

**Management report to Council**

**Agenda item 6.2**

**Raffa Place, Carlton - Proposed Permanent Closure 7am to 4pm Monday to Sunday**

**Council**

**Presenter:** Geoff Robinson, Manager Engineering Services

**26 April 2016**

**Purpose and background**

1. The purpose of this report is to seek a decision from Council in response to a proposal for the introduction of a midblock permanent closure of Raffa Place, east of Cochrane Place, operative between 7am and 4pm Monday to Sunday (the Proposal). Details are shown on drawing No. 8P2222 in Attachment 3.
2. The proposal is in response to a request from the operators of *The Vertue of the Coffee Drink* cafe located at the eastern end of Raffa Place for a permanent midblock closure of Raffa Place in order to improve safety and amenity for customers accessing the business. The closure would also facilitate possible outdoor dining.
3. Under section 223 of the *Local Government Act 1989 ('Act')*, the Proposal was publicly advertised in "The Age" newspaper on 3 December 2015 (Attachment 4), and on Council's website. Notices were sent out to affected property owners and occupiers in December 2015 (Attachment 5). A total of three submissions were received, one opposed to the Proposal and two in support. These submissions have been summarised and commented on in Attachment 6. Council's Submissions (Section 223) Committee convened on 18 February 2016 to address all submissions. At the resumption of the Submissions Committee meeting on 25 February 2016, the Committee recommended that Council approve the introduction of the permanent midblock closure in Raffa Place.

**Key issues**

4. Raffa Place is a local road under the care and management of the Council.
5. The proposal involves the installation of removable bollards to effect the permanent closure of Raffa Place between 7am and 4pm Monday to Sunday, and signage to alert road users to the vehicular access restriction.
6. As part of the legal procedures undertaken for the proposed permanent closure of Raffa Place, a report was sought and obtained from VicRoads on the matter. VicRoads has advised that it has no objections to the Proposal (Attachment 7).
7. The Council's Health and Wellbeing Branch has advised that there are no issues with the establishment of an outdoor dining area in the vicinity of Lygon Court's enclosed bin storage area.

**Recommendation from management**

8. That Council:
  - 8.1. Approves the placing and maintaining of obstructions or barriers to block or restrict the passage or access of all vehicles to the eastern end of Raffa Place between 7am and 4pm Monday to Sunday, as proposed by public notice given on 3 December 2015 and for the reasons in the Submissions (Section 223) Committee recommendation at Attachment 2.
  - 8.2. Notifies all submitters in writing of its decision and the reasons for its decision.

**Attachments:**

1. Supporting Attachment
2. Detailed background, key issues and submissions committee resolution
3. Submissions
4. Newspaper advertisement
5. Letter to property Occupiers
6. Submissions
7. VicRoads Report

**Supporting Attachment**

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**Legal**

1. The proposal to place obstructions or barriers is pursuant to Council's powers in Clause 9 of schedule 11 and section 207 of the *Act* and has been carried out in accordance with the requirements in sections 207A and 223 of the *Act*.

**Finance**

2. The overall project cost, which includes the installation of new permanent bollards and changes to advisory signage, has been estimated at \$5000 and will be funded from the Civil Infrastructure Services Operating Budget 2015/2016.

**Conflict of interest**

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

**Stakeholder consultation**

4. In addition to the informal consultation undertaken by the applicant with property owners and occupiers abutting Raffa Place, the consultation process also involved the administration:
  - 4.1. Advertising of the proposal in *The Age* on 3 December 2015 and also on Council's website.
  - 4.2. Sending a letter to the owners and occupiers of abutting properties advising that Council is undertaking legal procedures under the *Act* related to the proposal and is seeking submissions.
  - 4.3. Meeting with representatives from Lygon Court and The Vertue of the Coffee Drink café to discuss the permanent closure proposal.

**Relation to Council policy**

5. The proposed introduction of the midblock permanent closure in Raffa Place between 7am and 4pm Monday to Sunday is in line with Section 4.1.1 of Council's Road Safety Plan 2013-2017, which promotes the improvement of pedestrian amenity and safety in areas of high pedestrian usage.
6. The proposed introduction of the closure is in line with Section 3 of Council's Transport Strategy 2012 which promotes the creation of a pleasant urban environment for people to dwell, to stop and sit, to interact and to socialise.

**Environmental sustainability**

7. This proposal has no significant impact on environmental sustainability.

## Detailed background, key issues and submissions committee resolution

### Detailed Background

1. Raffa Place and Cochrane Place are local roads under the care and management of the Melbourne City Council. Raffa Place is a cul-de-sac running in an east-west course off the east side of Cochrane Place.
2. The length of Raffa Place is 16 metres and its width is 2.5 metres. The laneway does not feature parking control signage. However, under the *Road Safety Road Rules 2009*, it is deemed a statutory No Stopping area as its width provides insufficient room for another vehicle to pass.
3. Land use abutting Raffa Place comprises the Lygon Court Shopping Centre off the south of the laneway and a residential property to the north. The eastern end of Raffa Place connects to a commercial property that is trading as The Vertue of the Coffee Drink café.
4. The section of Raffa Place east of the proposed closure point does not provide any vehicular access to the abutting properties. However observations indicate that it is sometimes occupied by illegally parked vehicles.

### Detailed Key Issues

5. Engineering Services waste services team has offered no objections to the Proposal as street sweepers, if required, will be able to gain access between the bollards used to effect the closure.
6. The operators of The Vertue of the Coffee Drink café and the owner of that property have written in support of the permanent closure.
7. Lygon Court Shopping Centre's lawyers wrote in to oppose the proposed closure on grounds that the establishment of an outdoor dining area in Raffa Place adjacent to Lygon Court's bin storage area could lead to unfair and unnecessary complaints about odour against Lygon Court.
8. Lygon Court Shopping Centre also challenged Council's legal authority to install obstructions to facilitate closure of the laneway.
9. Lygon Court Shopping Centre expressed concern that the proposed closure could make it difficult for their waste management company to clear their compactors from the bin storage area; however the waste collection company has advised that their vehicles collect waste from Cochrane Place and not Raffa Place.

### Submissions Committee resolution and recommendation

10. Having considered all written submissions in relation to the proposal and all persons wishing to be heard in support of their submissions having been given an opportunity to be heard, approve the proposal to place and maintain obstructions or barriers to block the passage or access of vehicles to the eastern section of Raffa Place, Carlton between 7am and 4pm Monday to Sunday for the reasons that:
  - 10.1. The closure will improve the safety and amenity of the laneway and its use by customers accessing the business at 8 Raffa Place.
  - 10.2. The closure will facilitate outdoor dining.

- 10.3. Any issues in respect to the operation of outdoor dining can be managed as part of the outdoor café permit process.
  - 10.4. The proposal will not impact on waste collection as Raffa Place is too narrow to be used for that purpose.
  - 10.5. The objection to the proposal on the basis it is outside of the powers of the Council is rejected as the proposal is permanent and noting that the Council could implement the proposal using the powers contained in the Road Safety (Traffic Management) Regulations 2009 and clause 8 of schedule 11 of the *Local Government Act 1989* (Act) but has always used clause 9 of schedule 11 of the Act in the interests of transparency as the latter requires a public notice and submission process.
11. Notify in writing every person who has lodged a separate submission of the decision and reasons for the decision.



**BESTHOOPER**  
LAWYERS

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Principal: John Cicero  
Our Ref: JDC:JDM:151558

8 January 2016

Melbourne City Council  
GPO Box 1603  
Melbourne VIC 3001

*and via email [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)*

Dear Sir/Madam,

**Raffa Place, Carlton - Proposed Intermittent Closure**

We act on behalf of Lygon Court Pty Ltd, which is part of the Banco Group of Companies ("Banco"). As you may be aware, our client is the registered proprietor of Lygon Court which is probably the largest retail development in Lygon Street. It comprises of 26 tenancies including Cinema Nova, which runs 16 screens and a cinema bar. Some of the other tenancies are food and drink premises and entertainment venues which operate late into the evening.

Apart from Brunetti's and Woolworths, all of the other tenancies rely upon the waste disposal facilities that are accessed off Cochrane and Raffa Place. The area that comprises the waste disposal facilities is the back of house of Lygon Court and currently has, as its immediate interface, a Shell Petrol Station, at grade car parking and the car park entry into Lygon Court. Waste from this area is collected on a regular basis at all hours of the day and evening.

Immediately, to the north, there is a building which appears to be used for residential purposes, but to the north of that is an auto electrical facility. It is not an area which generates significant or even moderate pedestrian movements and none of the lanes provides connectivity to Lygon, Faraday or Cardigan Streets.

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**BEST HOOPER PTY LTD**  
ACN 137 307 692

Recently, a café has opened at the end of Raffa Place and the only access to the café is from Cochrane and then Raffa Place.

As appears from your letter the Council is considering a closure of Raffa Place between 7am and 4pm at the location shown on the plan. The reason for such closure is said to be to:

*"Facilitate possible future outdoor dining including the setting up of tables and chairs during the closure period by the café that has recently established at the end of Raffa Place. In your letter you refer to this action being part of the commencement of "legal procedures" pursuant to the Local Government Act 1989..."*

You do not specify which provision or provisions in the *Local Government Act 1989* ("the Act") the Council says empowers it to give effect to the closure as proposed. We assume that the Council is seeking to rely upon its powers under either Schedule 10 or Schedule 11 to the Act.

In our submission, Council does not have the power under Schedule 10 to implement the proposed closure. Under that Schedule, it has the power to discontinue roads, deviate roads, narrow or widen roads, fix road alignments and other more specific powers but none in our submission, would extend to enable the Council to close the road as proposed.

This brings us to Schedule 11. We have looked at Clause 7 of that Schedule. Under this Clause, clearly there needs to be a nexus between events occurring on a seasonal basis and the road closure. For example, over summer, it might be appropriate for a Council using this power to close part of a road to facilitate access to a beach or foreshore.

Under Clause 8, a Council may erect and remove any works or structures:

- a. To protect passengers, pedestrians and drivers on a road; or
- b. To regulate traffic on the road.

Clearly, the erection of the bollards proposed to give effect to the intended closure is not for the purpose of regulating traffic on a road or protecting passengers, pedestrians or drivers on a road. The power is being exercised to deliver, effectively, a commercial advantage to premises which have access to that road.

Clause 9 is a broader power enabling the Council to place obstructions or barriers on a road permanently. This is not applicable in this case as the obstructions or barriers are not proposed to be on a permanent basis.

Clause 10 enables the Council to place obstructions or barriers on a road temporarily, but it can only do so if any one of the three circumstances applies. Those circumstances are:

"...

- a) *For as long as is necessary to prevent any injury to any personal damage to any property (including damage to the road itself); or*
- b) *For as long as is necessary for a procession, public ceremony or function;*  
*or*
- c) *For a genuine traffic diversion experiment..."*

In the last of the nominated circumstances, it can only do so if it has first considered a report from the Roads Corporation. Clearly, what is intended by the Council would not fall within any of those three categories. We would therefore request that Council indicate specifically what provision in the Act it relies upon to give effect to the proposed closure were it minded to do so after considering these submissions. Absent being satisfied that the Council has in fact such a power, our client's position is, that what is proposed by the Council is beyond its power.

In the alternative, it is our client's submission that the Council should, assuming it has the power, decline to exercise it for the following reasons.

- a. In arriving at its decision in this matter, it must balance the interest of all parties that may be potentially affected by such closure.
- b. Clearly our client would be the most effected by the closure for a number of reasons.
- c. Firstly, the closure would restrict its ability to access the rear of its property and would make the collection of waste much more difficult by not being able to use that part of the road proposed to be closed.
- d. Although our client makes every reasonable effort to keep tidy and clean, the waste disposal area, nevertheless, given the nature of the use and bins stored they are

- visually prominent. At times, depending upon what is placed in the waste disposal bins by its tenants (which is largely outside of the control of our client) that waste disposal area could also emit odour.
- e. An outdoor dining area adjacent to such facilities, would undoubtedly cause conflict with the users of the waste facility. Council should not be making a decision which our client says would result in such conflicts.
  - f. Our client is not the "*agent of change*". Lygon Court has been part of the institution of Lygon Street for a number of years and provides a valuable asset to advance the policies that the Council has for Lygon Street as a food, entertainment and retail area. The Council should not be making a decision which would, in any way, jeopardise the operation of such an important facility to the area.
  - g. The dis-benefits therefore that would arise for our client are far greater than any benefit that might be derived from the café being able to, on occasions, have outdoor dining in an area which, it is submitted, is not an attractive environment for outdoor dining.
  - h. Accordingly, our client's strong position is that Council should abandon its proposed closure even if it had the power to do so.

Yours faithfully  
**BEST HOOPER**

**John Cicero**  
Principal





**CITY OF MELBOURNE**

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19 January 2016

Mr John Cicero  
Principal  
Best Hooper Lawyers

By Email: [jcicero@besthooper.com.au](mailto:jcicero@besthooper.com.au)

Dear Mr Cicero

**RAFFA PLACE, CARLTON  
PROPOSED MID-BLOCK CLOSURE BETWEEN 7AM AND 4PM MONDAY TO SUNDAY**

Thank you for your letter dated 8 January 2016 enquiring about the authority the City of Melbourne has in implementing the proposed mid-block closure.

The City of Melbourne writes to clarify that the proposal will be a permanent closure between the proposed hours through the placement and removal of barriers on an ongoing basis. This is in line with the road closure provisions of the Local Government Act 1989 (the Act).

In respect to the power to carry out the proposal, this is in clause 9 of schedule 11 of the Act on the basis that the proposal will be permanent through the Council placing and maintaining barriers between the relevant hours on an ongoing basis. The reference to "intermittent" in my letter was to the impact of the proposal in that the barriers or obstructions would be removed each day. I apologise for not making this clear in my letter.

The Council's Submissions (Section 223) Committee will meet at 3pm on Thursday 18 February 2016, in the Melbourne Town Hall Administration Building, Swanston Street, Melbourne to discuss all submissions regarding this proposal. Please advise if you would like to be heard in support of your submission.

Should you have any further queries, please contact Mr Joel Wee on 9658 8582.

Yours sincerely

**Haig Poulson**  
Principal Engineer – Traffic Engineering

CoM reference

DM # 9651319  
SR 3203148

Jess Cracknell

To whom it may concern;

My name is Jess Cracknell and my husband, Mike Cracknell, is the sole owner of The Vertue of the Coffee Drink. We are writing in support of the permanent road closure of Raffa Place, Carlton to vehicular traffic between 7am and 4pm Monday to Sunday and would appreciate the opportunity to speak in support of the proposal at the Town Hall meeting on Thursday 18th February, 2016.

We are a small business that has been in operation since February 2015. Our café is located at the end of Raffa Place and we are seeking to put 4 tables, corresponding chairs, stools and umbrellas outside our café entrance on Raffa Place. We have attached photos showing the proposed furniture and set up to our original email. We are the only property situated on Raffa Place and have two abutting properties, one on either side of Raffa Place. The landlord and tenants of 2 Cochrane Place support our proposal and I have attached their written support.

Cochrane Place can be accessed from Elgin St. It runs beside the Shell Service Station, has Jobson Electronics on one side, followed by 1 & 2 Cochrane Place (Residential) and terminates at Lygon Court. Cochrane Place is used by rubbish trucks outside of our trading hours to access the rubbish area of Lygon Court.

Raffa Place is accessed by turning left from Cochrane Place, immediately after passing 1 & 2 Cochrane Place and before reaching Lygon Court. Raffa Place is approximately 18m long. We are situated at the far end and this is our only entrance. Stretching down the entire left hand side of Raffa Place is the boundary of 2 Cochrane Place. The first approximately 11m on the right hand side is open and is where Lygon Court store their bins. The remaining 7m on the right hand side (immediately outside our entrance) is a solid wall with no access through it (no doorways, no driveways, no gateways).

The proposed tables and chairs would be placed on this 7m of Raffa Place from our entrance to the edge of the solid wall running along the right hand side of Raffa Place. This space is not accessed by any vehicular traffic and the only pedestrian access required is to access our business directly. No car or truck or other vehicle has needed access to this part of Raffa Place for any reason unrelated to our business since 2013. We had initially applied to put tables and chairs on the entirety of Raffa Place; however, in consultation with the Property Manager of Lygon Court, we agreed to compromise and reduced the area on which our proposed seating would go.

The outside seating is imperative to our business for two reasons. Firstly, it provides street frontage and a greater presence in which to entice customers. We would be activating Raffa Place and I will elaborate on the benefits of this to this surrounding community a bit further on. Secondly, it allows customers to sit outside and enjoy the beautiful weather on sunny days. The area would be non-smoking. We have many requests during fine weather for outdoor seating and upon discovering we are unable to utilise the unused outside space, customers have gone elsewhere to sit outside. The area we are proposing to use represents a tiny percentage of our internal space for which we pay council rates and rent.

Our unique & hidden location is one of our notable features. We believe our café typifies the Melbourne Laneway Scene. Since our opening, we have activated Raffa Place, ensuring improved cleanliness of Raffa Place and surrounding areas as well as attracting a reputable clientele. Surrounding businesses have noted the vastly improved cleanliness since our opening and are

pleased our presence now deters the shady characters and dodgy dealings that used to take place in the area. There was a very big problem with needle drug use, people shooting up in the lane, people defecating and urinating in the lane and this no longer happens at all. We tidy and maintain the cleanliness of the lane each morning and afternoon and take care in our surrounding areas.

We were shortlisted for the Premier's Design Awards in the Architectural Design category last year and out of the 28 entries in Architectural Design, we are one of two cafes in the City of Melbourne to have been shortlisted. We are immensely proud of this recognition and believe it confirms our presence on the Melbourne Café Scene. We were also named as one of the Ten Best New Cafés in the Herald Sun on Sunday 29<sup>th</sup> November, 2015 as well as having a feature article about our café in the Epicure on Tuesday 3<sup>rd</sup> November, 2015. We have had numerous articles/ blogs and excellent customer reviews written about us since our opening and I have included links to a selection of these for your perusal.

Premier's Design Awards:

<http://www.premiersdesignawards.com.au/entry/the-vertue-of-the-coffee-drink/>

Article in the Age Epicure:

<http://m.goodfood.com.au/good-food/eat-out/review/restaurant/the-vertue-of-the-coffee-drink-20151103-45ky7.html>

10 Best New Melbourne Cafes of 2015 in the Herald Sun:

<http://www.heraldsun.com.au/news/victoria/the-10-best-new-melbourne-cafes-of-2015/news-story/b82edc8e5eddd5924b04919df2d0f5ea>

Melbourne's Best CBD Laneway Cafes in the Urban List:

<http://www.theurbanlist.com/melbourne/a-list/melbournes-best-cbd-laneway-cafes>

A cafe with Vertue - Broadsheet

<https://www.broadsheet.com.au/melbourne/food-and-drink/article/cafe-vertue#gallery-1>

We refute the claim by Lygon Court that Raffa Place is "its primary point for truck access, loading and unloading and waste collection". This is simply not true. We contacted their rubbish removal company and have received confirmation in writing that they do not enter Raffa Place to access, load, unload or collect their waste. We have forwarded the confirmation email from Denise Shield of Transpac below our original email for your perusal. Lygon Court does have a rubbish area that runs alongside Raffa Place (see above description), but this area only requires access from Cochrane Place. A quick visit to our location would show that it is not possible for a truck to access Raffa Place due to its narrowness as well as the tight angle around 2 Cochrane Place. A visit would also show that Lygon Court's rubbish area is meters away from the proposed seating.

We believe that allowing outdoor seating on Raffa Place would be beneficial to our business as well as to the surrounding community in activating the lane as well as drawing more people to the area. Our landlord, Ian Raffa, supports our proposal for outdoor seating and I hope to submit a letter from him before Friday.

Thank for your time and we look forward to supporting our proposal at the Town Hall Meeting on Thursday 18<sup>th</sup> February, 2016.

Kind regards,

- -  
Jess Cracknell

Ian Raffa

The Vertue of the Coffee Drink

8 Raffa Place

Carlton 3053

To whom it may concern;

I am writing in support of the Proposed Permanent Road Closure of Raffa Place for vehicular traffic from Monday to Sunday 7am to 4pm. I am the landlord of 8 Raffa Place, Carlton 3053 and support my tenants' proposal to put outdoor seating on the eastern part of Raffa Place.

I also note that since the café's opening in February 2015, the tenants have maintained the cleanliness of the lane and have been a mitigating factor in deterring shady characters and dealings that used to take place in the area.

Regards,

Ian Raffa



528 Sydney Road  
Brunswick, VIC 3056  
9388 0088

20/03/2015

To the owners of;  
The Vertue Of The Coffee Drink  
8 Raffa Place  
Carlton Vic 3053

**RE: 1 & 2 COCHRANE PLACE AND 8 RAFFA PLACE, CARLTON**

This letter is to confirm that the owner of 1 & 2 Cochrane Place, Carlton has agreed that The Vertue of the Coffee Drink use the lane leading to their premises for outdoor seating. Our tenants of 2 Cochrane Place, Carlton has also agreed to the lane to be used for outdoor seating for the clients of The Vertue of the Coffee Drink. We all understand and agree that trading hours will not cause any loss of quite enjoyment to the tenants of 1 & 2 Cochrane Place, Carlton of course if the trading hours of The Vertue of the Coffee Drink were to extend into the evening this agreement would become nil and void and the owner & tenants of 1 & 2 Cochrane Place, Carlton would need to be approached again by the owner of The Vertue of the Coffee Drink and another agreement of acceptances would need to be negotiated.

Please do not hesitate to contact myself on 9388 0088 to discuss this.

Yours sincerely,

**Robyn Patterson**  
**Portfolio Manager**



**Public Notices**

**ADVERTISEMENT OF AUCTION BY THE SHERIFF**

On Thursday the 21st January 2016 at 1:30pm in the afternoon

At the Sheriff's Office, 444 Swanston Street, Carlton.

(Unless process be stayed or satisfied)

All the estate and interest (if any) of Dimitrios Kavathas of Unit 11, 51-55 Leslie Street, Donvale, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09861 Folio 957, upon which is erected a Unit and known as Unit 11, 51-55 Leslie Street, Donvale, will be auctioned by the Sheriff.

Owners Corporation Plan No. SP030899V affects the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by Cheque only.

Please contact Sheriff's Asset Administration Services by email at realestate@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

Sheriff

**ADVERTISEMENT OF AUCTION BY THE SHERIFF**

On Thursday the 21st January 2016 at 1:30pm in the afternoon

At the Sheriff's Office, 444 Swanston Street, Carlton.

(Unless process be stayed or satisfied)

All the estate and interest (if any) of Hao Van Tran of 38 Everett Street, Dandenong, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11187 Folio 654, upon which is erected a Unit and known as Unit 201, 45, Park Street, Hawthorn, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AH21605F), Agreement Section 173 Planning and Environment Act 1987 AG660380E and Owners Corporation 1 Plan No. P562099AR affect the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by Cheque only.

Please contact Sheriff's Asset Administration Services by email at realestate@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

Sheriff

**Public Notices**

**ADVERTISEMENT OF AUCTION BY THE SHERIFF**

WITHOUT RESERVE PRICE. SALE IS SUBJECT TO APPROVAL OF THE COUNTY COURT OF VICTORIA.

On Thursday the 21st January 2016 at 1:30pm in the afternoon

At the Sheriff's Office, 444 Swanston Street, Carlton.

(Unless process be stayed or satisfied)

All the estate and interest (if any) of Jennifer Berrigan of 2 Napier Street, Avoca, as shown on Certificate of Title as Jennifer Anne Berrigan, joint proprietor with Thomas Charles Berrigan (deceased) of an estate in fee simple in the land described on Certificate of Title Volume 11053 Folio 293, upon which is erected a house and known as 2 Napier Street, Avoca, will be auctioned by the Sheriff.

The Sheriff is unable to provide access to this property.

Refer RACV Vic Roads Country Directory Edition 7, Page 556, Reference D5.

Terms: 10% deposit on the fall of the hammer. Balance within 7 days of Court Approval. Payment is by Cheque only.

Please contact Sheriff's Asset Administration Services by email at realestate@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

Sheriff

**ADVERTISEMENT OF AUCTION BY THE SHERIFF**

On Thursday the 21st January 2016 at 1:30pm in the afternoon

At the Sheriff's Office, 444 Swanston Street, Carlton.

(Unless process be stayed or satisfied)

All the estate and interest (if any) of Fotini Papageorgiou of 45 Carlisle Crescent, Hughesdale, as shown on Certificate of Title Fortini Papageorgiou, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09531 Folio 178, upon which is erected a residence and known as 45 Carlisle Crescent, Hughesdale, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AK554830G), Registered Caveat (Dealing Number AL276561X) and Registered Caveat (Dealing Number AL315195I) affect the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by Cheque only.

Please contact Sheriff's Asset Administration Services by email at realestate@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

Sheriff

**Public Notices**

**ADVERTISEMENT OF AUCTION BY THE SHERIFF**

WITHOUT RESERVE PRICE. SALE IS SUBJECT TO APPROVAL OF THE SUPREME COURT OF VICTORIA.

On Thursday the 21st January 2016 at 1:30pm in the afternoon

At the Sheriff's Office, 444 Swanston Street, Carlton.

(Unless process be stayed or satisfied)

All the estate and interest (if any) of Fidan Kucuktope of 45 Warleigh Road, Footscray, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11222 Folio 915, upon which is erected a townhouse and known as 45 Warleigh Road, Footscray, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AH547438M), Registered Caveat (Dealing Number AK279253C), Registered Caveat (Dealing Number AL6112805), Registered Caveat (Dealing Number AM130000Y), Covenant P5620752S, Agreement section 173 Planning and Environment Act 1987 AH242806C and Owners Corporation 1 Plan No. P5620752S affect the said estate and interest.

The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 7 days of Court Approval. Payment is by Cheque only.

Please contact Sheriff's Asset Administration Services by email at realestate@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

Sheriff

**ADVERTISEMENT OF AUCTION BY THE SHERIFF**

On Thursday the 21st January 2016 at 1:30pm in the afternoon

At the Sheriff's Office, 444 Swanston Street, Carlton.

(Unless process be stayed or satisfied)

All the estate and interest (if any) of Chia Mei Ping Patricia of 280B Koornang Road, Carnegie, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11087 Folio 623 upon which is erected a semi-detached dwelling and known as 280B Koornang Road, Carnegie, will be auctioned by the Sheriff.

The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by Cheque only.

Please contact Sheriff's Asset Administration Services by email at realestate@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

Sheriff

**Law Notices**

**BETTY MARGARET MEDWIN**, late of 29 Murrumbidgee Street, Brunswick, in the State of Victoria, Home Duties, deceased.

CREDITORS, next of kin and others having claims in respect of the Estate of the deceased who died on the 26th day of July, 2015 are required by the personal representatives JOSEPH FRANCIS PIPER and JILLIAN GRIFFIN of 46 Haigh Street, Moe to send particulars to them care of the undermentioned solicitors by 1st day of February, 2016 after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

**VERHOEVEN & CURTAIN SOLICITORS**  
 SUITE 4, 46 HAIGH STREET, MOE

**FORM 11**  
 NOTICE OF WINDING UP ORDER AND OF APPOINTMENT OF LIQUIDATOR IN THE FEDERAL COURT OF AUSTRALIA IN THE MATTER OF DAVID WIGHT TILING PTY LTD (IN LIQUIDATION)  
 ACN 078 753 456  
 On 30 November 2015 the Federal Court of Australia in Proceeding No. VID 689 / 2015 ordered the winding up of David Wight Tiling Pty Ltd and I was appointed as Official Liquidator of the company.  
 Dated this 3rd day of December 2015  
 Ross Blakeley  
 F T I Consulting  
 Level 16, Bourke Place  
 600 Bourke Street  
 MELBOURNE VIC 3000

**FORM 11**  
 NOTICE OF WINDING UP ORDER AND OF APPOINTMENT OF LIQUIDATOR IN THE FEDERAL COURT OF AUSTRALIA IN THE MATTER OF BORELL ENTERPRISES PTY LTD (IN LIQUIDATION)  
 ACN 193 571 012  
 On 30 November 2015 the Federal Court of Australia in Proceeding No. VID 692 / 2015 ordered the winding up of Borell Enterprises Pty Ltd and I was appointed as Official Liquidator of the company.  
 Dated this 3rd day of December 2015  
 Ross Blakeley  
 F T I Consulting  
 Level 16, Bourke Place  
 600 Bourke Street  
 MELBOURNE VIC 3000

**RE DOREEN FLORENCE ELLEN LANGMEAD**, deceased.

CREDITORS, next of kin, and others having claims in respect of the estate of the deceased, who died on 7 August 2015 are required by the trustees, David Cameron Langmead, Susan Christine Langmead and Diana Wendy Langmead, to send particulars of such claims to them in care of the below mentioned lawyers by 4 February 2016 after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

**ROBERTS BECKWITH PARTNERS**, 16 Blamey Place, Mornington Vic 3931

**Law Notices**

**"RE: ESTATE OF SHIRLEY NANCE BRYANT** late of 39 McKay Street, Moorialloc, Victoria, Deceased.

Creditors, Next-Of-Kin or others having claims in respect of the estate of the Deceased who died on 17 September 2015 are required by the Trustees, Dianne Shirley Lowrie and Paul Allan Leslie Bryant, to send particulars of their claims to the Trustees, care of the under mentioned Legal Practitioners by a date not later than two months from the date of publication of this notice after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

**BRENDAN HOLLAND & MICHAEL CAHIR, Legal Practitioners** 130 Balcombe Road, Mentone, 3194

**RE: BRUCE HAILEY**, late of 87 Chambers Road, Bruthen, Victoria, Motor Mechanic, (deceased).

CREDITORS, next-of-kin and others having claims against the estate of the Estate of the deceased, who died on 13 April 2015 are required by ROBERT BRUCE HAILEY, the Trustee of the Estate of the deceased, to send particulars of their claims to him, care of the undermentioned lawyers by 5 February 2016, by which date the Trustee may convey or distribute the assets, having regard only to the claims of which the Trustee has notice.

**ANTHONY RASO & ASSOCIATES, Solicitors**  
 1 Darryl Street, Scoresby  
 Victoria 3179

**"Re: Estate of Ronald Henry Newbold**

Creditors, next-of-kin and others having claims against the estate of **Ronald Henry Newbold** late of 47 Rosanna Street, Carnegie, Victoria, Retired Departmental Manager, deceased, who died on 31 July 2015, are requested to send particulars of their claims to the executor care of the undermentioned lawyers by 5 February 2016, after which date she will distribute the assets having regard only to the claims of which she then has notice.

**Hicks Oakley Chessell Williams, Lawyers** - The Central 1 Level 2, Suite 17, 1 Ricketts Road, Mount Waverley, Vic, 3149.

**Law Notices**

**RULE 5.11 FORM 11**  
**NOTICE OF WINDING UP ORDER AND OF APPOINTMENT OF LIQUIDATOR**

IN THE SUPREME COURT OF NEW SOUTH WALES

AT THE SYDNEY REGISTRY

IN THE MATTER OF TANKWORLD AUSTRALIA PTY LIMITED (IN LIQUIDATION)

ACN: 054 321 774

On 26 November 2015, the Supreme Court of New South Wales in Proceeding No. 303209 of 2015, ordered the winding up of Tankworld Australia Pty Limited and I was appointed Official Liquidator of the company.

If you are a creditor of the company, please contact Ameer Jaggesar of this office on (02) 9640 6729 to obtain a copy of the documentation required to make a claim.

DATED this 30th day of November 2015.

Name and address of Official Liquidator:  
 David Ian Mansfield  
 Deloitte Touche Tohmatsu  
 Eclipse Tower  
 Level 19  
 60 Station Street  
 PARRAMATTA NSW 2150

**CORPORATIONS ACT 2001**  
**WATERLEY EMERGENCY CARE INC. (ADMINISTRATORS APPOINTED)**  
**REGISTRATION: A11198**  
**NOTICE OF MEETING OF CREDITORS**

NOTICE is hereby given that a meeting of the creditors of the association will be held at the offices of Dye & Co. Pty Ltd, Chartered Accountants, 165 Camberwell Road, Hawthorn East 3123 on Friday the Eleventh day of December 2015 at 10:30am.

AGENDA:  
 The purpose of the meeting(s) is to consider:  
 a. whether to appoint a committee of creditors; and  
 b. if so, who are to be the committee's members.  
 At the meeting, creditors may also, by resolution:  
 a. remove the administrator(s) from office; and  
 b. appoint someone else as administrator(s) of the association.  
 Dated this Second day of December 2015  
 R. D. Grant, Joint & Several Administrator

**Colleges and Schools**

**EMERSON SCHOOL**

**DANDENONG**

Emerson School is a dynamic and vibrant place that provides for Primary and Secondary students with additional learning needs. Staff opportunities are available in the following areas for a 2016 commencement:

**Assistant Principal**  
**Speech Pathologist**  
**Occupational Therapist**  
**Vocational Pathways Officer**  
**Engagement and Wellbeing Officer**  
**Teacher - Performing Arts**  
**Teacher- Visual Arts**  
**Education Support (3 vacancies)**

If you think that you could make a difference, you are invited to apply via The Department of Education and Training website. Recruitment on Line <https://schooljobs.education.vic.gov.au>. Telephone enquiries to Mr John Mooney, Principal, Emerson School on 9791 8900.

**EMERSON SCHOOL**

**EXPRESSIONS OF INTEREST MEDITATION AND WELL BEING POSITION**

Emerson School is a Specialist School for Primary and Secondary students with Mild Intellectual Disabilities. With 420 students, 108 staff and 2 campuses, we place great importance on unlocking the potential within every student. The importance of being focussed, calm and positive are essential components of a general sense of wellbeing.

We are considering introducing Meditation and Wellbeing into our program. There are many dimensions to this role that could include yoga, meditation, purposeful listening, visualization and musical applications. We already have a rich curriculum in dance, music, voice and instrumental learning.

If you are inspired by this concept, you are invited to contact our School Principal, **John Mooney** on [mooney.john@edumail.vic.gov.au](mailto:mooney.john@edumail.vic.gov.au)

**GREEN GUIDE**

**THURSDAYS**

**THE AGE**

**Green Guide**  
 Thursday in The Age

**Libertybuilders**

**SUBCONTRACTORS/SUPPLIERS PRICES REQD FOR:**

Norfolk Apts, Surrey Hills 05/12  
 Central Apts, Box Hill..... 18/12  
 Icon Apts, Ashwood..... 18/12

Please forward prices to [enquiries@libertybuilders.com.au](mailto:enquiries@libertybuilders.com.au)  
 T: 1300 850 070

**MELBOURNE CITY COUNCIL**

**Proposed Permanent Road Closure of Raffa Place, Carlton to Vehicular Traffic Between 7am and 4pm Monday to Sunday**

Notice is given pursuant to sections 207 and 223 of the *Local Government Act 1989* ('Act') that the Melbourne City Council ('Council') proposes to place and maintain obstructions or barriers to block or restrict the passage or access of vehicles to the eastern section of Raffa Place, Carlton, as shown on the plan below between 7.00am and 4.00pm Monday to Sunday.

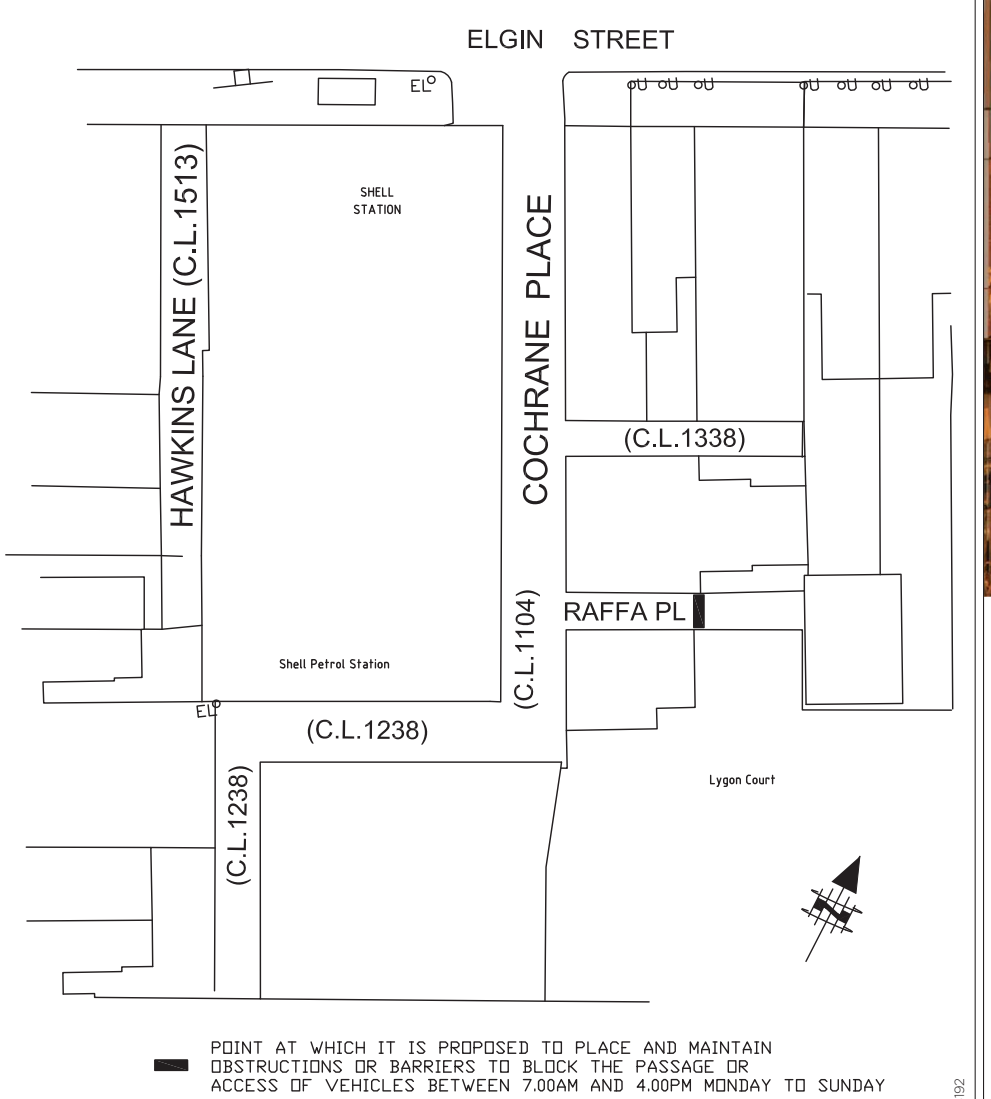
Any person may make a written submission on the proposed intermittent closure to the Council. All submissions received by the Council on or before Friday 29 January 2016 will be considered in accordance with section 223(1) of the Act, by the Council's Submissions (Section 223) Committee ('Committee').

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf, before a meeting of the Committee, scheduled to be held on Thursday 18 February 2016, commencing at 3pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne.

Written submissions should be marked 'Raffa Place - Closure' and addressed to the Manager Governance Services, Melbourne City Council, Town Hall Administration Building, 120 Swanston Street, Melbourne, 3000 or GPO Box 1603, Melbourne, 3001.

Submissions form part of the public record of the meeting (including any personal information you provide) and will be appended to the Council report which is published on Council's website (accessible worldwide) for an indefinite period. A hard copy will also be made available for inspection by members of the public at Council offices, in accordance with the requirements of the Act.

If you have any concerns about how Council will use and disclose your personal information, please contact the Council Business team via email at [privacy@melbourne.vic.gov.au](mailto:privacy@melbourne.vic.gov.au)



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CITY OF MELBOURNE

23 November 2015

The Owner/ Occupier  
Raffa Place  
MELBOURNE VIC 3000

GPO Box 1603  
Melbourne VIC 3001

Phone 61 3 9658 9658  
Fax 61 3 9654 4854  
[www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)

Dear Sir/Madam

DX210487  
ABN 55 370 219 287

### **RAFFA PLACE, CARLTON PROPOSED INTERMITTENT CLOSURE**

The City of Melbourne writes to advise that it is commencing legal procedures, pursuant to the *Local Government Act 1989*, ('the Act') for the introduction of a midblock intermittent closure of Raffa Place, as shown on the attached plan 8P2222. The proposed closure, if approved, would operate between 7.00am and 4.00pm Monday to Sunday.

This follows receipt of a proposal from the café operating at the eastern end of Raffa Place to facilitate possible future outdoor dining including the setting up of tables and chairs during the closure period.

The closure would involve the installation of removable bollards, which would be managed by the City of Melbourne, and the erection of signs to reflect the closure hours.

As the proposal would prevent vehicles from travelling into the eastern end of Raffa Place, Council is required to adhere to certain legal procedures under the Act prior to making a decision on the proposal. This includes placing a public notice in a newspaper to bring the matter to the attention of the greater community and a submissions process in accordance with the Act. Council also distributes a notice, such as this, to the owners and occupiers of properties deemed to be directly affected by the proposal, inviting submissions on the matter.

Arrangements have been made for the publication of the public notice in *The Age* on Wednesday 9 December 2015. Any submissions on this proposal must be lodged on or before Friday 22 January 2016.

The Council's Submissions (Section 223) Committee is scheduled to meet at 3pm on Thursday 18 February 2016, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne. The Committee will hear those persons wishing to be heard in support of their written submission. No additional notification will be sent to persons who have not lodged a submission.

Written submissions should be marked 'Raffa Place Intermittent Closure Proposal' and addressed to the Manager Governance Services, City of Melbourne, Town Hall, 90 Swanston Street, Melbourne 3000 or GPO Box 1603, Melbourne 3001. Submissions can also be emailed to [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au). All written submissions will be made public and may be made available on the Council's Website.

For any further queries please contact Mr Joel Wee on number 9658 8582.

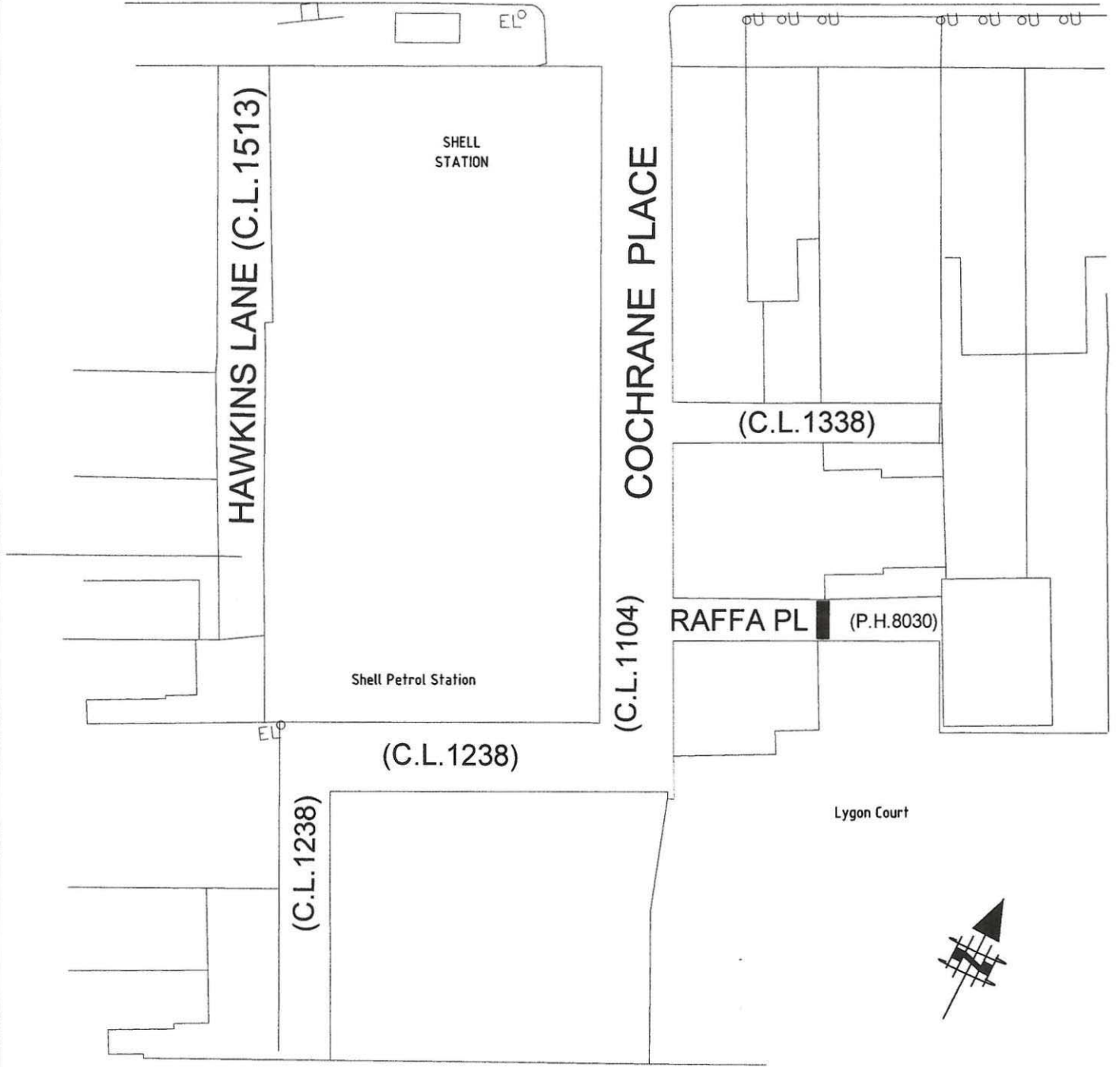
Yours sincerely

**Haig Poulson**

Principal Engineer Traffic Engineering


CoM Ref: DM#9501903  
SR 2967450  
(Enclosed: Plan No. 8P2222)





■ POINT AT WHICH IT IS PROPOSED TO PLACE AND MAINTAIN OBSTRUCTIONS OR BARRIERS TO BLOCK THE PASSAGE OR ACCESS OF VEHICLES BETWEEN 7.00AM AND 4.00PM MONDAY TO SUNDAY

PROJECT NO.	SR2967450	DESIGNED BY	JW	SURVEY REF.		LIS COORDS.	
DOCS NUMBER	#9501771	CONCEPT PLAN		DATUM		SCALE	NTS

 CITY OF MELBOURNE	STATUS		<b>ENGINEERING SERVICES</b>			
	JOB LOCATION		APPROVED BY		DRAWING NUMBER	
	RAFFA PLACE, CARLTON PROPOSED INTERMITTENT CLOSURE OPERATING HOURS BETWEEN 7:00AM & 4:00PM MONDAY TO SUNDAY		Principal Engineer	Group Manager	NUMBER OF SHEETS	REVISION
			Date	Date	FORMER DRG. NO.	
				1	A	

PROPOSED PERMANENT CLOSURE OF RAFFA PLACE, CARLTONSUMMARY OF SUBMISSIONS

	NAME	BUSINESS NAME/ ORGANISATION	NATURE OF SUBMISSION	COMMENTS
1	Mr John Cicero	Best Hooper Lawyers On the behalf of Lygon Court Shopping Centre 368 – 386 Lygon Street	<p><b>Objection to the proposal.</b> Comments made in submission:</p> <p>Challenges Council's legal authority to install obstructions to facilitate closure of the laneway.</p> <p>Expressed concerns about the proposed outdoor dining area being located in the vicinity of the shopping centre's bin storage area and the potential of unnecessary complaints about smell.</p> <p>The shopping centre's bin storage area abuts Raffa Place. Waste collection vehicle could use the western end of Raffa Place to manovure into the bin storage area to collect waste. There is a concern that waste collection vehicles will not be able to access the bin room due to the closure.</p>	<p>The City of Melbourne has written to Best Hooper Lawyers advising that clause 9 of schedule 11 of the Local Government Act gives Council the power to place and maintain barriers between the relevant hours on an ongoing basis.</p> <p>Council's Health Services Branch has advised that there are no issues with establishing an outdoor dining area in the vicinity of the bin storage area.</p> <p>Engineering Services has been made aware that the waste collection company servicing Lygon Court has advised the Vertue of the Coffee Drink café that they do not use Raffa Place to access Lygon Court's bin storage area. Engineering Services has since contacted the waste collection company and they have confirmed that waste collection for Lygon Court is via Cochrane Place only.</p>

**SUMMARY OF SUBMISSIONS Cont/...**

2	Ms Jess Cracknell	Owner , The Vertue of the Coffee Drink 8 Raffa Place	<p><b>Supports the proposal</b> Comments made in submission:</p> <p>The closure would facilitate the establishment of outdoor dining in the laneway which activates the laneway.</p> <p>The café's opening has improved the amenity of the laneway. The lane is cleaner and dubious characters are no longer loitering in the laneway which makes it safer.</p>	
3	Mr Ian Raffa	Landlord, 8 Raffa Place	<p><b>Supports the proposal</b> Comments made in submission:</p> <p>The café has improved the amenity and safety in the laneway and the proposed permanent closure would further improve the amenity of the laneway.</p>	



Sunshine Registration &  
Licensing Office  
499 Ballarat Road,  
Sunshine Victoria 3020  
Telephone 13 11 71  
[vicroads.vic.gov.au](http://vicroads.vic.gov.au)

Mr Haig Poulson  
Principal Engineer – Traffic Engineering  
City of Melbourne  
Private Bag 1603  
**MELBOURNE VIC 3001**

Contact: Alex Low  
Telephone: 9313 1242  
Our Ref: QD3322619  
Your Ref: DM#9674260  
File no: TM/015/MBN/000

**Attention: Mr Joel Wee**

Dear Mr Poulson

**PROPOSED PERMANENT CLOSURE OF RAFFA PLACE, CARLTON**

I refer to your letter dated 2 February 2016 addressed to Mr Bryan Sherritt, Acting Regional Director VicRoads Metropolitan North West Region, regarding the proposed permanent closure of Raffa Place, between Cochrane Place and a point midblock on Raffa Place, as shown on Drawing No.8P2222, between 7am and 4pm Monday to Sunday.

It is noted that the purpose of the closure is to improve safety and general amenity and facilitate possible future outdoor dining, including the setting up of tables and chairs.

As all of the impacts that VicRoads is required to consider are expected to be minimal and the impact on the arterial road network is negligible, VicRoads does not object to the road closure.

However, it is requested that Council notify all emergency service authorities of the permanent closure.

If you have any queries regarding this letter please contact Mr Alex Low on 9313 1242.

Yours sincerely,

**ANDREW SHARP**  
**ACTING TEAM LEADER – TRAFFIC & PLANNING CENTRAL**

4 / 2 / 2016