



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

14 SEPTEMBER 2009

Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision making process of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each Report will be written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

Public Question Time

Provision is made at the beginning of the meeting for question time from members of the public. Question time is limited to 20 minutes unless the meeting resolves to extend this time.

If you would like to ask a question tonight, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

Public Comment

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the Local Government Act will be entitled to address Council.

Any other public comment at this meeting is at the discretion of the Chairperson.

If you would like to address the Council on any of the items being discussed tonight, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

When your item is being discussed the Chairperson will call your name and ask you to address the Council. The length of time available to each speaker will be at the Chairpersons discretion, noting that time available may be limited.



PORT PHILLIP CITY COUNCIL BUSINESS PAPER

To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, Port Melbourne Town Hall** on **Monday, 14 September 2009 at 6.00pm.**

AGENDA

1. **APOLOGIES**
2. **MINUTES OF PREVIOUS MEETINGS**
 - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 24 August 2009.
 - Minutes of the Special Meeting of the Port Phillip City Council held on 31 August 2009.
3. **DECLARATIONS OF CONFLICTS OF INTEREST**
4. **PETITIONS AND JOINT LETTERS**
5. **PUBLIC QUESTION TIME**
6. **COUNCILLOR QUESTION TIME**
7. **PRESENTATION OF REPORTS**
 - 7.1 *Councillor Code of Conduct*
 - 7.2 *Meeting Procedure Local Law*
 - 7.3 *In Principle Approval of the Unaudited Section 2008/09 Annual Report*
 - 7.4 *Road Management Plan 2009*
 - 7.5 *Planning Permit Amendments and the Impact on Capital Works*
 - 7.6 *Display Kitchen at the South Melbourne Market*
 - 7.7 *Beacon Cove – Tree Removal*
 - 7.8 *Urban Studies Centre Development – Item Deferred*
 - 7.9 *Community Facility Funding (Sport and Recreation) Program 2010/2011 – Minor Facilities*
 - 7.10 *St Kilda Esplanade Art and Craft Market Governance and Management Review*
 - 7.11 *Lamaro's - Footpath Trading Permit Review*
 - 7.12 *Sustainable Environment Community Reference Committee*
8. **REPORTS BY COUNCILLOR DELEGATES**
9. **URGENT BUSINESS**

9 SEPTEMBER 2009

3. DECLARATIONS OF CONFLICTS OF INTEREST

4. PETITIONS AND JOINT LETTERS

Item 1

A Petition was received by Sue John (on behalf of 15 residents) and C. Youl (on behalf of 23 residents) in regards to the proposal for an off leash dog park (at specified times of the day) at Hewison Reserve in Orange Grove, St Kilda East.

The Petition states the following:

'We the undersigned call on the City of Port Phillip to designate Hewison Reserve (at the corner of Inkerman Street and Orange Grove as off-leash dog park, at least for certain specified times of the day (eg: before 9am and after 5pm).'

Officer comment

Hewison Reserve is a small park that includes a playground and grassed area. The playground is entirely enclosed by childproof fencing. Currently the park is not designated as an off leash park, therefore dogs must be on lead at all times.

Earlier this year Council received a complaint about a dog being off lead in this location. Council acted on this complaint and patrolled the area and directed dog owners to comply with the on lead requirements of the park.

From an animal management view point, Hewison Reserve is considered well set up to accommodate an off leash area given that the children's area is fenced off from the rest of the park enabling full separation of the animals and children.

Councils Parks and Open Space department also considers that park to be suitable for off leash dog activities before 9am and after 5pm as stated in the petition.

RECOMMENDATION

That Council:

1. Seeks public comment in relation to this proposal prior to making a final recommendation.

Item 2

A Joint Letter was received by 8 residents of 2, 4, 6 and 8 Milton Street, Elwood in regards to the noise emanating patrons at the Presse Bar Café.

Extract from Joint Letter:

'This restaurant is just two narrow backyards away from our collective back fence. As the day progresses, the noise from an often increasingly boisterous clientele, together with their preference for increasingly loud live and/or recorded and amplified music, makes it impossible to sit outside. Often it is so loud that we find it intrusive even when we retreat inside. Into the night, the problem is even worse for those of us who use bedrooms on this side of the house; sleeping under such conditions is a real challenge. The noise from this restaurant is magnified by the location; the two-storey buildings surrounding the backyards of our houses and those of the shops make it an amphitheatre in which noise and music bounce from wall to wall.

We also, pre-emptively, hope to stop another restaurant situated even closer to us from expanding into its backyard, as we strongly suspect they intend to. The restaurant is the Curry Leaf Café in Brighton Road which has a backyard which runs across all of our back fences. We would like to say from the outset that the proprietor of this café has been a good neighbour to us all. When we have had a concern or an issue, this proprietor has tried to find an answer. That said, the proprietor would naturally want to expand into his backyard, and the work currently being carried out there seems to indicate that this is the plan

The owners of 2, 4, 6, and 8 Milton Street would like Port Phillip Council to provide the following assurances:

- *There will be no outdoor eating area at the rear of the Curry Leaf Café in Brighton Road.*
- *There will be no outdoor music (outdoor speakers) in the existing outdoor eating area behind the Presse Bar Café in Brighton Road.*
- *There will be regular enforcement of parking regulations in Milton Street particularly at nights and weekends.*

Officer Comment

97 Brighton Road, Elwood – Presse Bar Café

The allegations relate to patron and music noise emanating from the rear courtyard of this premise.

99-101 Brighton Road, Elwood - Curry leaf Café

Concerns have been raised regarding the potential for the rear external area of this premise to be used as a courtyard in conjunction with the restaurant use, potentially causing amenity impacts from patron and music noise.

The signatories to the petition have also requested assurances to the following:

- *"There will be no outdoor eating area at the rear of the Curry Leaf Café in Brighton Road.*

- *There will be no outdoor music (or outdoor speakers) in the existing outdoor eating area behind the Presse Bar Café in Brighton Road.*
- *There will be regular enforcement of parking regulations in Milton Street, particularly at nights and weekends”*

Officer’s Comment:

Alleged Non Compliance

The specific allegations of non compliance are being investigated by Council’s Planning Compliance Unit along with general compliance with the existing permits. The authors of the petition will be advised in writing of the outcome of these investigations.

Assurances

In regard to the requested assurances the following comments are provided:

- *“There will be no outdoor eating area at the rear of the Curry Leaf Café in Brighton Road.*

There is currently no approval for the use of the rear outdoor area by patrons. Any request to reallocate any of the approved 40 seats into the rear courtyard would require consent from Council and any increase in seating numbers, including into the rear courtyard, would require an amendment to the existing planning permit.

- *“There will be no outdoor music (or outdoor speakers) in the existing outdoor eating area behind the Presse Bar Café in Brighton Road”*

There appear to be a number of conditions on the various approvals on the site relating music noise permitted from the land including the rear courtyard. Enforcement of these conditions will form part of the investigations undertaken by Council’s Planning Compliance Unit.

- *“There will be regular enforcement of parking regulations in Milton Street, particularly at nights and weekends”*

Council’s Parking Enforcement Unit has advised that they will continue to patrol the area. Additionally, all residents can contact the parking on-call service out of hours on 0407 304 449 if there is a matter requiring more urgent attention.

RECOMMENDATION

That the Joint Letter be received and referred to the Manager City Development for investigation and that Council be advised of actions taken.

Item 3

A Joint Letter was received from 4 residents in regards to the style of bike lanes that will be part of the new treatment of Fitzroy Street.

Extract from Joint Letter:

'We were impressed to see that a dedicated 'Copenhagen' style bike lane was part of the new treatment of Fitzroy Street and recently started to use the lane. However we have been variously confused, confounded and almost hit by motorists as the bike lane is a compromise that like many compromises does not work. We were amazed to realize that cyclists in the bike lane do not have the right of way as they did in the past when riding along Fitzroy Street and as they still do on other roads and bike lanes. The tiny Give Way signs for cyclists are too small and are counter-intuitive. Further, motorists and other road users who are turning across the bike lane are totally confused when a cyclist stops to give way. The other problem is that as you ride east along the bike lane, if there are parked vehicles adjacent to the bike lane, then you cannot see whether the motorists also going east are about to turn left or not as their indicators are obscured.

Overall it is not clear to cyclists or road users that cyclists are not road users when they are using Fitzroy Street bike lane, whereas cyclists are road users when using other bike lanes throughout Melbourne.

We would suggest that cyclists travelling along the bike lane in either direction should have right of way over other road users, with clear signage to indicate this (particularly for right turners into Loch and park Street saying give way to cyclists on their left and right) and perhaps a low bump along either side of the bike lane at intersections, to the low bumps along the outside of the tram lines.

Can we also suggest that cyclists be able to cross the Fitzroy/Grey Streets intersection with the trams, as is the case at Flinders/Swanston Streets intersection?'

Officer's Comments

The Fitzroy Street 'Copenhagen' style bike lanes located on the northern side of Fitzroy Street were recently completed. The path which joins St. Kilda Foreshore to Albert Park is relatively unique in that the operation allows for two-way cycling on one side of the road. Since the bike path opening the operation has been observed by Council, VicRoads and professional consultants. These observations, together with reviewing direct user feedback has resulted in a number of recommended design refinements. A number of the design refinements respond directly to the issues raised in this Joint Letter. The design refinements, to be implemented over the next 6 weeks, are in accordance with VicRoads Cycle Notes, and include:-

1. The removal of the 'giveaway' signage on the bike lanes currently located at the 'T' intersections, and replaced with 'Road Ahead' warning signs
2. The removal of the 'giveaway' linemarking on the bike lanes currently located at the 'T' intersections. Thus cyclists will have priority over vehicles at all 'T' intersections
3. The addition of further signage facing the motorist at the 'T' intersections warning of crossing cyclists (from both directions)
4. The addition of further linemarking on the bike lanes facing the motorist indicating two-way cyclist flow

RECOMMENDATION

That Council:

1. Receives and notes that the current design refinements partly respond to the issues raised in the multi-signed letter of - Mr Keith Jackson & Ms Louise Kyle 48 Scott Street Elwood / Dr Margueritte Hall & Dr Robert Karoly 61 Byron Street Elwood.
2. Further investigates the two further issues; 1. Parked cars obscuring sight distance between vehicles and cyclists, and 2. Traffic signal phasing changes improving the level of service for cyclists, before providing a response back to the signatories.
3. Thanks the signatories for their submission and encourage ongoing feedback on the operation of this and other cycling facilities within the City.

5. PUBLIC QUESTION TIME

6. COUNCILLOR QUESTION TIME

7. PRESENTATION OF REPORTS

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