec_img.jpg\)](#) Title Plan
- 2** [!\[\]\(e097ab4c08b8186dd0908330bbc2dc28_img.jpg\)](#) Site Plan
- 3** [!\[\]\(1e9d865c5de095f8e3304757c49e79d7_img.jpg\)](#) Adjoining Titles
- 4** [!\[\]\(735b10d724a5f0ec5005c4eb3eb9c9d1_img.jpg\)](#) Adjoining Owner response
- 5** [!\[\]\(e6250f05bc27fa93236b816562b699f9_img.jpg\)](#) Site Inspection Report
- 6** [!\[\]\(d190cc638f389909d4b049d6c19e4cb2_img.jpg\)](#) Telstra Response
- 7** [!\[\]\(4d34001966c7597a8c3e4293694bde37_img.jpg\)](#) CWW Response

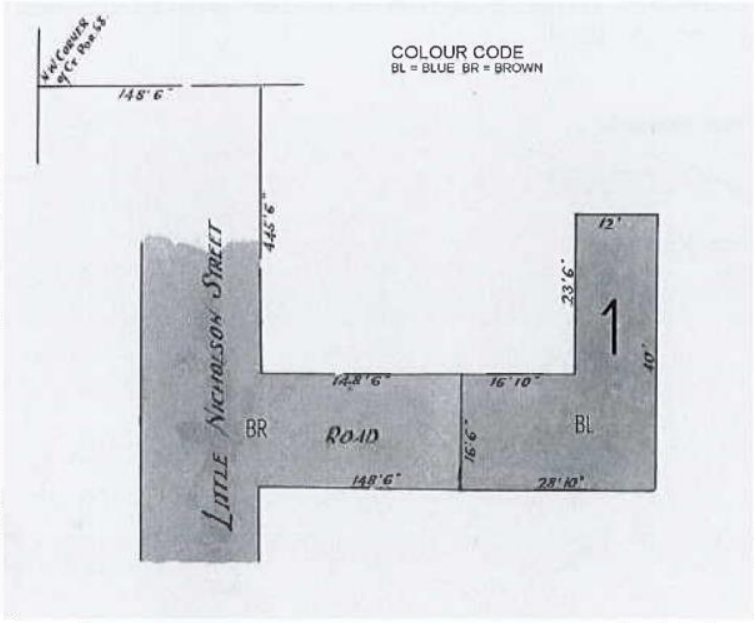
Attachment 1 - Title Plan





Attachment 3 - Adjoining Titles

Delivered by LANDATA® Land Use Victoria timestamp 05/03/2019 16:06 Page 1 of 1
 © State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.


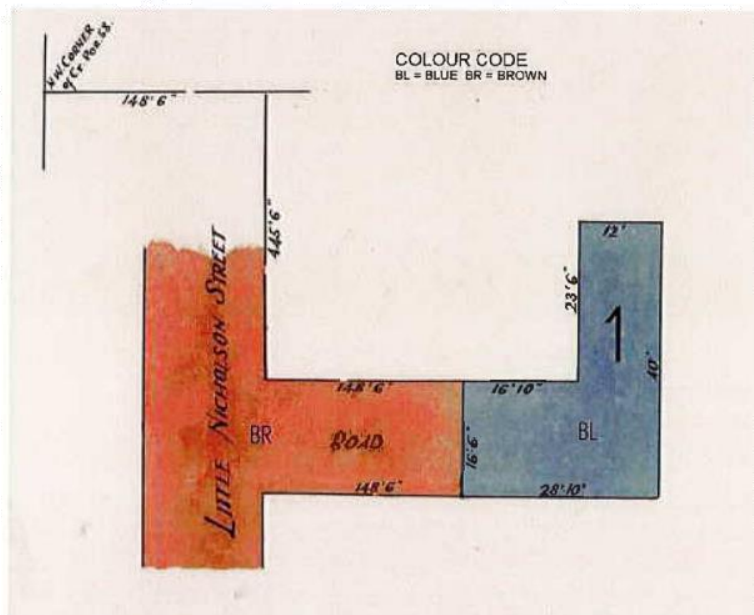
TITLE PLAN		EDITION 1	TP 383523N						
Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 58(PT) Last Plan Reference: Derived From: VOL 6260 FOL 907 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information <p style="text-align: center;"><i>All that piece of Land, delineated and coloured blue on the map in the margin being part of Crown Portion Fifty-eight Parish of - Jika Jika County of Bourke - Together with a right of carriage way over the roads colored brown on the said map</i></p> <p style="text-align: center;">ENCUMBRANCES REFERRED TO</p> <p style="text-align: center;"><u>ANY EASEMENTS</u> affecting the above-described land</p>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 04/04/2000 VERIFIED: GB							
									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 58 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 58 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CP 58 (PT)									
LENGTHS ARE IN FEET & INCHES		Metres = 0.3048 x Feet Metres = 0.201168 x Links							
			Sheet 1 of 1 sheets						



Attachment 3 - Adjoining Titles

Delivered by LANDATA®. Land Use Victoria timestamp 18/03/2019 12:21 Page 1 of 1
 © State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

TITLE PLAN	EDITION 1	TP 377740P			
Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 58 (PT) Last Plan Reference: Derived From: VOL 6152 FOL 305 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN			
Description of Land / Easement Information <p><i>All that piece of Land delineated and coloured red on the map in the margin being part of Crown Portion Fifty-eight Parish of --- Jika Jika County of Bourke - Together with a right of carriage way over the roads- coloured brown on the said map - - - - -</i></p>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 30/03/2000 VERIFIED: AA			
COLOUR CODE R = RED BR = BROWN					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td style="font-size: small;">PARCEL 1 = CP 58 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	PARCEL 1 = CP 58 (PT)
TABLE OF PARCEL IDENTIFIERS					
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962					
PARCEL 1 = CP 58 (PT)					
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets			

TITLE PLAN		EDITION 1		TP 383523N							
Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 58(PT) Last Plan Reference: Derived From: VOL 6260 FOL 907 Depth Limitation: NIL			Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN								
Description of Land / Easement Information <i>All that piece of Land, delineated and coloured blue on the map in the margin being part of Crown Portion Fifty-eight Parish of - Jika Jika County of Bourke - Together with a right of carriage way over the roads colored brown on the said map</i>				THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 04/04/2000 VERIFIED: GB							
ENCUMBRANCES REFERRED TO <u>ANY EASEMENTS</u> affecting the above-described land											
 <p>COLOUR CODE BL = BLUE BR = BROWN</p>											
<table border="1"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 58 (PT)</td> </tr> </tbody> </table>						TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 58 (PT)	
TABLE OF PARCEL IDENTIFIERS											
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962											
PARCEL 1 = CP 58 (PT)											
LENGTHS ARE IN FEET & INCHES		Metres = 0.3048 x Feet Metres = 0.201166 x Links		Sheet 1 of 1 sheets							

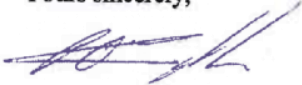
Attachment 3 - Adjoining Titles

Date: 18/03/2019

YOUR REF: V6260 F907 Lot 1 TP383523N

Having viewed all the titles from when the subject land was unencumbered in Certificate of Title V794 F762, I have been able to determine that the three parcels highlighted pink on the attached plan have a right of carriageway over the land highlighted yellow. The subject land outlined in black.
TPs 398907K, 377740P & 395171B (all attached) set out the nature and beneficiaries over the subject land.

Yours sincerely,



Peter O'Loughlin



Attachment 3 - Adjoining Titles

Delivered by LANDATA®, Land Use Victoria timestamp 18/03/2019 12:21 Page 1 of 1
 © State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

TITLE PLAN		EDITION 1	TP 398907K						
Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 58(PT) Last Plan Reference: Derived From: VOL 5320 FOL 892 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information <i>All that piece of Land delineated and coloured</i> red on the map in the margin being part of Crown Portion Fifty-eight Parish of--- Jika Jika County of Bourke - Together with a right of carriage way over the ---- roads colored brown on the said map - - - - -		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 11/04/2000 VERIFIED: CP COLOUR CODE R=RED BR=BROWN							
<table border="1"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 58 (PT)</td> </tr> </tbody> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 58 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CP 58 (PT)									
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets							

Attachment 3 - Adjoining Titles

Delivered by LANDATA®, Land Use Victoria timestamp 18/03/2019 12:21 Page 1 of 1

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

TITLE PLAN		EDITION 1	TP 377740P						
<p>Location of Land</p> <p>Parish: JIKA JIKA</p> <p>Township:</p> <p>Section:</p> <p>Crown Allotment:</p> <p>Crown Portion: 58 (PT)</p> <p>Last Plan Reference:</p> <p>Derived From: VOL 6152 FOL 305</p> <p>Depth Limitation: NIL</p>		<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>							
<p>Description of Land / Easement Information</p> <p><i>All that piece of Land delineated and coloured red on the map in the margin being part of Crown Portion Fifty-eight Parish of --- Jika Jika County of Bourke - Together with a right of carriage way over the roads- colored brown on the said map - - - - -</i></p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 30/03/2000</p> <p>VERIFIED: AA</p>							
<p>COLOUR CODE</p> <p>R = RED BR = BROWN</p>									
<table border="1"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 58 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 58 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CP 58 (PT)									
<p>LENGTHS ARE IN FEET & INCHES</p>	<p>Metres = 0.3048 x Feet</p> <p>Metres = 0.201168 x Links</p>	<p>Sheet 1 of 1 sheets</p>							

Attachment 3 - Adjoining Titles

Delivered by LANDATA®. Land Use Victoria timestamp 18/03/2019 12:21 Page 1 of 1
 © State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

TITLE PLAN		EDITION 1	TP 395171B						
Location of Land Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 58 (PT)		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Last Plan Reference: Derived From: VOL 6176 FOL 042 Depth Limitation: NIL		Description of Land / Easement Information <p><i>All that piece of Land delineated and coloured - red on the map in the margin being part of Crown Portion Fifty-eight Parish of Jika Jika County of Bourke - Together with a right of carriage way over the roads colored Brown on the said map - - - - -</i></p>							
		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 10-04-2000 VERIFIED: A.D.							
		COLOUR CODE R = RED BR = BROWN							
<table border="1"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 58 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 58 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CP 58 (PT)									
LENGTHS ARE IN FEET & INCHES Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets							

Attachment 4 - Adjoining Owner response



Gintaras Simkus
Town Planning Consultant
BA International Relations
Grad Dip Urban & Social Policy
PO BOX 5010 Alphington 3078
m 0439330583
e gintaras@directplanning.com.au
www.directplanning.com.au

Mr Aidan Robertson
Associate
ProUrban
Suite 201,
5 Claremont Street
South Melbourne
VIC 3141

10 April 2019

By email

Dear Mr Robertson,

RE: Discontinuance of Laneway / Road
LAND: 12 – 20 Victoria Crescent, Abbotsford

We have been instructed by Mr Simon Skoblar, owner of land at 10A Victoria Crescent, Abbotsford to provide some assistance in relation to your clients request to partially close the laneway located to the north of 10A Victoria Crescent, Abbotsford.

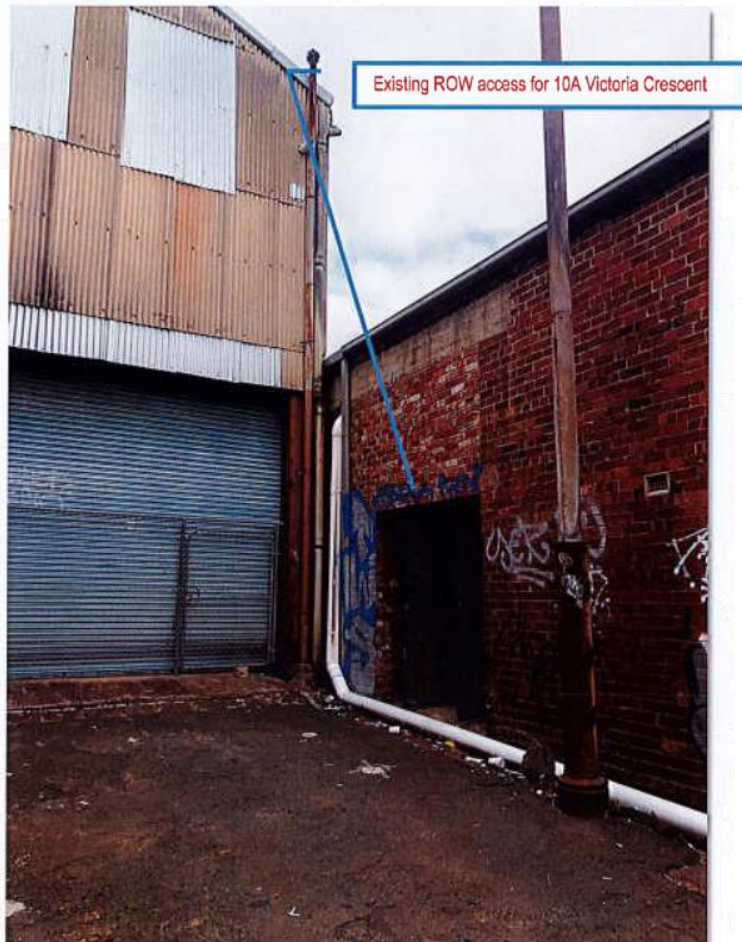
Upon visiting the site and measuring the distance sought for closure, it is apparent that the section of laneway your client seeks to close would interfere with my client's access to a public road. The photo below indicates the laneway closure would occupy land up to the 'stink pipe' located in the laneway. As a result, this would remove my client's access to the existing 'public road'.

My client objects to the closure of this portion of the road.

My client does not object, to the closure or discontinuance of the laneway for that section of land that is currently occupied by building(s). Again, the photo below shows the extent of laneway located from the existing building to the 'stink pipe' that is currently understood to be a 'public road'.

Attachment 4 - Adjoining Owner response

2



As indicated by the above image, the section of ROW sought to be discontinued would remove my client's access to the ROW. He objects to that section being discontinued.

Should you have any further questions or require any clarification please do not hesitate to contact our offices.

Yours faithfully,

Gintaras Simkus
Town Planner
Direct Planning
CC.joe.kozlowski@maddocks.com.au

12 – 20 Victoria Crescent

Direct Planning

Attachment 4 - Adjoining Owner response

Joe Kozlowski

From: Natasha Liddell <natasha@meydangroup.com.au>
Sent: Wednesday, 10 April 2019 11:10 AM
To: Aidan Robinson
Cc: Joe Kozlowski
Subject: RE: Discontinuance of Road/Laneway - 12-20 Victoria Crescent, Abbotsford
Attachments: 32-68 Mollison Laneway Access Door.pdf; 32-68 Mollison St Survey Excerpt.pdf
FilingDate: 10/04/2019 11:35:00 AM

Dear Aidan

We do not consent to this laneway closure.

Based on the information we have available to us, it would appear that it would result in a portion of the laneway being closed which interfaces with an access door into the rear of our property, as well as a number of service pipes.

In addition to providing access to 32-68 Mollison St, the door connects to an easement through our building to provide access to 10A Victoria Crescent.

These accessways need to be maintained while our site has its current use and development.

The images below highlight our area of concern. If you have feature survey or other information which shows the closure does not affect the doorway and pipes as we assume it does, we would be happy to review our position.

Kind regards,

Natasha Liddell
Principal Planner
Meydan Group
0412 302 122

From: Aidan Robinson <aidan.robinson@pro-urban.com.au>
Sent: Wednesday, 20 March 2019 11:32 AM
To: Natasha Liddell <natasha@meydangroup.com.au>
Subject: Discontinuance of Road/Laneway - 12-20 Victoria Crescent, Abbotsford

Dear Natasha,

We act on behalf of our client, CPG Office 1 Pty Ltd, in relation to the above site and the approved planning permit PLN18/0239.

We have been requested to send the attached letter to all owners of the land at 32-60 Mollison Street, Abbotsford, which includes AH Meydan (Property) Pty Ltd.

The same letter has been sent to you and the following owners of the land (as nominated on the relevant certificates of title) in the post:

Australian Horizons (Property) Pty Ltd
96 Herbert Street
NORTHCOTE VIC 3070

Attachment 4 - Adjoining Owner response

Abalbee Pty Ltd
47 Church Street
Abbotsford VIC 3067

Please contact me if you have any queries.

Kind Regards
Aidan Robinson



Aidan Robinson | Associate
aidan.robinson@pro-urban.com.au
0433 554 844

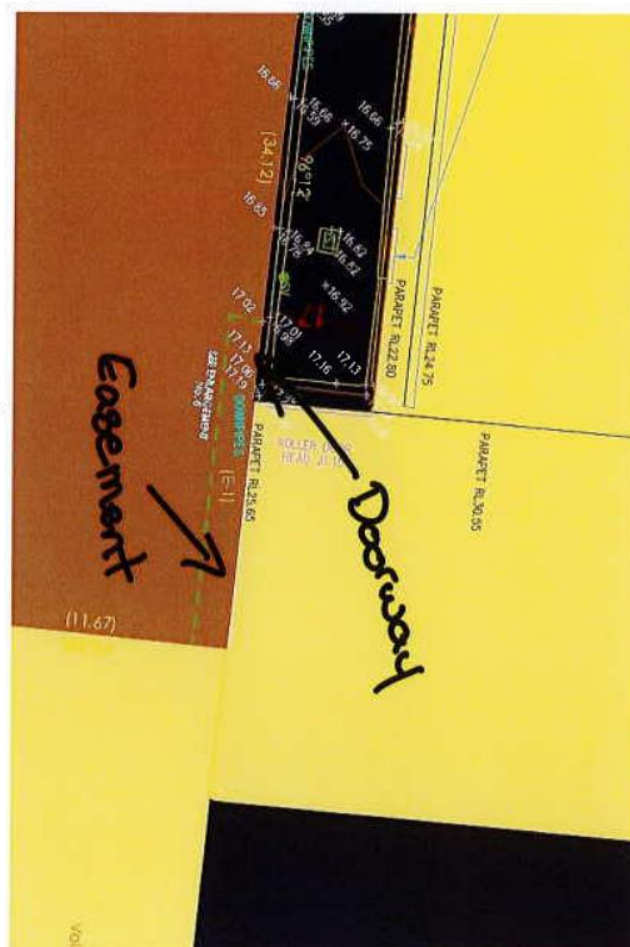
Suite 201, 5 Claremont Street
South Yarra, VIC 3141

www.pro-urban.com.au


This email and any attachments may be confidential. Any unauthorised use of the contents is expressly prohibited. If you are not the intended recipient, please notify the sender immediately and delete all copies. This email and any attachments are subject to copyright. No part of them may be reproduced, adapted or communicated without the written consent of the copyright owner. proUrban is not liable for the proper and complete transmission of the information contained in this communication or for any delay in its receipt. It is the recipient's responsibility to examine this email and any attachments for viruses. The content and opinions of this email and any attachments are not necessarily the views of proUrban.

Attachment 4 - Adjoining Owner response





Attachment 5 - Site Inspection Report


Maddocks

Ref: MAN:JKOZ:7790675

Maddocks
Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
MELBOURNE 3000

Yarra City Council
Proposed discontinuance and sale of road abutting 12-20 Victoria Crescent, Abbotsford

DATE OF INSPECTION: 25/06/2019

PHOTOGRAPHS OF THE ROAD: Attached at the end of this report

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes ☐ No ☒

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Vegetation*	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Rubbish	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Services*#	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Other*	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	(# Including fire hydrants/plugs.)				

* Provide Details:

No.12A Victoria Crescent abuts the northern and eastern boundary of the subject Road and currently occupies the whole eastern section of the subject Road with an old brick building and old galv. iron warehouse residing over this section of the Road. No.32-68, Unit 3, Mollison Street has a rear access doorway opening onto the section of subject Road. The Road is littered with a number of downpipes from abutting buildings and small service pits.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Bitumen
<input type="checkbox"/> Bluestone	<input type="checkbox"/> Other _____

EVIDENCE OF THE ROAD BEING USED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input checked="" type="checkbox"/> Other old brick building and old galv. iron warehouse residing over the eastern section of the Road

TYPE OF TRAFFIC:

<input checked="" type="checkbox"/> Pedestrian	<input type="checkbox"/> Vehicular	<input type="checkbox"/> Animal	<input type="checkbox"/> Nil
--	------------------------------------	---------------------------------	------------------------------

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input checked="" type="checkbox"/> Adjoining properties @	<input type="checkbox"/> Reserve/Park
<input type="checkbox"/> Main Road	<input type="checkbox"/> Shops

[7790675: 24143154_1]

Attachment 5 - Site Inspection Report


Maddocks

☐ Other _____

@ Specify which properties

No.12A Victoria Crescent abuts the northern and eastern boundary of the subject section of Road and has direct access to the subject section of Road.

No.32-68, Unit 3, Mollison Street has a rear access doorway opening onto the section of subject Road

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

No.12A Victoria Crescent has direct access and frontages to both Victoria Crescent and Little Nicholson Street.

No.32-68, Unit 3, Mollison Street has direct access and frontage onto Mollison Street

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

No.12A Victoria Crescent abuts the northern and eastern boundary of the subject Road and currently occupies the whole eastern section of the subject Road with an old brick building and old galv. iron warehouse residing over this section of the Road. No other significant encroachment into the Road exists from the adjacent abutting properties

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?
OTHER OBSERVATIONS:

Yes ☐

No ☒

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM

Signed: 

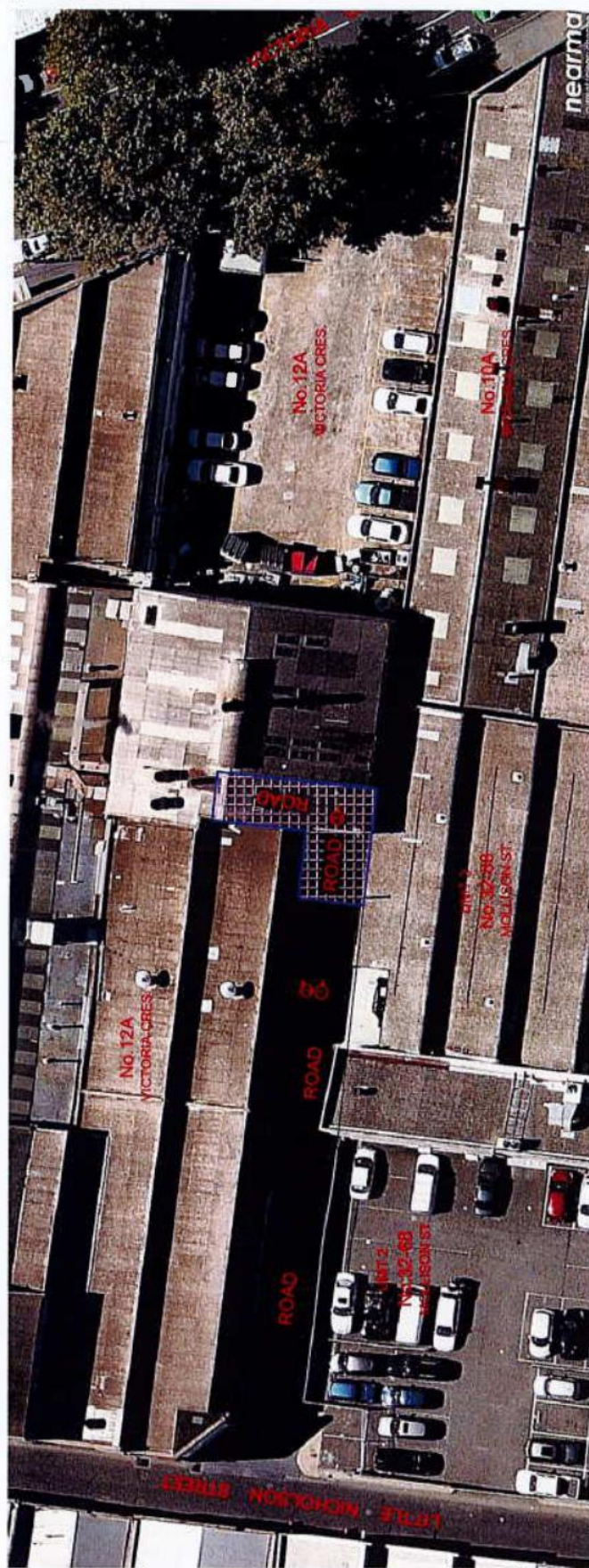
Date: 08/07/2019

Title/Position: Dean Loney / Licensed Surveyor

Company: DML Land Surveys Pty Ltd.

PO Box 136, Lower Plenty 3093
E: enquiries@dm1surveys.com.au
www.dm1surveys.com.au
M: 0422 741 385
ABN 65 540 850 590 ACN 148 149 688

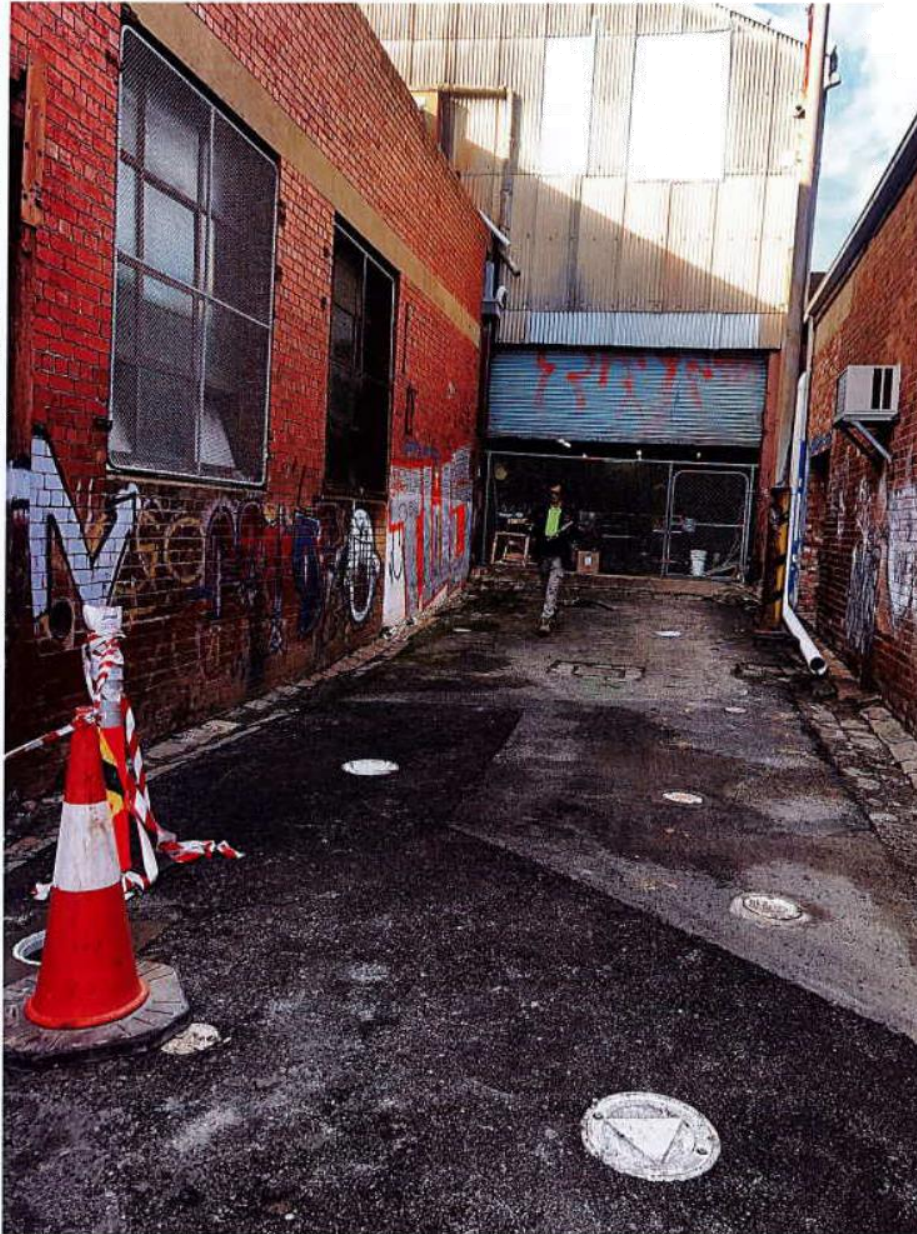
AERIAL PHOTO & PHOTO POSITION



SUBJECT ROAD FOR PROPOSED DISCONTINUANCE IS SHOWN WITH PINK HATCHING ON ABOVE AERIAL PHOTO. NUMBERED PHOTO POSITIONS SHOWN IN RED.

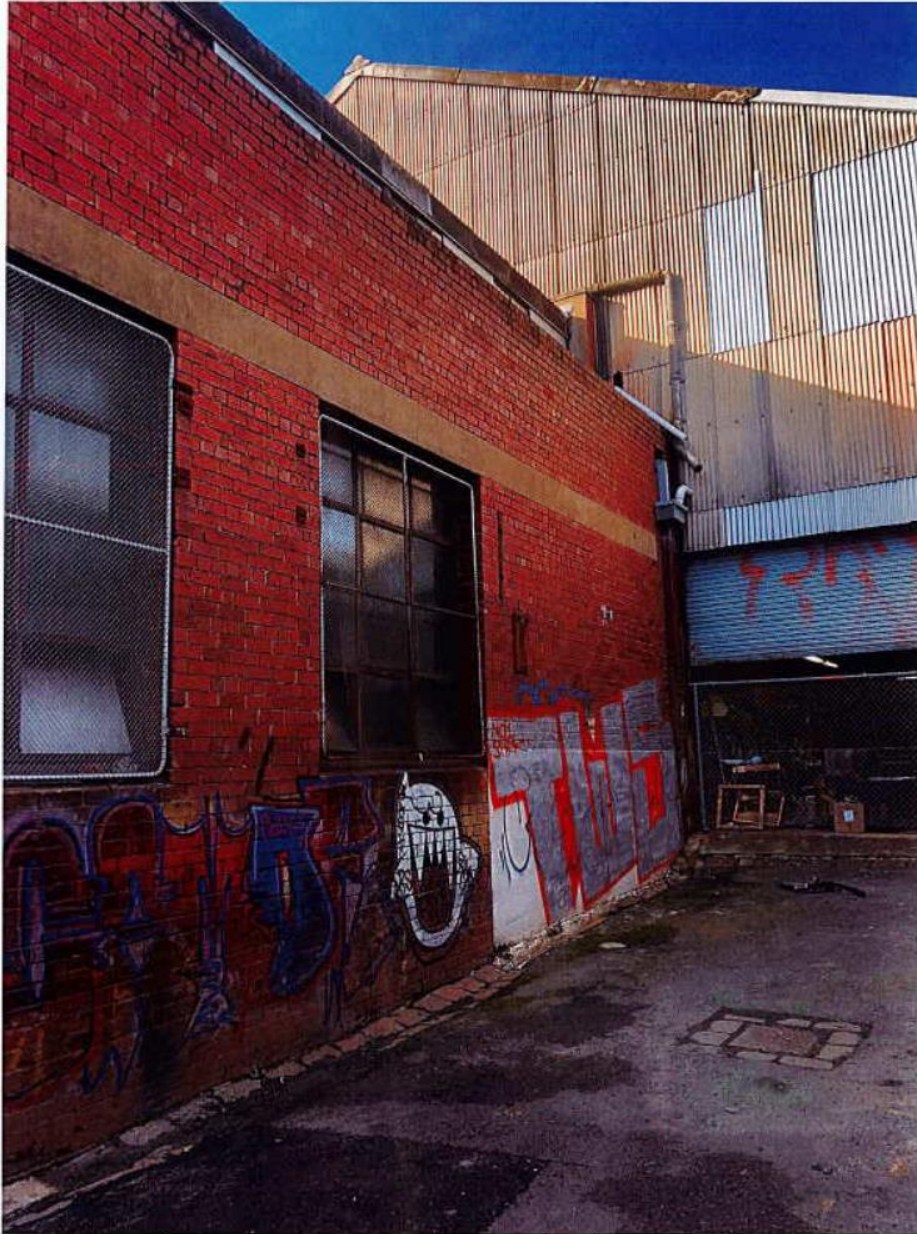
Attachment 5 - Site Inspection Report

PHOTO 1



Attachment 5 - Site Inspection Report

PHOTO 2



Attachment 5 - Site Inspection Report

PHOTO 3



Attachment 6 - Telstra Response



Telstra Plan Services

Level 6, 275 George Street
Brisbane, QLD 4000

Postal Address:
Locked Bag 3820
Brisbane, QLD 4000

Email: F0501488@team.telstra.com

Date **28/05/2019**

Your Ref: MAN:JKOZ:7790675
Our Ref: **MF259725-1**

Marine Ninecvc
Marine.Ninecvc@maddocks.com.au

Dear Marine,

Re: Yarra City Council Proposed discontinuance of road abutting 12-20 Victoria Crescent, Abbotsford (Road)

Thank you for your communication dated **10/05/2019** in relation to the location specified above.

Telstra's plant records indicate that there are no Telstra assets within the area of the proposal. Subject to your compliance with the below conditions, **Telstra has NO OBJECTIONS** to the **Road Discontinuance**.

We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, we note that all individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructor's/land owner's responsibility to anticipate and request the nominal location of Telstra plant via **Dial Before You Dig "1100" number** in advance of any construction activities in the vicinity of Telstra's assets.

On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for obtaining a Telstra accredited Asset Plant Locator to perform cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work. Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

Telstra would also appreciate due confirmation when this proposed acquisition proceeds so as to update its Cadastre records. Information regarding acquisition of the land would be of benefit to us and should be directed to the following location:

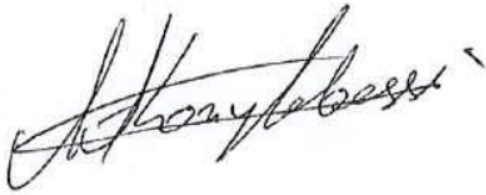
VICTORIA

Telstra - Cadastre Updates
PO Box 61
Ballarat VIC 3353
Attention: - Team Leader
F1501634@team.telstra.com
F1103432@team.telstra.com

Please pass all information contained in this communication to all parties involved in this proposed process. If you have any difficulties in meeting the above conditions or if you have any questions relating to them, please do not hesitate to contact us at F0501488@team.telstra.com.

Attachment 6 - Telstra Response

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Lebessis', with a stylized flourish at the end.

Anthony Lebessis

For

Manager – Brian O'Shea

Telstra Plan Services

F0501488@team.telstra.com

Attachment 7 - CWW Response



City West Water™

17 May 2019

JOE KOZLOWSKI
MADDOCKS
COLLINS SQUARE, TOWER TWO, LEVEL 25, 727 COLLINS STREET
MELBOURNE VIC 3008

City West Water Corporation
ABN: 70 066 902 467

1 McNab Avenue
Footscray Vic 3011 Australia

Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine

citywestwater.com.au

Telephone (03) 9313 8422

Facsimile (03) 9313 8417

Dear Joe,

Re: PROPOSED DISCONTINUANCE OF ROAD
Location: ABUTTING 12-20 VICTORIA CRESCENT, ABBOTSFORD
CWW Reference: 19/151

I refer to your email received by City West Water (CWW) regarding the proposed Discontinuance of Road at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's requirements for working in the vicinity of water and sewer assets and a plan of the general area.

As you will see on the plan provided, the parcel of land proposed for Discontinuance contains existing CWW sewer assets. With respect to these assets, CWW will not object to this proposal subject to the following:

1. A certified Title Plan must show a 2.0m wide Sewerage Easement centrally located over the sewer main in favour of CWW pursuant to Section 12(1) of the Subdivision Act. This plan must then be referred to CWW for consideration prior to offering a withdrawal of objection.
2. Any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains.
3. Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
4. Any proposal to build over CWW assets will require CWW's written consent (i.e. Build-Over Application approval).

Naturally, extreme care must be taken when working in the vicinity of CWW assets and CWW will seek cost recovery for any damage caused to its assets that can be attributed this proposal.

If you have any questions, please do not hesitate to contact me on 0407 528 605.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Mark Abraham'.

Mark Abraham
Technical Officer, Other Authorities Works

Attachment 7 - CWW Response



City West Water™

QES Management System
Issue Date: 11/01/2019

Protection of City West Water's Water and Sewer Assets Other Authorities Works

Important Information

This document has been provided by City West Water (CWW) as a reference for standard conditions and requirements when working in close proximity to CWW's existing water and sewer assets.

1. The assets referred to in this document are water and sewer assets owned and/or controlled by CWW. Please note that some assets shown on plans provided by CWW may belong to Melbourne Water, South East Water and Yarra Valley Water.
2. Due to the nature, depth and age of CWW's assets and records, it is impossible to ascertain the exact location of all underground assets. CWW does not guarantee and makes no representation or warranty as to the accuracy or scale of information provided.
3. If asset relocation or protection works are undertaken by CWW as part of the required solution, payment for the cost of this work shall be borne by the customer (e.g. principal developer, council, client, contractor etc.) requiring these works.
4. Unless otherwise stated in this document, all water and sewerage works must be carried out in accordance with the most recent versions of the Water and Sewerage Codes of Australia (MRWA Editions).

Duty to Avoid Damage

1. It is the responsibility of the customer and any person/s engaged by the customer (including, but not limited to; architect, building surveyor, consulting engineer, contractor, developer) to ensure that CWW's assets are protected from the impact of any works.
2. It is the responsibility of the customer or person/s constructing the works to:
 - a) obtain 'Dial Before You Dig' plans showing CWW's assets in the vicinity of the proposed works no more than 30 days prior to the commencement of works
 - b) locate all underground assets that may be damaged or interfered with by the proposed works via non-destructive digging (NDD) or hand excavation prior to commencement of works
 - c) contact CWW's Officer for Other Authorities Works (OAW) via email oaw@citywestwater.com.au if any of CWW's assets will be affected or interfered with in any way by the proposed works
3. If any damage is caused to CWW's assets as a result of works, or if any of CWW's assets are interfered with (including being built over, buried, altered or if any cover or support is removed) without CWW's consent, CWW will seek recovery for the costs of repairing such damage or interference.
4. There are statutory offences under the Water Act 1989 and the Road Management Act 2004 for damaging or interfering with CWW's assets and for building over or removing cover or support of CWW's assets without prior written consent. In the event that damage is caused to CWW's assets, please contact CWW's **Faults & Emergencies on 132 642**.

This document is "UNCONTROLLED" if it has been saved locally or printed

Document IRD-178

Rev 8

Page 1/2

Attachment 7 - CWW Response



City West Water™

QES Management System
Issue Date: 11/01/2019

Standard Work Conditions & Requirements

1. When undertaking works in the vicinity of CWW's underground assets, the minimum clearances and cover in the table below must be maintained at all times:

Clearance	Conditions	
150mm*	Water main ≤ DN375 Sewer main (any size)	Vertical clearance when crossing an asset *Not including road pavement works (refer Section 2 in 'Duty to Avoid Damage')
500mm	Water main > DN375	
300mm	Water main < DN225	Horizontal clearance when running beside an asset
600mm	Water main ≥ DN225 Sewer main (any size)	
600mm	Water and sewer	Depth of cover when operating hand-operated vibrating equipment (e.g. jackhammers/vibrating plates)
1000mm	Water main	Depth of cover when operating mechanical excavators, static and/or vibrating roller equipment etc.
1500mm	Sewer main	
300mm	Clearance from any proposed back of kerb to the outer wall of any CWW asset. Refer to note 4 below.	
Minimum cover over assets		
1200mm	VicRoads roadways (assessed on an individual basis)	
750mm	Major roadways (assessed on an individual basis)	
600mm	Sealed roadways	
450/600mm	Nature strip, reserve (Residential/Commercial)	

IMPORTANT: CWW's Officer for OAW must be contacted via email at least 14 days prior to any works in the vicinity of water and/or sewer mains 300mm or greater in diameter as additional work conditions may apply.

2. All new and existing covers on CWW surface fittings must match the proposed finished surface levels.
3. No new or existing hydrants are to be located within road pavements or crossovers. Hydrants must be converted below ground and relocated at least 1.0m clear of the roadway or crossover. Valves are not to be positioned within a kerb and channel under any circumstances.
4. No CWW water main which is currently located in a nature/median strip is to be relocated underneath any pavement or kerb and channel without prior written approval from CWW.
5. All works on CWW assets (including abandoned assets) must be undertaken by CWW or CWW accredited consultants and contractors listed at: www.citywestwater.com.au. All relevant CWW procedures and applications remain applicable.
6. Should any of CWW's assets be exposed during the course of the works, 150mm of embedment material similar to existing (unless otherwise specified by CWW) must be placed around the pipe and the trench backfilled and compacted in accordance with requirements relating to asset location.
7. CWW has a target for planned water supply interruptions to be completed in less than **150 minutes**. It is the expectation of CWW that consultants and contractors will assist in decreasing the interruption times and thus reducing the impact of works on affected customers.

NOTE: If you feel that any of the above requirements cannot be met, please contact CWW's Officer for OAW via email for advice on how best to resolve the situation.

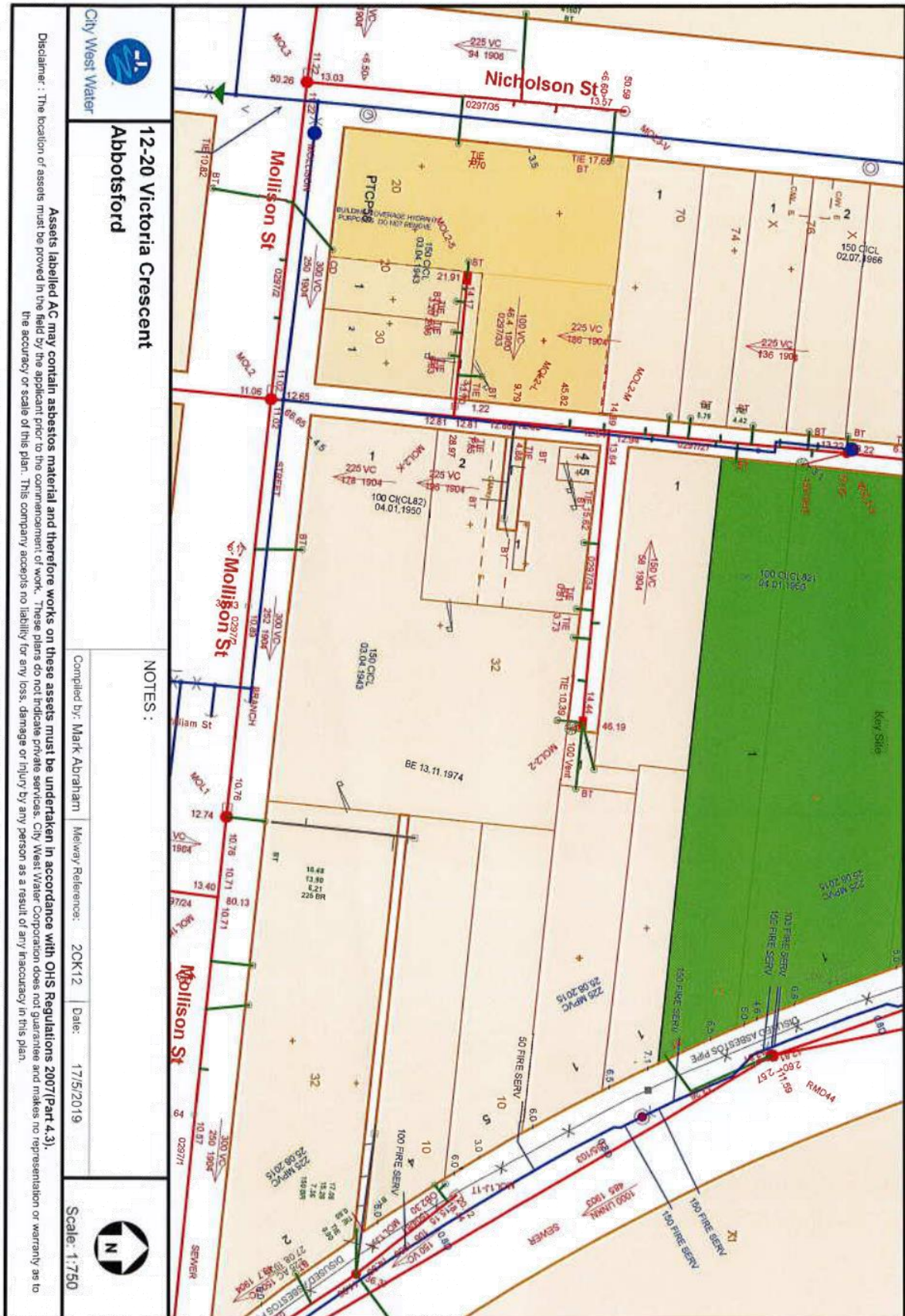
This document is "UNCONTROLLED" if it has been saved locally or printed

Document IRD-178

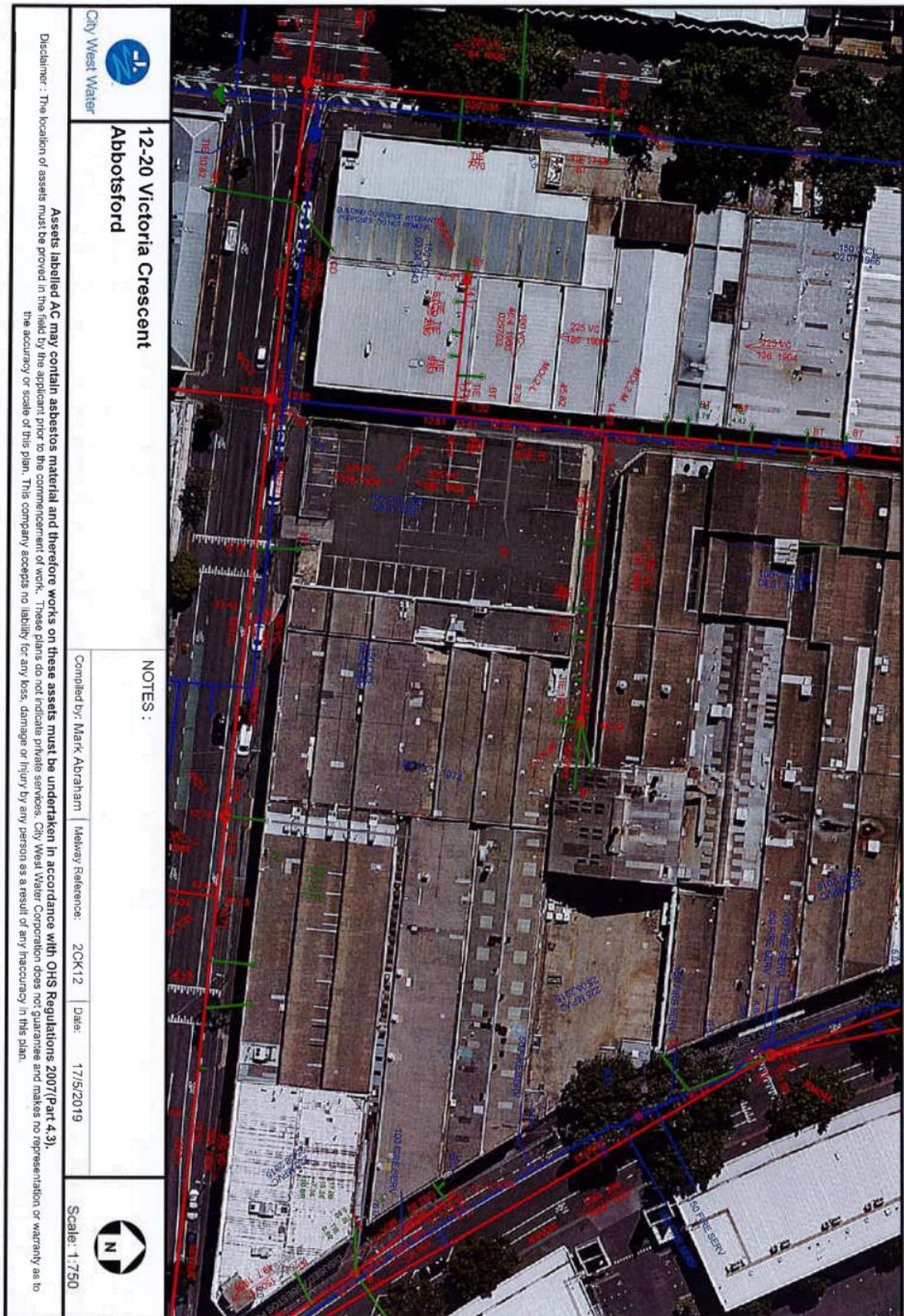
Rev 8

Page 2/2

Attachment 7 - CWW Response



Attachment 7 - CWW Response



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

Reference: D19/175677

Authoriser: Director Community Wellbeing

Purpose

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

Background

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

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

Issues

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

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

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

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

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

External Consultation

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

Internal Consultation (One Yarra)

29. There was no internal consultation undertaken.

Financial Implications

30. There are no financial implications.

Economic Implications

31. There are no economic implications.

Sustainability Implications

32. There are no sustainability implications.

Social Implications

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

Human Rights Implications

34. There are no human rights implications.

Communications with CALD Communities Implications

35. There are no CALD Communities Implications.

Council Plan, Strategy and Policy Implications

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

Legal Implications

37. There are no legal implications.

Other Issues

38. There are no other issues.

Options

39. Not applicable.

Conclusion

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

RECOMMENDATION

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

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

Attachments

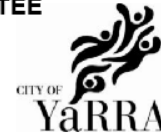
- 1 [↓](#) HWPAC ToR 2016 Dec endorsed
2 [↓](#) Health and Wellbeing Plan Advisory Committee - Review findings
3 [↓](#) Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

Attachment 1 - HWPAC ToR 2016 Dec endorsed

YARRA HEALTH AND WELLBEING PLAN ADVISORY COMMITTEE

TERMS OF REFERENCE

Adopted 6 December 2016



1. Background

Under the *Public Health and Wellbeing Act 2008*, Local Government is required to take responsibility for public health and wellbeing planning on behalf of its community. To facilitate this Council is required to develop a Municipal Public Health and Wellbeing Plan every four years. The Yarra Municipal Public Health and Wellbeing Plan 2013-2017 (Yarra Health and Wellbeing Plan) is a strategic document which outlines the health priorities for the municipality and includes actions to improve the health and wellbeing of the community.

Conducting an annual review of a Municipal Public Health and Wellbeing Plan is a statutory requirement of Council under the *Public Health and Wellbeing Act 2008*. Section 26(4) states that 'A Council must review its municipal public health and wellbeing plan annually and, if appropriate, amend the municipal public health and wellbeing plan'.

Yarra's Health and Wellbeing Plan Advisory Committee (HWPAC), comprising of community members and professionals from across Yarra's health and community sectors, play a key role in overseeing the delivery of the Yarra Health and Wellbeing Plan. The following terms of reference outline the structure in place to oversee the implementation and annual review of the current plan as well as the development, implementation and annual review of the 2017-2021 plan.

2. Purpose

- (a) To provide advice to Council on health and wellbeing matters.
- (b) To assist Council with advocacy on relevant health and wellbeing matters.
- (c) To identify strategies and actions to be included within the Yarra Health and Wellbeing Plan and associated yearly implementation plans.
- (d) To oversee and assist with the implementation and evaluation of strategies and actions in the Yarra Health and Wellbeing Plan and associated yearly implementation plans.
- (e) To identify current and emerging health and wellbeing issues and trends.
- (f) To collaboratively identify and implement measures to enhance the health and wellbeing of the Yarra community.
- (g) To strengthen partnerships across member organisations and other relevant networks and organisations.
- (h) To identify funding opportunities for relevant health and wellbeing projects and to contribute to submissions.
- (i) To complement the role of and align with the Local Safety Reference Group, Yarra Liquor Forum and other Council advisory committees and groups.

Attachment 1 - HWPAC ToR 2016 Dec endorsed

3. Membership

Core membership includes:

- (a) Two Yarra City Council Councillors (from different wards), to be appointed by Council on an annual basis
- (b) Three community representatives from within the City of Yarra (refer to the section 'Selection process and criteria for community members')
- (c) Australian Catholic University
- (d) cohealth
- (e) Department of Health and Human Services
- (f) Access Health and Community (formerly Inner East Community Health)
- (g) Inner North West Primary Care Partnership
- (h) Melbourne Primary Care Network
- (i) North Richmond Community Health
- (j) Neighbourhood Houses and Learning Centres
- (k) Project Respect
- (l) Women's Health in the North
- (m) Yarra City Council officers including staff from the Social Policy and Research Unit and Community Wellbeing Division

Additional persons or organisations may be invited to particular committee meetings or working group meetings, as guests, by the committee. This may include representatives from local hospitals, health care providers and community organisations. Additional members may be appointed to the committee by the CEO/Council.

4. Relationship with other Council advisory committees and groups

The Yarra Health and Wellbeing Plan includes actions from a broad range of Council areas. In addition, there are a number of Council advisory committees and groups that play a key role in promoting and contributing to the health and wellbeing of the Yarra community. The agenda and minutes of the HWPAC meetings will be circulated to the secretariats of the following committees and groups:

- (a) Aboriginal Advisory Group
- (b) Active Ageing Advisory Group
- (c) Arts Advisory Committee
- (d) Bicycle Advisory Committee
- (e) Business Advisory Committee
- (f) Disability Advisory Committee
- (g) Early Years Reference Group
- (h) Environment Advisory Committee
- (i) Heritage Advisory Committee
- (j) Local Safety Reference Group
- (k) Urban Agriculture Advisory Committee
- (l) Yarra Liquor Forum

Attachment 1 - HWPAC ToR 2016 Dec endorsed

- (m) Youth Advisory Committee

5. Selection process and criteria for community members

- (a) The Council will appoint community members following expressions of interest through a public notification process which calls for nominations.
- (b) Applicants will be shortlisted by a panel of Yarra City Council staff. Shortlisted applicants may be interviewed by the panel prior to appointment.
- (c) Community representatives shall be appointed for a period of three years. In the event that a vacant position arises, any new members will be appointed in accordance with Council policy.
- (d) As far as practical, the membership will reflect diversity in residential location, gender and cultural background.
- (e) Applicants must reside in the City of Yarra.
- (f) Applicants will be requested to submit a short statement of capabilities addressing the following criteria as part of their nomination:
 - (i) A demonstrated interest or expertise in public health and wellbeing.
 - (ii) An understanding of community needs, concerns and issues relating to health and wellbeing in the City of Yarra.
 - (iii) An understanding of the role Local Government has in health and wellbeing matters.
 - (iv) An ability and commitment to consider and value a wide cross section of community views.
 - (v) A commitment to participate in meetings on a quarterly basis, or at other times as determined necessary by the committee.
- (g) Existing members may nominate to renew their membership on the committee. Members may serve a maximum of two consecutive terms on the committee.

6. Member responsibilities

- (a) Should a member not be able to attend a meeting, the member should nominate a delegate to attend on their behalf.
- (b) Members are expected to attend a minimum of 75% of meetings per calendar year.
- (c) Members must declare any personal interest, connection or association with any matter brought before the committee.
- (d) Members must not make improper use of information acquired as a consequence of membership of the committee.
- (e) If matters of a confidential nature are discussed by the committee, members must respect that confidentiality.
- (f) Notice of resignation is to be provided in writing to the committee. In the event that an appointed representative resigns from the committee, the affected organisation will nominate a replacement representative prior the next meeting.
- (g) Membership of the committee may be terminated for any of the following reasons:
 - (i) failure to attend two consecutive meetings without prior notice.
 - (ii) conduct unbecoming a member, for example, a breach of confidentiality.

Attachment 1 - HWPAC ToR 2016 Dec endorsed

7. Meeting procedure

- (a) Meetings of the committee are to be undertaken on a quarterly basis or at other times as determined necessary by the committee.
- (b) Meetings are to be chaired on a rotating basis by the Councillors appointed to the committee. If both Councillors are absent, a member agreed to by the Committee will act as chairperson.
- (c) The chairperson has a casting vote.
- (d) Working groups may be formed where the need arises. Working groups are required to report back to the full committee and cannot make decisions on behalf of the full committee.
- (e) The quorum for any full committee meeting shall be five members.

8. Reporting and circulation

- (a) The committee reports through to the City of Yarra Council.
- (b) A Yarra City Council staff member will be responsible for minute taking at meetings, distributing agendas and minutes, being the central contact point for the committee and for providing any background information as required.

9. Terms of the committee

- (a) The terms of reference for the committee must be reviewed after three years. Any changes must be approved by Council.
- (b) The committee has no delegated authority to act or to incur expenditure on behalf of Council.
- (c) The Committee shall expire on 30 June 2019 unless extended by the Yarra City Council.

10. Media contact

- (a) Requests for contact by or with the media must be directed to the Chair of the Advisory Committee, and follow Councillor and Staff Media Policies.

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

Health and Wellbeing Plan Advisory Committee review findings – November 2017

Contents

1. Introduction	2
2. Approach	2
3. Main findings	2
3.1 Member survey.....	2
3.2 Further results.....	3
4. Review of the meeting minutes.....	9
4.1. Summary	10
4.2. Review of 2016 and 2017 meeting minutes	10

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

1. Introduction

A review of the purpose and function of the Health and Wellbeing Plan Advisory Committee (the Committee) was conducted during October and November 2017. This was prompted by concerns raised by some Committee members that the group was not acting in accordance with their expectations of the Committee's purpose. The review sought to understand:

- a) whether the Committee's activities are aligned with the Committee's purposes outlined in the Committee's Terms of Reference (TOR)
- b) members perspectives about the role and purpose of the Committee.

No recommendations were made as part of this review. This was in part due to an anticipated broader review of Council Committees, likely to be conducting during 2018.

2. Approach

The evaluation comprised a member survey and a review of the Committee's minutes for the previous two years. The review focussed on aspects relating to the purpose and frequency of the Committee. As such, other pertinent areas, such as Council Officer resourcing requirements, member recruitment processes and terms of reference, were outside the scope of this review.

3. Main findings

3.1 Member survey

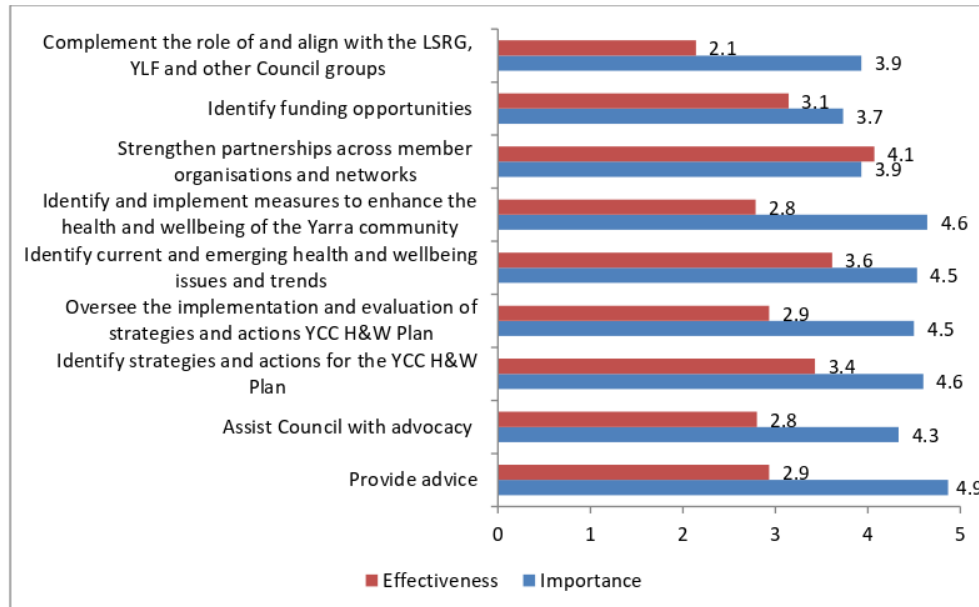
A survey was conducted to understand members' perspectives about the frequency, purpose and other features of the Committee. A total of 25 survey invites were emailed to Committee members. Thirteen completed and two partially completed responses were received; this represents a 60% response rate and 87% completion rate.

Key findings:

- The majority of respondents (10 out of 14 respondents) preferred to continue meeting at about the same frequency.
- Generally, most respondents rated the "importance" of each purpose set out in the TOR considerably higher than the "effectiveness".

Figure 1: Mean scores importance and effectiveness of Committee functions

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings



- Most respondents considered that the Committee was an appropriate composition to achieve the purpose of the Committee.
- The most commonly identified benefit of the Committee was with regards to networking, information sharing, and providing an opportunity to work collaboratively with other member organisations.
- Several suggested improvements to the Committee related to shifting the focus of the group to an advocacy (3 respondents) or advisory (2 respondents) role. It was suggested that by having clear objectives and a specific set of issues that the Committee could advise on, or advocate for, that this would better utilise the skills and expertise of the Committee members.

3.2 Further results

A survey was conducted to understand members' perspectives about the frequency, purpose and other aspects of the Committee. A total of 25 invites were sent to Committee members. Thirteen completed and two partially completed responses were received, representing a 60% response rate and 87% completion rate.

The following section details the responses for each question.

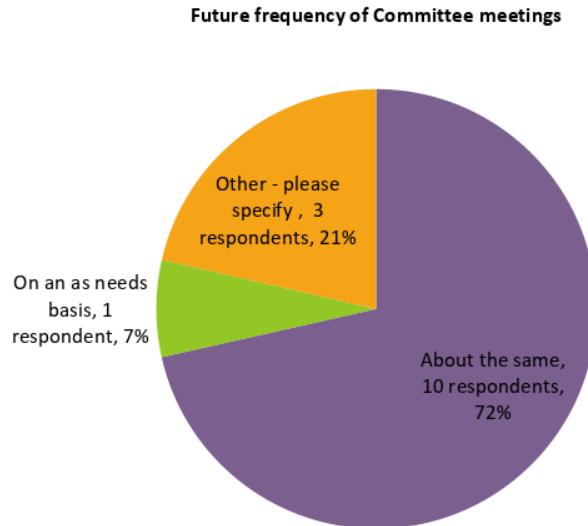
1. Meeting frequency

Respondents were asked about their preferences regarding the frequency of meetings. The majority of respondents (72%) preferred to continue meeting at about the same frequency, quarterly. One respondent preferred to meet on an as needs basis and a further three respondents stated their preferences for meeting frequency would depend on any changes to the purpose of the committee.

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

Question 1: “Currently, the Committee meets quarterly. If the Committee continues in its current form, would you prefer that the Committee meet: About the same; on an as needs basis; or, other – please specify?”

Responses:



2. Committee’s purpose – effectiveness and importance

Next, respondents were asked to rate the effectiveness and importance of each purpose outlined in the Committee’s terms of reference. Respondents were asked to rate on a scale of 1, being very low, and 5, being very high. The graph below outlines the mean scores from this question. Respondents were also provided the option of “don’t know / can’t say”, which is excluded from the results outlined in the graph below.

Generally, most respondents rated the “importance” of each purpose considerably higher than the “effectiveness”. An exception to this is the purpose regarding strengthening partnerships across member network organisations. Overall, most purposes were ranked very highly in terms of importance by respondents with mean scores ranging from 3.7 (identifying funding opportunities) through to 4.9 (providing advice). In contrast, there was greater variation in the overall score for effectiveness. The purpose with the lowest rated effectiveness score was “Complement the role of and align with the Local Safety Reference Group (LSRG), YLF (Yarra Liquor Forum) and other Council groups” (mean score 2.1) and the purpose with the highest rated effectiveness score was “Strengthen partnerships across member organisations and networks” (mean score = 4.1).

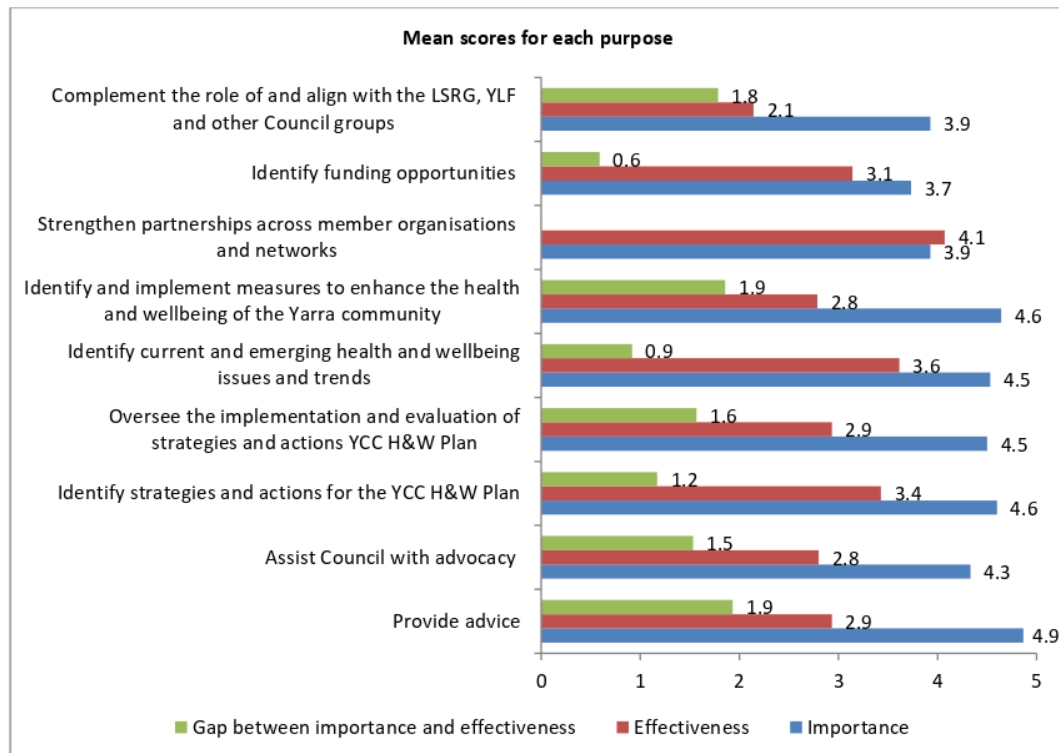
Clearly, members consider the purposes of the Committee to be highly important. However, the low effectiveness scores, for several purposes, suggest that the members perceive that the group is not successfully fully achieving the outcomes they would like from the Committee.

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

The variation in the effectiveness scores also reflect responses to questions regarding what is working well and what aspects of the Committee, members would like to see changed or improved. For example, all respondents noted that the information sharing and networks developed was an important benefit of the Committee, and this is reflected in the high effectiveness score (mean score = 4.1).

Question 2: "The following is a list of the Committee's purposes, from the terms of reference. For each purpose please rate, on a scale of 1 to 5, how important it is for the Committee to carry out the purpose and also how effective you consider the Committee is in carrying out the purpose."

Responses:



3. Additional functions

Respondents were asked about additional Committee functions, not currently included in the TOR, which should form part of the Committee's role. Only one respondent commented regarding the Committee's involvement in the reporting functions of the MHP.

Question 3: "Are there any other functions, not described above, that you consider should form part of the Committee's role? Please describe what these functions are, and why they should form part of the Committee's role."

Responses [Verbatim]:

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

- Planning and reporting for Municipal Health Plan - partnership engaged in the reporting - focusing on issues of importance for instance to include issues such as Female Genital Cutting

4. Committee membership

Respondents were asked about the appropriateness of the current membership of the Committee. Generally, most respondents considered that the Committee was an appropriate composition to achieve the purpose of the Committee. However, some respondents suggested that representation from the LGBTIQ and CALD communities; PCPs; Primary Health Networks and housing organisations would be useful. In addition, one respondent suggested there should be clarification about the role of community members who may also work for an employer within the sector. A further respondent noted it depends on the purpose of the Committee.

Question 4: "Currently, the membership of the Yarra Health and Wellbeing Plan Advisory Committee is made up of professionals who work in health and wellbeing, three community representatives and two Yarra City Council Councillors. Do you consider this is an appropriate composition to achieve the purpose of the Committee? If not, please explain your answer."

Responses [Verbatim]:

- Yes
- Yes, I feel that there is appropriate composition to achieve the purpose of the Committee.
- Yes
- Representatives from LGBTIQ, CALD and housing organisations would be useful
- Yes - Council can make up the decision
- could there be reps from the PCPs and also from the PHNs?
- Yes, this is appropriate. My sense is that community reps need to be there to represent their community, not their employer
- I think it depends on the main purpose of the committee. Three community representatives? Are these interested local residents or service providers? I believe there needs to be room for both. Currently there seem to be more members than listed here. I note that there are 8 health service representatives listed at the meeting in August, 4 Yarra officers and Councillors, 2 community reps and one other (ACU). In May it was 4 Yarra, 6 health, 4 community and one other (ACU). NB I was a community rep and have been unable to attend due to scheduled meeting time.

5. Benefits of attending

Respondents were asked what the benefit of attending the Committee was, both for themselves and the organisation that they represent. The most commonly identified benefits were in regards to networking, information sharing, and providing an opportunity to work collaboratively with other member organisations. Other benefits mentioned include the opportunity to gain familiarity and understand Council policy and planning processes; providing a voice for local residents; and an opportunity to hear about relevant Council activities.

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

Question 5: "What are the benefits of attending the committee for you and your organisation?"

Responses [Verbatim]:

- Providing a voice for local residents
- Being part of the health and wellbeing process for Yarra.
Getting an in depth understanding of Council processes in relation to the Council plan and its development/review.
Working collaboratively with partners on the committee to get a better understanding of what they are doing and alignment of activity.
Working towards greater collective work as a group.
- To network with other services.
To understand the policy, procedures and planning in Yarra around health and wellbeing.
To develop a better understanding of other health and wellbeing issues in the broader community.
- Networking, Collaboration and Innovation
- Ability to influence the work/direction of other organisations
Ability to more closely align and if possible gain greater leverage for work that we are doing by working with others
Access to other elements that are important to health -such as physical space, parks and housing which local government play a role in
- The opportunity to hear what council and others in the room might be doing and opening up partnership opportunities
- Networking - member of municipal health plan for share actions and strategies - to implement funders requirements - more activities and actions to share
- Information dissemination and awareness of others perspectives
- Connections to other organisations
Opportunities to contribute to shared work
Opportunity to influence elected representatives
- Networking and information sharing
Formation of partnerships
Achieving common goals and priorities for the community
- More informed about initiatives and trends in the municipality which then is shared within my organisation and networks.
Impacts on our organisation's program design and planning,
Opportunities to identify key contacts in organisations to follow up regarding program development ideas (at a time outside the meeting!)
- Ability to alert meeting to emerging issues or initiatives

6. Changes or improvements

Respondents were asked about aspects of the Committee they would like to see changed or improved. Respondents provided a range of suggestions. Several suggestions related to shifting the focus of the group to an advocacy (3 respondents) or advisory (2 respondents) role. It was suggested that by having clear objectives and a specific set of issues that the Committee could

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

advise on, or advocate for, that this would better utilise the skills and expertise of the Committee members.

Question 6: "Are there any aspects of the committee that you would like to see changed or improved?"

Responses [Verbatim]:

- Advocacy and a greater involvement with planning and prevention staff
- Colleagues have expressed concern that current Health and Wellbeing Plan process tends to be about of us telling Council what we are already doing and council including it in the plan. What we would like to see more of is identifying potential shared priorities and Council opening up opportunities for shared work (projects, advocacy, events etc).
- I do think it would be better if we were able to make our meetings more strategic in terms of when we are meeting and alignment to Council process. I think the Committee could be performing better in an Advisory role, if it was clearer as to what they are advising on.
- I don't feel like the committee actually provides advice - its more about the committee informing partners. I'd like to see council come to the committee with options papers and seek advice on how to proceed. This might mean that the committee needs to meet on an as needs basis?
- I think that we need to try and maximise the value of having all of the committee members together face to face - to me the value is in being able to have discussions and talk about issues/think about possible solutions using multiple brains and perspectives. I think that we also need to maximise the value of having local government in a health space (of which they do some health things but also much more that impacts on health) and consider in a meaningful way the other aspects that local government has responsibility for that impact on health.
- Less information sharing based and more workshop based to find solutions to issues surrounding the municipality
- More frequent meetings but with specific issues of discussion and interest
- More influence on council priorities
- Opportunity to work on joint projects and/or advocacy
- Unfortunately I have not been able to attend in the last year - and...I seem to always give my apologies too late so they don't show up on the minutes!! My observation is that it varies a lot depending on the chairperson. I have observed that some councillors have been more adept than others at engaging people in dialogue, steering the group and keeping it both focused, relevant and inclusive. No surprises there really. I imagine that the chairpersons effectiveness is also about prior briefing and understanding of council officers work.
- I thought coming onto the committee that the community members would have more of a role in voicing concerns about things we see in the community and asked our perspective of how things would work for us as members of the community - kind of like representatives of the community - but I don't feel I've really contributed in this way. At the one meeting I've attended so far I kind of found myself wondering what to say as I found the bulk of it was spent on members updating the group in what their organisation was doing recently - including the other two community members as they work for smaller social/health organisations. I wasn't able to contribute anything in this way because I work for a large hospital not located in the city of

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

Yarra. I still think the committee is a good idea and am really honoured to have been chosen as a community member but hope for a more clearly defined role in the future!

7. Other comments about the Committee or Council

The final survey question asked respondents about any further comments about Council or the Committee. Feedback was very positive about the meeting organisation, and specifically the Council Support Officer responsible for the Committee. One respondent commented that greater clarity was required about the role of the Committee.

Question 7: "Do you have any other comments about the Committee or Council generally?"

Responses [Verbatim]:

- Have found committee to be an important communication forum for representing the community within our catchment
- I feel like it would be a good idea to do some activities with the group around our collective work and how we can work in a more meaningful way. It would be good to clarify the role of the group and start to think about the steps we can take towards our collective activity. Perhaps some principles for our collective work. Are we just an advisory group or are we charged with working together as a collective? I think this role has sometime been not well understood.
- I've been really impressed by how Erika and the councillors have listened to the feedback that has been provided so far about the Committee and are open to and willing to seriously consider improvements.
- It is good running at this stage - we appreciate the meetings and committees activities to date
- Well organised and informative

4. Review of the meeting minutes

The agendas and minutes for meetings held during 2016 and 2017 were reviewed to understand the extent to which they aligned with the Committee's purpose, as set out in the Committee's TOR. A two year period was selected as it was deemed that this would provide a sufficient range of meeting topics and discussions. Meeting minutes for the following meetings were reviewed:

- Wednesday 17 February 2016
- Wednesday 24 August 2016
- Wednesday 15 February 2017¹
- Wednesday 3 May 2017
- Wednesday 2 August 2017.

Discussion topics, excluding those of an administrative nature, tended to focus on updates from Council, members, or, occasionally, from sector organisations. The updates tended to dominate the majority of the agenda, and were generally presented as an update rather than seeking input. Only

¹ The February 2017 meeting was conducted as a facilitated session in order to specifically seek input from members regarding the proposed Council plan.

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

a minority of agenda items specifically sought advice from the Committee. However, this included a significant agenda item of the February 2017 meeting, seeking input from the Committee on the draft Council Plan.

4.1. Summary

The member survey showed respondents generally rated the effectiveness of achieving the majority of purposes set out in the Committee's TOR low but the importance of each purpose considerably higher. This suggests that the members consider the purpose of the Committee to be important, yet perceive that the Committee is not currently achieving their full purpose, as set out in the terms of reference.

Moreover, the results of the survey and review of the meeting minutes suggest that the Committee is primarily functioning as information sharing network rather than as an advisory group. This finding was echoed in both the results of the member survey and review of meeting minutes. The only purpose to score highly on effectiveness related to network development ("Strengthen partnerships across member organisations and networks"). Similarly, a review of the meeting minutes highlighted that the majority of the discussions focussed on updates from Council, members and sector representatives. Only a minority of agenda items, over a two-year period, specifically sought advice from Committee members.

Despite this, respondents expressed that they saw considerable value in the Committee operating in an information sharing capacity. This is reinforced through the membership survey where the vast majority of respondents commented about the benefits of information sharing and networking.

Overall, this suggests that the information sharing and networking aspect of the Committee is both highly valued and well-functioning. However, further investigation is needed to understand how to ensure the Committee is appropriately positioned in order that the breadth of the Committee's purposes can be acted upon.

4.2. Review of 2016 and 2017 meeting minutes

In order to understand the extent to which the Committee's actions were aligned with the Committee's purposes outlined in the Committee's Terms of Reference (TOR), minutes from meetings held during the the previous two-years were reviewed.

The meeting minutes from the following meetings held during 2016 and 2017 Seven meetings were scheduled during this period, however only five were conducted. The February 2017 meeting was conducted as a facilitated session, specifically focussing on the 2017-2021 Council Plan. Meeting minutes for the following meetings were reviewed:

- Wednesday 17 February 2016
- Wednesday 24 August 2016
- Wednesday 15 February 2017
- Wednesday 3 May 2017
- Wednesday 2 August 2017.

Meeting administration

Attachment 2 - Health and Wellbeing Plan Advisory Committee - Review findings

The four meetings (excluding the facilitated session) were chaired by three different Councillors. As Councillor portfolios are generally reshuffled on an annual basis, this variation in chairing is unsurprising. All four meetings were scheduled for two hours each, and with the exception of one meeting which closed early due to a Health & Safety matter, sufficient time was allocated to discuss all agenda items.

Meeting topics

Discussion topics, excluding those of an administrative nature, tended to focus on updates from Council, members, or occasionally from sector organisations. The updates tended to dominate the majority of the agenda, and tended to be presented as an update rather than seeking input. Only a minority of discussion topics specifically sought advice from the Committee members: "CCTV - Victoria Street, Richmond/Abbotsford" (February 2016), "Priorities and strategic objectives for 2016" (May 2016), "Input on draft Council Plan" (February 2017), and "Feedback on Draft Council Plan - Strategic Objective one" (May 2017). The minutes suggest that members provided a range of specific and valuable comments regarding these two topics.

Table 1: Discussion topics

Meeting date	Discussion topics (excluding administrative discussion)
February 2016	<ul style="list-style-type: none"> • Agency updates - all • Local Safety Reference Group - safety indicators and group update - Malcolm McCall / Erika Russell, Yarra City Council • CCTV - Victoria Street, Richmond/Abbotsford - all • Priorities and strategic objectives for 2016 - all
August 2016	<ul style="list-style-type: none"> • Primary Health Network - Jeff Cheverton, Executive Director Commissioning, North West Melbourne Primary Health Network • Project Respect - Rachel Reilly, Acting Executive Director, Project Respect • Agency updates - all • Council update
February 2017	<ul style="list-style-type: none"> • Input on draft Council Plan - all
May 2017	<ul style="list-style-type: none"> • Food choices traffic light system in Yarra leisure centres - Sam Carroll, Customer Service & Sales Coordinator, Yarra City Council • Update from the State Government on their restructure and priorities - Patricia Deering, Senior Program Adviser / Health Integration and Partnerships, Department of Health and Human Services • Member updates - all • Feedback on Draft Council Plan - Strategic Objective one - all • Victoria Street precinct update - Erika Russell, Yarra City Council
August 2017	<ul style="list-style-type: none"> • AOD priorities for the North Western Melbourne Primary Health Network - Brad Pearce, Alcohol & Other Drug Service Coordinator, North Western Melbourne Primary Health Network • Perceptions of safety - Erika Russell, Yarra City Council • Census data - key differences between 2011 and 2016, Malcolm McCall, Yarra City Council • Member updates (scheduled, but not discussed as meeting was closed early due to an OH&S matter) - all

Attachment 3 - Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

Yarra Health and Well-being Plan Advisory Committee

Introduction

Page description:

This survey is being undertaken to help inform the future structure of the committee. Your honest feedback is sought to ensure that the committee functions in a way that is effective for members and in a way that has a positive impact on the health and wellbeing of our community.

The survey will take about five minutes to complete. Your responses will be treated anonymously and in accordance with Council's privacy policy.

If you have any questions please contact Laura McCarthy, Social Policy and Research Officer on 9205 5056 or at laura.mccarthy@yarracity.vic.gov.au

6

1. Currently, the Committee meets quarterly. If the Committee continues in its current form, would you prefer that the Committee meet:

- ☐ About the same
- ☐ Less frequently
- ☐ More frequently
- ☐ On an as needs basis
- ☐ Other - please specify

7

2. The following is a list of the Committee's purposes, from the terms of reference.

For each purpose please rate, on a scale of 1 to 5, how **important** it is for the

Attachment 3 - Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

Committee to carry out the purpose and also how **effective** you consider the Committee is in carrying out the purpose.

	Importance	Effectiveness
a) To provide advice to Council on health and wellbeing matters.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
b) To assist Council with advocacy on relevant health and wellbeing matters.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
c) To identify strategies and actions to be included within the Yarra Health and Wellbeing Plan and associated yearly implementation plans.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
d) To oversee and assist with the implementation and evaluation of strategies and actions in the Yarra Health and Wellbeing Plan and associated yearly implementation plans.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
e) To identify current and emerging health and wellbeing issues and trends.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say

Attachment 3 - Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

f) To collaboratively identify and implement measures to enhance the health and wellbeing of the Yarra community.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
g) To strengthen partnerships across member organisations and other relevant networks and organisations.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
h) To identify funding opportunities for relevant health and wellbeing projects and to contribute to submissions.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say
i) To complement the role of and align with the Local Safety Reference Group, Yarra Liquor Forum and other Council advisory committees and groups.	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say	5 - High 4 3 - Neutral 2 1 - Low Not sure / can't say

Attachment 3 - Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

ID 19

3. Are there any other functions, not described above, that you consider should form part of the Committee's role?

Please describe what these functions are, and why they should form part of the Committee's role.

--

ID 22

4. Currently, the membership of the Yarra Health and Wellbeing Plan Advisory Committee is made up of professionals who work in health and wellbeing, three community representatives and two Yarra City Council Councillors.

Do you consider this is an appropriate composition to achieve the purpose of the Committee? If not, please explain your answer.

--

Benefits and improvements

5. What are the benefits of attending the committee for you and your organisation?

6. Are there any aspects of the committee that you would like to see changed or improved?

7. Do you have any other comments about the Committee or Council generally?

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Attachment 3 - Member Survey Yarra Health and Well-being Plan Advisory Committee - October 2017

ID 57

8. In order to better understand any matters raised in this survey, we may need to follow up with respondents.

If you are willing to be contacted to discuss your perspectives in greater depth, please add your contact details below.

First Name

Last Name

Organisation Name

Email Address

Phone Number

Thank You!

ID 1

Thank you for taking our survey. Your response is very important to us.

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

Executive Summary

Purpose

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

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

Key Issues

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

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

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

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

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

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

Financial Implications

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

PROPOSAL

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

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

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

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

Reference: D19/165196

Authoriser: Director Community Wellbeing

Purpose

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

Background

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

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

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

MSIR Legislative Context

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

MSIR Evaluation

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

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

MSIR Operational Update

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

Precinct economic development

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

Richmond Retail Revitalisation Project

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

Precinct amenity

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

Streetscape improvements

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

Enhanced procedures and practices for syringe management services

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

Cleansing services

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

Fig. 2 – Stakeholders in the community

Correspondence with Council

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

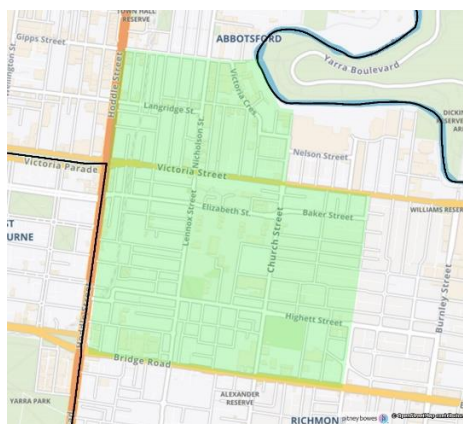


Fig. 3 – Locality measured for estimated households and population

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

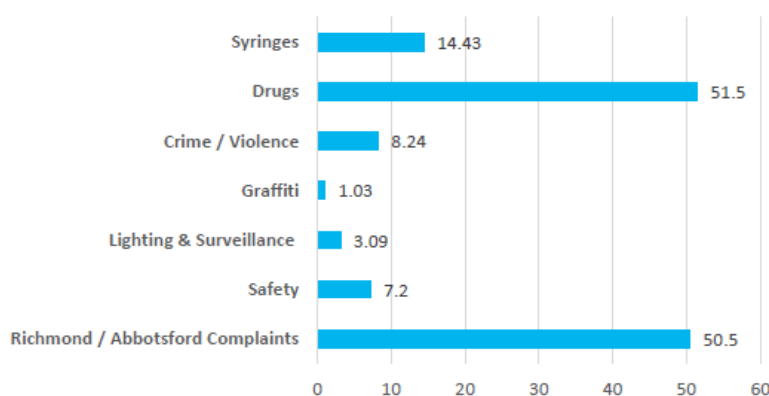


Fig. 4: Oracle Customer Feedback 2017 – 2019

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

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

Other communications channels and inter-agency forums

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

North Richmond community drop-in information session

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

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

Community action groups

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

Source: <https://mracgroup.com>

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

66. Their website states the following:

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

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

67. Their aims are recorded as follows:

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

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

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

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

Views expressed in other forums

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

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

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

Council and community education and engagement

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

Drug Help Locally (Victoria Street Community Protocols)

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

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

Council and community development

Outreach barbeques

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

Youth Hub

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

Council community grants

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

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

Victorian Government initiatives

North Richmond Community Capacity Building Initiative

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

Health, amenity and safety

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

Community engagement

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

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

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

Economic development and training and employment

97. As reported earlier in this report, the Victorian Government has initiated the *Richmond Retail Revitalisation Project* working group, focusing on Victoria Street and Bridge Road.

98. The Victorian Government have extended the *Hope for the Future* employment program to provide housing estate residents with a holistic case management service and linkages with National Training Providers.

Victoria Police initiatives

99. Victoria Police have stated the following:

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

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

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

External Consultation

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

Internal Consultation (One Yarra)

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

Financial Implications

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

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

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

Council Plan

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

Community Infrastructure Plan

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

Legal Implications

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

Other Issues

125. Not applicable.

Options

Option 1

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

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

Option 2

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

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

Conclusion

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

RECOMMENDATION

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

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

Attachments

1 [!\[\]\(4729e517bc6a7cd81c8025b9646574fb_img.jpg\)](#) CoY - Drug use issues in your local area - A4 Poster - September 2019



DRUG ISSUE HELP

local area contacts

Removal of syringes and related litter

Private property, businesses, streets or public spaces

- Yarra Council **9205 5555** (available 24 hours) or visit yarracity.vic.gov.au/syringedisposal

Public Housing Estate grounds

Local Housing Office (available 24 hours)

- Richmond **9429 5174**
- Fitzroy **9093 5000**
- Collingwood **9417 5144**

North Richmond Community Health or the Medically Supervised Injecting Room

- North Richmond Community Health (business hours) **9418 9811**

Train stations or railway lines

- Metro Trains **1800 800 007** (6am to 12 midnight)



Yarra City Council thanks North Richmond Community Health, cohealth, Youth Support and Advocacy Service, Victoria Police and the Victorian Government.

National Relay Service TTY 133 677 then (03) 9205 5555

Languages	中文 9280 1937	Italiano 9280 1931	Tiếng Việt 9280 1939
العربية 9280 1930	Ελληνικά 9280 1934	Español 9280 1935	Other 9280 1940

REF 18387



000

EMERGENCY



Drug overdose



Illegal activity



In danger

Non-emergency support for drug affected people or public injecting

If you are concerned about an adult using drugs, contact the Needle and Syringe Program outreach team on **9418 9830** or email ourcentre@nrch.com.au

If your concern is about a young person, contact Youth Support and Advocacy Service on **9415 1698**

Confidential alcohol, drug information and advice

For information, counselling and referral for alcohol and drug issues (including syringe programs), call DirectLine on **1800 888 236** (available 24 hours).

Report non-emergency crime incidents

For non-urgent crime and events (available 24 hours) call the Police Assistance Line on **131 444** or submitting an online report <https://onlinereporting.police.vic.gov.au/>

11.5 Lourdes Site - Consideration of concept

Reference: D19/144806

Authoriser: Director Planning and Place Making

Purpose

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

Background

The Precinct

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



AERIAL VIEW - EXISTING

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

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

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

See extract of the MasterPlan below

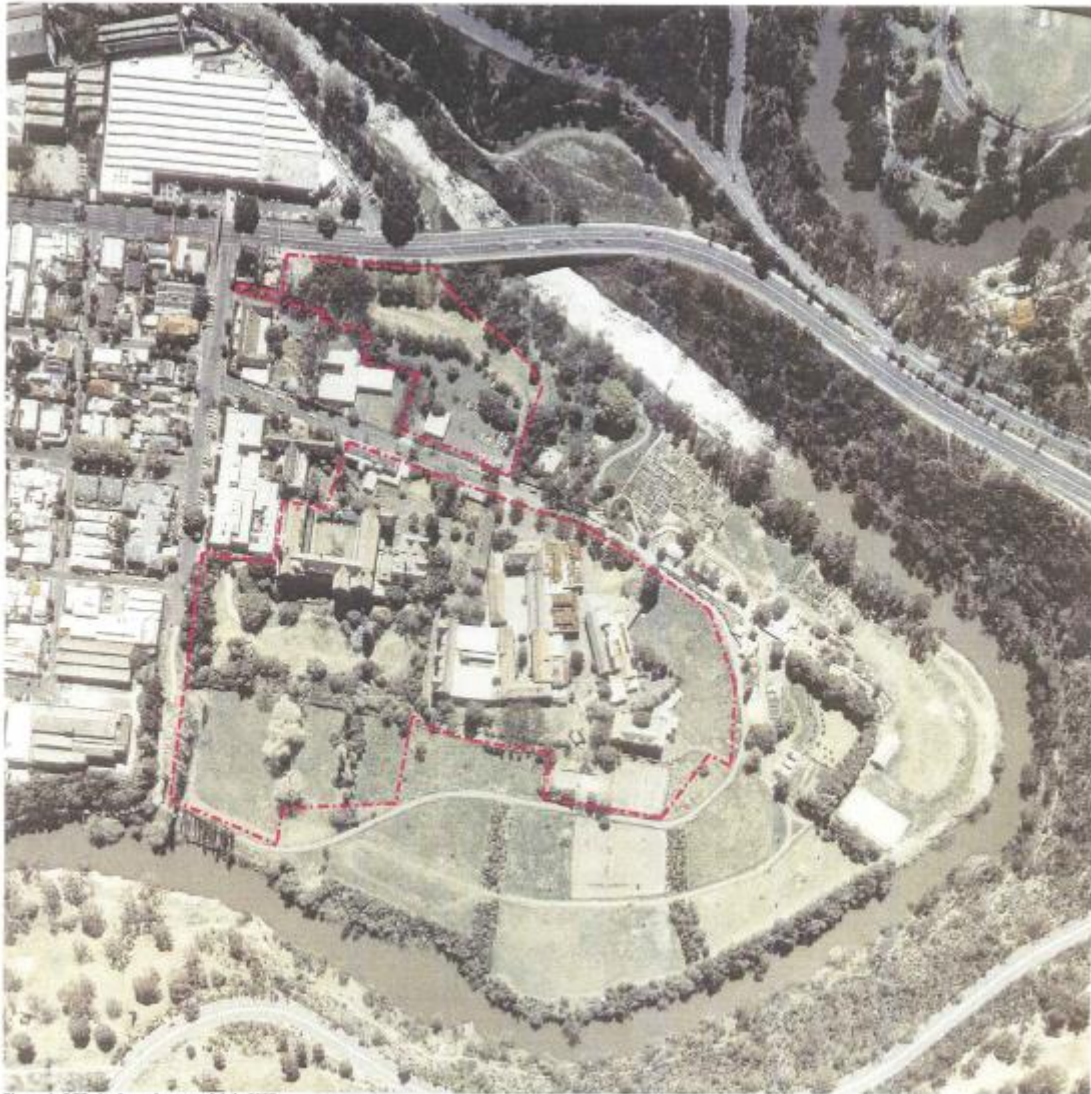


Figure 1. ACF site boundary as of July 2005.



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

Previous traffic calming measures

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

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

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

Johnston Street – direct access option

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

The Lourdes site

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

Importance of the Lourdes site in the Precinct

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

Lourdes site restrictions

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

Abbotsford Convent considerations

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

Built Form aspects of the Lourdes site - process

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

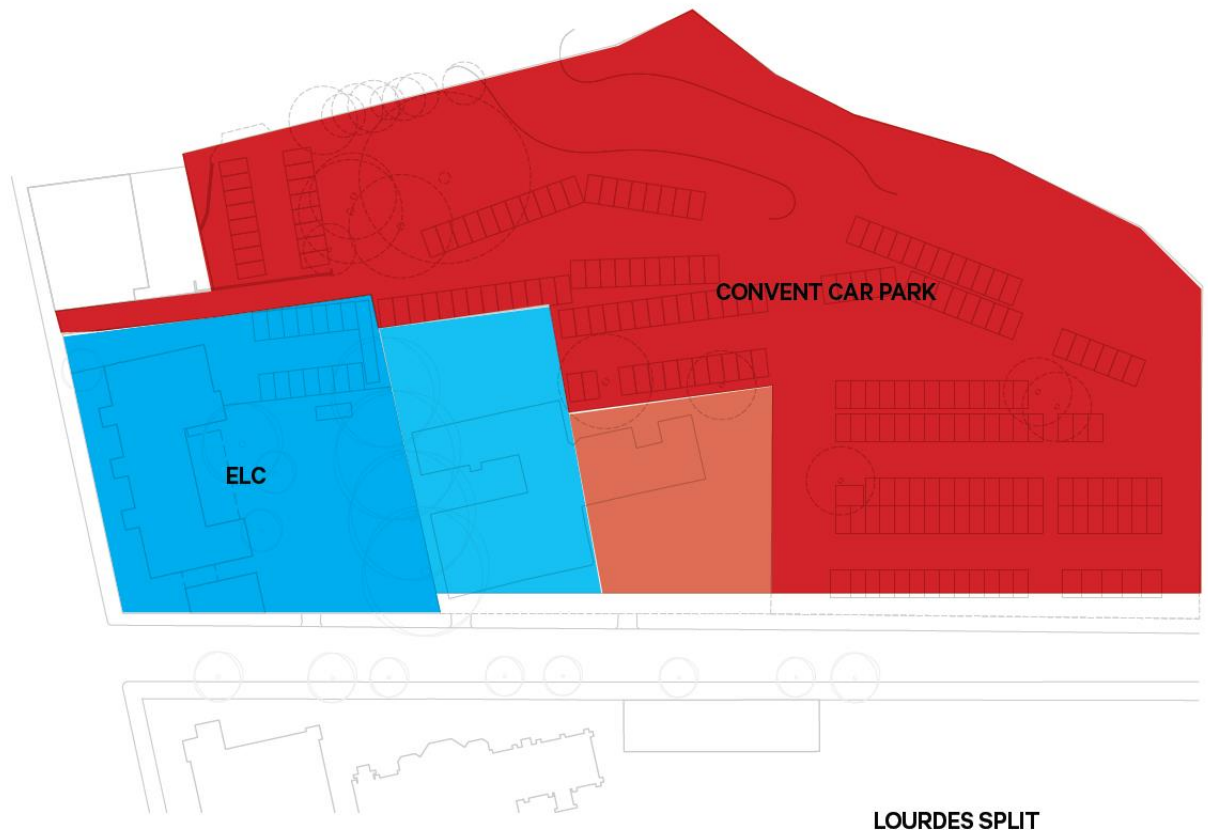
47. It would also include the transfer of the small strip of land off Clarke Street abutting the existing Early Learning Centre immediately to the north, for a similar strip of land currently in the Lourdes Committee of Management in order to round off the Early Learning Centre land – this would maximise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

Preferred Built Form option of the Lourdes site

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

(see option D below).

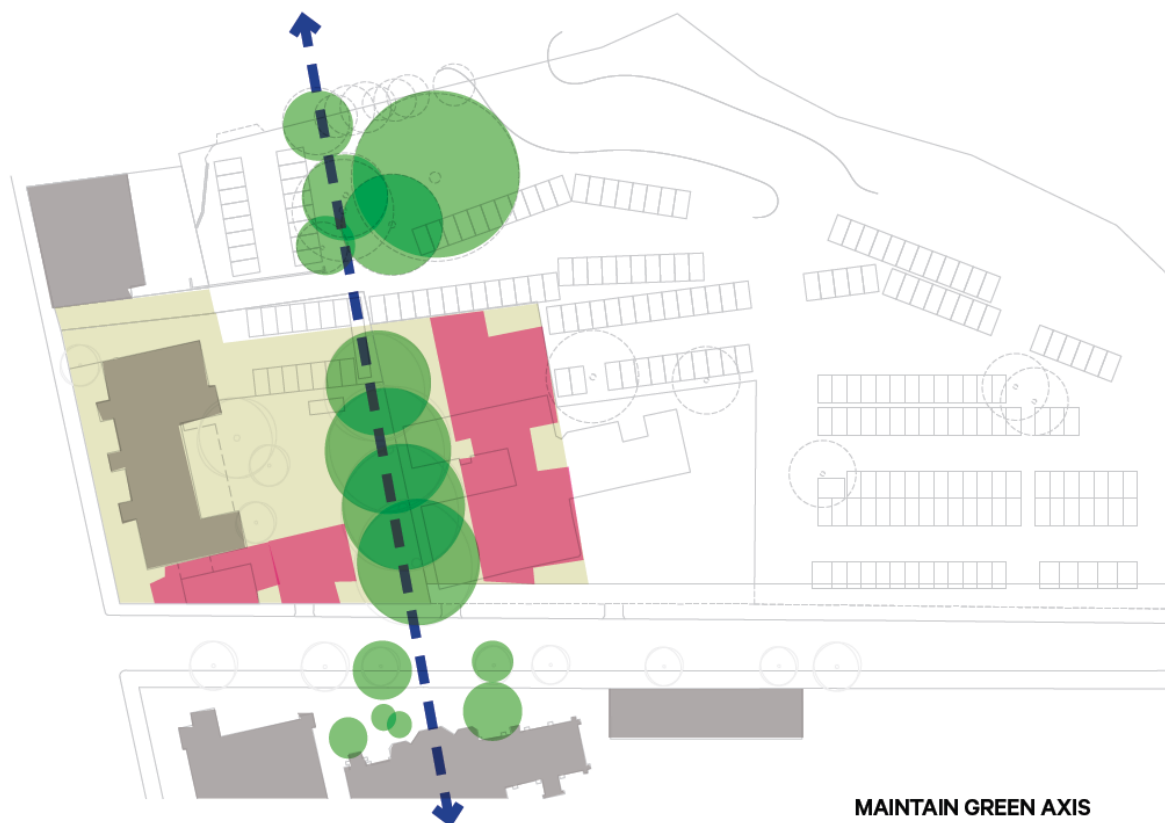




52. In summary, both the Convent Foundation and the Melbourne University Executives expressed support for Option D as a notional layout and development concept for the Lourdes site.

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

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



(See Attachments for further illustrations)

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

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

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

Summary Points

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

External Consultation

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

Internal Consultation (One Yarra)

71. Senior Executive staff.

Financial Implications

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

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

77. There are no known human right implications.

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

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

Legal Implications

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

Other Issues

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

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

Options

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

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

Conclusion

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

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

RECOMMENDATION

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

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

Attachments

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

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



Site Study Plan - Existing Conditions
1:500

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 (0) 9475 8071
www.kennedynolan.com.au

ABN 21 136 171 285
ACN 136 171 285



This copy of this drawing is issued for the sole use of the recipient and the acceptance of the same constitutes an agreement that it will not be published, reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain the property subject to return upon request.

This drawing is to be read in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions shall take precedence over scaled. Scaled dimensions shall be verified on site.

Note

Concept sketches, for discussion only

Will require review by Traffic Engineer

Client
University of Melbourne

Project
Early Learning Centre

Project Address
2-4 St Heliers Street

Abbotsford VIC 3067

Drawing Name

Sketch Site Studies

Project Stage
CP

Scale
1:500 @A3

Date
July 2018

Drawn
MM

Project Number

1721

**KENNEDY
NOLAN**

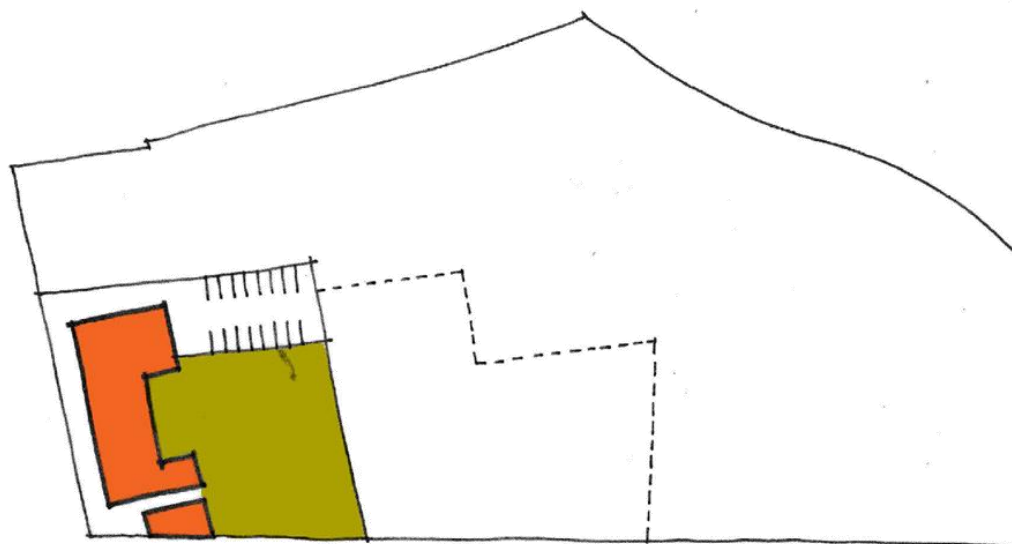
Drawing

SK_090

Revision

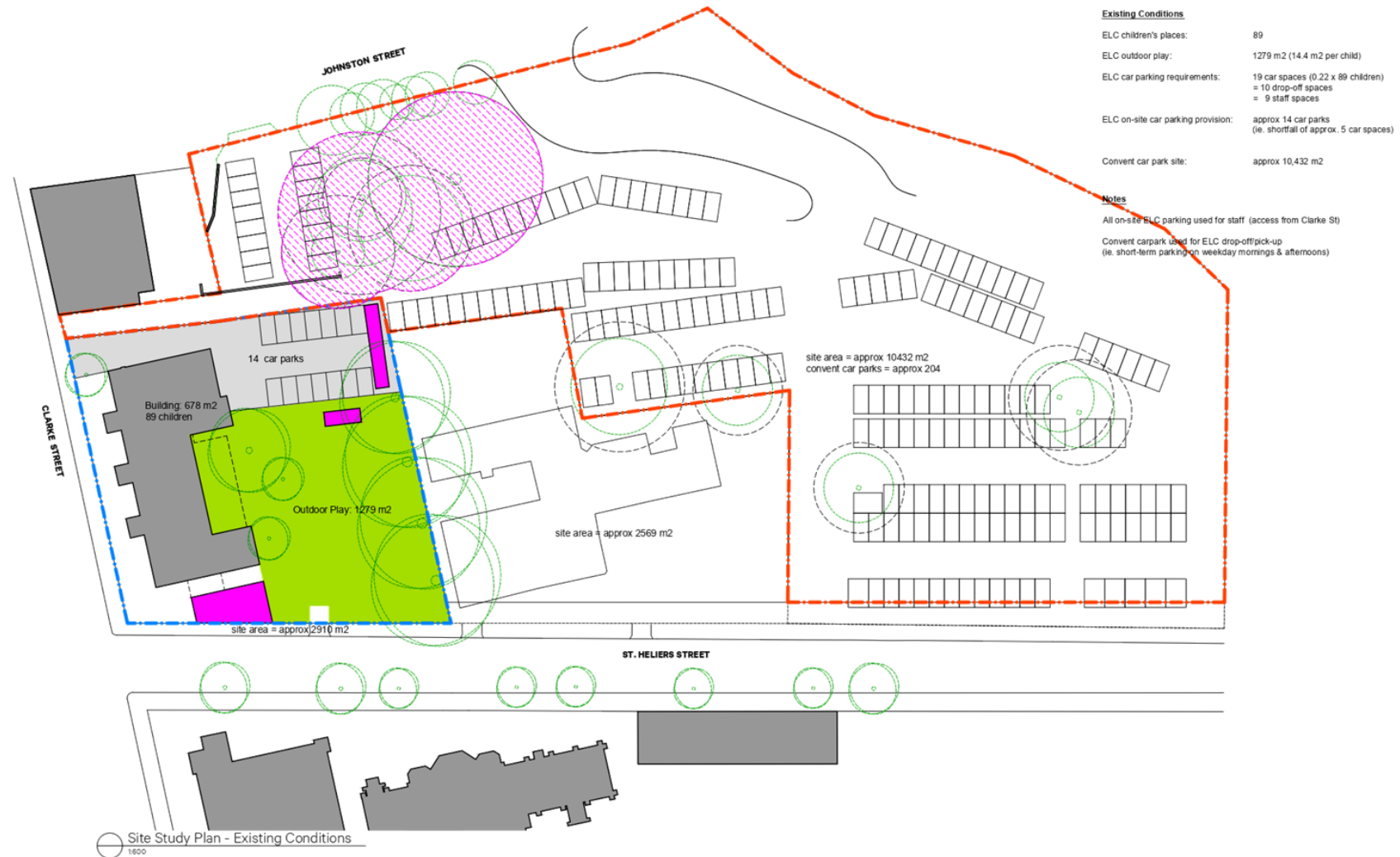
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



EXISTING

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street Rm 201
Melbourne 3005 Australia
email@kennedynolan.com.au
+ 61 (0) 3 4618 8971
www.kennedynolan.com.au
ABN 21 138 171 285
ACN 138 171 285

This copy of this drawing is issued for the use of the recipient and is not to be used for any other purpose without the written permission of Kennedy Nolan Architects and it is the recipient's responsibility to return upon request.

This drawing is to be used in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are stated. Scaled dimensions shall be verified on site.

Note

Concept sketches, for discussion only

Will require review by Traffic Engineer

Client
University of Melbourne

Project
Early Learning Centre

Project Address
2nd St Heliers Street
Abbotsford VIC 3067

Drawing Name
Sketch Site Studies

Project Stage
CP

Scale
1:1000 @A3

Date
July 2018

Drawn
MM

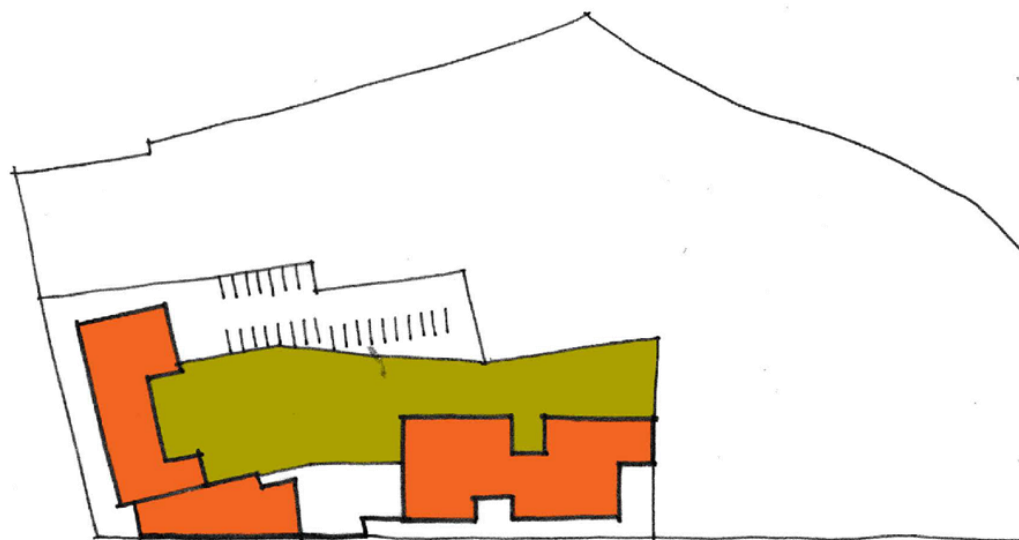
Project Number
1721

KENNEDY NOLAN

Drawing
SK_100

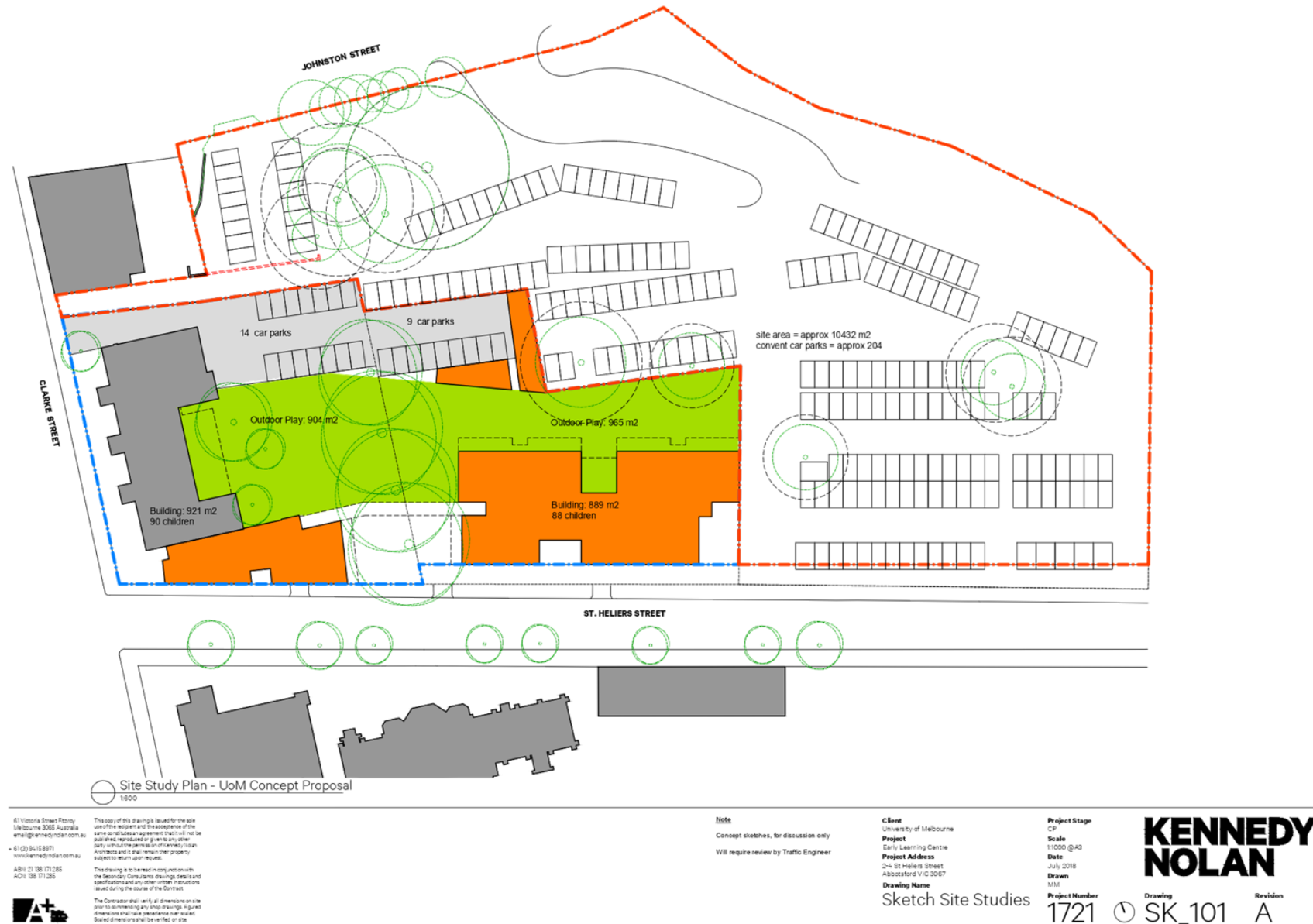
Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)

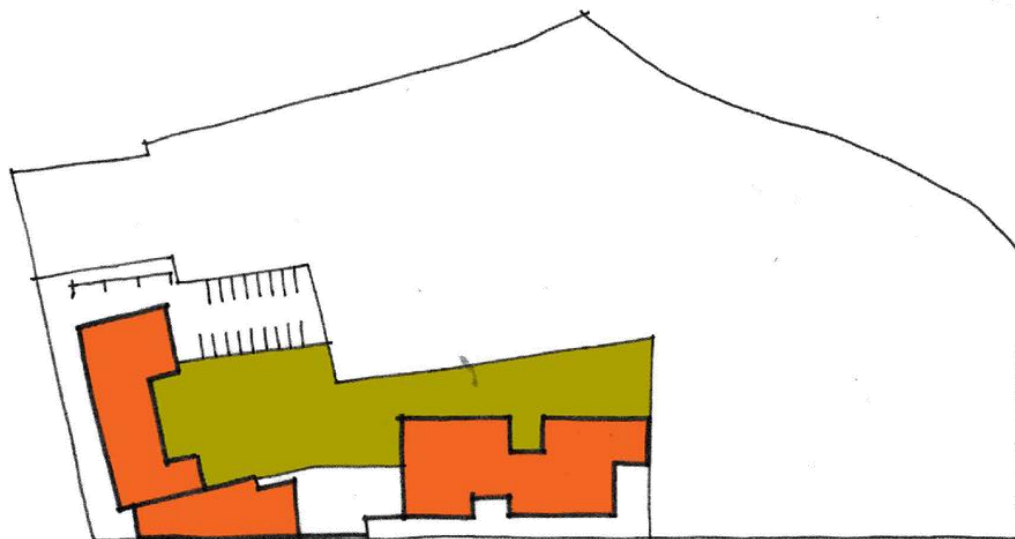


CURRENT

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street, Rm 101
Melbourne 3005, Australia
email@kennedynolan.com.au
+ 61 (0) 3 4618 8971
www.kennedynolan.com.au

ABN 21 138 171 285
ACN 138 171 285



This copy of this drawing is issued for the use of the recipient and is the property of the same. It is not to be reproduced or used in any way without the permission of Kennedy Nolan Architects and is to remain their property. Subject to return upon request.

This drawing is to be used in conjunction with the Secondary Construction drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are stated. Staked dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2nd St Heliers Street
Abbotsford VIC 3067
Drawing Name

Sketch Site Studies

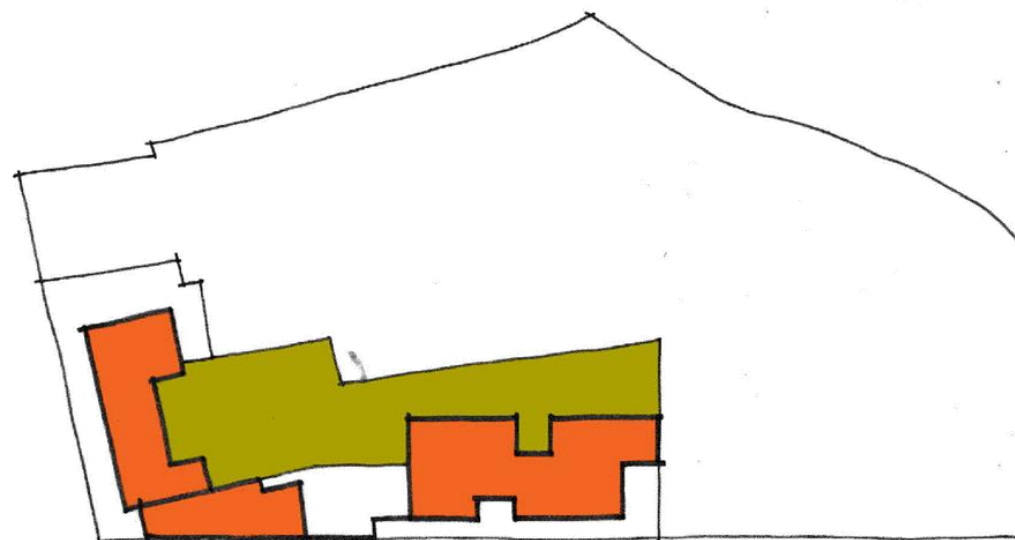
Project Stage
CP
Scale
1:1000 @ A3
Date
July 2018
Drawn
MM

Project Number
1721

**KENNEDY
NOLAN**

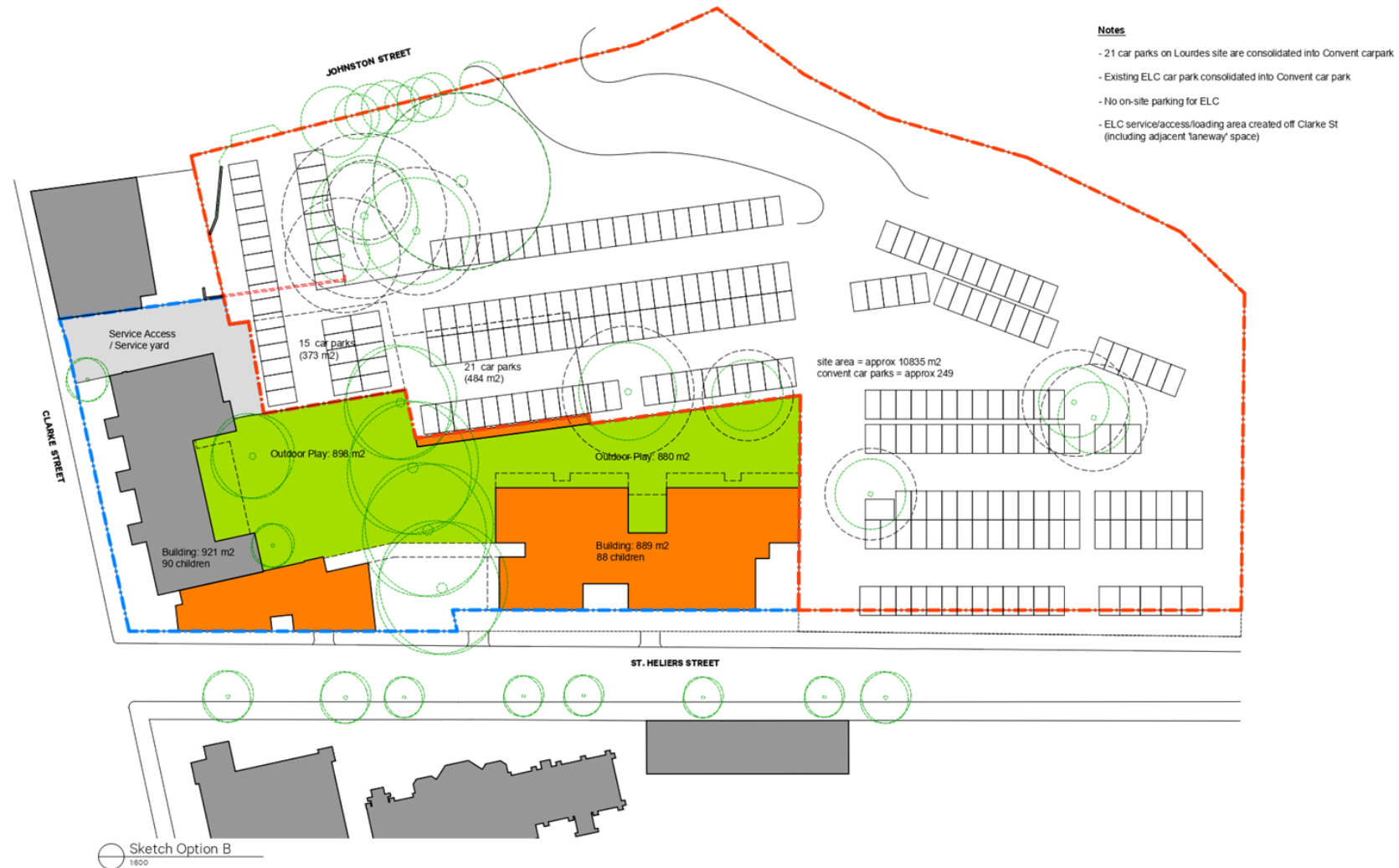
Drawing
SK_102
Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



B

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street, Rm 101
Melbourne 3005, Australia
email@kennedynolan.com.au
+61 (0) 3 416 8871
www.kennedynolan.com.au

ABN 21 138 171 285
ACN 138 171 285



This copy of this drawing is issued for the use of the recipient and transmission of the same constitutes an agreement that it will not be sold, re-reproduced or given to any other party without the permission of Kennedy Nolan Architects and it is the recipient's property, subject to return upon request.

This drawing is to be used in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are stated. Scaled dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2nd St Heliers Street
Abbotsford VIC 3067
Drawing Name

Sketch Site Studies

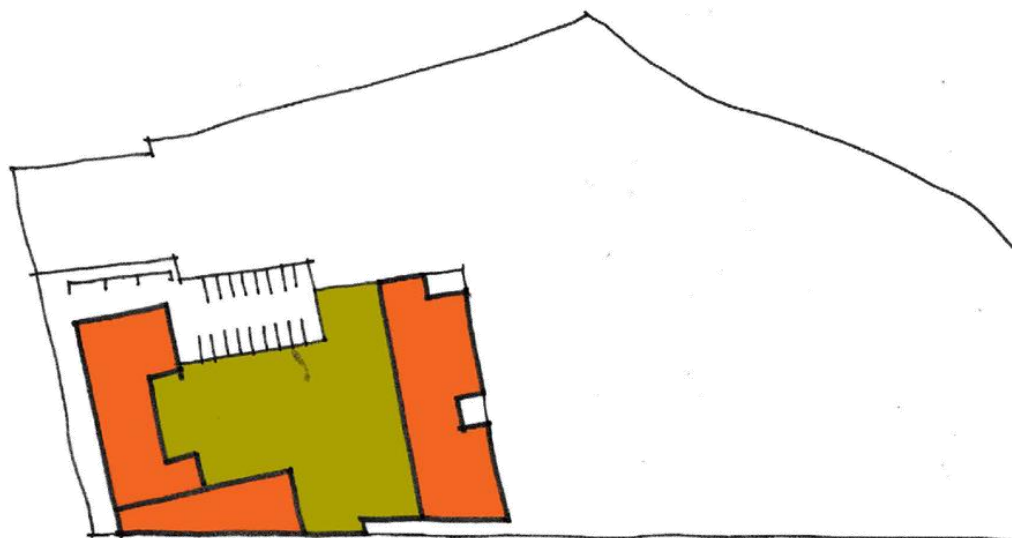
Project Stage
CP
Scale
1:1000 @ A3
Date
July 2018
Drawn
MM

Project Number
1721

**KENNEDY
NOLAN**

Drawing
SK_103
Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



C

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street Rm 201
Melbourne 3005 Australia
email@kennedynolan.com.au
+ 61 (0) 3 4618 8871
www.kennedynolan.com.au

ABN 21 138 171 285
ACN 138 171 285



This copy of this drawing is issued for the use of the recipient and transmission of the same constitutes an agreement that it will not be sold, re-reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain their property, subject to return upon request.

This drawing is to be used in conjunction with the Secondary Consultants drawings, design and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are stated. Staked dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2nd St Heliers Street
Abbotsford VIC 3067
Drawing Name

Sketch Site Studies

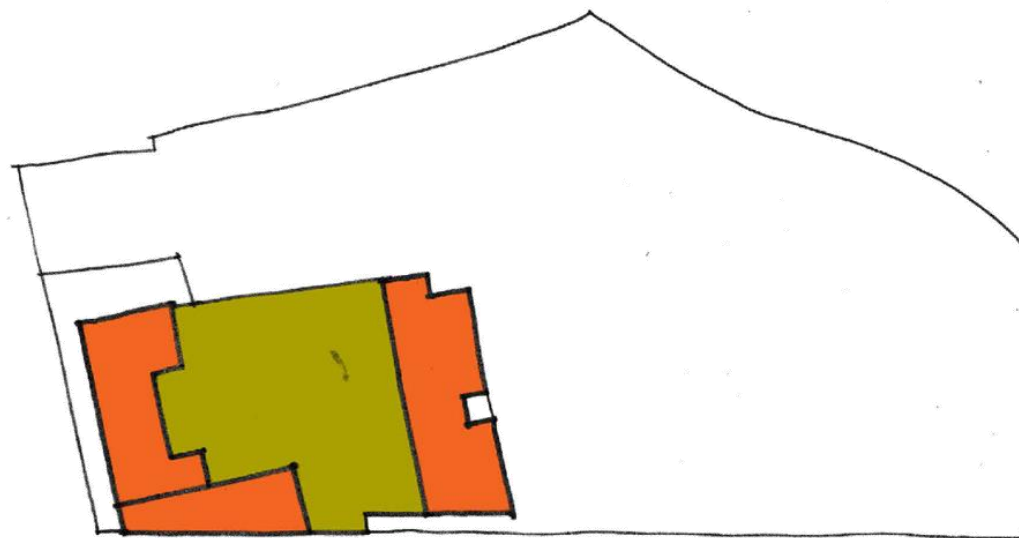
Project Stage
CP
Scale
1:1000 @ A3
Date
July 2018
Drawn
MM

Project Number
1721

**KENNEDY
NOLAN**

Drawing
SK_104
Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



D

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+ 61 (0) 9415 8971
www.kennedynolan.com.au

ABN 21 08 171 315
ACN 138 171 288



This copy of this drawing is issued for the use of the recipient and the acceptance of the same constitutes an agreement that it will not be published, reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain their property subject to return upon request.

This drawing is to be read in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions shall take precedence over scaled. Scaled dimensions shall be verified on site.

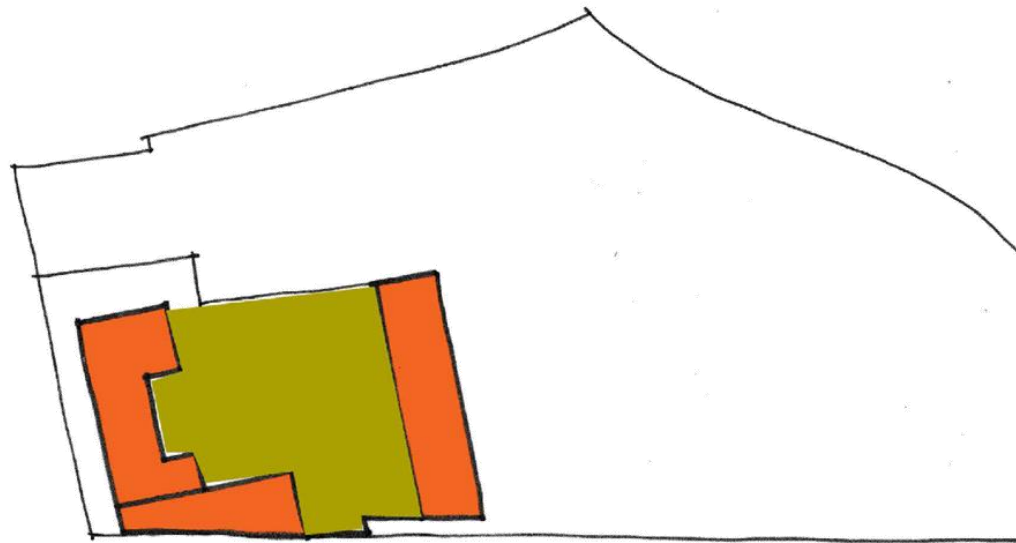
Note
Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2-4 St Heliers Street
Albion VIC 3007
Drawing Name
Sketch Site Studies

Project Stage
CP
Scale
1:1000 @A3
Date
July 2018
Drawn
MM
Project Number
1721

KENNEDY NOLAN
Drawing
SK_105
Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



E

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



Notes

- Approx. 53% of Lourdes site consolidated into Convent carpark, providing approx. 42 car spaces
- No on-site parking for ELC, existing staff parking consolidated into Convent car park
- ELC service/access/loading area created off Clarke St (including adjacent 'laneway' space)
- 2-storey construction required for new ELC building

Sketch Option E
1600

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+ 61 (0) 9415 8971
www.kennedynolan.com.au

ABN 21 08 171 315
ACN 138 171 288



This copy of this drawing is issued for the use of the recipient and the acceptance of the same constitutes an agreement that it will not be published, reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain their property subject to return upon request.

This drawing is to be read in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions shall take precedence over scaled. Scaled dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne

Project
Early Learning Centre

Project Address
2-4 St Heliers Street
Abbotsford VIC 3067

Drawing Name

Sketch Site Studies

Project Stage
CP

Scale
1:1000 @A3

Date
July 2018

Drawn
MM

Project Number

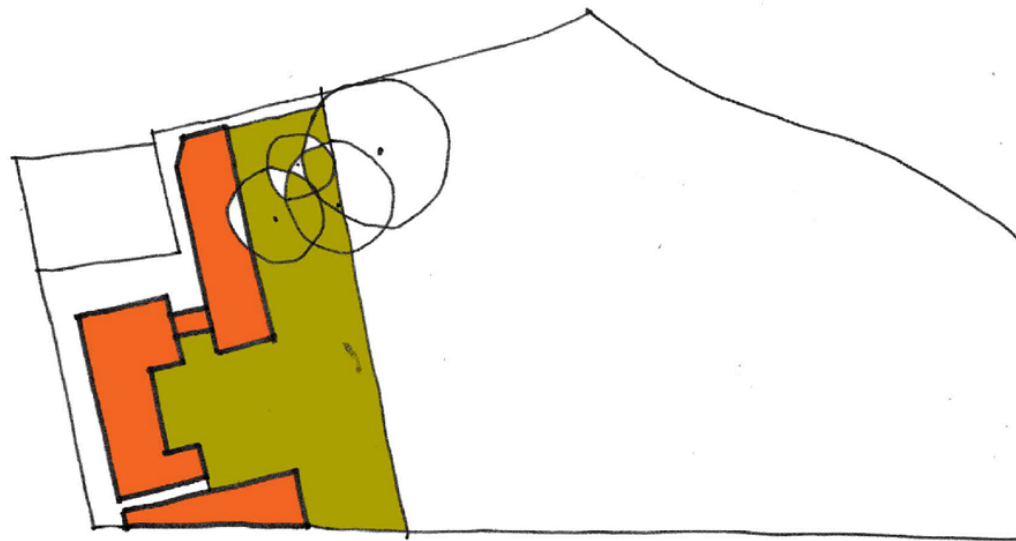
1721

**KENNEDY
NOLAN**

Drawing
SK_106

Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



F

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street Rm 201
Melbourne 3005 Australia
email@kennedynolan.com.au
+ 61 (0) 3 416 8871
www.kennedynolan.com.au

ABN 21 138 171 285
ACN 138 171 285



This copy of this drawing is issued for the use of the recipient and transmission of the same constitutes an agreement that it will not be sold, re-reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain their property, subject to return upon request.

This drawing is to be used in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are used. Staked dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2nd St Heliers Street
Abbotsford VIC 3067
Drawing Name

Sketch Site Studies

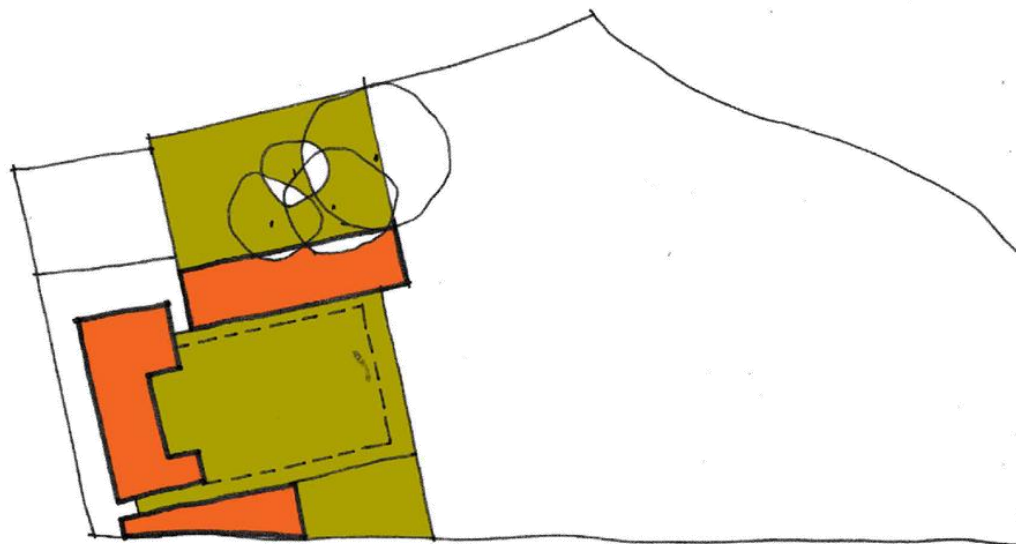
Project Stage
CP
Scale
1:1000 @ A3
Date
July 2018
Drawn
MM

Project Number
1721

**KENNEDY
NOLAN**

Drawing
SK_107
Revision
A

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



G

Attachment 1 - Options re Lourdes site by Melbourne University (Sept 2018)



61 Victoria Street Rm 201
Melbourne 3005 Australia
email@kennedynolan.com.au
+ 61 (0) 3 4618 8871
www.kennedynolan.com.au

ABN 21 138 171 285
ACN 138 171 285



This copy of this drawing is issued for the use of the recipient and transmission of the same constitutes an agreement that it will not be sold, re-reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain their property subject to return upon request.

This drawing is to be used in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are stated. Staked dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2nd St Heliers Street
Abbotsford VIC 3067
Drawing Name

Sketch Site Studies

Project Stage
CP
Scale
1:1000 @ A3
Date
July 2018
Drawn
MM

Project Number
1721

KENNEDY NOLAN

Drawing
SK_108
Revision
A

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



CONCEPT REVIEW

24.09.2018

ELC ABBOTSFORD

UNIVERSITY OF MELBOURNE

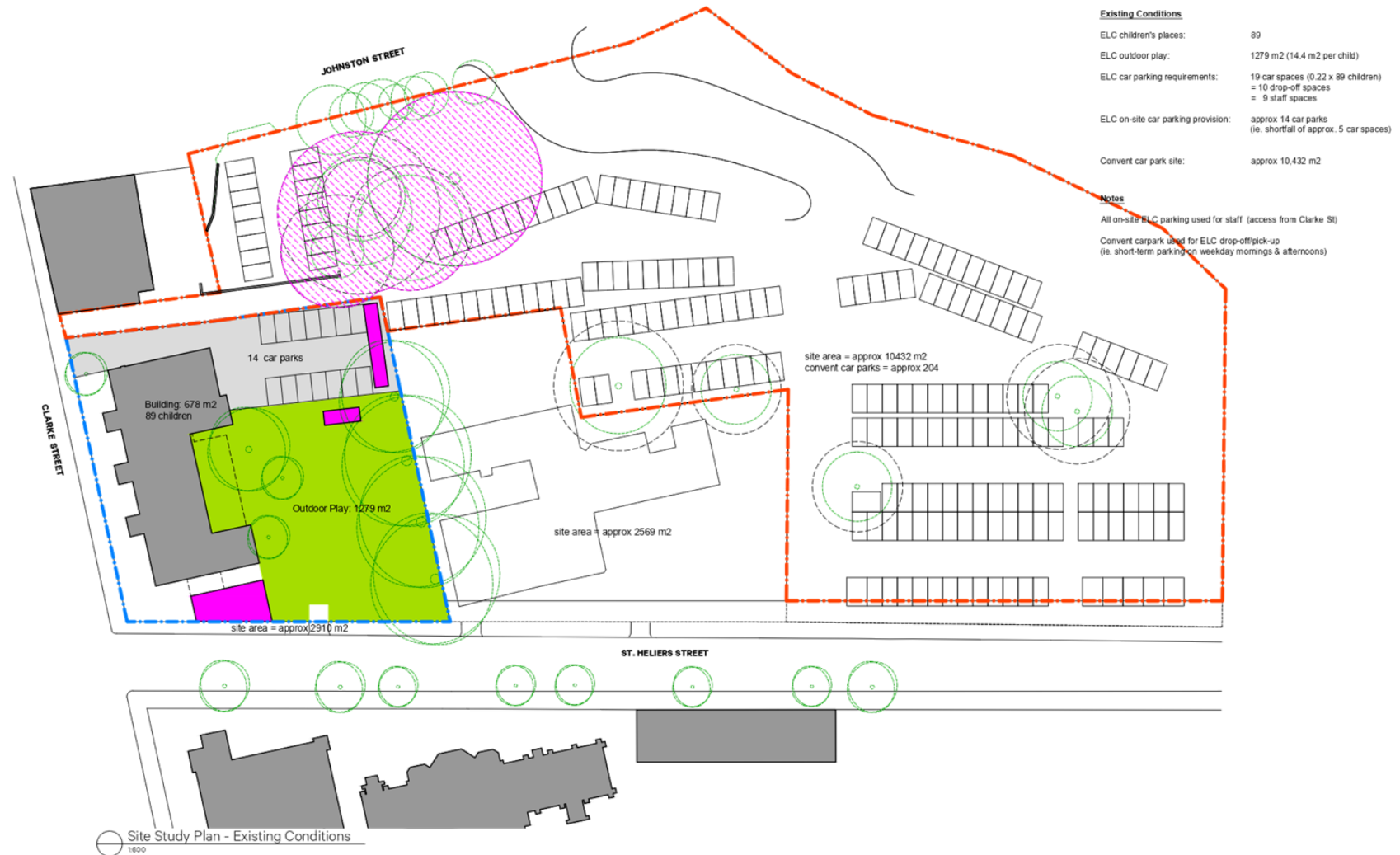
Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)

**KENNEDY
NOLAN**

PREVIOUSLY TABLED SITE STUDIES

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



61 Victoria Street Rm 201
Melbourne 3005 Australia
email@kennedynolan.com.au
+ 61 (0) 3 4618 8971
www.kennedynolan.com.au
ABN 21 138 171 285
ACN 138 171 285

This copy of this drawing is issued for the use of the recipient and is not to be used for any other purpose without the written permission of Kennedy Nolan Architects and it is recommended that the recipient should return this copy to the sender.

This drawing is to be used in conjunction with the Secondary Construction drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. If required dimensions and/or quantities are not stated, the Contractor shall be responsible for obtaining them.

Note

Concept sketches, for discussion only

Will require review by Traffic Engineer

Client
University of Melbourne

Project
Early Learning Centre

Project Address
2nd St Heliers Street
Abbotsford VIC 3067

Drawing Name
Sketch Site Studies

Project Stage
CP

Scale
1:1000 @ A3

Date
July 2018

Drawn
MM

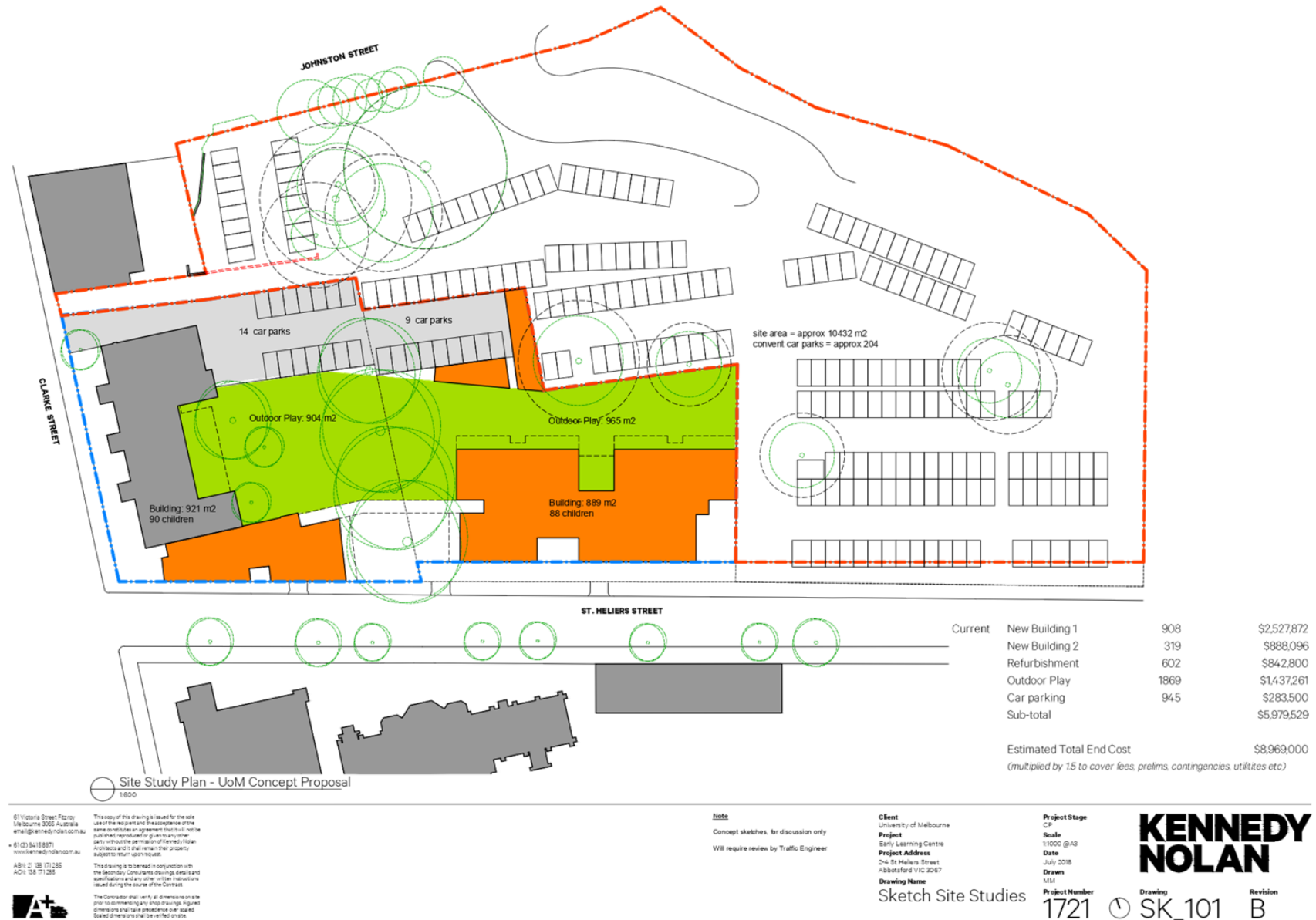
Project Number
1721

KENNEDY NOLAN

Drawing
SK_100

Revision
A

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



61 Victoria Street Rm 201
Melbourne 3005 Australia
email@kennedynolan.com.au
+ 61 (0) 3 4618 8871
www.kennedynolan.com.au

ABN 21 138 171 285
ACN 138 171 285



This copy of this drawing is issued for the use of the recipient and transmission of the same constitutes an agreement that it will not be sold, re-sold, reproduced or given to any other party without the permission of Kennedy Nolan Architects and it shall remain their property, subject to return upon request.

This drawing is to be used in conjunction with the Secondary Consultants drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figure dimensions and layout precedence are stated. Staked dimensions shall be verified on site.

Note

Concept sketches, for discussion only
Will require review by Traffic Engineer

Client
University of Melbourne
Project
Early Learning Centre
Project Address
2nd St Heliers Street
Abbotsford VIC 3067
Drawing Name

Sketch Site Studies

Project Stage
CP
Scale
1:1000 @ A3
Date
July 2018
Drawn
MM

Project Number
1721

**KENNEDY
NOLAN**

Drawing
SK_105
Revision
A

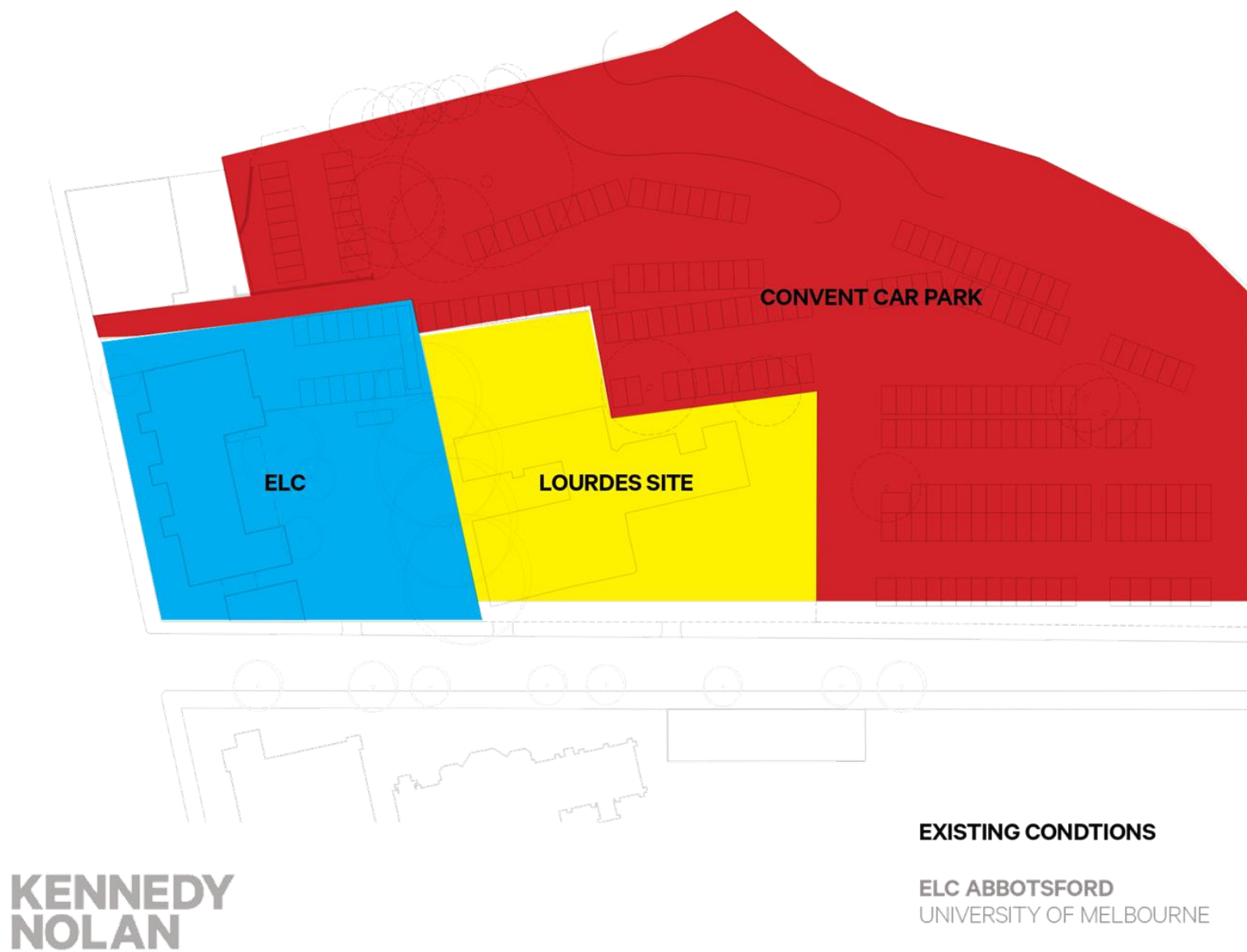
Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)

**KENNEDY
NOLAN**

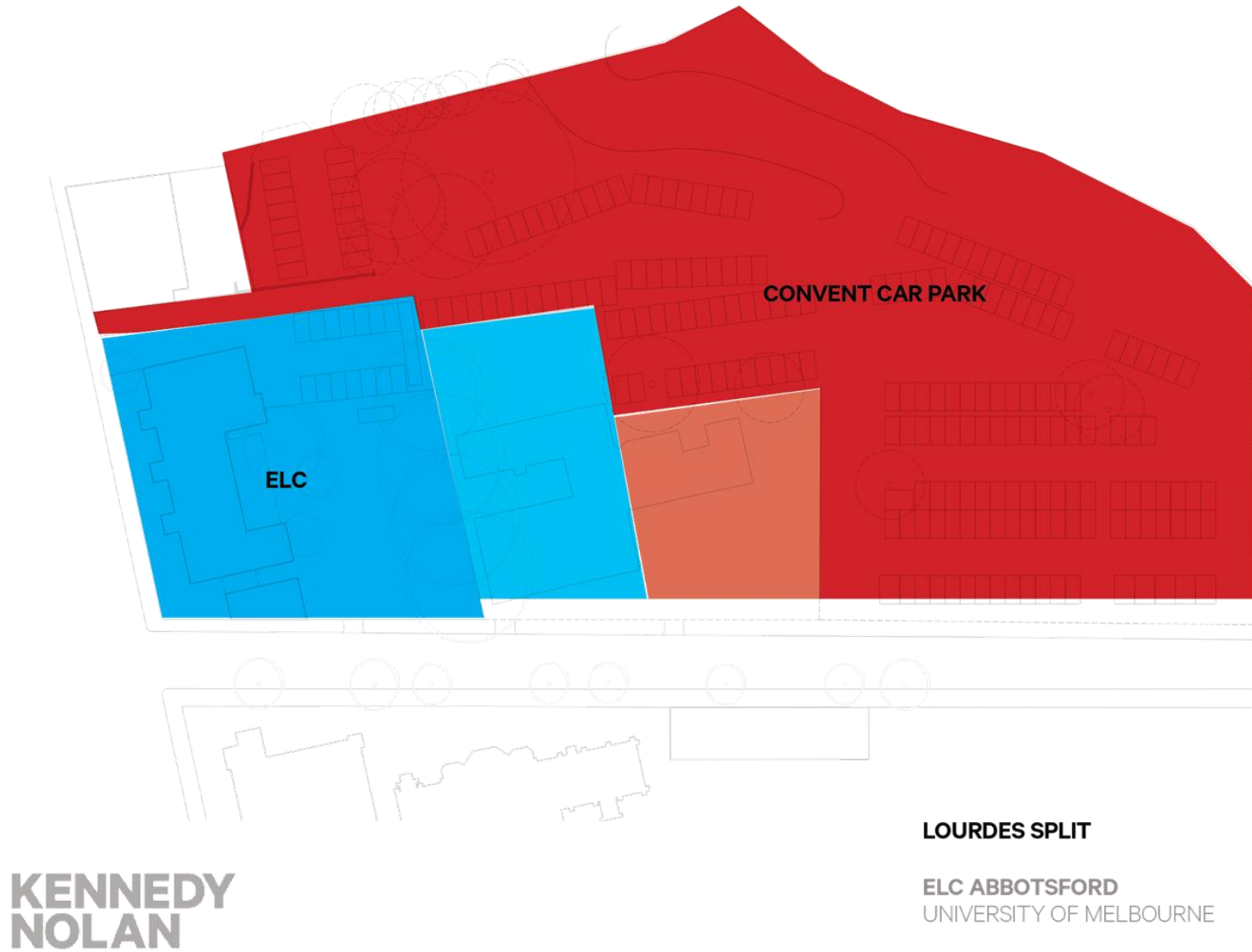
CONCEPT PRECINCT DIAGRAMS

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

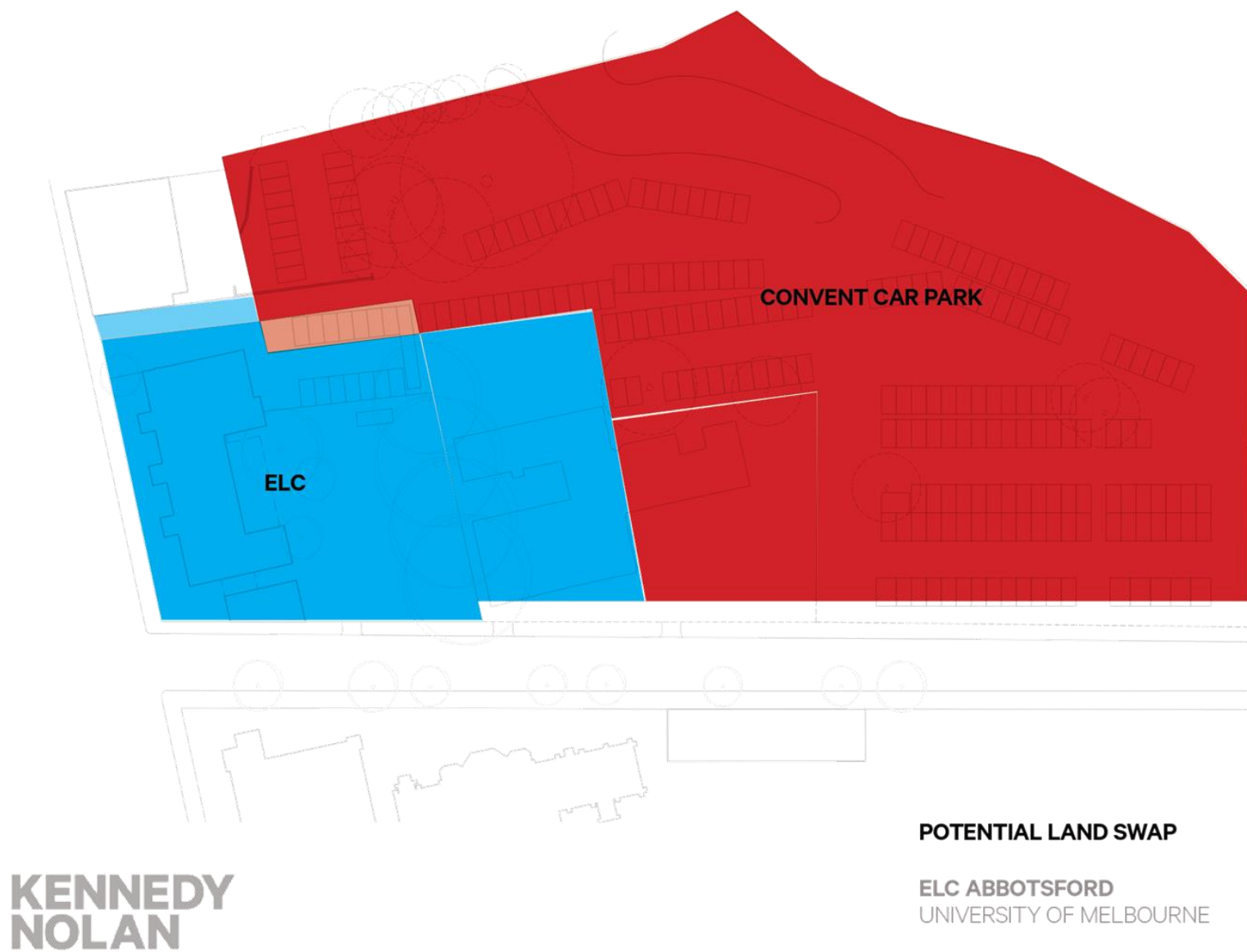
Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



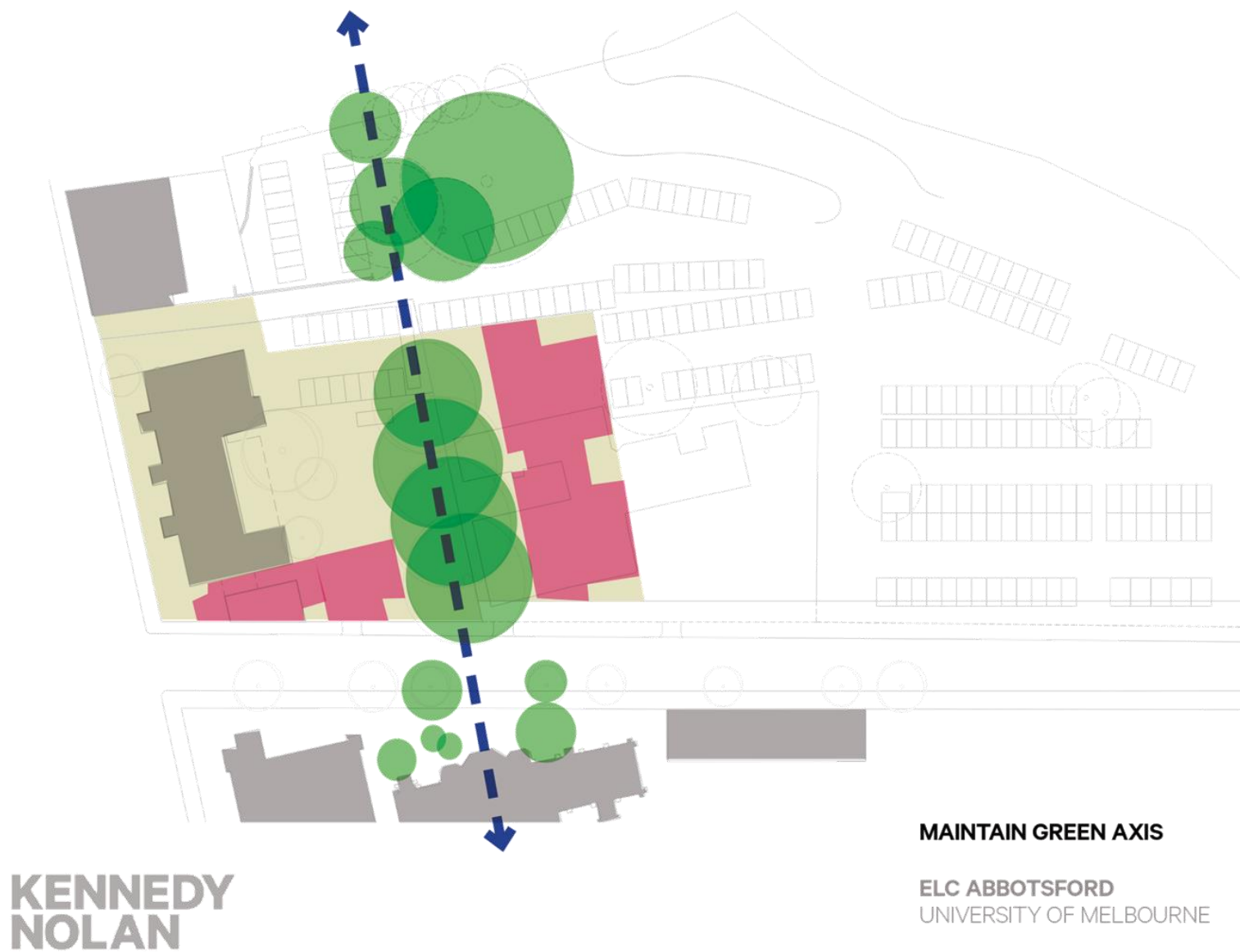
Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



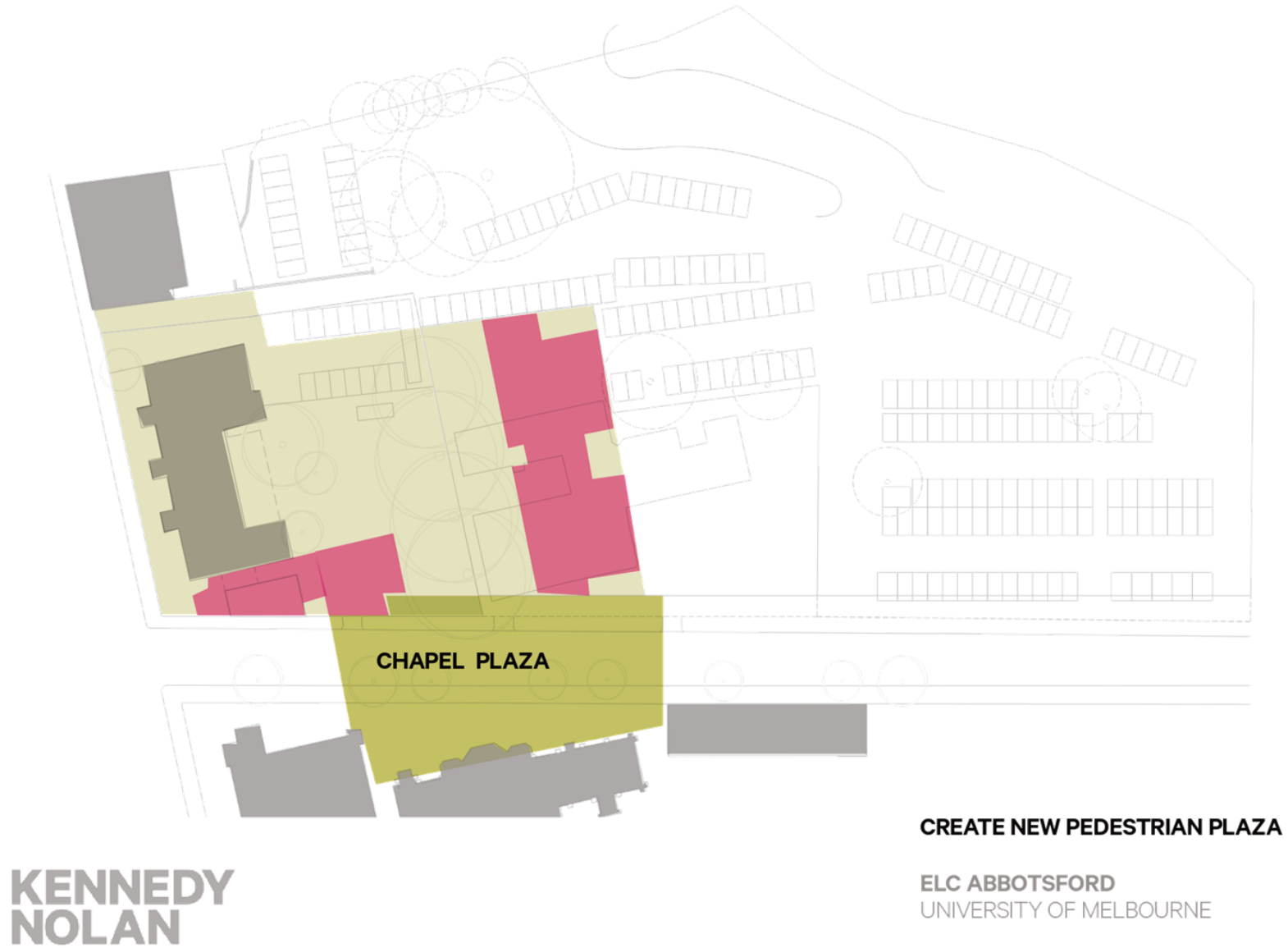
Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



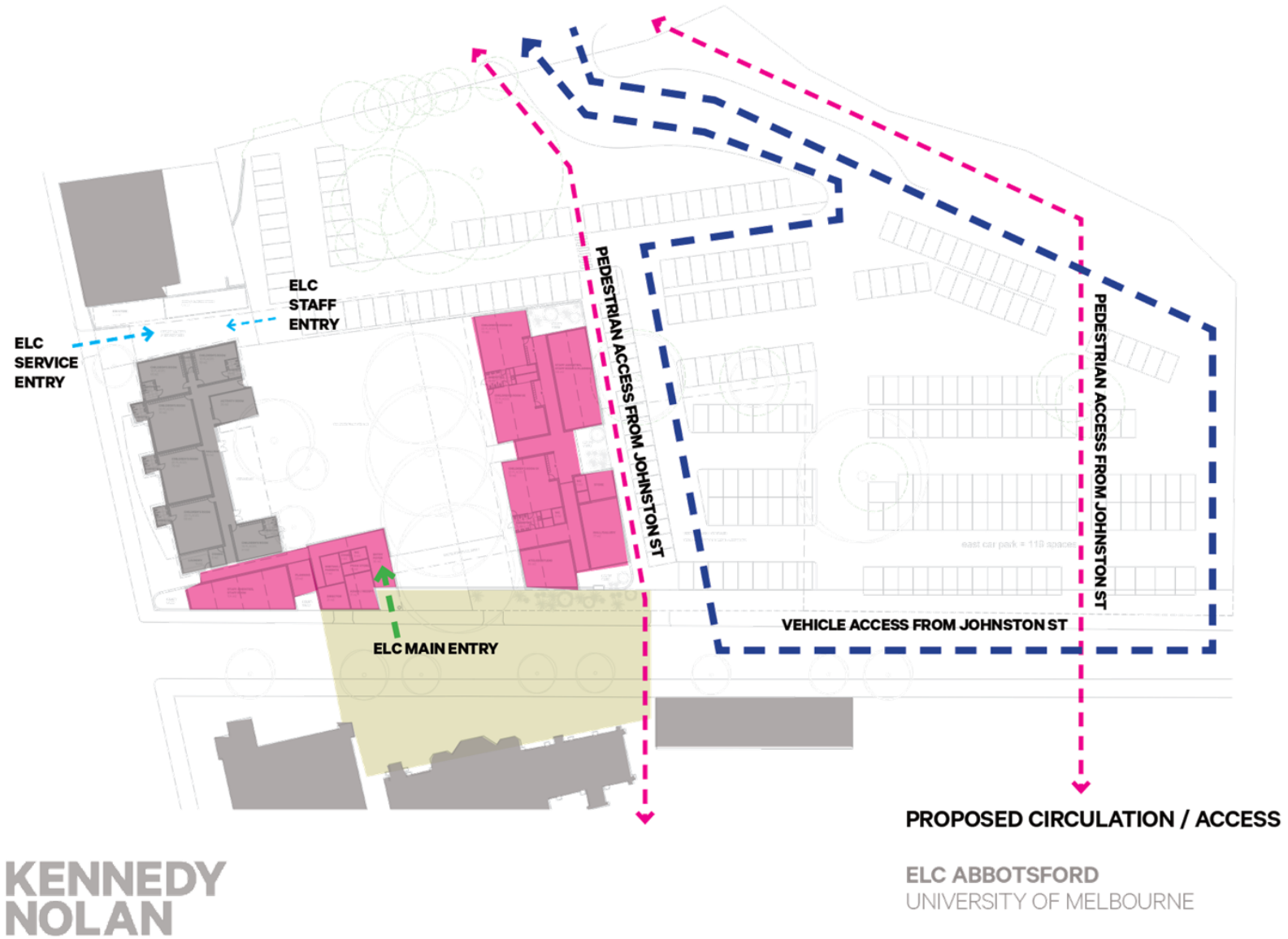
Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



AERIAL VIEW - EXISTING

**KENNEDY
NOLAN**

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)

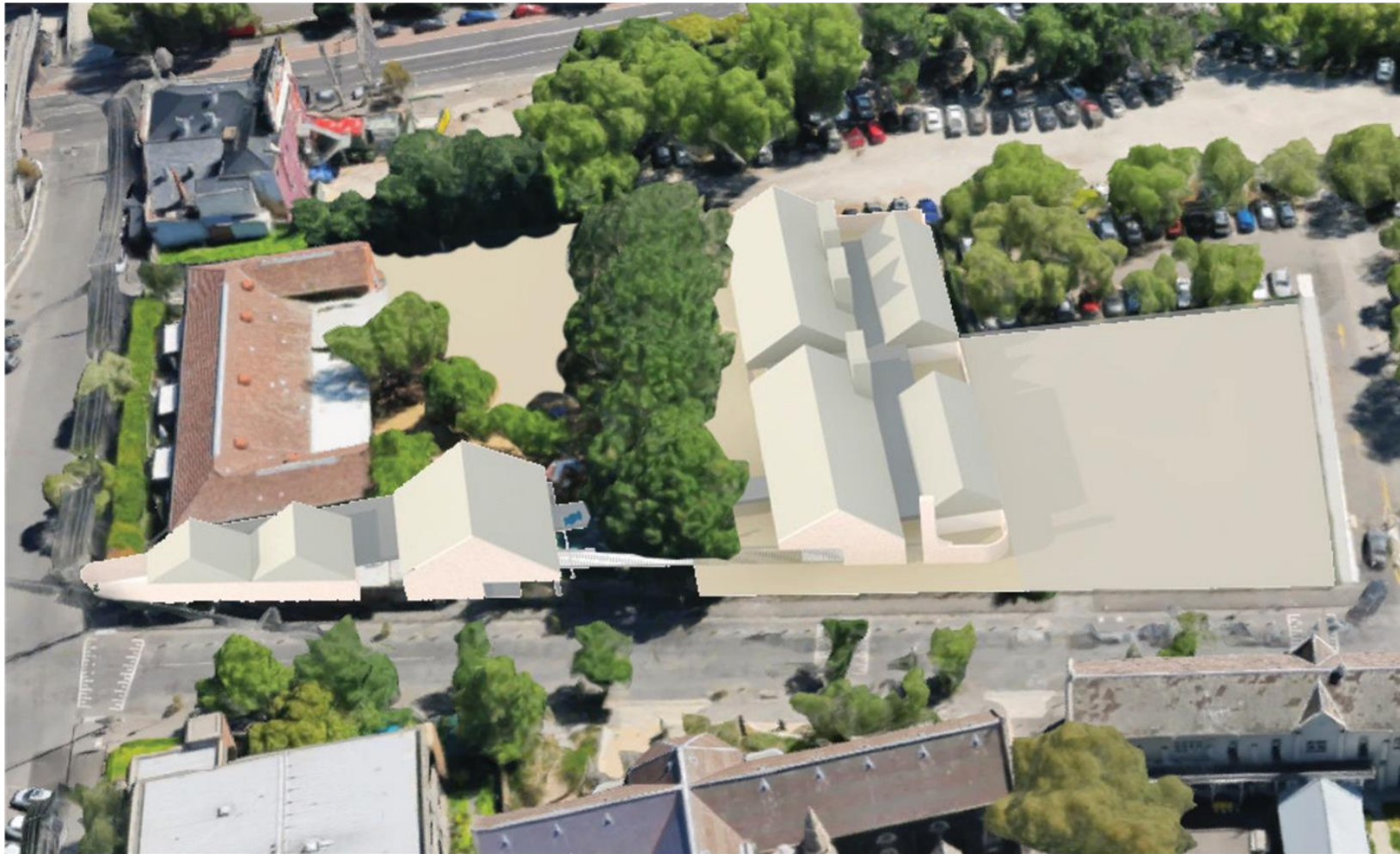


AERIAL VIEW - PROPOSED

**KENNEDY
NOLAN**

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



AERIAL VIEW - PROPOSED

**KENNEDY
NOLAN**

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)

**KENNEDY
NOLAN**

BUILDING STUDIES

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



EXISTING CONDITIONS

SCALE 1:400 @ A3

**KENNEDY
NOLAN**

Note:

For preliminary feasibility purposes only. Areas are estimates only. Layouts are indicative and will require further development in order to accommodate building structure and services and comply with building regulations or other regulatory requirements.

BCA Classification: 9b Children's Services

BCA (Vic Appendix F3.10) requires min clear space of 3.3sqm per child using children's room.

Children's Services Regulation 43(i) requires min usable area of 7sqm per child of outdoor play space.

BUILDING STUDIES

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



INITIAL CONCEPT DESIGN - 88 NEW PLACES
(USING ENTIRE LOURDES SITE)

SCALE 1200 @ A3

**KENNEDY
NOLAN**

BUILDING STUDIES

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



REVISED CONCEPT PLAN
SCALE 1200 @ A3

**KENNEDY
NOLAN**

BUILDING STUDIES

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



VIEW FROM ST HELIERS ST LOOKING WEST
(SHOWING PROPOSED OVERALL SCALE/MASSING ONLY)

**KENNEDY
NOLAN**

CONCEPT VIEWS

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)



VIEW FROM ST HELIERS ST LOOKING EAST
(SHOWING PROPOSED OVERALL SCALE/MASSING ONLY)

**KENNEDY
NOLAN**



CONCEPT VIEWS

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 2 - Lourdes site - Final Concept by Melbourne University (Oct 2018)

**KENNEDY
NOLAN**

ELC ABBOTSFORD
UNIVERSITY OF MELBOURNE

Attachment 3 - Action Sheet 4 1 Proposed Lourdes Family and Children s Services Hub

COUNCIL

RESOLUTION ITEM 5235

TO: DIRECTOR COMMUNITY WELLBEING

FOR ACTION

PROPOSED LOURDES FAMILY AND CHILDREN'S SERVICES HUB

Meeting Date: 11/04/2017

Target Date: 25/04/2017

Notes:

File Number: D17/19772

COUNCIL RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Fristacky

1. That:

- (e) Council resolve not to proceed with development of a Council funded Family and Children's Services Hub on the Lourdes site at 2-4 St Heliers Street, Abbotsford;
- (f) Officers negotiate an agreement with University of Melbourne, whereby Council agree to formally relinquish its role as Committee of Management for the Lourdes site, and support University of Melbourne's claim to become Committee of Management for the site, subject to University of Melbourne making a goodwill payment to Council for its interest in the site and in recognition of the site improvement works carried out by Council, to be paid upon University of Melbourne being appointed Committee of Management for the site;
- (g) If agreement can be reached with University of Melbourne for a goodwill payment as outlined above, Council advise DELWP of its decision to relinquish its role as Committee of Management, and advise DELWP of its support for University of Melbourne's request to become Committee of Management for this site, for the purposes of developing a Family and Children's Services Hub;
- (h) Officers report back to Council following negotiations with University of Melbourne; and
- (i) Officers report back to Council and relevant stakeholders including the design reference group and wider community.

CARRIED

ACTION TAKEN BY OFFICER

Please provide information regarding your work on this action in the notes section of TRIM. Do not update this Word document.

Attachment 4 - Objective Achievements Matrix

Objective Achievements Matrix

Option	1	2	3	4	5	6	7
Essential Objectives							
Design delivers ELC place numbers required by UniMelb (say 88-90)							
UniMelb would not need to close the existing centre							
Heritage context of chapel respected, minimal impact							
Peppercorn trees and row between Lourdes site and child centre both able to be protected and successfully retained							
Complexity of construction low							
Cost of construction							
Maximise car parks for Convent (70)							
Highly Desirable Objectives							
Maximum vista to Johnston St from Convent							
Ability to continue to achieve the Urban Design vision / outcome for Convent and farm							
Total Score							

Scoring legend:




- 3 Meets objective well
- 2 Middle of the range
- 1 Not meeting objective

Attachment 4 - Objective Achievements Matrix

Objective Achievements Matrix

Option	1	2	3	4	5	6	7
Essential Objectives							
Design delivers ELC place numbers required by UniMelb (say 88-90)							
UniMelb would not need to close the existing centre							
Heritage context of chapel respected, minimal impact							
Peppercorn trees and row between Lourdes site and child centre both able to be protected and successfully retained							
Complexity of construction low							
Cost of construction							
Maximise car parks for Convent (70)							
Highly Desirable Objectives							
Maximum vista to Johnston St from Convent							
Ability to continue to achieve the Urban Design vision / outcome for Convent and farm							

Scoring legend:

-  Meets objective well
-  Middle of the range
-  Not meeting objective

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

Reference: D19/178289

Authoriser: Group Manager Chief Executive's Office

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

1. *That Council:*

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

Background

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

RECOMMENDATION

1. *That Council:*

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

Attachments

- 1 [↓](#) Friends of Baucau Delegate's Report Oct 2019

Attachment 1 - Friends of Baucau Delegate's Report Oct 2019**Delegates Report**

This Delegates Report is presented for Council's consideration under the provisions of clauses 63 and 65 of the Yarra City Council Meeting Procedures Local Law 2011.

Committee	Friends of Baucau
Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	7 th October 2019
Date of Report	3 rd October 2019
Report Author	Cr Amanda Stone

DELEGATES REPORT

Friends of Baucau continues to meet monthly with a current focus on following up on the successful trip to Bacau in April, in conjunction with the northern Neighbourhood House Network. This trip has been reported on by Yarra's Manager of Community Partnerships, Aldo Malavisi.

News about Baucau

That trip formed constructive relationships between a number of neighbourhood houses in the Cities of Yarra and Darebin with women's groups in the Baucau District. It developed an understanding of mutual interests and potential for collaboration. The formation of Women's Association for Development in Baucau provides an entity which the Neighbourhood House Network and Friends of Baucau can work with.

The Alphington Community Centre Coordinator has joined the Friends of Baucau committee following this trip and has initiated a number of collaborative ventures, including funds raised through the Alphington Country Women's Association to support the Uma Pas Women's Safe House and Refuge Services which supports families affected by domestic violence across the whole Municipality of Baucau.

Fundraising

Friends of Baucau has recently applied for a DFAT Friendship Grant to further this work with the Women's Association for Development in Baucau. The outcome of this application will be known in February.

Following the very successful Trivia Night in August, a Barefoot Bowls Evening will be held at Fitzroy Bowls Club on 19th October to raise funds for permaculture programs which are part of the national school curriculum in Timor Leste. (Friends of Baucau has previously funded the participation of a number of young people in camps run by Permatil, the provider of training in permaculture in TL.)

Coffee sales continue to provide a steady source of funds, including at Access Yarra locations.

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

Other Issues

- The 20th anniversary of the 1999 referendum, which saw Timor Leste gain its independence, has seen a number of celebratory events, including the launch at Northcote Town Hall this week of a book by Darebin resident and writer Pat Walsh who was an official Australian observer of the historic 1999 referendum. In his book, *The Day Hope and History Rhymed in East Timor*, he recounts "the excitement of the day when, after 500 years of colonialism and struggle, hope and history finally rhymed in East Timor."
- Many of the Timor Leste Friendship groups have expressed concern about the ongoing prosecution of Witness K and his lawyer Bernard Collaery in relation to the exposure of an Australian bugging operation of Timor Leste offices during negotiations over oil and gas reserves in the Timor Sea.
- These concerns have been raised repeatedly by Friends of Baucau Committee members also. Some background is included in an attached media article. Witness K has recently agreed to plead guilty in an apparent desire to end the drawn out process. Bernard Collaery will defend the charges. Friendship Groups have expressed concern about the human rights implications of this case and a number have encouraged citizens to contact both government MPs and opposition MPs to urge them to discontinue the legal action. The Attorney General has the ability to cease the legal action. Opposition MPs are being urged to express opposition to the action. A Notice of Motion proposing a Council position on this matter is included in the agenda for this Council Meeting.

Local Government Timor-Leste Network Meeting

This network is convened by the state Department of Environment, Land, Water and Planning (DELWP) and meets approximately 3-4 times a year.

At this week's meeting, an update was provided on the delayed process of decentralisation in Timor Leste, with the first municipal elections still planned for 2021. Updates from other councils and friendship groups on recent trips to Timor Leste revealed some frustration with the slow pace and inability to action the municipal agreements that many councils have signed with municipal districts in TL. How to maintain the connection and momentum will be the subject of the next meeting.

Yarra seems to be the only council to dedicate resources to advancing the Municipal Agreement specifically, Darebin having recently followed suit.

Friendship groups and local governments are engaged in similar projects with their respective partner districts, many focusing on permaculture training and development. Friends of Lospalmos in Mornington recruited staff and equipment locally to take to Timor Leste recently and run a week of eye clinics.

This group also discussed the Witness K/Bernard Collaery case. Mornington Shire Council passed a resolution in August calling for the cessation of the prosecution against both.

Council's support through the provision of meeting venues, sales of coffee and providing resources to further the Municipal Agreement has been expressed by Friends of Baucau and conveyed here in this report.