Ordinary Meeting
of Council
Agenda

to be held on Tuesday 18 March 2008
at the Fitzroy Town Hall

Confidential business items at 7.00 pm
Open business items at 7.30 pm

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Order of business

1. Statement of recognition of Wurundjeri Land
2. Attendance, apologies and requests for leave of absence
3. Declarations of pecuniary interest and conflict of interest
4. Confirmation of minutes
5. Petitions and joint letters
6. Public question time
7. General business
8. Delegates’ reports
9. Questions without notice
10. Committee business reports
11. Council business reports
12. Notices of motion
13. Urgent business
14. Confidential business reports
1. **Statement of Recognition of Wurundjeri Land**

   “Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land.

   Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra.”

2. **Attendance, apologies and requests for leave of absence**

   Anticipated attendees:

   **Councillors**
   - Cr Judy Morton (Mayor)
   - Cr Paul D’Agostino
   - Cr Jackie Fristacky
   - Cr Stephen Jolly
   - Cr Kathleen Maltzahn
   - Cr Kay Meadows
   - Cr Jenny Farrar
   - Cr Gurm Sekhon

   **Council officers**
   - Ivan Gilbert (Acting Chief Executive Officer)
   - Adrian Murphy (Acting Director Community Programs)
   - Craig Kenny (Director Organisational Development)
   - Craig Stevens (Acting Director Asset Management)
   - Bruce Phillips (Director City Development)
   - Roma O’Callaghan (Acting Manager Governance and Manager People and Organisational Development)
   - Margaret Elvey (Acting Governance Adviser)

   **Apologies**
   - Cr Geoff Barbour

3. **Declarations of pecuniary interest and conflict of interest**

4. **Confirmation of minutes**

   **Recommendation**

   That the minutes of the Ordinary Meeting of Council held on Tuesday 19 February 2008 be confirmed.
5. Petitions and joint letters

6. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time is an opportunity to ask questions, not to make statements or engage in debate.

Members of the public who wish to participate are to:

(a) state their name clearly for the record;
(b) direct their questions to the chairperson;
(c) ask a maximum of two questions;
(d) speak for a maximum of five minutes;
(e) refrain from repeating questions that have been asked previously by themselves or others; and
(f) remain silent following their question unless called upon by the chairperson to make further comment.

7. General business

8. Delegates’ reports

9. Questions without notice
### 10. Committee business reports

**Finance and Human Services Committee**

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<tr>
<td>10.1</td>
<td>9</td>
<td>12</td>
<td>Craig Kenny – Director Organisational Development</td>
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<tr>
<td>Proposed Road Discontinuance – Part Edmund Street, Clifton Hill</td>
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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>10.2</td>
<td>16</td>
<td>24</td>
<td>Bruce Phillips – Director City Development</td>
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<tr>
<td>Draft Domestic Animal Management Strategy</td>
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**Planning, Environment and Infrastructure Committee**

Nil
11. Council business reports

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<thead>
<tr>
<th>Item</th>
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</thead>
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<tr>
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<td>Procedures and Processes of Operation of Community Amenity Service</td>
<td>27</td>
<td>46</td>
<td>Bruce Phillips – Director City Development</td>
</tr>
<tr>
<td>11.2</td>
<td>Councillor Attendance at Conference - Innovative Financing for Local Government Infrastructure</td>
<td>70</td>
<td>71</td>
<td>Roma O’Callaghan – Acting Manager Governance</td>
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12. Notices of motion

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<tr>
<th>Item</th>
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<th>Councillor D’Agostino</th>
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<tbody>
<tr>
<td>12.1</td>
<td>Notice of Motion No 2 of 2008 – Motion to Rescind</td>
<td>72</td>
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<tr>
<td>12.2</td>
<td>Notice of Motion No 3 of 2008 – Logging in Catchment Areas</td>
<td>73</td>
<td></td>
<td>Councillor Farrar</td>
</tr>
<tr>
<td>12.3</td>
<td>Notice of Motion No 4 of 2008 – Fee Increase for Parking Permits</td>
<td>74</td>
<td></td>
<td>Councillor D’Agostino</td>
</tr>
<tr>
<td>12.4</td>
<td>Notice of Motion No 5 of 2008 – Installation of Parking Ticket Machines</td>
<td>75</td>
<td></td>
<td>Councillor D’Agostino</td>
</tr>
<tr>
<td>12.5</td>
<td>Notice of Motion No 6 0 2008 – Pedestrianisation of Brunswick Street</td>
<td>76</td>
<td></td>
<td>Councillor D’Agostion</td>
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<tr>
<td>12.6</td>
<td>Notice of Motion No 7 of 2008 – Reinstatement of Public Open Space in Park Street</td>
<td>78</td>
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<td>Councillor D’Agostino</td>
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<td>12.7</td>
<td>Notice of Motion No 8 of 2008 – Employment of East Timorese</td>
<td>79</td>
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13. Urgent business

Nil
## 14. Confidential business reports

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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>14.1 Prejudicial to Council and/or a Third Party</td>
<td>81</td>
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<td>14.2 Contractual Matter</td>
<td>87</td>
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<tr>
<td>14.3 Contractual Matter</td>
<td>94</td>
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</tr>
<tr>
<td>14.4 Contractual Matter</td>
<td>100</td>
<td>110</td>
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10. Committee business reports (Finance and Human Services Committee)

A meeting of Council’s Finance and Human Services Committee was held on Tuesday 4 March 2008 at 6.30 pm at the Fitzroy Town Hall.

Attendance

Committee members

- Cr Gurm Sekhon (Chairperson)
- Cr Judy Morton (Mayor)
- Cr Jackie Fristacky
- Cr Paul D’Agostino

Council officers

- Ivan Gilbert (Acting Chief Executive Officer)
- Bruce Phillips (Director City Development)
- Craig Kenny (Director Organisational Development)
- Craig Stevens (Acting Director Asset Management)
- Adrian Murphy (Acting Director Community Programs)
- Margaret Elvey (Acting Governance Adviser)

Apologies

Cr Maltzahn was granted leave of absence.

Declarations of pecuniary interest and conflict of interest

Nil.

Conclusion

The meeting concluded at 9.15pm.
10.1 Proposed Road Discontinuance – Part Edmund Street, Clifton Hill

File: 15/15/16/01/06 (I07/1753)
Responsible Officer: Valuations and Property Coordinator

Purpose

1. This report seeks Council’s authority pursuant to the Local Government Act 1989 (Act) to consider submissions received in respect of the public notices dated 9 and 16 January 2008 for the proposed discontinuance of the road which is shown as lot 2 on the title plan contained in Attachment 2 to this report (Road), being part of the road known as Edmund Street, Clifton Hill, and being Crown Land set aside as a road.

Background

2. As previously reported, on 28 March 2007, Council received a letter from the Department of Sustainability and Environment (DSE) which, amongst other matters, sought Council's view as to whether the Road should be discontinued.

3. At its meeting on 25 November 2007, Council resolved to inform DSE that Council would assist in the discontinuance of the Road.

4. Although there is evidence that the Road is used for vehicle and pedestrian access between Walker Street and the right of way which abuts the rear of 63-83 Walker Street (Right of Way), the proposed discontinuance will not affect pedestrian access to the Right of Way and Quarries Park, which will remain available along the land shown as lot 1 on the plan contained in Attachment 1 to this report. Alternative vehicle access to the Right of Way is available from Dwyer Street.

5. In June 1990, Council declared that part of Edmund Street which is shown as lot 3 on the title plan contained in Attachment 1 to this report to be 'unused' pursuant to section 400 of the Land Act 1958. This land is currently occupied by the 2nd Clifton Hill Scout Group.

6. It is established that the land known as Edmund Street, Clifton Hill is a road which Council has the power to consider discontinuing pursuant to the Act.

7. At its meeting on 18 December 2007 Council resolved as follows:

That Council acting under clause 3 of Schedule 10 of the Local Government Act 1989 ("Act"):

(a) resolves that the statutory procedures be commenced to discontinue that part of Edmund Street, Clifton Hill which is shown as lot 2 on the title plan contained in Attachment 1 to this report;

(b) now directs that under section s207A and 223 of the Act public notice of the proposed discontinuance be given for two public notice periods (28 days in total);

(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, it will be transferred to Council;
(d) authorises the Valuations Co-ordinator 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;

(e) appoints the Finance and Human Services Committee of Council to consider any submissions received pursuant to section 223 of the Act at its February 2008 meeting; and

(f) report at the February cycle of Council about alternative options to ensure residents are able to access the property via the rear laneway.

Discussion

Proposal

8. Based on the merits of the submissions received to the proposed road discontinuance 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 or whether the Road should remain open for access.

Public Notice

9. The proposed discontinuance of the Road was advertised in The Age newspaper on 9 January 2008 and the Melbourne Times newspaper on 16 January 2008. Copies of the public notices are contained in Attachment 2 to this report.

10. A letter was sent by Council to all surrounding owners and occupiers advising them that Council proposed to discontinue the Road and a public notice would appear in the Melbourne Times and the Age newspapers. Owners and occupiers were invited to make a submission in response to the public notice and advised that they may request to be heard at Council's meeting.

11. Section 223 of the Act provides that a person may, within 14 days of the date of publication of the public notice, lodge a written submission regarding the proposed discontinuance. Council received numerous written submissions in response to the proposed discontinuance of the Road. The following residents have asked to be heard:

Luke and Natalie Gattuso

Natalie Funtera and Adam Beaumont

Marie and Brian Scoullar

Cathy Pearce

Peter and Soraya Tsemtsidis

Diane Hilyear and Peter West

Claire Thorn

Graeme Quin

Henry Turnbull – Traffix Group
Jeffrey Gordon and Mary Carvana

Howard Scheid

Claudia Scheid

Judy and Murray McLeod

A summary of the submissions is contained in Attachment 3. Copies of the submissions have been distributed to Councillors separately.

RECOMMENDATION

12. That the Committee hear and consider Submissions lodged pursuant to Section 223 of the Local Government Act 1989.

Submissions

The following people addressed the Committee on this matter:

Ms Claudia Schied;

Mr Luke Gattuso;

Mr Murray McLeod;

Ms Christine Hill;

Mr Howard Schied;

Mr Jeffrey Gordon;

Mr Henry Turnbull;

Ms Diane Russell;

Ms Linda Beilby;

Mr Adam Beaumont;

Ms Claire Thorn;

Ms Dianne Hilyear;

Ms Christine Hill (second submission);

Mr Paul Michell;

Ms Jane Herrington;

Mr Peter Tsemtsdis;

Ms Sharon Rappolt; and

Ms Judy MacLeod.
FINANCE AND HUMAN SERVICES COMMITTEE RECOMMENDATION

Moved: Councillor Morton        Seconded: Councillor Fristacky

That Council notes the submissions and resolves to defer a decision on the discontinuance of part of Edmund Street, Clifton Hill until a Victorian Civil and Administrative Tribunal decision regarding a planning permit for the relocation of St Andrews Kindergarten is made; and seek provision of further information regarding counts of the use of Edmund Street, lots 1 and 2 and the lane off Dwyer Street, by vehicular traffic and Engineering reports regarding vehicular access to the properties at the rear of Walker Street.

CARRIED

CONTACT OFFICER: Bill Graham
TITLE: Valuations and Property Coordinator
PHONE: 9205 5270

Attachment 1 - Title Plan
Attachment 3 - Summary of Submissions
Yarra City Council (Council), acting under clause 3 of Schedule 10 to the Local Government Act 1989 (Act), proposes to discontinue the road which is shown as lot 2 on the plan below, being part of Edmund Street, Clifton Hill and retain the land.

Further information regarding the proposal can be obtained from Mr Bill Graham on 9205 5270.

In accordance with section 223 of the Act, any person wishing to make a submission on the proposal must do so in writing to the undersigned within 21 days of the date of publication of this notice. Submissions should be addressed to:

Mr Bill Graham
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Persons making such submissions may request to be heard in support of their submissions. Any person requesting to be heard is entitled to appear in person or by a person acting on their behalf before a meeting of Council or its committee on a date to be determined by the Chief Executive Officer. Written submissions will be considered in accordance with section 223 of the Act.

Following consideration of submissions Council may resolve not to discontinue the road or any part of it or to discontinue the road or any part of it and retain the land.

Justin Hanney
Chief Executive Officer
Yarra City Council (Council), acting under clause 3 of Schedule 10 to the Local Government Act 1989 (Act), proposes to discontinue the road which is shown as lot 2 on the plan below, being part of Edmund Street, Clifton Hill and retain the land.

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Justin Hanney
Chief Executive Officer
<table>
<thead>
<tr>
<th>NO.</th>
<th>NAME</th>
<th>ADDRESS</th>
<th>PROPERTY</th>
<th>SUMMARY OF SUBMISSION</th>
</tr>
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</table>
| 1   | Luke & Natalie Gattuso     | 1A Duncombe Ave            | 83 Walker St | Closure does not meet requirements of Land Act 1958  
Road provides vehicle access to garage at 83 Walker  
Reject that access to road has not been used for some time  
Clear evidence of frequent use of road  
Closure of road would impact on traffic flow  
Vehicles would have to reverse up laneway  
road used for pedestrian and cyclist access to Quarries Park  
remaining 3 metre road not wide enough for vehicles  
Closure would reduce value of property                                                                                           |
| 2   | Paul Crusi                  | 65 Walker St               |          | Use rear lane to load and unload tools  
reversing work van is dangerous  
Purchased properties due to flow of right of way  
closure will have detrimental effect on our overall amenity                                                                                     |
| 3   | Natalie Funtera & Adam Beaumont | 83 Walker St       |          | Reject that access to road has not been used for some time  
Closure will make the garage at the rear of our property inaccessible  
We regularly use the gate to the road for access to Quarries Park & Yarra bike trail  
We live next door and see that the road is used frequently  
Portions of the road are used for carparking                                                                                           |
| 4   | BB & PM Scoullar            | GPO BOX 2664              | 77 Walker St | Purchased property due to safe entry at rear  
Loss of through access at rear will severely limit and constrict daily living  
portion of Edmund Street is used by families for access to park  
discontinuance does not consider the open park like feel and ambiance of the area                                                                 |
| 5   | Jeana McPherson             | 15 Spensley St            |          | road is currently used for access and parking  
No suitable or appropriate alternative(s) has/have not been provided  
The proposal will not be a well designed and planned public pedestrian space  
The current state of Edmund St should not be an argument used for closure                                                                                           |
| 6   | Cathy Pearl                 | 105 Walker St             |          | why is the closure necessary - is the road to be sold  
Road is widely used as an access point to Quarries Park  
reducing the size to 3 metres will create a conflict likely to cause safety issues                                                                                           |
| 7   | Paul Michell                | 4 Edmund St               |          | Long Term (decades) use by public for access to park  
Long Term access to rear by residents in Walker St  
Plan showing 3 sections is confusing  
Number of next door developments have been acquired based on open access  
Smaller access will detract from natural beauty of park and city skyline  
Long term resident (30 years) can attest to popularity and frequency of use  
in narrowing of access will lead potentially higher crime rate & pose security issues  
Need proper community consultation on best use of land                                                                                           |
| 8   | Peter & Soraya Tsemtsidis   | 2A Dwyer St               |          | Increase traffic congestion at end of lane (Dwyer Street End)  
Increase noise levels especially at night  
Create a traffic hazard at corner of Dwyer Street and the laneway  
Closure will deprive access that we have been accustomed to for some time.                                                                                           |
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<tr>
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<th>Name</th>
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<th>Role</th>
<th>Opinion</th>
<th>Comment</th>
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</table>
| 9 | Dianne Hilyear & Peter West        | 64 Walker St                          |             |         | Insufficient time given reject information contained in Council Inspection report  
Road is not unused as is used regularly  
We live opposite and witness road being used on a daily basis  
Road is required for traffic flow of vehicles  
unsafe conditions are created for vehicles backing out a single entry point  
Laneway entry point is a blind spot  
Garage at 83 Walker St is used  
Access to Scout area will be compromised.  
Future development of sporting facilities will place extra strain on park access |
| 10| Beryl Crusi                         | 87 Grey St East Melbourne 3002        |             |         | The closure proposal will have a deleterious effect on value of our property  
East Melbourne 3002 safety issues of having vehicular traffic entering & exiting from one point |
| 11| Marese Crusi                        | 67 Walker St                          |             |         | One way and traffic in laneway will dangerous for children using rear access  
one way traffic will make it difficult to load and unload car  
right of way exit at Dwyer Street is a black spot |
| 12| Claire Thorn                        | 48 Walker St                          |             |         | Reject the conclusions in the site inspection report.  
Edmund St is used by vehicles, bicycles and pedestrians  
I use Edmund street as access to park to walk dogs  
Alternative route is a blind corner  
Edmund St used by school children |
| 13| Graeme Quin                         | 123 Spensley St                       |             |         | Landscape architect with 15 years experience  
In principle land rationalisation is supported however lack of information  
Information provided is inadequate  
Council should provide information such as context plan & site analysis  
Configuration of lot 1 will create a problem corridor  
width of lot 1 will mitigate against its use an access route with acceptable levels of landscaping and amenity  
Usually a Local Government Authority would reject the proposal for lot 1 on the grounds of inadequate safety and insufficient amenity  
Current proposal shows that Council has not fully considered all the issues  
Council should appoint suitably qualified consultants to examine options for integrated redevelopment of the subject land.  
The brief should examine the urban design context, have regard to streetscapes, existing built form and architectural opportunities  
Have regard to public and community safety seek views of Victoria Police |
| 14| Traffix Group Pty Ltd               | Suite 8 431 Burke Road Glen Iris 3146 | Expert      | Opinion | Edmund St is not unused and is required to provide access and accommodate pedestrians and cyclists  
Closure of Edmund St would require vehicles to reverse along the laneway to Dwyer St  
The proposal will result in the removal of existing vehicular access to 83 Walker Street  
The parking space in front of number 83 will be converted to a 5-minute parking bay - impacting on residents  
Currently there is 2 access points - closure of the laneway would remove the one-way traffic circulation  
No provision for vehicles accessing the rear of the Scout Hall to turn around. These vehicles will have to reverse more than 100 metres along the laneway. |
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<th>Name</th>
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<tbody>
<tr>
<td>15</td>
<td>Jeffrey Gordon &amp; Mary Caruana</td>
<td>60 Walker St</td>
<td>reject information contained in Council Inspection report</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>My property overlooks road - it is used frequently</td>
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<td></td>
<td>Closure would impact on parking</td>
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<td></td>
<td>Closure would make garage at 83 Walker inaccessible</td>
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<td></td>
<td>Walker St properties have businesses and need through access reversing would be dangerous</td>
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<td>Rear of road is used by Scouts</td>
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<td>Copy of TraffixGroup report attached</td>
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<td>16</td>
<td>Howard Scheid</td>
<td>75 Walker St</td>
<td>Purchased property due to safe entry at rear</td>
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<td>Run business therefore use garage at rear for secure storage of tools closure will hinder access</td>
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<td></td>
<td></td>
<td>will have to rent space for storage</td>
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<td>Difficult to reverse out to Dwyer St</td>
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<td>Road is used by residents, emergency vehicles, scouts, and public</td>
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<td></td>
<td>Photographs of Citywide truck using laneway and Edmond St attached</td>
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<td></td>
<td>Closure will hinder clear view and jeopardize safety</td>
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<td>Owners of 83 Walker St will lose access</td>
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<td>Prepared to instigate Legal proceedings if closure proceeds</td>
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<td>17</td>
<td>Claudia Schied</td>
<td>75 Walker St</td>
<td>Edmund Street is used road</td>
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<td>Husband needs access to be able to run his business</td>
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<td>Closure will make garage at 83 Walker St inaccessible</td>
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<td>Includes copy of letter to DSE, Lindsay Tanner, Justin Madden, Richard Wynne</td>
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<td>18</td>
<td>M &amp; A Blackiston</td>
<td>74 Walker St</td>
<td>Closure will stop our direct access to Quarries Park as we live opposite</td>
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<td></td>
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<td>Closure will make the laneway unsafe</td>
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<td>19</td>
<td>Rob Carmichael</td>
<td>82 Walker St</td>
<td>Discontinuance marginalises the amenity of Clifton Hill Residents</td>
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<td>Discontinuance in its current form is premature and ill-considered</td>
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<td>83 Walker not entitled to compensation for loss of amenity</td>
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<td>Division of road is for short term benefit rather than benefit the Clifton Hill community</td>
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<td>Scout hall is in poor state of repair</td>
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<td>The scout hall and kindergarten will depreciate the value of surrounding properties</td>
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<td>proposal is temporary solution</td>
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<td>Eastern Clifton Hill is devoid of suitable multi-purpose facility</td>
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<td>Council should investigate use of site as Multi purpose facility</td>
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<td>Council should adopt a longer-term strategic view of the entire area</td>
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<td>20</td>
<td>Neelam Maharaj</td>
<td>79 Brunswick St</td>
<td>Live in East Brunswick, however walk dog in Quarries Park and use Edmund St for access</td>
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<tr>
<td></td>
<td></td>
<td>Brunswick East</td>
<td>Have seen many other pedestrians use road</td>
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<tr>
<td>Name</td>
<td>Address</td>
<td>Comment</td>
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<td>Linda Beilby &amp;</td>
<td>62 Walker St</td>
<td>Resident for 25 years and have used road daily</td>
<td></td>
</tr>
<tr>
<td>David Edwards</td>
<td></td>
<td>Used by all residents of this part of Walker, Edmund and Clifton Streets on a daily basis</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>I would like to claim easement status</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Scouts use road for access and parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Walker St residents use it to access private garages</td>
<td></td>
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<td></td>
<td></td>
<td>83 Walker St has garage that opens onto road - used on a regular basis</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>I use road for access to Quarries Park for my disabled students also park bus</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Access should be maintained for emergency vehicles</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Spensley Street Primary use Edmund Street for Access to Park</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Travel along laneway after closure is not safe</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Closure would mean loss of open space</td>
<td></td>
</tr>
<tr>
<td>Judy &amp; Murray McLeod</td>
<td>1 Park Dr</td>
<td>Reject conclusions contained in site report</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Use Edmund Street for daily walking schedule</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Closure will remove access to garage at 83 Walker St</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>75 and 65 Walker St need access to operate businesses</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>reversing 150 metres is dangerous</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>We have clear view of site from window - used on a regular basis</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Council trucks and emergency vehicles use for access</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Used as access by Spensley Street School Children</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Site is safe in its current format</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alternative route is a blind corner</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Site used as a carpark</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Copy of TraffixGroup report attached</td>
<td></td>
</tr>
<tr>
<td>Paul Pertile &amp;</td>
<td>3 Park Dr</td>
<td>Road used regularly by residents</td>
<td></td>
</tr>
<tr>
<td>Samantha Bastin</td>
<td></td>
<td>Closure will result in significant loss to residents and create unsafe environment</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Closure will make garage at 83 Walker St inaccessible</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road used by large number of visitors</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Road used by school children</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road used by Scouts</td>
<td></td>
</tr>
<tr>
<td>Christine Hill &amp;</td>
<td>54 Walker St</td>
<td>Road used regularly by residents</td>
<td></td>
</tr>
<tr>
<td>John Newton</td>
<td></td>
<td>Road used by visitors to Quarries Park</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Road used by cyclists - provides access to bike paths</td>
<td></td>
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<td></td>
<td></td>
<td>Road used by school children</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road used by Scouts</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Leaving the road as is will ensure open and visual space</td>
<td></td>
</tr>
<tr>
<td>Name ???</td>
<td>57 Ramsden St</td>
<td><strong>Standard Response with the following 6 points</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. I walk daily around Quarry Park</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. We like many others, including Council Trucks, have used the road and strongly wish to</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>continue to use the road</td>
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<td></td>
<td></td>
<td>3. The Clifton Hill Scouts &amp; Spensley St Primary School also use Edmond St to access Quarry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Park. EDMUND Street provides safe access to Quarry Park</td>
<td></td>
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<td></td>
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<td>4. Currently the corner of the south side of Edmund Street and Government Road is such</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>that a clear view is enjoyed by both vehicles and pedestrians, ensuising safe passage fol</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>all.</td>
<td></td>
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<td></td>
<td>5. The alternative route to the park, Government Road and Dwyer St, is abind corner. The</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>closure of the south side of Edmund Street will, without doubt, increase traffic on</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Government road.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>6. Traffic will also increase one the Cricket and Soccer Pavilions are built</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Address</td>
<td>Response Type</td>
</tr>
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<td>------------------------------------</td>
</tr>
<tr>
<td>26</td>
<td>Petrina Crocker</td>
<td>3 South Terrace</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>27</td>
<td>Elizabeth Best</td>
<td>12 Edmund St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>28</td>
<td>Steve &amp; Ermi Veliany</td>
<td>8 Edmund St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>29</td>
<td>Mary Burgess</td>
<td>PO Box 456 Clifton Hill</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>30</td>
<td>Ane Davie</td>
<td>81 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>31</td>
<td>Suellen Murray</td>
<td>81 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>32</td>
<td>Glenda Lehmann &amp; Eric McClellan</td>
<td>53 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>33</td>
<td>Guglielmo Cei</td>
<td>63 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>34</td>
<td>John Michie</td>
<td>163 Roseneath St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>35</td>
<td>Brett McMurrick</td>
<td>55 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>36</td>
<td>Joseph Amad</td>
<td>44 Wright St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>37</td>
<td>Name ???</td>
<td>44 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>38</td>
<td>Name ???</td>
<td>69 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>39</td>
<td>Prue Cox</td>
<td>26 Dwyer St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>40</td>
<td>Lisa O'neill</td>
<td>13 Dwyer St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>41</td>
<td>C Wong</td>
<td>10 Park Dr</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>42</td>
<td>T E Gardiner</td>
<td>78 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>43</td>
<td>E Ebenreuter</td>
<td>107 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>44</td>
<td>G. Croft</td>
<td>107 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>45</td>
<td>R Teague</td>
<td>8 Park Dr</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>46</td>
<td>M Reiher</td>
<td>103 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>47</td>
<td>A Carmichael</td>
<td>82 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>48</td>
<td>Name ???</td>
<td>38 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>49</td>
<td>L Creaser</td>
<td>1 Marshall Pl</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>50</td>
<td>M Siotos</td>
<td>10 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>51</td>
<td>D Bryant</td>
<td>7 Plant St Northcote</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>52</td>
<td>L Zyka</td>
<td>89 Canning St Carlton</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>53</td>
<td>Wendy Rule</td>
<td>73 Walker St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>54</td>
<td>Ellen Booth</td>
<td>23 Clifton St</td>
<td>Standard Response with the 6 points</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Standard 2 Paragraph Response</td>
<td></td>
</tr>
<tr>
<td>------</td>
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<td>--------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
|      | 24 Henderson St, Northcote | 1st Para - I wish to object to the Proposed Road Discontinuance of Edmund Street Clifton Hill and the retaining of the land by the Yarra City Council.  
| Name | 24 Henderson St, Northcote | Standard 2 Paragraph Response |
| K Biram | 6 Park Dr | Standard 2 Paragraph Response |
| Name | 20 Walker St | Standard 2 Paragraph Response |
| Name | 51 Walker St, Northcote | Standard 2 Paragraph Response |
| M Blakiston | 74 Walker St, Northcote | Standard 2 Paragraph Response |
| Name | 77 Walker St, Northcote | Standard 2 Paragraph Response |
| J Beltsios | 11 Park Dr | Standard 2 Paragraph Response |
| K Hall | 14 Walker St, Northcote | Standard 2 Paragraph Response |
| W Jarmen | 12 Walker St, Northcote | Standard 2 Paragraph Response |
| J Reiher | 103 Walker St, Northcote | Standard 2 Paragraph Response |
| M Comley | 12 Walker St, Northcote | Standard 2 Paragraph Response |
| R McCully | 2 The Esplanade | Standard 2 Paragraph Response |
| S Homi | 142 Roseneath St | Standard 2 Paragraph Response |
| Name | 30 Walker St, Northcote | Standard 2 Paragraph Response |
| Name | 2/19-21 Walker St, Northcote | Standard 2 Paragraph Response |
| John Papaioannou | 24 Walker St, Northcote | Standard 2 Paragraph Response |
| Name | 47 Walker St, Northcote | Standard 2 Paragraph Response |
| M Jenkin | 66 Walker St, Northcote | Standard 2 Paragraph Response |
| B Jenkin | 66 Walker St, Northcote | Standard 2 Paragraph Response |
| S D'Orosigna | 3 Ryde St, West Preston | Standard 2 Paragraph Response |
| Name | 25 Kendall St, West Preston | Standard 2 Paragraph Response |
| Name | 4 McLachlan St, Northcote | Standard 2 Paragraph Response |
| Cheryl Scott | 69 Walker St, Northcote | Standard 2 Paragraph Response |
| C Fiore | 41 Walker St, Northcote | Standard 2 Paragraph Response |
10.2 Draft Domestic Animal Management Strategy

Executive Summary

Purpose

This report seeks Council’s support to exhibit the draft Animal Management Strategy for community comments.

Key Issues

In accordance with the provisions of the Domestic (Feral and Nuisance) Animals Act 1994 (the Act), every Council must prepare at 3 year intervals a domestic animal management plan (DAMP). Yarra’s first such plan must be prepared by 1 July 2008.

The draft Animal Management Strategy has been developed to provide a strategic framework and balanced management system specific to Yarra City Council which will serve the needs of both pet owners and non pet owners. It makes a number of specific recommendations in relation to issues such responsible pet ownership, pets other than cats and dogs, minimising conflict between people and pets in open space including dogs on and off lead, dog waste, and monitoring compliance, as well as evaluation of services.

It is important that the community is invited to provide feedback in relation to the draft Strategy before Council makes a decision as to whether it adopts it, with or without changes.

Financial Implications

The majority of programs identified in the draft Animal Management Strategy build on Council’s existing responsibilities and will therefore be resourced from the existing budget, although additional funding will be sought for some programs in future Council budget processes.

Community Implications

The draft Strategy outlines measures that will increase the enjoyment of pet ownership while not disadvantaging those who do not own pets.

Environmental Implications

The draft Strategy seeks to manage the presence of stray and feral cat populations and to protect areas of environmental significance.

PROPOSAL

That Council seeks comments in relation to the draft Animal Management Strategy and a further report be presented to Council following the consultation period in relation to any feedback received.
10.2 Draft Domestic Animal Management Strategy

File: 65/05/01
Responsible Officer: Director City Development

Purpose

1. This report seeks Council’s support to exhibit the draft Animal Management Strategy for community comment.

Background

Animals and Animal Management Services in Yarra

2. Approximately 22% of households in Yarra own a registered pet. While the rate of pet ownership in Yarra is lower than national average rates, the number of registered dogs is increasing at a rate similar to that of the population and households. However, based on estimation that only 64% of dogs and 41% of cats are registered, there may be as many as 6,998 dogs and 8,190 cats in Yarra.

3. Council receives an increasing number of requests every year in relation to animals including, those relating to barking dogs, wandering dogs, dogs off-lead, unregistered animals, etc.

4. Services currently provided by Council in relation to animal management include:

   (a) pet registration;
   (b) micro chipping;
   (c) animal management patrols;
   (d) animal collection; and
   (e) designation of off-lead areas and some basic amenities such as bags, bins and some water bowls.

A contracted service of collecting and impounding stray cats and dogs is also provided by the Lost Dogs Home.

5. As of 7 January 2008, Council employs 2 dedicated full-time animal management officers, as well as the contracted service referred to above.

The Requirement to Prepare a Domestic Animal Management Plan

6. In accordance with the provisions of the Domestic (Feral and Nuisance) Animals Act 1994 (the Act), as shown in Attachment 1, every council must prepare at 3 year intervals a domestic animal management plan (DAMP). Yarra’s first such plan must be prepared by 1 July 2008.
7. As required by the Act, a domestic animal management plan must:

(a) set out a method for evaluating whether the animal control services provided by Council are adequate to give effect to the Act and regulations;

(b) outline programs for training of authorised officers to administer and enforce the Act;

(c) outline programs, services and strategies to:
   (i) promote and encourage responsible ownership of dogs and cats;
   (ii) ensure people comply with the relevant legislation;
   (iii) minimise the risk of attacks by dogs;
   (iv) address overpopulation and high euthanasia rates;
   (v) encourage registration and identification of dogs and cats;
   (vi) minimise the potential for dogs and cats to create a nuisance; and
   (vii) effectively identify all dangerous, menacing and restricted dogs;

(d) provide for review of existing orders and local laws to determine whether further orders or local laws dealing with management of cats and dogs are desirable;

(e) provide for the review of matters relating to managements of cats and dogs as necessary; and

(f) provide for periodic evaluation of any program, service, strategy or review included in the Plan.

8. Every Council is required to review its Plan annually, to provide a copy to the Secretary for Primary Industries and to publish an evaluation of its implementation of the Plan in its annual report.

9. The draft People and Their Pets in Yarra – Animal Management Strategy has been developed by Council’s Community Amenity and Open Space Units with the assistance of @Leisure consultancy.

The Draft Strategy

Contents

10. The draft Strategy (Attachment 2) includes the following:

(a) Introduction – including the aims of the Strategy; how it meets the legislative requirements and Council’s role in animal management.

(b) What We Know About People and Their Pets in Yarra – including information regarding cat and dog ownership; complaints; Council pet services; pet use of public space and partner organisations in relation to animal management issues.
(c) **Benefits of Pets**

(d) **Responsible Pet Ownership** – including pet selection and conditions for pets; feeding stray and feral animals and birds; pet vaccination and health; overpopulation and euthanasia; impact of pet behaviour on others; pet registration and identification; nuisance, menacing and dangerous animals; and restricted dog breeds.

(e) **Pets Other Than Cats and Dogs** – including reptiles; ferrets, guinea pigs, rabbits and mice; fish; poultry; bees and birds.

(f) **Minimising Conflict Between People and Pets in Open Space** – including dog on-lead policy; dog off-lead areas; areas where cats and dogs are prohibited; dog waste; monitoring compliance; and evaluation of animal services.

(g) **Implementation Plan**.

11. In relation to the issues raised in each of sections described above, the Strategy makes recommendations as to how Council should respond and the Implementation Plan identifies specific actions and implementation responsibilities within Council (by Division).

**Aims**

12. The aims of the Strategy are to:

(a) meet Council’s planning requirements as set out in the *Domestic (Feral and Nuisance) Animals Act 1994*;

(b) respond to the requirements of a municipal Domestic Animal Management Plan (DAMP) as specified by the Department of Primary Industries;

(c) support and facilitate the benefits of animal ownership and companionship;

(d) minimise local nuisance by domestic pets, and maximise residential amenity;

(e) provide a mechanism for community education regarding pet controls, to minimise conflicts in open space; and

(f) respond to the recommendations made in the Yarra Open Space Strategy 2006.

13. The Strategy will guide Council and the community towards the goal of responsible pet ownership and management.

14. The Strategy applies to any land within the City of Yarra where animals are kept, except where animals are kept for business or commercial purposes where prior town planning approval is required from Council.
Key Recommendations

15. The Strategy makes a number of recommendations in relation to the issues listed briefly above. Those of particular note are described below.

Dogs On and Off Lead

16. The Strategy supports Council’s current order under the Act to classify all public land in Yarra as on-lead, with designated off-lead and dog-prohibited areas, such as playgrounds and environmentally significant areas and suggests that Council promotes that if there is no sign saying the area is off-lead or prohibited, then the area is on-lead.

17. However, to further minimise conflicts, the Strategy recommends additional controls in association with shared pathways and other recreation facilities:

(a) **Shared pathways**: Dogs be required to be kept on-lead on shared pathways and five metres either side, even if pathways run through off-lead areas.

(b) **Playground, picnic and skate facilities**: The current order requires dogs to be kept on-lead within 30 metres of all unfenced playground areas, BBQ and picnic facilities and dogs are prohibited from fenced playgrounds.

The draft Strategy recommends the following in relation to dogs and playgrounds:

(i) **On-lead reserves that have a playground**: A five metre buffer area surrounding the mulch area of the play equipment would be prohibited to dogs and outside that area would be dog on-lead; and

(ii) **Off-lead reserves that have a playground**: A five metre buffer area surrounding the mulch area of the play equipment would be prohibited to dogs. The area five to 20 metres out from the mulch area of the play equipment would be a dog on-lead area and outside the 20 metre buffer would be a dog off-lead area.

The Strategy also recommends restricting off-lead dogs from being within 10 metres from any skate park or BMX facility.

(c) **Sporting grounds**: The draft Strategy also recommends that dogs be allowed off-lead on all ‘unfenced’ sporting grounds *when not in use for any games, club or school competition or training, or event*. However dogs would be prohibited from all grounds enclosed by fencing, such as Peterson Oval, Edinburgh Gardens. This would need to be monitored and should Council introduce any synthetic sports grounds in the future, the Strategy recommends that these be allocated as dog prohibited areas.

18. The Strategy identifies a number of issues related to off-lead areas including the number and distribution of how they are provided, the suitability of waterway corridors as off-lead areas and the nature and design of off-lead areas.
19. There are twelve existing dog off-lead reserves or areas within reserves within the municipality, mostly in the north-east and south of the municipality. To improve the distribution of off-lead areas the Strategy recommends the provision of three types of off-lead areas:

(a) Off-lead reserves - reserves classified as “regional” or “city wide” in the Open Space Strategy, which would be considered for off-lead reserves where dogs are permitted to run off the lead at all times. Some “regional” or “city wide” parks would remain on-lead at all times.

(b) Multi-zone reserves - larger reserves classified as “city wide” in the Open Space Strategy, which would be considered as multi-zone reserves where there would be designated dog on-lead and dog off-lead areas at all times. Not all city wide reserves would become multi-zone reserves.

(c) Time scheduled reserves - those smaller reserves classified as “neighbourhood parks” in the Open Space Strategy, which would be considered for dog off-lead exercise before 8am and after 6pm, and would remain dog on-lead during daytime hours (8am - 6pm).

20. The Strategy also recommends a hierarchy of dog off-lead parks (primary, secondary and local) consistent with the catchment of the park in order to facilitate a diversity of types of dog parks and to assist Council to provide facilities equitably and cost effectively across the municipality in line with community expectations.

21. More specifically the Strategy recommends a number of options for additional off-lead areas or changes to off-lead areas as detailed on pages 31 and 32 of the document.

22. The Strategy also recommends that identified environmentally significant areas of Yarra be signposted as prohibited to dogs and cats (including the river banks of Merri Creek and the Yarra River, and Rudder Grange Reserve etc). Prohibited areas could also be in multi-zone reserves.

Dog Waste

23. The presence of dog waste in public places is one of the primary causes of complaint to Council. Bag dispensers have been introduced in selected parks and reserves in Yarra and Council currently spends approximately $25,000 annually on bag provision.

24. The draft Strategy suggests that the service should be increased to include dedicated animal waste bins to be installed next to all existing Council bins in its parks and gardens. It is believed this will assist in reducing the amount of dog faeces in Council parks by eliminating the need for the owners to carry the faeces, while improving the amenity of the area for those who use the parks and gardens. Currently dog faeces deposited in normal waste bins has prevented Council recycling the waste collected and the dedicated animal bins would allow the waste in the normal waste bins to be recycled.
Management of Cats

23. The Strategy recommends that Yarra adopt the position of mandatory cat de-sexing to remain in line with the views of animal welfare peak bodies (including the Cat Protection Society, Lost Dog’s Home and RSPCA). A survey of Yarra’s five neighbouring Councils has revealed that three of those Councils (Stonnington, Melbourne and Boroondara) have included mandatory desexing in their Strategies; while Moreland had yet to prepare its Strategy and did not have an adopted position and Darebin was not in favour of mandatory de-sexing.

24. The report on cat de-sexing which was presented to Council on 12 November 2007 recommended that mandatory de-sexing not be implemented in Yarra. However on the basis that three neighboring Councils will be supporting mandatory de-sexing and in order to give the de-sexing program the best chance of success in reducing the over population of cats, it is now considered appropriate that Yarra should introduce mandatory de-sexing of cats.

25. Currently in Yarra there are no areas in which cats are prohibited and no requirement to keep cats indoors at any time. The Strategy recommends that trapping should occur within areas of environmental significance and built up areas (during the day or night) to catch cats that may stray into these areas and either return the cat to the owner (with a nuisance notice) or impound the cat if its ownership cannot be identified.

Financial Implications

26. The majority of programs identified in the Draft Animal Management Strategy build on Council’s existing responsibilities and will therefore be funded and resourced from the existing budget. However several programs, including an education and signage program, would require additional funding which would be sought as part of future Council budget processes.

Community Implications

28. The Draft Strategy outlines measures that will increase the enjoyment of pet ownership while not disadvantaging those who do not own pets. The community consultation phase aims to gauge public response to the draft Strategy and how it is recommended that it be implemented. Community feedback will inform the final Strategy where appropriate.

Environmental Implications

29. The draft Strategy seeks to manage the presence of stray and feral cat populations and to protect areas of environmental significance.

City Plan, Strategy and Policy Implications

30. The draft Animal Management Strategy is consistent with the Open Space Strategy, City Plan and other Council policies.
Consultation

31. As part of the consultation in relation to the Yarra Open Space Strategy 2006, a number of comments were received in relation to animal management issues, particularly in relation to specific parks including:

   (a) the need for off-lead zones in particular areas;
   (b) problems with dog waste;
   (c) dogs near playgrounds; and
   (d) invasion by off-lead dogs.

32. It is proposed to place the draft Animal Management Strategy on exhibition during March and April 2008. It is also proposed to hold an information session in April 2008 to provide information regarding the draft Strategy and to receive feedback.

33. A further report to Council on the draft Strategy and any submissions received during the consultation phase will be presented in June 2008.

Conclusion

34. The draft Animal Management Strategy has been developed to provide a strategic framework and balanced management system specific to Yarra City Council which will serve the needs of both pet owners and non pet owners.

35. Through the Strategy Council will seek to ensure that animal welfare is paramount, Council’s powers are understood and respected and conflicts between people and pets in public spaces are minimized through effective community awareness and enforcement of suitable local laws.

36. It is important that the community is invited to provide feedback in relation to the draft Strategy before Council makes a decision as to whether it adopts it, with or without changes.

RECOMMENDATION

37. That Council seeks comments in relation to the draft ‘People and Their Pets in Yarra – Animal Management Strategy’ dated November 2007 through a public consultation process including the following:

   (a) the draft Animal Management Strategy placed on Council’s website during the remainder of March and April 2008 for consideration by members of the public;
   (b) public notices in the local newspapers informing those interested of the opportunity to provide feedback in relation to the draft Strategy;
(c) letters to relevant organisations such as the local veterinary clinics; dog obedience clubs and training services; pet shops and pet supply businesses; pet care and boarding services; and peak bodies such as the RSPCA, Canine Association etc, informing them of the preparation of the draft Strategy and the opportunity to provide feedback; and

(d) an information session in April 2008 (date to be confirmed) to discuss the draft Strategy and to receive feedback.

38. That following the conclusion of the consultation period, a further report be presented to Council in relation to any feedback received to the draft Strategy and making recommendations in relation to the adoption of the Strategy.

FINANCE AND HUMAN SERVICES COMMITTEE RECOMMENDATION

Moved: Councillor Fristacky  
Seconded: Councillor Morton

That the matter be deferred to enable amendments to the Draft Domestic Animal Management Strategy.

CARRIED

Contact Officers:  
Mark Dornau, Manager Environmental Services - 952055720: or  
Steven McMurray, Manager Building & Regulatory Services - 9205 5720

Attachment 1 - Section 68A Domestic (Feral and Nuisance) Animals Act 1994  
Attachment 2 - Draft City of Yarra Domestic Animal Management Strategy (as amended) – to be distributed separately
PART 5A—DOMESTIC ANIMAL MANAGEMENT PLANS

68A Councils to prepare domestic animal management plans

(1) Every Council must, in consultation with the Secretary, prepare at 3 year intervals a domestic animal management plan.

(2) A domestic animal management plan prepared by a Council must—

(a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and

(b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and

(c) outline programs, services and strategies which the Council intends to pursue in its municipal district—

(i) to promote and encourage the responsible ownership of dogs and cats; and

(ii) to ensure that people comply with this Act, the regulations and any related legislation; and

(iii) to minimise the risk of attacks by dogs on people and animals; and

(iv) to address any over-population and high euthanasia rates for dogs and cats; and

(v) to encourage the registration and identification of dogs and cats; and

(vi) to minimise the potential for dogs and cats to create a nuisance; and

(vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
Part 5A—Domestic Animal Management Plans

(d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and

(e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and

(f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

(3) Every Council must—

(a) review its domestic animal management plan annually and, if appropriate, amend the plan; and

(b) provide the Secretary with a copy of the plan and any amendments to the plan; and

(c) publish an evaluation of its implementation of the plan in its annual report.
11.1 Processes and Procedures Relating to Noise Related Issues

Executive Summary

Purpose

1. This report provides information requested in the February Council resolution – that resolution stated:

   “(a) the Community Amenity quarterly report be noted; and

   (b) Council officers prepare a report for the March cycle drawing a summary report of the old and new processes and procedures regarding noise/disturbance issues. The report should include, but not be restricted to, information and analysis of the after hours service; the number of noise complaints per week and the level of responsiveness to complaints and resolution rates; cost changes between the previous processes and procedures and the new system”

Key Points

2. Feedback from residents and results of Council’s own audit clearly indicated that the previous process for dealing with late night venue noise related complaints required some adjustments.

3. Although to some residents this process appeared responsive, in reality, on many occasions, it was taking far too long to resolve complaints and to get venues to achieve compliance with relevant regulations.

4. In response to this, Council has revised processes in the Community Amenity Unit to offer a better and more responsive service to residents that is geared to achieving results. This means:
   - following up on complaints quickly;
   - getting venues to comply quickly; and
   - advocating on behalf of residents in relation to ensuring the correct authority acts on their complaint.

5. This revised process has, and is currently, being implemented progressively. It has taken several months to implement the new process, which has experienced some teething problems. Input from Community Amenity Staff, and most recently from residents at the last Council meeting have enabled Council to make final modifications to the new service to ensure it is effective and will achieve results.

6. This new service essentially involves four full-time officers instead of one – this enables Council to provide a 24 hour-7 day a week service.

7. To use the service residents call Council’s after hours emergency numbers 9205 5555 or 9205 5099.

8. The after hours emergency telephone operators (external contractors) have been instructed by Council that if the after hours complaint is related to music/ venue noise or public behaviour issues that the call be put through to the Council staff member on duty.
9. By calling the after hours emergency number it enables Council to properly record and track every complaint.

10. When the call is put through, the Council staff member will contact the complainant. If the complaint relates to noise or issues inside a venue the officer on duty will investigate. If the complaint relates to public behaviour offences, or people noise issues outside a venue the officer on duty will contact the police on behalf of the resident.

11. The next day the officer will continue to follow up on the complaint and work towards resolving the matter quickly, either through working with the venue to achieve voluntary compliance or, if this can not be achieved, through enforcement action.

12. The above points outline a brief summary of how the new service works. It is important to point out that this new service is just one part of the solution to addressing issues surrounding late night venues in Yarra. These issues, including noise breeches and public behaviour offences are part of much wider and more complex problem affecting all of inner Melbourne.

13. This report not only explains the new service in detail and how it compares to the previous service it also provides a context for discussion around the following topics:
   a. the role of other agencies like the police in addressing these important amenity issues;
   b. the increasing number and clustering of late night venues in inner Melbourne and Local Government not being able to curb this trend due to issues with the State Government planning scheme;
   c. raising awareness about the powers or jurisdiction of different agencies and organisations and which offences or breeches they are responsible for – for example Council does not the power to deal with public behaviour offences, property damage or violence in the street. This is a police matter and must be handled by police officers.

14. The report also outlines some of positive work being done to address issues relating to late night venues across inner Melbourne including:
   • proposed projects by the Inner Melbourne Action Plan (IMAP);
   • recommendations arising out the Inner City Entertainment Precinct Taskforce;
   • improvements to State planning legislation; and
   • Council and Police partnerships.

Financial Implications

15. The revised Community Amenity Service is largely cost neutral. The increase in staff numbers (to respond to complaints) from one to four has been achieved within existing resources.

PROPOSAL

16. That Council note the report of the Director, City Development regarding Processes and Procedures relating to noise related issues.

17. That Council note the recommendations of the Inner City Entertainment Precinct Taskforce (ICEPT) and continue to work with other agencies to progress the implementation of these recommendations.
18. That Council monitor the operation of the revised system closely over the
coming months to determine if increased resources are required to maintain the
required service standards.

19. That Council trial the operation of noise management regarding premises
through the use of consultant provided services, and review after a period of six
months.

20. That Council receive update reports regarding the revised processes in the
Community Amenity Quarterly reports.

21. That Council endorse the following framework for further consideration of the
many related aspects of managing the late night economy.

Noise, disturbance and behavioural topics in the late night economy

Objective:

To have a late night economy that provides a vibrant ambience to the City of
Yarra but does not unreasonably disturb local residents and that is safe for all
concerned.

Strategies

1. To advocate for improved planning and liquor licence regime in which
Councils can apply effective ‘controls’ to manage on site issues that can
have offsite impacts (noise).

2. To advocate for the Police to have sufficient resources to be able to
manage the public areas in late night economy areas.

3. To further develop strategic partnerships with the Police, Liquor Licence
Victoria and other key agencies to deliver improved amenity to residents
and safety for all persons.

4. To enforce controls as necessary in a fair but firm manner and use
timely processes to secure compliance of premises.

5. To formulate and implement an alcohol management strategy and
associated action plan.

Action Plan

To be developed
11.1 Processes and Procedures Relating to Noise Related Issues

File: 
Responsible Officer: Director City Development

Introduction

1. In the February 2008 cycle of meetings the Council received a report on licensed premises and also a Community Amenity quarterly report. Council resolved as part of those resolutions:

   “(a) the Community Amenity quarterly report be noted; and

   (b) Council officers prepare a report for the March cycle drawing a summary report of the old and new processes and procedures regarding noise/disturbance issues. The report should include, but not be restricted to, information and analysis of the after hours service; the number of noise complaints per week and the level of responsiveness to complaints and resolution rates; cost changes between the previous processes and procedures and the new system”

2. This report provides information relating to these aspects and also provides other broader relevant information so that the matter can be considered in context. A summary of the broader context is contained in the report with more detailed information in attachments.

Background

Earlier reports

3. Previous reports presented to Council relevant to this topic:

   • December 2006 the ‘Overview Report on Existing and Potential Amenity Issues in Yarra’
   • February 2007 ‘Community Amenity Quarterly Report’ which reiterated the December 2006 report
   • April 2007 ‘Noise Related Topic Report and Matrix’
   • Quarterly reports in 2007
   • November 2007, December 2007 and February 2008 Council reports on licensed premises (following the October 2006 Council resolution requesting an analysis of licensed premises in the City of Yarra).

Jurisdiction

4. The December 2006 and April 2007 reports highlighted to Council that it does not have jurisdiction in all facets of disturbances to the community (see attachments).

   For example, often a complaint to Council involves a number of aspects – these may be all within Council jurisdiction or only some of them, with others the domain of the Police or another agency.

   For example: a complaint regarding one premises may relate to:
• smelly rubbish bins;
• music noise (which has a planning permit / liquor licence);
• excessive numbers of people in the venue; and
• unruly behaviour in the street like urinating or vomiting in public places or residents’ yards.

In this case the first three matters are within Council jurisdiction and will be dealt with by officers of Council. The last dot point is a Police matter - Council has no lawful position to deal with these public behaviour issues. Council will however advocate for the resident to the Police for action to be taken.

5. That is, in summary:

• Council has jurisdiction for matters within premises but not in the public domain;

• General disturbances in the street are the province of the Victorian Police – the Police need to respond and deal with the situation as Council has no jurisdiction nor do staff have the training or the authority to challenge people in the street.

NB. Noise from Parks is controlled under a Council Local Law.

Kerbside trading is under a licence arrangement from Council under a Local Law.

6. It is also important to note that Council only has jurisdiction for matters within premises where the following exists:

• the premises has Planning Scheme controls (the zone provisions) that provide amenity clauses; or
• the premises is subject to a Planning Permit with amenity / noise / patron behaviour conditions; or
• the premises is subject to a Liquor Licence with amenity / noise / patron behaviour conditions.

7. If the premises do not have one or more of these ‘restrictions’ then the Council has no jurisdiction from a planning or liquor licence point of view relating to disturbance from within premises. The only remedy that may then be possible are the nuisance provisions under the Health Act. (see attachment)

**What controls exist on premises**

8. There are many different types of controls that can be connected to a premise, such as permits, liquor licences and controls under the Yarra Planning Scheme. These controls can be complex to understand, for example:

• a Liquor Licence can allow many different types of conditions for different venues;

• permit controls or conditions can be very specific for some venues and only implied for others.
This has an impact on what type of action Council can take, if any. This is discussed in the attachments.

**Advocacy**

9. Whilst Council is not the complete authority on issues relating to licenced premises, a commitment has been made to continue advocating on behalf of residents in relation to making sure all agencies play their part in addressing the area they are responsible for.

10. This is occurring via:

   - campaigning to Police Commissioners on the need for improved management regime;
   - seeking improved Policing numbers in Yarra;
   - writing to the relevant Ministers of Parliament;
   - actively engaging the local Police Inspector and the three Police Station Sergeants for undertaking specific actions to resolve local issues in the Police jurisdiction (strategic partnership approaches).

**Partnership approaches with the Police**

11. Council management has set up processes and procedures with the local Police Inspector and Senior Sergeants of the three Police Stations to:

   - partner in resolving the issues via the various jurisdictions;
   - liaise with a view of solving issues; and
   - adequately resolve complaints.

   This arrangement is being consolidated.

12. Arrangements have been put into place regarding procedures to work collaboratively with a view to solving problems with each agency working on their jurisdictional areas. Each agency needs to perform their task for the overall outcomes to work effectively.

13. The Police have also very recently set up a new Licencing and Public Order Unit with a significant number of officers to work in the inner Melbourne area. The function of the Unit is to provide extra enforcement in liquor licencing and public order offences. This is in addition to the local police and the local Licencing Inspector who retains the administration functions in relation to licenced premises and the responsibility of running the district.

14. Advocacy to the State Government is also clearly necessary to seek an improved legislative regime to enable local government and the Police to better manage the premises and the off site impacts, and the Police to deal with street behaviour issues.

15. It is noted that State Government has also recently made some amendments to the Liquor Control Reform Act (the Act). Section 147 of the Act has now been amended to allow the Director of Liquor Licensing Victoria, in consultation with the Chief Commissioner of Police, to declare an area or a licensed premise a *designated area* for the purpose of the Act, if it is believed that alcohol related violence or disorder has occurred in that area or in the immediate vicinity (100 metres) of a licensed premise.
**Inner City Entertainment precinct taskforce**

16. It is also noted that in August 2003 the Minister for Police and Emergency Services established the Inner City Entertainment Precincts (ICEP) Taskforce to provide advice on safety and security in Melbourne’s inner city entertainment precincts. In January 2005 the Taskforce presented its report to the Minister. (see attachment for Executive Summary and recommendations)

17. The Department of Justice is the lead agency in the implementation of those recommendations – Local Government and the Police are also key players. An important theme is that **strategic partnerships / alliances** are required to be effective in dealing with these issues in a holistic way as well as specific actions by each of the partner organisations.

18. Implementation of the ICEPT recommendations is also an action under the Inner Melbourne Action Plan (IMAP) a regional collaborative action plan signed off by the municipalities of Yarra, Melbourne, Stonnington and Port Phillip.

19. Key recommendations from the ICEPT study are considered to be:

<table>
<thead>
<tr>
<th>ICEPT Recommendation</th>
<th>Action stated in ICEPT report</th>
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<tbody>
<tr>
<td><strong>Recommendation 3</strong></td>
<td><strong>Changes to the Victorian Planning Provisions ‘as of right’</strong></td>
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<tr>
<td>Suggesting the ‘as of right’ status of restaurants in Business 1 zones should be changed to give Council the option of managing potential impacts – this would include the consideration of cumulative impacts</td>
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<tr>
<td><strong>Recommendation 5</strong></td>
<td><strong>Planning tools to enable Councils to effectively manage cumulative impact</strong></td>
</tr>
<tr>
<td>Provision of decision guidelines including noise impact, number of patrons, existing and past trends and proximity of residential areas</td>
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<tr>
<td><strong>Recommendation 6</strong></td>
<td><strong>Review of definition in planning scheme and liquor licencing regulatory framework</strong></td>
</tr>
<tr>
<td>Uniform and consistent definitions between both sets of legislation</td>
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<tr>
<td><strong>Recommendation 7</strong></td>
<td><strong>Uniform set of conditions for both liquor licences and planning permits</strong></td>
</tr>
<tr>
<td>Regarding hours of operation, patron numbers and music noise, rubbish storage and removal and other noise</td>
<td></td>
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<tr>
<td><strong>Recommendation 9</strong></td>
<td><strong>Review of Building standards for the</strong></td>
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<tr>
<td>Effectiveness of the use of the Building Code</td>
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<tr>
<td>Identification of venue patron number capacities</td>
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<td>-------------------------------------------------</td>
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<tr>
<td><strong>Recommendation 10</strong></td>
<td></td>
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<tr>
<td>Noise</td>
<td>Best management guidelines for patron behaviour in open areas of a venue should be prepared</td>
</tr>
<tr>
<td><strong>Recommendation 11</strong></td>
<td></td>
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<tr>
<td>Enforcement protocols</td>
<td>Enforcement protocols should be developed which define the responsibilities of both the Victorian Police and Councils in relation to planning permits and liquor licences</td>
</tr>
<tr>
<td><strong>Recommendation 11</strong></td>
<td></td>
</tr>
<tr>
<td>Information to stakeholders about mechanisms available for raising complaints or concerns regarding the operation of licenced premises</td>
<td>A clear and concise overview of the planning permit and liquor licence enforcement processes</td>
</tr>
<tr>
<td><strong>Recommendation 27</strong></td>
<td></td>
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<tr>
<td>Victorian Police Assault reduction strategy</td>
<td>Police should explore recurrent funding to the continued implementation of the strategy</td>
</tr>
</tbody>
</table>

(see attachment for ICEPT Executive Summary and Recommendations)

*State Government planning reform*

21. Two State Government reports, *Cutting Red Tape* and *Making Local Planning Policy Stronger*, were developed over the past couple of years and included recommendations of the ICEPT study.

22. These reports produced discussion papers that were presented in 2007 by the Department of Planning and Community Development (DPCD) regarding the following matters that are relevant to this overall topic:

- whether restaurants should require a planning permit for landuse in some zones; and
- whether cumulative effect / impact should be included as a criteria for assessment into the State section of the planning scheme.

Council responded to these discussion papers.

*Number and hours of licenced premises*
23. Some 592 liquor licence premises exist in the City of Yarra. This has risen over the past 5 -10 years. Most have ‘on premises licences’ (323), being restaurants and bars. 113 premises have ‘general licences’ (hotels etc which enable sale of liquor for off site consumption / bottle shop). The remaining significant component are BYO licences.

24. The hours of operation (see December 07 and February 08 reports) and the grouping of premises (see map) is a key matter regarding impact on local communities.

25. Most premises have a closing time of 1-00 am. A small group have a closing time of 3-00 am and there are some that close between 5-00 am or 7-00 am.

26. The December 2007 and February 2008 reports showed that since 1 January 2005:
   - 63 applications were lodged with Council for late night trading (this equates to 20 per year)
   - Of these 63 applications only five were given permission to trade beyond 1-00 am
   - Three of these applications were approved by VCAT and two by Council’s Internal Development Approvals Committee (IDAC).

27. Officers are currently developing a data base to track the operating hours of all licensed premises in Yarra using records from Liquor Licence Victoria.

28. Council has a specific intent of restricting further licences. Under the proposed Municipal Strategic Statement (MSS) venues would only be able to trade up to 11-00 pm if they are located within 30 metres of a residential zone and up to 1-00 am if it has been determined that there is a minimal impact.

Overview of reviewed Processes

Context / Issues with previous processes

29. In 2006 the Community Amenity Unit (all functions) was subject of an internal audit process. The review of the office procedures and practices in the later half of 2007 followed on from the audit recommendations.

30. In this review it became obvious to senior management that the previous arrangements were not always producing timely results, focussed more so on processes and less focussed on outcomes. It was clear that, at times, this had led to issues not getting resolved promptly and in some instances cases lingered on for many months (and in a few instances years).

31. There was sufficient number of cases in this category to require adjustments to the manner in which the office proceeded with its work.

Examples have been discussed with Councillors - a couple of significant issues also arose at the Council meetings in August and September 2007 which highlighted the need to review processes to achieve faster response times and also quicker resolution of issues.

32. In particular, some instances highlighted that the complainants had not been attended to in a timely manner and this had placed them in the position of being
32. In particular, some instances highlighted that the complainants had not been attended to in a timely manner and this had placed them in the position of being the ‘victim’ whilst the premises / person causing the disturbance was not being brought into compliance.

33. The revised processes are specifically targeted at producing more timely results and getting to the resolution of the problem.

(see also attachments with commentary on previous and revised processes)

Strategic Intent and focus of revised processes

33. The specific endeavour of management has been to bring a more solution orientated approach to the office with a focus on outcomes.

That is, getting the problem fixed in a reasonable time period.

34. The intent is to ensure compliance with the relevant planning scheme provision (if one exists), the planning permit conditions or the liquor licence conditions. If not compliant then the intent is to bring those premises into compliance in a timely manner.

35. The endeavour is to achieve this compliance in a voluntary manner through discussions with the management / person / premises and highlighting that a non compliance is occurring. Litigation is only used as a means if compliance is not forthcoming notwithstanding these discussions.

36. In this regard, a process of ask, tell and then enforce (as necessary) is pursued by the office. More specifically this requires the office to:

- talk to the complainant;
- talk to the persons causing the alleged non compliance;
- undertaking initial investigation; and
- then verify if the complaint is valid or not.

37. If a valid complaint exists then the office will advise / ask the person or venue operator to bring the matter into compliance. This will involve:

- outlining the issue and the required action to bring the matter into compliance; and
- assisting the person to comply through discussing the matter, encouragement and also seeking solutions (negotiating compliance).

38. As mentioned the office also advocates on behalf of residents to other agencies (eg Police, Liquor Licence Victoria and EPA as required) regarding matters that are not in the Council jurisdiction.

39. If no action is forthcoming to the matter within Council jurisdiction then the office will tell the offender to comply. This is, in effect the second warning.

40. If the offence is continuing with no or little sign of compliance occurring then the matter is enforced. This may be an Infringement Notice (fine) initially but will be progressively ramped up as a means of seeking to secure compliance. This could be via VCAT or Magistrate Court proceedings.
41. In order to bring matters into compliance the office has been asked to provide a *timely and decisive* approach to processes. That is, the matter must not be allowed to linger – compliance is required (the outcome) and if not able to be achieved voluntarily then the matter must be taken to the next level promptly. This is because:

- a *strength of resolve* to secure compliance is necessary in order to achieve the outcome; and

- the Statute of Limitations only allows matters within 12 months to be dealt with in the courts (ie. any evidence longer than 12 months old is inadmissible).

43. In summary, the venue operators are expected to comply. If they are not complying they are reminded of their obligations and asked to comply. If that approach is not securing compliance then enforcement action will ultimately result via a process of telling and then enforcing via preparation of enforcement papers at either VCAT (for rectification) or Magistrates Court (for punitive action) or both.

**Information responding to February Council resolution**

44. The Council resolution raised four matters for an officer report. The previous commentary and the attachments provide additional material for context, background and to assist Councillors with related and important information.

**Council’s after hours service**

45. Most Councils have an after hours service, with the majority having a contracted service. The intent of the after hours service is to provide a 24 / 7 point of contact for residents / business to call on all aspects.

46. The Council has an after hours “Emergency” service – this is known as [LINK:Q] which is an outsourced service.

47. The contract agreement with LINK:Q has been in place since 2001 and provides the following service:

- Emergency Call Out Service
  - All business units have after hours emergency services determined. This information is contained in a manual that LINK:Q use after hours acting on Council's behalf.

- Emergency Contact Escalations
  - A 3 level escalation process exists on all “after hours emergencies” to ensure appropriate officers are notified within a timely manner.

- Advisory Service

48. The level of after hour emergency enquiries received over the past 12 months has been 3,594 calls (all categories), approximately 300 calls per month. The main category of calls tends to be:
• parking enforcements; and
• noise (music, patrons, construction).

49. The new Community Amenity Service taps into this already existing LINK:Q contract. Although there was some teething problems at first with using the LINK:Q service, Council has now made it clear that all late night venue noise and public behaviour complains must be passed onto the officer on duty.

50. When a call is put through, the Council staff member will contact the complainant. If the complaint relates to noise or issues inside a venue the officer on duty will investigate. If the complaint relates to public behaviour offences or issues outside a venue the officer on duty will contact the Police on behalf of the resident.

51. By using this central service Council will be able to accurately and electronically record and track all licensed venue and public behaviour related complaints.

52. The following charts shows the contacts made to Council after hours for music noise matters – it shows that before the end June 2007 (the previous process) most contacts were made with one officer direct and very few being recorded and dealt with via the after hours service (LINK:Q).

<table>
<thead>
<tr>
<th>How contact was made</th>
<th>1 July 2006 to 30 June 2007</th>
<th>1 July 2007 to 26 Feb 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Via LINK after hours</td>
<td>34</td>
<td>85</td>
</tr>
<tr>
<td>Via officer direct</td>
<td>225</td>
<td>118</td>
</tr>
<tr>
<td>Total</td>
<td>259</td>
<td>203</td>
</tr>
</tbody>
</table>

53. This presented matters of duty of care to the one officer who was receiving these calls after 5-00 pm. The revised process involves a roster of four staff to be able to more appropriately deal with the complaints after normal office hours and to be able to respond in an appropriate manner.

54. Many issues regarding premises in Yarra are planning related as much as liquor licence related as the majority of liquor licences (except long standing hotels) have both planning permits and liquor licences (see attachment). The Planning and Environment Act provisions are an avenue of resolution as much as liquor licence avenues. As a result staff involved need to have a good understanding of both areas of legislation to be able to effect the necessary outcomes.

Number of noise complaints

55. The number of complaints received is shown in the following table:

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of complaints received</th>
<th>Average Weekly complaints regarding noise</th>
<th>Number of venues involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous process</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1 April 07 to
30 June 07 | 48 | 4 | 24

**Revised process**

| 1 July 07 to
30 Sept 07 | 50 | 4 | 29 |
| 1 Oct 07 to
31 Dec 07 | 85 | 7 | 52 |

2008

| January 08 | 24 | 6 | tbc |
| February 08 | 27 | 6.7 | tbc |
| March 08
Week 1 | 8 | 8 | tbc |
| March 08
Week 2 | 4 | 4 | tbc |

56. These figures illustrate a spike in complaints over the warmer months.

**Level of responsiveness / resolution rates**

**Responsiveness**

**Previous processes**

57. The previous process (regarding licensed premises), whilst responsive to the complainant in the initial stages, was often not responsive over the course of the issue (see attachment). That is, the officer may have witnessed the noise disturbance but the resolution of the problem (due to processes) was not always prompt or timely. A number of cases highlighted that:

- feedback to the complainant needed to improve; and
- a faster resolution of the problem was required.

**Revised processes**

58. The revised process is focussed more so on achieving outcomes – whilst the complainant needs acknowledgement, empathy and action, the venue operator needs to be reminded of their obligations to comply with permit conditions etc in a very timely manner. The taking of sophisticated noise readings (with resultant delays of analysing them) should not delay the necessary and important early dialogue with the venue operator.

NB. Previously, delays were occurring. In some cases (highlighted by some public occasions in the Chamber in mid 2007) distressed complainants argued lack of responsiveness and solutions and complained of the matter being very protracted with no clear end (outcome) in sight. The revised processes respond to these complaints as well as seeking improved efficiency and effectiveness.

59. The intent of the revised processes is to:

- receive the complaint with a broader band of hours of service (improved customer service); and to then
- discuss with the venue operator within two days of their compliance requirements.
Resolution rates

60. Many complaints made prior to the new system were made to an individual staff member. Therefore complaints, course of action and resolution timeframes were not accurately recorded or tracked. Therefore it cannot be stated with certainty (at the present time) what the difference in resolution rates are between the previous and current systems. New statistics will be reported to Council in future quarterly reports. The following, however, is some anecdotal commentary that supports the position that the revised processes are and will produce more timely results.

Previous processes

61. The previous approach was often slow to make contact with the venue operator to seek voluntary compliance. That is, often, due to sophisticated noise readings (requiring analysis) being the previous standard approach, delays were experienced in having dialogue with the operator to seek compliance. A couple of examples illustrate:

- Case 1: Eleven noise readings were taken over a five year period on one non complying premises but the problem was not solved – complaints remained and the noise disturbance continued.

- Case 2: A complaint regarding a hotel was received in January 2006 and by August 2007 some seven noise readings had been taken but the premises was still non compliant.

62. It is also noted that over a period of 4.5 years, only ten cases of acoustic readings evidence were presented in court notwithstanding a huge number of acoustic readings and analysis being undertaken. This highlights that acoustic readings are not always necessary to achieve voluntary / cooperative compliance. However, when full acoustic analysis is required it needs to be:

- timely;
- targeted;
- assist in the resolution; and
- within a short space of time so that the evidence is admissible in court (if that course of action is necessary).

Otherwise the officer time spent is misdirected and not an efficient nor effective use of Council resources and not adding to the problem of solving and achieving the outcome.

Revised processes

63. As a comparison to some cases in the previous processes, a more recent issue with a hotel (2008) was received and within 21 days the problem had been resolved via negotiated outcome through the revised processes. The key has been the prompt dialogue with the venue operator and firm discussions regarding their obligations and also of the process that could follow if voluntary / cooperative compliance is not achieved.

Cost changes
64. The previous arrangement included one public behavior officer in the community amenity office.

65. Within the Community Amenity office there were also two planning enforcement officers with a coordinator.

66. These three positions have been re-focused to create a team of four community amenity – enforcement officers (including a coordinator) dedicated to addressing noise and amenity issues.

67. This means essentially the revised processes are effectively cost neutral. The reason for the revised processes are explained in this report – it is specifically to achieve an improved service to the residents and community members.

68. As has been previously stated to Councillors the previous Noise Officer resigned on 8 November 2007 to take up employment as an acoustic Forensic Scientist with the Victorian Police – he indicated at the time of his resignation that it was his dream job and impossible to refuse. Noise readings will remain as part of investigations as required and at the appropriate time – this will be achieved through acoustic consultants working for Council.

69. The monies associated with the previous acoustic engineers salary will broadly be used as follows:

- Noise readings from consultant acoustic engineers when necessary and appropriate (for instance, reaffirming evidentiary proceedings should voluntary compliance not be able to be achieved), and
- Acoustic consultants to assist with giving advice to the statutory planning process regarding new planning applications.

70. Award rates and the organisations Enterprise Agreement provide the remuneration levels to the four officers.

71. It is not anticipated that other expenditure or savings will result from the revised processes. It is, however, considered that over a period of time (due to a more timely approach to venue operators and a stronger resolve to cause compliance initially via voluntary / cooperative compliance) that the need for acoustic consultants for noise analysis will diminish.

The revised processes

72. As stated, the revised processes are, in essence, a more action / solution orientated approach with a clear focus on the outcome (being compliance). Processes are critical and importantly need to be followed in the right order so that:

- the complaint is understood (dissect it / determine the issues);
- officers determine how the problem can be solved;
- the person causing the issue has the opportunity of fixing the problem;
- expectations are set of what the process is (both parties);
- solutions are worked out and agreed; and
• the problem is solved promptly (hopefully by voluntary and cooperative compliance).

73. In summary, the process of the office is:

<table>
<thead>
<tr>
<th>General steps</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Log the complaint</strong></td>
</tr>
<tr>
<td>• register in the system</td>
</tr>
<tr>
<td>• the complainant is acknowledged</td>
</tr>
<tr>
<td><strong>Understand the complaint</strong></td>
</tr>
<tr>
<td>• contact the complaint to gain a fuller understanding of the issues</td>
</tr>
<tr>
<td>• dissect the complaint into the component parts</td>
</tr>
<tr>
<td>• verify an issue exists</td>
</tr>
<tr>
<td>NB. Expectations are set at this stage</td>
</tr>
<tr>
<td><strong>Understanding what tools exist</strong></td>
</tr>
<tr>
<td>• work out what provisions exist to tackle the problem (that is, are there relevant Planning Scheme clauses, planning permit conditions, liquor licence conditions) or none of these provisions</td>
</tr>
<tr>
<td><strong>Determine how to solve the problem</strong></td>
</tr>
<tr>
<td>• talk to the person causing the issue, explain the situation and seek compliance</td>
</tr>
<tr>
<td>• engage other ‘partners’ as necessary to investigate (eg Police, EPA)</td>
</tr>
<tr>
<td>• firm up evidence as required (best practice approaches required)</td>
</tr>
<tr>
<td><strong>Get to the outcome</strong></td>
</tr>
<tr>
<td>• seek voluntary compliance</td>
</tr>
<tr>
<td>• if not forthcoming then continue the process through <em>telling</em> and then <em>enforcing</em> (as required) to secure compliance</td>
</tr>
<tr>
<td>• ensure problem is solved</td>
</tr>
<tr>
<td>NB. If a recalcitrant operator then the process may be stepped more quickly</td>
</tr>
<tr>
<td><strong>Close out the complaint</strong></td>
</tr>
<tr>
<td>• advise the complainant the matter is resolved</td>
</tr>
<tr>
<td>• log resolution in system</td>
</tr>
<tr>
<td>• close out case</td>
</tr>
</tbody>
</table>

74. The process is shown in the attached flowchart.

75. Service levels are being refined as part of the current service planning processes and will be set as part of the overall refinements of the office procedures (including an office manual).

76. The Key Performance Indicator (KPI) that would chart improvements in achieving outcomes is that complaints are dealt with more timely and resolved faster.
Comparison of processes

77. These are outlined in the Attachment. It provides a commentary on the key steps and the previous and revised processes.

78. It is noted that the revised processes were first discussed with staff from approximately mid 2007 and have been progressively introduced – the roster of two staff began in July 2007, processes were workshopped over a period of months from October 07 to December 07 and the realignment of the office reporting lines occurred in early January, 2008. The revised processes are being progressively embedded into the office practices and with the Police. They need to be monitored to ensure they are producing results.

79. As stated the revised processes are specifically to improve timeliness of resolving complaints and to secure compliance more promptly.

80. These highlights of the revised processes are:

- improved after hours service to residents regarding music noise issues (24 / 7);
- Four officers rather than one officer on a roster system for after hours calls on specific items including music noise from premises;
- One officer not endeavouring to cover the whole seven days of urgent after hours calls;
- the venue operator is contacted much earlier and their obligations are clearly outlined;
- voluntary compliance is sought in all instances via early discussions with the venue operators;
- a stepped process is included to ensure compliance but with ample opportunity for venue operators to comply voluntarily;
- consistency in dealing with non complying venues;
- improved contact with complainant throughout processes;
- improved advocacy for residents to other agencies including Police;
- improved alliance and actions with Police to resolve issues;
- noise readings will be undertaken as required (for instance to firm up evidentiary requirements); and
- no further expenditure but improvements through realignment of tasks and focus of the office.

Economic Implications

81. The late night industry is an important aspect of the City of Yarra and its businesses including the tourism industry. Local amenity is, however, a critical aspect.

82. The late night economy needs to comply with regulations and provide the balance between business interests, tourists, visitors and residents.

Environmental Implications

83. Noise is a matter that needs to be managed initially by the premises – if it is excessive then investigations from agencies including the Council are required to bring the matter into compliance with the appropriate legislation.
Voluntary compliance is preferred and sought in the initial stages. If that cannot be achieved then enforcement processes are then used.

**Social Implications**

84. The night life economy is part of the cultural aspects of City of Yarra. Vibrancy of these areas is important in order that this culture is maintained – however, a balance is required amongst the culture, night life and residential and commercial amenity.

**Council Plan, Strategy and Policy Implications**

85. Seeking the balance between vibrant businesses within Yarra and the maintenance of amenity is a key Council action.

**Conclusion**

86. The revised arrangements for delivery of the Community Amenity services have been derived from management endeavours to:

- improve the service delivery to residents;
- link the correct agencies to deal with the various issues (advocacy);
- improve the problem solving ability of the office; and
- improve the turnaround times of achieving resolution of the complaint.

87. The specific reasons for the revised processes (drivers) have been to:

- improve service delivery (including after hours service);
- better match customer service expectations;
- improve responsiveness to complainants;
- improve resolution rates (solving the problem);
- improved efficiency of the office (by dealing with the matters within Council jurisdiction);
- advocate for those not under the Council jurisdiction; and to
- become more outcome orientated – ‘get results’.

88. From enquiries over a period of some months it became evident to senior management that:

- the office was heavily focussed on processes as distinct from outcomes;
- a number of issues had lengthy unresolved history;
- at times there was inadequate focus on specific aspects / issues;
- a strong solution orientated approach was not always evident;
- swift action was not obvious in many cases (slow resolution); and
- the workload of the office was growing due to lower closure rates than ideal and, as a result, not sustainable.

89. It was also clear that some cases were still not solved over time notwithstanding various and repeated requests for the non compliances to be rectified. This was resulting in:

- complainants not getting the required relief from the problem (causing angst); and
- the persons who were not complying were continuing to not comply (being rewarded).
90. Revised processes are being implemented progressively to improve the service along these lines – this is consistent with:

- good customer service / complaint resolution principles;
- good management / resource allocation principles;
- best practice principles;
- benchmarking principles;
- best value approaches; and
- Audit Committee approaches.

91. The two matrices provided in the December 2006 and the April 2007 reports to Council have previously highlighted that the Council does not have jurisdiction in all areas of ratepayers complaints – rather, Council needs to deal with the issues that it has the legislative power to deal with (within sites) and work with other agencies to secure compliance on matters in public places (that is, the Police, EPA etc).

92. The Community Amenity (enforcement) office is the conduit for initially dealing with complaints and then resolving issues in partnerships with the Police (that is, using Council jurisdiction and the Police using theirs in joint efforts). The office will continue to advocate for residents to the Police and other agencies but rely on those agencies to fulfil their obligations.

93. In this regard, Council management has arrangements with the local Police Inspector and Senior Sergeants of the three Police Stations to:

- partner in resolving the issues via the various jurisdictions;
- liaise with a view of solving issues; and
- adequately resolve the complaint.

94. The Community Amenity (enforcement) office has four officers to deal with the various liquor licence / planning enforcement matters. The arrangements in the Community Amenity - enforcement office are that four officers are available on roster for after hours call outs on specific items (a four weekly cycle of one officer each week to take after hours calls).

95. The Community Amenity (enforcement) office does continue to deal with the noise / disturbance issues relating to complaints that are within Council’s jurisdiction (within premises). The office liaises with the Police to achieve their actions (off site issues).

96. Necessary noise readings are and will be undertaken as required at the specific targeted times to secure litigation (if necessary to solve the problem) – consultants provide this service (arrangements have been discussed with providers regarding availability, taking noise readings and giving evidence).

97. The new arrangements are being progressively implemented and improved in a process improvement manner – process mapping (flowcharting) is also currently occurring and service planning being consolidated.

98. The overall processes and procedures are being monitored and if further adjustments are required they will be pursued and followed through to maximise the service delivery and effectiveness and efficiency of the office.

99. The Victorian Police have also very recently announced the establishment of a Public Order / Licencing branch – this is a new portfolio for the inner city area, and
it is understood, will have a significant number of staff. This will provide an improved operational focus to deal with issues and solve problems.

**A possible framework for further Council consideration on the late night economy**

100. Various aspects of the liquor licence industry are under consideration by the Council, the organisation, other Councils and agencies and also the State Government.

101. A framework for Council to work within would be highly desirable so that the various aspects and considerations have a focus and seeking certain outcomes. A possible framework is as follows:

**Noise, disturbance and behavioural topics in the late night economy**

**Objective:**

To have a late night economy that provides a vibrant ambience to the City of Yarra but does not unreasonably disturb local residents and that is safe for all concerned.

**Strategies**

- To advocate for improved planning and liquor licence regime in which Councils can apply effective ‘controls’ to manage on site issues that can have offsite impacts (noise).

- To advocate for the Police to have sufficient resources to be able to manage the public areas in late night economy areas.

- To further develop strategic partnerships with the Police, Liquor Licence Victoria and other key agencies to deliver improved amenity to residents and safety for all persons.

- To enforce controls as necessary in a fair but firm manner and use timely processes to secure compliance of premises.

- To formulate and implement an alcohol management strategy and associated action plan.

**Action Plan**

To be developed

**RECOMMENDATION**

102. That Council note the report of the Director, City Development regarding Processes and Procedures relating to noise related issues.

103. That Council note the recommendations of the Inner City Entertainment Precinct Taskforce (ICEPT) and continue to work with other agencies to progress the implementation of these recommendations.
104. That Council monitor the operation of the revised system closely over the coming months to determine if increased resources are required to maintain the required service standards.

105. That Council trial the operation of noise management regarding premises through the use of consultant provided services, and review after a period of six months.

106. That Council receive update reports regarding the revised processes in the Community Amenity Quarterly reports.

107. That Council endorse the following framework for further consideration of the many related aspects of managing the late night economy

**Noise, disturbance and behavioural topics in the late night economy**

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- To enforce controls as necessary in a fair but firm manner and use timely processes to secure compliance of premises.
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**Action Plan**

To be developed

**CONTACT OFFICER:** Bruce Phillips  
**TITLE:** Director, City Development  
**TEL:** 5300

See Attachments
Attachment

Principles

- Allow Premises to operate within appropriate legislation
- Protect amenity from premises operating outside of appropriate legislation
- Investigation to be outcome focused in order to obtain compliance expediently
- Maintain an open dialogue with complainants and provide progress reports throughout resolution process
- Customer focused – both complainants and operators
- Daily enforcement officer meetings to discuss and inform colleagues of after hour’s complaints and venues moving from 1st complaint status to 2nd complaint status etc.
- Proactive inspections
  - Proactive ‘after hours’ inspections of “known” premises that operate outside of guidelines and officers have been unable to confirm complaint by normal procedure, such as, when the noise has ceased before officer arrives.
If Complainant rings 9205 5099 (phone diverted to after hours on call officer)

Complainant speaks with ‘on call’ Council Officer and reports complaint

If FIRST complaint, Officer immediately rings venue to seek resolution, if not addressed, Officer calls Police on complainant’s behalf. Police attend to reduce music volume

Next Working Day
- Officer contacts complainant and Police
- Officer contacts venue operator and advise of complaint

If SECOND complaint, Officer attends complainants premise and confirms non-compliance. Next working day informs operator and issue PIN with prescribed remedial action to

Cooperative Compliance obtained within approved timeframe?

If THIRD complaint, Officer attends complainants premise and confirms non-compliance. Next working day informs operator and issues second PIN with prescribed remedial action.

Confirms in writing any further non compliance will see the enforcement action escalate. Acoustic engineer put on standby

Cooperative Compliance obtained within approved timeframe?

If FOURTH non-compliance, officer attend as per above; next working day venue operator fines will be withdrawn and commence proceedings in Magistrate’s Court.

Application under Section 90 & 95 of Liquor Control Reform Act to alter, suspend or cancel liquor licence (via VCAT)

Voluntary compliance sought/obtained within approved timeframe?

NO

YES

Acoustic engineer on standby

NO

YES

Application under Section 90 & 95 of Liquor Control Reform Act to alter, suspend or cancel liquor licence (via VCAT)

Planning and Environment Act
- Application for Enforcement Order before VCAT under Sect 114 to ensure compliance
- Application for declaration under Sect 149A – VCAT to rule on use
Comparison of processes regarding non complying liquor licence premises

(also see associated flowchart)

<table>
<thead>
<tr>
<th>Action</th>
<th>Previous Process</th>
<th>Revised Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of officers involved in responding to music noise complaints</td>
<td>1 officer when on duty</td>
<td>4 officers on a roster 24 hours 7 days a week</td>
</tr>
<tr>
<td>Number of officers involved in providing the ‘after hours’ response service for music noise</td>
<td>1 officer to deal with music noise and public behaviour requests. This officer worked on average 2 nights a week (mainly during the week) and worked a five day week. NB. Council does not have the authority to deal with public behaviour issues. 3 other officers were ‘on availability’ to deal with other issues and building site issues.</td>
<td>As of 1/7/07 a roster system has been in place providing 24 hours 7 day week ‘after hours’ service to residents. This has until February 2008 predominantly involved 2 staff – it now contains 4 staff.</td>
</tr>
<tr>
<td>How the initial complaint is dealt with</td>
<td>Resident rings Council’s ‘after hours’ call centre LINK who in turn rings the rostered officer of the 3 Officers who shared the ‘on availability’ duty. The Officer rings the complainant and they had the discretion to attend the call that night or wait until next working day. In 2006 officers attended 30 of the 330 calls received, the others were addressed the next working day. If the public behaviour officer was working that night and the call received by the officer ‘on availability’ involved music noise or public behaviour, the call was referred to the public behaviour officer for attention. If not, no action occurred that night. The public behaviour officer (if on duty) would attend and</td>
<td>As of 1/7/07 resident rings Council’s after hours call centre LINK, who in turn rings the rostered Council Officer ‘on availability’. Recently a further number has been allocated to enable complainants to ring the officer on call direct if it is music noise / public behaviour issue The officer rings the complainant, if the issue is music noise. If the first time reported or public behaviour issues, the officer contacts the police requesting: • they attend to have the music turned down (police have authority under the Environment Protection Act, Council doesn’t have this authority) and / or • address the public behaviour issues. NB. Council doesn’t have authority to deal with public behaviour</td>
</tr>
</tbody>
</table>
| Process after initial complaint | Council’s approach previously was that noise readings were required before enforcement action commenced.  
   
   In the majority of cases arrangements were made for acoustic noise readings to be taken. At times it was some weeks or months later before the premises were notified of the complaint and their need to comply.  
   
   This process resulted in issues being unresolved for long periods of time  
   
   An example: Case 1: music noise and illegal use had been reported to Council for 4 months and no action had been taken. This was bought to management’s attention by a Councillor in a Council meeting.  
   
   Case 2: music noise and public behaviour offences had been reported to Council for 3 months and no action had been taken nor referral to Police.  
   
   On both occasions the operator was not informed of their non compliance and thereby denied the opportunity to voluntarily comply. As a result they | The next working day the officer contacts the complainant and police to obtain further information.  
   
   The officer then contacts the operator and informs them of the complaint and the need for voluntary compliance with the relevant planning scheme, planning permit or liquor licence. This is then confirmed in writing.  
   
   The officer then contacts the complainant and informs them of the action taken and should the non compliance reoccur to call LINK and an officer will attend. |

| observe the non compliance; OH&S reasons he would not approach the operator. In the case of serious public behaviour, brawl, person unconscious on the street officer would contact police.  
   
   It is noted that the public behaviour officer was also receiving ‘after hours’ calls direct from residents whether he was working or not - this was an OH&S issue. If he was working he would attend and observe, if not on duty the issue was followed up at a later date.  
   
   Issues.  
   
   The officer attends ‘after hours’ matters involving,  
   - Music noise on the second non compliance  
   - building site noise  
   - dog attack (with dog still there)  
   - burning off (the last 2 dot points are a rarity)  
   
   Between 1/7/07 to date as a result of residents requests officers have attended at least 160 ‘after hours' site inspections |
<table>
<thead>
<tr>
<th>Continued to offend and the resident continued to endure the non compliance.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action taken on the second offence</strong></td>
</tr>
<tr>
<td>If this occurred on the following weekend, it was usual that noise readings had not been taken nor had the operator been informed at that point in time of their non compliance, thereby denying them the opportunity to voluntarily comply; and as a result, they continued to offend.</td>
</tr>
<tr>
<td>On the second non compliance, complainant rings LINK, officer contacts the complainant and then attends to confirm the non compliance. As in the previous process the officer (for OH&amp;S reasons) does not approach the operator. The officer may notify the Police to request they attend and seek to have the music turned down. The operator is notified the next working day, of the second non compliance. If there is a relevant planning scheme or planning permit condition, a fine is issued ($1,100) with remedial action requiring the operator to comply. This is then confirmed in a letter with the fine that is issued the same week. This allows the operator the opportunity to comply.</td>
</tr>
<tr>
<td><strong>No Planning Control</strong></td>
</tr>
<tr>
<td>If there is no relevant planning control (this occurs in a very limited number of cases) the only legal action available to Council is via an application under Section 90 of Liquor Control Reform Act. The operator is informed personally and confirmed in writing that any further non compliance will result in Council gathering evidence to make an application. An acoustic engineer is engaged to be on ‘stand by’, the complainant is asked to contact LINK if the non compliance reoccurs and the officer will attend with the acoustic engineer who will take noise reading to commence the Sect 90 Application.</td>
</tr>
</tbody>
</table>
| Action taken on the third offence | On some occasions, proactive inspections and noise readings were taken within weeks of the initial offence. On these occasions the Public Behaviour Officer would attend with Council’s Noise Officer on the presumption that the operator would offend again.

or,

A data record may be installed into the complainant’s premise during the week and programmed to record the music noise over a particular night or weekend.

Once the readings were taken they were then analysed some weeks later (for example, reading taken on 20/4/07 were analysed on 6/6/07). This in itself extended to time frame for enforcement action to commence and compliance to be obtained.

Whilst both of these methods are an accepted practice, there was no guarantee that the premises would offend on that particular night, if they didn’t, the recordings were of no value and enforcement action was further delayed. Further proactive inspections were required to obtain the evidence to initiate enforcement action.

Mean while, in the majority of cases, the premises had not been informed of their non compliance, thereby denying them the opportunity to voluntarily comply. |
| Action taken on the fourth offence | Once a reading had been taken and analysed the operator was notified in a letter of the complaint and their non compliance and were invited to attend a meeting with staff. |
| On the third non compliance the complainant rings LINK, an officer attends and confirms the non compliance. The operator is contacted the next working day and informed of the non compliance and a second fine ($1,100) will be issued with the remedial action requirement that they comply. The operator is informed that any further non compliance will result in both fines being withdrawn and all matters proceeding to the Magistrates’ Court where the maximum penalty is $120,000 per offence. This is then confirmed in writing. An acoustic engineer is then engaged to be on ‘stand by’. The complainant is informed of the action taken by Council and to ring LINK should there be a further non compliance and the officer will attend with the acoustic engineer to take noise readings. |

No planning controls

On the third occasion the officer attends with the acoustic engineer who takes noise readings, and provides a report to Council management within the week.

Since 1/11/07 to date, the acoustic engineer has not been required to be on stand by. |
If the operator attended they were informed of the need for compliance with the relevant legislation. If they didn’t attend there was at times little follow up.

In either instance if the operator re-offended fines may be issued without further notification. There was no set process to the issuing of fines. On occasions operators repeatedly offended several months before the first fine was issued and on other occasions fines were issued on the next occasion and for the next two consecutive weekends without consultation with the operator.

Operator is informed the next working day that both fines have been withdrawn and they will receive a summons to appear in the Magistrates’ Court to answer all three charges. The operator is also informed that any further non compliance will result in extra charges being heard at the Magistrates’ Court and Council making application for a Section 90 under the Liquor Control Reform Act, for their liquor licence to be altered, suspended or cancelled.

**Since implementing this process Council has not had to take noise readings nor make a Section 90 Application to obtain compliance.**

| Time taken to achieve compliance (data obtained from *Proclaim*, Council’s property based recording system) | Prior to June 2006 music noise issues were not recorded on *Proclaim*.  
In case 3, which was on going for 5 years, 11 noise readings were taken in 2006/07 alone.  
In Case 4 the complaint was first received in 17/1/06 regarding equipment and music noise. By 12/8/07, 7 noise readings had been taken and the premise was still non compliant. | All noise issues involving licenced premises remain open and on the active list for at least 90 days. If a second offence is reported during this time the above process is activated. No issue is closed until compliance is obtained.  
For example: a recent issue with a Hotel from initial report to obtaining compliance took 21 days. This issue will remain on the active list for 90 days to ensure compliance maintained.  
Accuracy of data will improve by up skilling officers on the process and date entry and via the process mapping currently underway as part of the CITY Project. |
|---|---|---|
| Music noise request reported to Council. | 2006/07 a total of 259 received via:  
LINK ‘after hours’ service 34  
Direct to Council 225 (direct to officer or next working day)  
Early in 2007 Council was monitoring 160 licenced | 2007/08 (to date) total of 203 received via:  
LINK ‘after hours’ service 85  
Direct to Council 118 (direct to officer or next working day)  
Currently Council is monitoring 28 licenced premises of which 6 have re-offended and fines issued |
| Acoustic reading taken                                                                 | In all cases multiple readings were taken and analysed, resulting in delays in instigating enforcement action. Noise readings were obtained over an extended period of time, in the case of, • Case 3: (7 noise readings taken in 19 months) • Case 4: (ongoing for 5 years with 11 noise readings taken in 2006/07) Equipment noise issues at, • Case 5 (on going for nearly 2 years) • Case 6 (on going for nearly 2 years). In many cases the statute of limitation (12 months) had expired with no enforcement action having been taken. New readings were required to be presented in court. | Acoustic readings taken as required. In the majority of Council cases, the offence committed is the breaching of the amenity provisions under the planning scheme, planning permit or liquor licence. For the offence to be proven (complete) it must be proven the complainant’s amenity is detrimentally affected, therefore the complainant’s statement is critical in proving the offence; any noise readings and officer observations only support this evidence. If the planning permit or liquor licence contains a condition that specified compliance with SEPP N1 and SEPP N2, then noise readings are required to prove the offence. For any prosecution by Council to be successfully, Council would need to prove that someone’s amenity was detrimentally affected by the noise. |
| Acoustic evidence given in Magistrates’ Court and VCAT | In 4.5 years Council’s Noise Officer gave evidence in a total of 10 cases at the Magistrates’ Court and VCAT. | To date under this process no noise readings have been required to obtain voluntary compliance. |
| Cost to Council (See Officer report under Financial Implications) | | Acoustic consultant quote is $3,000 for noise readings, court reports and presentation of evidence |
| Response outcomes | • After hours services being provided was not 24 hours 7 days a week • Method of operation was process driven rather than outcome focused, resulting in premises often continuing to be non compliant for far too long (in some cases months and in extreme cases years. | • Residents provided with a 24 hours 7 days a week ‘after hours’ service • Quicker response resulting in quicker resolution time, in most cases within a week (of the 28 premises being monitored only 6 have re-offended and fined). • Correct authority dealing with |
- Process rewarded the wrong doer by not obtaining compliance expediently, while penalising the resident who had to live with the non compliance for extended period of time.
- Extended process resulted in extensive use of staff time for little or no result
- Proactive inspections do not always achieve desired results as officers do not known when premises will offend and complainant’s amenity needs to be affected for the offence to be proven (complete).

- the issue immediately therefore quicker resolution time
- Council officers using the most appropriate legislation to obtain compliance
- Process more defined, clearer and fair to all involved
- Officers only attend on site when premises non compliant therefore best use of resources
- Complainant and operator informed continually during the process
- Operator informed of the non compliance next working day, thereby given opportunity for voluntary compliance
- Fines are issued to operator on second and third non compliance again providing them the opportunity to comply
- On fourth non compliance, operator taken to Magistrates’ Court to obtain compliance
- Acoustic reading taken by a consultant when required, cost saving to Council.
What form of controls exist regarding premises?

When does a premise have restrictions?

1. It is important to understand the legislative base of liquor licence matters.

   A Planning Scheme provides an outline of what land uses and development are possible in certain ‘zones’. That is, land uses are either:

   - ‘as of right’ (meaning no planning permission required)
   - discretionary (planning permission required), or
   - prohibited

2. If a landuse is proposed in a zone where it is prescribed as discretionary then a planning application is required to be lodged, assessed, and if considered appropriate, a planning permit can be issued – these planning approvals include conditions but those must relate to the landuse under consideration and not for some other purpose.

   Typically, in relation to a licensed premises, the planning permission is for a restaurant, bar or hotel type of arrangement. These also require a liquor licence from Liquor Licence Victoria.

Types of licences

3. Liquor Licence Victoria issue various types of liquor licences – the main types are as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Licence</td>
<td>For hotels which enable packaged liquor to be purchased and taken away (bottle shop)</td>
</tr>
<tr>
<td>On Premises Licence</td>
<td>Restaurants – liquor cannot be taken off site (other than consistent with kerbside trading) Liquor cannot be brought to the premises but can be purchased on site for consumption on site only</td>
</tr>
<tr>
<td>BYO Licence</td>
<td>Restaurants – liquor cannot be taken off site (other than consistent with kerbside trading) Liquor can be brought to the premises for consumption</td>
</tr>
</tbody>
</table>

Numbers of licences

4. From Liquor Licence Victoria statistics Yarra municipality has the following number of licences:

<table>
<thead>
<tr>
<th>Type of Liquor Licence</th>
<th>Number of licences in Yarra</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>113</td>
</tr>
</tbody>
</table>
### On Premises Licences

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Premises</td>
<td>323</td>
</tr>
<tr>
<td>BYO</td>
<td>87</td>
</tr>
<tr>
<td>Packaged</td>
<td>45</td>
</tr>
<tr>
<td>Pre retail and club licences</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>592</td>
</tr>
</tbody>
</table>

**Who enforces planning permits and liquor licences**

5. Planning permits are enforced by the local Council.

6. Liquor licences are enforced by the Victoria Police as the enforcement agency of Liquor Licence Victoria.

7. In practice the Council and the Victorian Police can both seek remedies via the section 90 procedures of the Liquor Control Reform Act – this can be a variation, suspension or cancellation of the liquor licence if it can be justified because of ongoing disturbances. A very strong case is, however, required for a cancellation to be successful at VCAT.

8. Three areas of legislation are relevant for Local Government regarding nuisance from a licenced premises - these are:
   - Planning and Environment Act
   - Liquor Control Reform Act
   - Environment Protection Act
   - Health Act

9. The Health Act may be used where no other provisions exist and where the noise is a ‘nuisance’ – this is, however, a more difficult matter to prove due to the legislative arrangements.

**Police jurisdictions**

10. The Police have the Summary Offences Act that relates to public disturbances in streets such as offensive behaviour and assaults. This also relates to within premises.

11. The Police also have the following powers for disturbances **within premises:**
   - Liquor Control Reform Act
   - Environment Protection Act

**Planning Scheme provisions**

12. It is important to note that **most** hotels in the City of Yarra have pre existing use rights in planning terms. That is, they existed prior to the introduction of planning controls in Victoria (1968) and hence have no planning control.
13. **All** licensed premises, however, are subject to Liquor Licence from Liquor Licence Victoria.

NB. Some hotels with ‘pre existing use rights’ may have planning permits for specific components of the hotel - for instance, an extension has occurred (dining area or bar) but the planning permit restrictions apply to that component and not the whole site in a retrospective manner.

14. Importantly, it must be recognised that each situation is different due to:

- whether or not the premises existed prior to the Planning Scheme (1968)
- the particular zoning of land and those provisions of the Yarra Planning Scheme
- whether or not it operates under a planning permit, and
- the liquor licence provisions and the liquor licence conditions.

That is, for enquiries and enforcement investigations each case must be carefully assessed, considered and determined so that the basis of the situation is clearly understood.

**Number of licenced premises in the City**

15. In Victoria, the number of licensed outlets has increased fivefold over the past 20 years.

![Graph showing the number of licensed alcohol outlets in Victoria from 1986 to 2006.](image)

*Source: Consumer Affairs Victoria*

16. Some 592 Licenced premises exist in the city comprising:
Comparision between Liquor Licence Types in Yarra* 2002 and 2006

17. There have been significant increases in packaged, limited and on-premises licences granted between 2002 and 2006. It is of not that the number of general licences, usually reserved for pubs, hotels have remained static across this period.

18. Between 2002 and 2006, there has been an overall increase in the number of liquor licences in all the 6 suburbs. Abbotsford (35.4%) and Richmond (34.2%) recorded the largest percentage increase in liquor licences. Whilst Fitzroy and Richmond had almost the same number of outlets in 2002, Richmond’s growth (34.2%) has outstripped that of Fitzroy’s (15.6%) to 2006.

19. The following graph shows the increase in licenced premises between 2002 and 2006.

Data is by postcode and contains all Yarra postcodes excluding Alphington. As such, this data may be a slight underestimate of the total numbers of licences in Yarra.
Revised focus of Community Amenity office

20. The office also needed a structure that enabled a sharper focus on the key result areas. As a consequence, discussions and workshops were held with staff in the later part of 2007 which concluded in a realignment of the Community Amenity office to create a sharper focus of the following components:

- Enforcement (Planning and Liquor Licensing)
- Local Laws and Animal management, and
- Systems and Business Support


21. Importantly, for the purpose of this report, the enforcement team (under the revised structure) has a specific focus with a coordinator of significant years experience to lead the team of 3 persons (4 in total). This structure provides a key focus on the enforcement issues which includes dealing with issues relating to liquor licence premises and planning non compliances.

This compares to the previous situation of 1 officer for licenced premises matters.

22. It is also noted that process mapping (flowcharting) is occurring across the organisation as part of the corporate improvement program so that improved
efficiency and effectiveness can be driven for enhanced customer service (the CITY project) – the Community Amenity Unit is currently in this process.

**Legal position regarding evidentiary material**

23. An important aspect is that in matters that need to go to the enforcement level (litigation) a complainants statement is required. It is important that a Magistrate is able to clearly understand the detriment occurring – this will impact on the level of action taken by the court in either determining if a prosecution should be issued and also to the level of penalty (fine etc).

24. In this context, it is important that a complainants amenity can be shown to be effected – this is a principle point.

In this context, *noise readings are not required in every inspection but required when necessary to:*

- confirm a nuisance, or
- to firm up evidence if litigation is necessary due to no voluntary compliance.

25. A *targeted approach* to noise readings is therefore appropriate to avoid delays in holding discussions with the management of the premises (specifically seeking voluntary compliance in the first instance). That is, initial discussion is required within a few days of the complaint rather than waiting on noise reading analysis which previously took some time due to back log of work as a result of taking noise reading much more frequently. This had previously led to protracted proceedings and much slower responsiveness and problem solving.

26. In summary, it is important to note that noise readings are an important aspect of the process but only to *prove up* the case at the necessary points.

*It is the complainants statements of unreasonable noise that are fundamental to the case. Where noise readings / acoustic analysis is required they will be undertaken.*
Letter from Chairperson to Minister

Dear Minister

I am pleased to submit to you the Final Report of the Inner City Entertainment Precincts Taskforce (ICEP) for your consideration.

This Report is the culmination of two years of work by the Taskforce which has involved extensive research and consultation with a broad range of stakeholders. Through this work it has been found that to effectively address the behavioural issues that have been identified as a concern in Melbourne’s inner city entertainment precincts, it is critical to also consider the social, built and physical environment. The broad scope, and complexity, of the issues that this has involved is reflected in the diversity of the Taskforce’s recommendations.

The Taskforce is pleased to report that it has found serious incidents in these areas to be rare and that significant efforts have been made by both licensees and the agencies responsible for the management of these areas to improve safety, security and amenity for both visitors and residents. In recognition of these important achievements to date, it is the view of the Taskforce that future efforts should focus as a priority on enhancing the capacity of Victoria’s planning system to manage both the number and type of licensed premises in Melbourne’s inner city entertainment precincts.

The Taskforce would like to both acknowledge and thank the many agencies and individuals that have supported its work, in particular those that took the time to make a submission in response to the Discussion Paper prepared by the Taskforce ‘A good night for all’. It would also like to recognise the work of the members of the ICEP Working Group, and of staff of Crime Prevention Victoria who were responsible for the provision of both secretariat and project management support.

Whilst the preparation of this Report has been a challenging undertaking for the Taskforce, we are confident that if adopted, these recommendations will make a significant contribution to ensuring that Melbourne’s inner city entertainment precincts remain safe and attractive environments for both visitors to, and residents of, these vibrant areas.

Tony Lupton MP
Member for Prahran
Chairperson ICEP Taskforce
Recommendations

**Behaviour impacts on safety and amenity**

**Recommendation 1 – CCTV Guidelines**
Guidelines should be prepared for the use of CCTV in public places, including entertainment precincts, which consider:

- How does CCTV work, both technically and as a crime prevention tool?
- Where is CCTV currently used?
- What are the advantages and disadvantages of CCTV?
- Is it an effective crime prevention tool? What evidence is available?
- How much does it cost to install?
- Who should bear the costs of CCTV?
- What is involved in designing a system and selecting appropriate equipment?
- How do you ensure that the privacy of individuals is protected?
- How do you effectively manage a CCTV program? What skills and expertise are required?
- What types of costs will be incurred to effectively manage the program?
- Who are the key stakeholders that you need to get on board to make the program work?
- How do you evaluate the program?

Responsibility: Crime Prevention Victoria

**Recommendation 2 – Minimum recording system standards for security cameras in licensed venues**
Minimum surveillance recording system standards should be developed for security cameras in licensed venues.

The standards should be sensitive to the practical costs of installation, maintenance and upgrading.

Responsibility: Director of Liquor Licensing

**Mixed use development**

**Recommendation 3 – VPP restaurant ‘as of right’ provisions**
The VPP provisions which enable the establishment of restaurants ‘as of right’ in the Business 1 zone should be changed to give councils the option to manage situations where a restaurant has potential to generate amenity impacts. This may include the establishment of amenity thresholds for:

- noise sources and levels (including outdoor activity and music)
- hours of operation; and
- proximity to a residential zone

that determine the circumstances when a permit is required.

These would be complemented by decision guidelines to support the assessment of permit applications - including consideration of cumulative impacts, (see recommendation 6).

Responsibility: Department of Sustainability and Environment
**Recommendation 4 - IMAP**
The ICEP initiative should support and inform the work of the Inner Melbourne Action Plan (IMAP) Project.

Responsibility: Crime Prevention Victoria

**Recommendation 5 - Planning tools to enable councils to effectively manage cumulative impact**
The Department of Sustainability and Environment should amend the VPPs to introduce performance based decision guidelines to enable councils to effectively manage specific amenity issues that contribute to cumulative impact.

Decision guidelines could consider:
- Noise impact, including measures for the management of noise in both licensed premises and new residential development
- Impact of hours of operation
- The number of patrons in the entertainment precinct
- Existing and past trends in type and mix of licensed premises
- Proximity of residual uses (actual and planned)

Relevant amendments to State planning policy should be considered to ensure that ‘cumulative impact’ is recognised as a valid amenity based consideration and that local planning policies stand up in VCAT.

Responsibility: Department of Sustainability and Environment

**Recommendation 6 - Review of definitions in planning scheme and liquor licensing regulatory frameworks**
Uniform and consistent definitions should be developed and applied to licensed premises under the Victoria Planning Provisions and the Liquor Control Reform Act 1998 to ensure consistency.

Responsibility: Department of Sustainability and Environment & Director of Liquor Licensing

**Recommendation 7 - A uniform set of conditions for both liquor licences and planning permits**
A uniform set of standard conditions should be developed for application on both planning permits and liquor licences. Conditions would relate to, but not be limited to:
- Hours of operation
- Patron and music noise
- Patron numbers
- Rubbish storage and removal
- Other noise (including that generated from outside areas and from internal areas through open windows or glass sliding doors)

Responsibility: Department of Sustainability and Environment & Director of Liquor Licensing

**Recommendation 8 - Information material on planning permit and liquor licence processes for licensed venues**
Information material should be prepared which provides a clear and concise overview of the planning permit and liquor licence processes for licensed venues, including opportunities for participation, and ensure that such information is fully accessible to all stakeholders

Responsibility: Director of Liquor Licensing & Municipal Association of Victoria
**Recommendation 9** - Review the use of building standards for the identification of venue patron number capacities

The effectiveness of the use of the requirements of the Building Code of Australia (BCA) to identify the appropriate number of patrons for a venue should be assessed and if necessary, alternative measures investigated to ensure that safety and amenity issues are appropriately considered.

Responsibility: Department of Sustainability and Environment

**Recommendation 10** - Noise

Best management guidelines for patron behaviour in open areas of a venue should be prepared.

Responsibility: Crime Prevention Victoria in consultation with relevant agencies

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**Planning and licensing enforcement**

**Recommendation 11** - Enforcement Protocols

Enforcement Protocols should be developed which define the responsibilities of both Victoria Police and councils in relation to planning permits and liquor licences. The Protocols should define the roles and responsibilities of each agency, and identify specific communication mechanisms and agreed responses between each agency.

Responsibility: Victoria Police & councils

**Recommendation 12** - Information for stakeholders about the mechanisms available for raising complaints or concerns regarding the operation of licensed premises

Information material should be prepared that provides a clear and concise overview of the planning permit and liquor licence enforcement processes for licensed venues, including how people can raise concerns or make complaints, and ensure that such information is fully accessible to all stakeholders.

The material should consider noise impacts and other enforcement processes that may be of relevance such as the Health Act nuisance provisions and Local Laws.

Responsibility: Consumer Affairs Victoria-Liquor Licensing, Victoria Police & councils

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**Licensed venue management**

**Recommendation 13** - Review of RSA training

Consideration be given to a review of RSA training. The review could consider who should receive compulsory training, define intoxication and consider what type of strategies may be required to support the implementation and maintenance of RSA guidelines among management and staff.

Responsibility: Director of Liquor Licensing
Recommendation 14 - Design and Construction Guidelines for Licensed Premises

Best practice guidelines should be prepared to inform the construction and design of licensed premises. The guidelines should consider the key design elements that increase the risk of antisocial behaviour and violence occurring such as lack of comfort and overcrowding and techniques for managing noise internally.

Responsibility: Crime Prevention Victoria

Recommendation 15 - Licensee and Manager Accountability

A requirement should be introduced for managers of licensed venues to be licensed.

Responsibility: Director of Liquor Licensing

Recommendation 16 - Audit/risk Assessment Tool

An appropriate audit/risk assessment tool should be developed to assist licensees in their assessment and minimization of a range of risk factors for anti-social behaviour in venues.

Responsibility: Crime Prevention Victoria

Recommendation 17 - Incentives strategy to encourage licensee participation in forums and accords

A working group should be established comprising key stakeholder representatives from councils, CAV-LL, police and licensees to develop a strategy to identify and provide meaningful incentives to encourage licensee participation in forums and accords.


Recommendation 18 - Protocols between the security industry and Victoria Police

Protocols should be developed that clearly identify the roles and responsibilities of both crowd controllers and Victoria Police when addressing incidents in and around licensed venues.

Responsibility: Victoria Police/Security Industry Partnership Committee (POLSEC)

Public and private transport

Recommendation 19 - Inner City Safe City Taxi Ranks Program

Support the establishment of an Inner City Safe City Taxi Ranks Program across the Cities of Melbourne, Stonnington, Port Phillip and Yarra. This would involve an increase in the number and profile of the Ranks in all entertainment precincts and marketing under a consistent brand to maximise exposure.

Responsibility: Councils in consultation with the Taxi Directorate

Recommendation 20 - Review of late night public transport services

A review should be undertaken of the demand for, and costs and benefits of, late night public transport services operating on Friday and Saturday nights to assist people to depart from entertainment precincts with a view to altering existing or providing additional services.

Responsibility: Department of Infrastructure
Recommendation 21 - Late Night Transport Communications Plan
A Late Night Transport Communications Plan should be developed and implemented to provide information about available late night transport including the Inner City Safe City Taxi Ranks Program.

Responsibility: Metlink and councils

Recommendation 22 - Measures to Reduce Traffic Congestion
Measures to reduce the potential audience that may be a contributing factor to the congestion problems experienced in the streets of some entertainment precincts should be encouraged. This may include support for the removal of street café tables after 11pm where recommended by relevant authorities.

Responsibility: Councils and Victoria Police

Recommendation 23 - Special Operations to Target Poor Driver Behaviour
Special operations undertaken by Victoria police to target poor driver behaviour, unsafe vehicles and vehicle emissions should be continued.

Responsibility: Councils and Victoria Police

Recommendation 24 - Legislation to Target ‘Hoon’ Driving Behaviour
The Taskforce supports and recommends the introduction of legislation to target ‘hoon’ driving behaviour which allows police to impound the vehicles of ‘hoons’ caught driving in an unsafe, anti-social and illegal manner.

Responsibility: Department of Justice

Recommendation 25 - Intoxicated Pedestrians
A web portal should be established to provide information to licensees forums and other agencies. This should include successful intoxicated pedestrian management approaches and strategies, relevant research and data and links to other relevant sites.

Responsibility: Consumer Affairs Victoria – Liquor Licensing

Perceptions

Recommendation 26 - Research to investigate who is attracted to different entertainment precincts and why
Research should be undertaken to investigate who is attracted to different entertainment precincts, the factors which attract people to specific precincts and the dynamics of those groups who patronise these areas.

It would also be useful to explore the circumstances in which crimes against the person occur in entertainment precincts and how they might be prevented.

Responsibility: Crime Prevention Victoria, Department of Victorian Communities & Victoria Police
Data

Recommendation 27 - Victoria Police Assault Reduction Strategy

Victoria Police should explore recurrent funding for the continued implementation of the Victoria Police Assault Reduction Strategy.

Responsibility: Victoria Police

Recommendation 28 - Working Group to Develop Data Collection Plan

A Working Group comprised of relevant stakeholder representatives should be established to develop a Data Collection Action Plan and Protocols for the sharing of data between agencies and should consider:
- the needs of different agencies in relation to crime statistics and how the data can be shared
- a sustainable methodology for perceptions of safety data, and
- baseline data required to contextualise planning applications to assist in the management of cumulative impact.

Responsibility: Crime Prevention Victoria
11.2 Councillor Attendance at Conference - Innovative Financing for Local Government Infrastructure

File: 25/20/01-02
Responsible Officer: Acting Manager Governance

Purpose

1. To retrospectively approve the attendance of Councillor D’Agostino at the Innovative Financing for Local Government Infrastructure Conference, held in Sydney on 12 to 13 March 2008.

Background

2. The conference will explore a range of issues relating to Local Government infrastructure, including:
   (a) innovative financing and debt management options;
   (b) structuring and management of partnerships with the private sector; and
   (c) environmentally sensitive infrastructure projects.

3. Speakers at the conference include:
   (a) Professor Percy Allan AM (Chair of the Inquiry into the Financial Sustainability of Local Government, NSW);
   (b) Greg Campbell (Partner Construction & Major Projects, Maddocks);
   (d) Christopher Brown (Deputy Chairman Infrastructure Partnerships Australia).

   (a) requires that attendance at interstate conferences shall be subject to approval of Council;
   (b) prescribes that Council shall meet the costs of registration, travel, accommodation and other necessary incidental expenses related to attending the conference; and
   (c) requires that a written report shall be presented to the Mayor and Councillors in respect of any conference at which the Council is represented within two months.

5. Council, at its meeting of 19 February 2008, approved the attendance of Cr Meadows at this conference. Subsequently, Cr D’Agostino expressed an interest in also attending, and so the Acting Chief Executive Officer, authorised Cr D’Agostino’s conference registration and travel arrangements.
Financial Implications

6. The Conference brochure outlines costs as follows:

(a) Registration: $970.00
(b) Travel & Accommodation: $560.00 (estimated)
(c) Incidental costs: $100.00 (estimated)
(d) TOTAL $1630.00

7. The Budget allocation for such expenses is $25,000 and year-to-date expenditure and commitments approximately $19,000.

RECOMMENDATION


CONTACT OFFICER: Roma O'Callaghan
TITLE: Manager People and Organisational Development
Acting Manager Governance
TEL: 9205 5058
12.1 Motion to Rescind – Notice of Motion No 2 of 2008

I, Councillor Paul D'Agostino, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

12.2 Logging in Catchment Areas – Notice of Motion No 3 of 2008

I, Councillor Jenny Farrar, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

That further to Council’s resolution of 9 September 2003, viz,

“1. That Council write to the Premier of Victoria, referring to his letter to households on conserving precious water resources, highlighting the negative impact of logging on water supply as set out in the report by Richard Hughes April 2003 entitled “The Impact of Logging on Water Yield and Victorian Water Supplies” and requesting that the State Government ensures there is no logging in upper catchment areas.

2. That Council report to the community, both its own plans for water saving measures and water saving measures for households in Yarra.”

Council:

(a) reiterate that having regard to:

   (i) the detrimental impact of ongoing water shortages on residents and ratepayers of Yarra;

   (ii) the impact which logging has on water yield in catchments;

   (iii) young re-growth trees needing more water to grow thus releasing less water into catchments;

   (iv) logging reducing stream flow and yields to water catchments;

   (v) the long period taken (up to 150 years) for water yields to return to their pre logged status; and

   (vi) the logging of water catchments adversely affecting water quality through increasing sediment as does road construction through logging coupes;

it is considered poor water management policy to continue to log in our water catchments, and therefore it does not support logging in water catchments; and

(b) write to the Premier of Victoria, Minister for Environment and the Minister for Water urging Government to consider a policy of no logging in water catchments.
I, Councillor Paul D'Agostino, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

1. That Council directs the increase to $800.00 per year for the fees for the following parking permits:

   (a) second and third Residential Parking Permits;

   (b) all Business Parking Permits.
I, Councillor Paul D’Agostino, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

1. That Council directs the installation of parking ticket machines/meters to be installed consistent with the existing parking restrictions at the following locations:
   (a) Best Street, North Fitzroy between Scotchmer Streets and St Georges Road; and
   (b) Smith Street, Fitzroy between Johnson Street and Alexandria Parade.

2. That Council officers are to monitor the implementation of the paid parking and ensure that:
   (a) local residents are informed;
   (b) local residents are provided with information on how to apply for permit parking; and
   (c) demand for parking on adjoining streets is monitored for requirements for further paid parking or restrictions.
12.5 Pedestrianisation of Brunswick Street – Notice of Motion No 6 of 2008

I, Councillor Paul D’Agostino, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

1. That Council directs the development of a plan for the pedestrianisation of Brunswick Street between Westgarth Street and Johnson Street, Fitzroy.

   (a) The plan is to include:

   (i) consultation and communication with local residents, businesses and other stakeholders;

   (ii) any required changes to traffic directions for cross streets and parking restrictions and permits for cross streets;

   (iii) an outline business case and budget for the implementation of the plan including economic impact; and

   (iv) the outline schedule and high level milestones for the phased implementation of the plan.

   (b) The plan shall have as an objective:

   (i) “To close Brunswick Street to vehicle traffic.”

   (c) The plan shall address the following issues:

   (i) disabled parking;

   (ii) commercial loading zones;

   (iii) future tram stops developments;

   (iv) what limited traffic (if any) should be allowed and when;

   (iv) infrastructure issues such as drainage; and

   (vi) bike lanes.

   (d) The plan shall include:

   (i) an avenue of street trees in outstand garden beds; and
(ii) prospective locations for kerb extensions for:

(a) pedestrian seating;
(b) public art;
(c) community use (e.g. speakers’ corners, public notices etc);
(d) garden beds; and
(e) footpath trading.

(e) Council officers advise when the plan could be completed and what provision would be required in the Council budget and 10 year financial plan.
12.6 Reinstatement of Open Space in Park Street – Notice of Motion No 7 of 2008

I, Councillor Paul D’Agostino, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

1. That Council return the parking on the north side of Park Street near the east side of Nicholson Street North Fitzroy to public open space as part of the Linear Reserve and that cost of works to be included in the draft 2008/09 budget.
12.7 Employment of East Timorese – Notice of Motion No 8 of 2008

I, Councillor Paul D'Agostino, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 18 March 2008:

1. That Council requests a report on the employment of East Timorese by the Yarra City Council including:

   (a) the form and structure of employment to satisfy immigration regulations;

   (b) options for employing East Timorese under working visa regulations;

   (c) using existing budgeted FTE positions for the full or part-time employment;

   (d) costs for establishing and operating the program; and

   (e) education and training institutions that could assist with the program.
14. Confidential business reports

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

**Recommendation**

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
   
   (a) contractual matters; and  
   
   (b) matter prejudicial to Council and/or a third party.

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.