



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

2 AUGUST 2017

Ordinary Meeting of Council

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 is 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 general question time from members of the public. Questions relating to a topic on the agenda are not permitted during this time but can be asked prior to the discussion of that item.

If you would like to ask a question during Public Question Time, 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 / Question

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.

If you would like to address the Council and / or ask a question 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.





PORT PHILLIP CITY COUNCIL ORDINARY MEETING OF COUNCIL

To Councillors

Notice is hereby given that an **Ordinary Meeting of Council** of the **Port Phillip City Council** will be held in **Port Melbourne Town Hall** on **Wednesday, 2 August 2017 at 6.30pm**. At their discretion, Councillors may suspend the meeting for a short break at 8pm and 10pm as required.

AGENDA

- 1 APOLOGIES**
- 2 MINUTES OF PREVIOUS MEETINGS**
Minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 19 July 2017.
- 3 DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 PETITIONS AND JOINT LETTERS 5**
- 5 SEALING SCHEDULE**
Nil
- 6 PUBLIC QUESTION TIME**
- 7 COUNCILLOR QUESTION TIME**
- 8 PRESENTATION OF REPORTS**
 - 8.1 CEO Report - Issue 36 - August 2017 13*
 - 8.2 Palais Theatre - Fair Competition & Confidentiality Policy..... 15*
 - 8.3 Event Fireworks Exemption 21*
 - 8.4 Footpath Trading & Tobacco Act Amendment 25*
 - 8.5 112 Salmon Street Port Melbourne 37*
 - 8.6 12 Spring Street East. Port Melbourne 81*
 - 8.7 Planning Permits Delegate Report - June 2017 103*
- 9 NOTICES OF MOTION 105**
- 10 REPORTS BY COUNCILLOR DELEGATES**
- 11 URGENT BUSINESS**
- 12 CONFIDENTIAL MATTERS**
Nil



3. DECLARATIONS OF CONFLICTS OF INTEREST



4. PETITIONS AND JOINT LETTERS

Item 4.1

A Petition was received from 102 residents and businesses around Bowen Crescent, St Kilda Road, Melbourne, which has also been submitted to VicRoads, the Metro Tunnel Project and various councillors and members of the Victorian Parliament.

The Petition states the following:-

“We request that the Port Phillip Council, VicRoads and the Melbourne Metro Rail Authority immediately consider the traffic configuration and its impact on businesses and workers who currently park their vehicles in facilities entering and/or exiting Bowen Lane, Melbourne, Victoria 3004.

Under the Metro Domain Tunnel Project, St Kilda Road near Bowen Lane will be reduced to one lane each way. In addition, Albert Place (7-8 Bowen Crescent), will commence demolition/construction in the short term and continue for 2 years after commencement. Therefore, those business owners/employees who access their car parks via Bowen Lane will find it extremely difficult to exit, and possibly enter, Bowen Lane by vehicle. This issue will become almost impossible during peak periods and significant delays and accident risk will result.

We request the following be considered to facilitate traffic flow:-

- 1. The traffic lights on Kings Way/Albert Road intersection be configured during peak periods for all traffic in all directions to stop for 20 seconds each full traffic cycle to enable those in Bowen Lane and Bowen Crescent to safely exit onto Kings Way. This will also assist pedestrians as the walking cycle at that intersection is notoriously short and the majority of pedestrians find they need to walk at a brisker pace to get fully across during a cycle, taking the crossing in 2 cycles waiting in the middle between cycles, or start walking early given traffic flow. Thus, this recommendation will enable a number of cars to safely exit the lane/crescent and increase pedestrian safety during the most dangerous periods during the Metro Project/ Albert Place construction period.*
- 2. The pedestrian lights which cross St Kilda Road between Bowen Crescent and Bowen Lane on the bay side be co-ordinated to act as normal traffic lights during peak periods. This will enable traffic to exit Bowen Lane safely. It would also assist if a slip lane was constructed to enable traffic to exit Bowen Lane safely and merge with St Kilda Road traffic safely. Alternatively, the timing of traffic lights located at the intersection of Toorak Road and St Kilda Road could be modified to facilitate exit from both Bowen Lane and Bowen Crescent.*
- 3. The project managers of 7-8 Bowen Crescent be informed that at no time should Bowen Lane be blocked or impeded in any way and that they focus their deliveries and construction activities from the Bowen Crescent side of the construction site area as this side has alternative access.*

Whichever combination of the above is adopted it is essential that the timing of the onflow traffic is adjusted so exiting Bowen Lane and Bowen Crescent is not blocked by traffic from the previous traffic light sequences otherwise changes would be redundant.

We request you make the necessary changes before St Kilda Road goes down to one lane, and/or 7-8 Bowen Crescent commences demolition.



OFFICER COMMENT

The intent of the petition is to advocate for reduced impacts on local pedestrian movement and vehicle access/egress off Bowen Lane during the main construction works of Domain Station when St Kilda Road will be reduced to one lane in each direction and the station pit area will be hoarded off. This includes the cumulative impacts associated with the Metro Tunnel construction and local construction and development. Noting there is an approved development permit for 7-8 Bowen Lane but Council has not currently been advised of the construction dates.

The Petition includes 3 suggestions:

- 1. The traffic lights on Kings Way / Albert Rd intersection be configured during peak periods for all traffic in all directions to stop for 20 seconds each full traffic cycle to enable those in Bowen Lane and Bowen Crescent to safely exit onto Kings Way. This will also assist pedestrians as the walking cycle at that intersection is notoriously short and the majority of pedestrians find they need to walk at a brisker pace to get fully across during a cycle, take the crossing in 2 cycles waiting in the middle between cycles, or start walking early given traffic flow. Thus, this recommendation will enable a number of cars to safely exit the lane / crescent and increase pedestrian safety during the most dangerous periods during the Metro Project / Albert Place construction period.*

The Traffic Signals at the intersection of Kings Way and Albert Road are managed by VicRoads.

MMRA's Network Enhancement Projects have sought to improve the capacity of Kings Way as the primary diversion route to St Kilda Road during the construction of the Domain Station. Any amendments that take vehicle capacity from Kings Way are unlikely to be considered favourably by VicRoads and MMRA.

Council will advocate to VicRoads and MMRA to review the current phasing and timing of the signals at the intersection Kings Way and Albert Road and consider any changes that may improve access and egress to Bowen Lane, without resulting in any materially poor outcomes on the surrounding road network.

- 2. The pedestrian lights which cross St Kilda Rd between Bowen Crescent and Bowen Lane on the bay side be co-ordinated to act as normal traffic lights during peak periods. This will enable traffic to exit Bowen Lane safely. It would also assist if a slip lane was constructed to enable traffic to exit Bowen Lane and merge with St Kilda Rd traffic safely. Alternatively, the timing of traffic lights located at the intersection of Toorak Rd and St Kilda Rd could be modified to facilitate exit from both Bowen Lane and Bowen Crescent.*

The Pedestrian Operated Signals (POS) are located within the Domain station construction zone and therefore will be removed as part of the project. As a result the existing POS cannot be leveraged to improve access for Bowen Lane.

However, Council will advocate to VicRoads and MMRA to investigate any modifications that can be made to the Traffic signals at the intersection of Kings Way and St Kilda Road or new POS installed in July (as part of new legacy Tram Stop) to enable safe consistent access from Bowen Lane onto St Kilda Road.



3. *The project managers of 7-8 Bowen Crescent be informed that at no time should Bowen Lane be blocked or impeded in any way and that they focus their deliveries and construction activities from the Bowen Crescent side of the construction site area as this side has alternative accesses.*

There are current and proposed major construction sites in Bowen Lane between Kings Way and St Kilda Road. Council's City Permits team manage the use of public land for the vast array of permits through engagement with developers to balance public safety and local amenity whilst enabling development progress.

Any Traffic Management and Construction Management Plans will be jointly assessed by Council's City Permits officers, Traffic Engineers and the Melbourne Metro Rail Authority. This collaborative assessment aims to improve the safety of road users and construction workers as well as reduce confliction and amenity loss to residents and businesses in the area.

The approved TMP and CMP will be monitored regularly and appropriate improvements will be implemented as required

OFFICER RECOMMENDATION

That Council:

1. Notes that the Melbourne Metropolitan Rail Authority (MMRA) has responded directly to the petition response.
2. Continues to work with MMRA to minimise the amenity impact of construction works for residents and businesses in the Domain precinct.



5. SEALING SCHEDULE

Nil



6. PUBLIC QUESTION TIME



7. COUNCILLOR QUESTION TIME



8. PRESENTATION OF REPORTS

8.1	<i>CEO Report - Issue 36 - August 2017</i>	13
8.2	<i>Palais Theatre - Fair Competition & Confidentiality Policy</i>	15
8.3	<i>Event Fireworks Exemption</i>	21
8.4	<i>Footpath Trading & Tobacco Act Amendment</i>	25
8.5	<i>112 Salmon Street Port Melbourne</i>	37
8.6	<i>12 Spring Street East. Port Melbourne</i>	81
8.7	<i>Planning Permits Delegate Report - June 2017</i>	103



9. NOTICES OF MOTION

I, Councillor Marcus Pearl , give notice that I intend to move the Motion outlined below at the Ordinary Meeting of Council on 02 August 2017:

That Council:-

- I. Determines all new planning permit applications that exceed 6 storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct.

Supporting Information

As a result of increased development pressure in this precinct including the impacts from the development of the Domain Station project, residents are concerned that the liveability, public realm and amenity of this area is being impacted.

This community is looking to Council to ensure a transparent approach to decision making on major planning permit applications. The opportunity for residents to present their concerns directly to Councillors at the Planning Forum and potentially at a Council meeting, will ensure Council hears the views of residents on new developments over 6 storeys in this precinct.

I am seeking your support to vary the current delegations to Officers so Council can determine all new planning permit applications that exceed 6 storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay for the St Kilda Road North Precinct.

I therefore urge my fellow Councillors to support this motion.



I, Councillor Dick Gross, give notice that I intend to move the Motion outlined below at the Ordinary Meeting of Council on 02 August 2017:

That Council:-

- I. Supports the intended advocacy effort of the Metropolitan Waste and Resource Recovery Group (MWRRG) Local Government Forum to write to the Minister for Energy and Environment requesting “that funds generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purposes for which the Levy was introduced” and raising concerns with the Levy funds currently being allocated to supplement Parks Victoria initiatives not related to the original purposes of the Levy.

Supporting Information

The Victorian Environmental Protection Authority (EPA) Landfill Levy has been a point of contention between the State Government and Local Councils for some time as to its utilisation. Following the release of the 17/18 State Budget, the appropriate use of the EPA Landfill Levy has been a highly visible issue raised in both the Media and the MAV.

Over \$200M is collected in Landfill Levies annually and in the 2017 Budget, only \$7.6M per year for the next four years (or \$30.4M over four years, equating to less than 4% of the Levy income annually) has been allocated to waste management and resource recovery. This, added to the funds cover the running of the seven Waste and Resource Recovery Groups (WRRG's), waste management is allocated an annual total of 7.3% of the EPA Levy.

Recently, the allocation of EPA Levy income has changed via a legislative amendment (effective 1 July 2015). The EPA Levy is now administered by a committee within DELWP, removing any decision making power from Sustainability Victoria. This change also now allows for the Minister to make separate allocations from the Trust to public entities or bodies for environmental purposes.

This Landfill Levy was part of the EPA independent inquiry in 2016, which found that “**These levies are failing in their primary regulatory objective of reducing disposal to landfill**”.

The Sustainability Funds legislated purpose is split between:

- *Environmentally sustainable uses of resources and best practise in waste management to advance the social and economic development of Victoria, and*
- *Adaption or adjustment to climate change, and the facilitation of community action in relation to greenhouse gas mitigation.*



The strategic priorities for the Sustainability Fund, as stated on the Department of Environment Land Water and Planning (DELWP) website are as follows, “with preference given to initiative that foster employment, new technology and innovation, resource recovery or ongoing behaviour change”:

Sustainability Fund’s legislated purpose:	
Fostering environmentally sustainable uses of resources and best practices in waste management to advance the social and economic development of Victoria	Fostering community action or innovation in relation to the reduction of greenhouse gas substance emissions [mitigation] or adaptation or adjustment to climate change in Victoria
<p>Strategic priorities:</p> <ul style="list-style-type: none"> ● making alternatives to landfill more viable and cost competitive through the stimulation, creation and expansion of viable markets for recycled and recovered materials; ● facilitating a network of best practice waste and resource recovery infrastructure which minimises public health and environmental impacts and maximises resource recovery opportunities; ● providing equity in access to, and reducing impacts of, waste and resource recovery services on communities; ● improving waste education and waste management capability to reduce waste generation, recover resources, and prevent littering and illegal dumping; and ● modernising the management of legacy contamination or pollution. <p>Investment will be guided by Victorian government policies, including the Statewide Waste and Resource Recovery Infrastructure Plan, Regional Waste and Resource Recovery Implementation Plans and other relevant strategies.</p>	<p>Strategic priorities:</p> <ul style="list-style-type: none"> ● supporting individuals, communities and industry to transition to a low carbon economy; ● supporting Victorians to adapt to the impacts of climate change, particularly those most vulnerable and least able to do so; ● building Victorian communities’ capacity, capability and skills in responding to climate change; and ● assisting Victoria’s ecosystems and native species to be more resilient to climate change and/or support mitigation outcomes. <p>Investment will be guided by Victorian government policies, including climate change policies, the Victorian Climate Change Adaptation Plan, Energy Efficiency and Productivity Statement, Renewable Energy Action Plan, biodiversity plan and other relevant strategies.</p>
<p>The Hon LILY D’AMBROSIO MP Minister for Energy, Environment and Climate Change</p>	<p>The Hon DANIEL ANDREWS MP Premier</p>



10. REPORTS BY COUNCILLOR DELEGATES



II. URGENT BUSINESS



12. CONFIDENTIAL MATTERS

Nil