



ORDINARY MEETING OF COUNCIL

AGENDA

21 MARCH 2018



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ORDINARY MEETING OF COUNCIL 21 MARCH 2018



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 **St Kilda Town Hall** on **Wednesday, 21 March 2018 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 7 March 2018.
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PETITIONS AND JOINT LETTERS**.....6
- 5 **SEALING SCHEDULE**
Nil
- 6 **PUBLIC QUESTION TIME**
- 7 **COUNCILLOR QUESTION TIME**
- 8 **PRESENTATION OF CEO REPORT**
Nil
- 9 **PEOPLE AND COMMUNITY**
We Embrace Difference, and People Belong
 - 9.1 *Proposed Alcohol Restrictions - LATE REPORT TO BE DISTRIBUTED SEPARATELY*
 - 9.2 *Fitzroy Street CCTV - Year One Interim Findings*..... 19
- 10 **TRANSPORT AND PARKING**
We are Connected and it's Easy to Move Around
Nil

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11 SUSTAINABILITY

We Have Smart Solutions for a Sustainable Future

Nil

12 PLANNING

We are Growing and Keeping our Character

Nil

13 ARTS, CULTURE & ECONOMIC DEVELOPMENT

We Thrive by Harnessing Creativity

13.1 *Response to Community Consultation and Petition - Middle Park Library*
LATE REPORT TO BE DISTRIBUTED SEPARATELY

14 ORGANISATIONAL PERFORMANCE

Our Commitment to You

14.1	<i>Proposed Lease to Multicultural Arts Victoria - Completion of Statutory Procedures</i>	81
14.2	<i>Proposed Lease to Resolution Independent - Completion of Statutory Procedures</i>	87
14.3	<i>Proposed Discontinuance and Sale of Road at the Rear of 47 Fawkner Street, St Kilda.....</i>	93
14.4	<i>Proposed Discontinuance and Sale of Road Part R3517 Adjoining 316-320 St Kilda Road, St Kilda</i>	101
14.5	<i>Proposed Discontinuance and Sale of Road R3257 Abutting 91-95 Montague Street, South Melbourne.....</i>	115
14.6	<i>Assembly of Councillors</i>	127

15 NOTICES OF MOTION

Nil

16 REPORTS BY COUNCILLOR DELEGATES

17 URGENT BUSINESS

18 CONFIDENTIAL MATTERS

Nil



3. DECLARATIONS OF CONFLICTS OF INTEREST



4. PETITIONS AND JOINT LETTERS

Item 4.1

A Petition was received on 22 November 2017 from 75 seniors attending the Betty Day Centre calling on Council to install a zebra crossing (with flashing lights) on Chapel Street, near Argyle Street, St Kilda.

The Petition states the following:-

“Seniors attending the Betty Day Centre who are having to cross the road over Stop 39 of Tram 78 feel in danger due to lack of signed crossing point. Seniors with mobility aids, who have to move cautiously over the road, do not have the security they need to do so safely.

We, the undersigned, are concerned citizens who urge our leaders to act now to install a zebra crossing and lights to ensure safety of City of Port Phillip local senior residents and other visitors to the community.”

On 13 December 2017 Council, at its Ordinary Council Meeting, considered the petition and resolved that Council:

1. Receives, notes and refers the Petition to the Transport Safety Engineering team for assessment and investigations.
2. Advises the petition organisers, Alexandre Rozin and Safiye Vurdu, of the outcome.

OFFICER COMMENT

Officers have undertaken investigations to determine what if any formal pedestrian crossing facility was warranted at the intersection of Chapel Street and Argyle Street, St Kilda.

Zebra crossings are not installed across tram tracks. This is essentially for safety reasons, as tram drivers may not be able to stop a tram to provide the required priority should a pedestrian commence walking on a crossing.

Pedestrian operated signals were therefore considered as another option. VicRoads guidelines state that pedestrian operated signals may be provided where:

- For any hour on an average weekday:
 - The number of pedestrians crossing within 20m of the proposed site exceeds 100, and
 - The number of vehicles which pedestrians have to cross exceeds 500 on an undivided road, or 1,000 where there is a median or pedestrian refuge.

To determine if the warrants are met, traffic and pedestrian surveys were undertaken during the AM, Lunch and PM peak periods on days when the petition organisers typically attend the Betty Day Community Centre. The surveys were undertaken on Friday, 2 February and Wednesday, 7 February 2018. The key findings are:

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- Average number of pedestrians crossing Chapel Street:
 - AM Peak (8am-10am) 23 pedestrians (12 per hour)
 - Lunch Peak (11am-1pm) 11 pedestrians (6 per hour)
 - PM Peak (4pm-6pm) 23 pedestrians (12 per hour)
- Average Number of vehicles on Chapel Street:
 - AM Peak (8am-10am) 1,698 vehicles (849 per hour)
 - Lunch Peak 11am-1pm) 1,630 vehicles (815 per hour)
 - PM Peak (4pm-6pm) 2,034 vehicles (1,017 per hour)

A review of the crash history at the intersection of Chapel Street and Argyle Street has revealed two (2) recoded accidents in the last available 5-year period (July 2012 – June 2017). Both accidents involved a vehicle turning from Chapel Street into Argyle Street and colliding with a cyclist.

Based on the above, the VicRoads warrants for pedestrian operated signals are not met, nor have any accidents involving pedestrians been recorded at this intersection.

The speed limit along Chapel Street, between Brighton Road and Dandenong Road, has recently been lowered to 50kph to increase the safety of vulnerable road users including pedestrians and cyclists. An existing painted median along Chapel Street acts as a pedestrian refuge when crossing the road.

To advise drivers of pedestrians crossing near this intersection, officers have organised for the installation of two 'Pedestrians' warning signs on Chapel Street, one for each approach to the Argyle Street intersection. Signs are expected to be installed by end of March 2018.

Despite warrants not being met, Council may wish to consider directly funding Pedestrian Operated Signals (Cost between \$200,000-\$300,000). An alternative treatment to reduce pedestrian risk is the installation of kerb extensions at street corners. Such extensions reduce the crossing distance for pedestrians, thereby reducing risk. Should Council wish to consider kerb extensions, the cost will be approximately \$50,000 per corner. An effective treatment in this location would require four corner treatments (\$200,000). Kerb extensions also can offer opportunities for green infrastructure such as raingardens to be installed where practicable at an additional cost.

Neither of the above treatments are considered to be needed at this time, based on traffic volumes, pedestrian movements and accident history.

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OFFICER RECOMMENDATION

That Council:

1. Acknowledges the community request for the installation of a formal pedestrian crossing (or similar) on Chapel Street near Argyle Street, St Kilda.
2. Notes that no warrants have been met, nor repeat accident history identified, for the installation of pedestrian operated signals.
3. Notes that officers have organised for the installation of two 'Pedestrians' warning signs on Chapel Street, one for each approach to the Argyle Street intersection, to advise drivers of pedestrians crossing near this intersection.
4. Notes potential of additional traffic treatments at this location in future budgets.
5. Advises the petition organisers Alexandre Rozin & Safiye Vurdu of the outcome.

TRIM FILE NO: 68/13/721

ATTACHMENTS Nil



Item 4.2

A Petition was received by Council on 29 November 2017 from Rohan Cresp and heard at the Ordinary Meeting of Council on 6 December 2017 at the St Kilda Town Hall.

The Petition states the following:

“The Petitioners therefore request that the City of Port Phillip provide in Local Law No. 1 (Community Amenity) that the parking of a heavy vehicle on any land in a residential area in the City of Port Phillip requires the issue by Council of a permit, in order to meet the purposes of Local Law No. 1 including:

- *Managing, regulating and controlling uses and activities which may be dangerous, cause a nuisance or be detrimental to the amenity of the area or environment.*
- *Managing the uses and activities on roads which may: Interfere with the safety and convenience of people travelling on or using roads; cause damage to Council or community assets; and / or be detrimental to the amenity of the area.”*

OFFICER COMMENT

Legislation governing parking heavy vehicles on roads or residential land

The keeping or storing (stopping) of heavy vehicles (such as trucks) on roads within the City of Port Phillip municipality is regulated by state legislation (Road Safety Road Rules).

Under state legislation, a heavy vehicle cannot be stopped on the road for longer than one hour unless the driver is engaged in dropping off or picking up goods. A heavy vehicle means a vehicle with a GVM of 4.5 tonnes or more and has the same meaning as in rule 200 of the *Safety Road Rules 2017*. Council’s parking officers enforce compliance with this regulation and can issue infringements for any breaches.

A Council may prohibit or restrict the use of a Road (where Council is the responsible authority) by any motor vehicle of, or over, a certain size or weight, if in its opinion the weight poses an immediate risk of danger to people or damage to property (including damage to the Road itself), (schedule 11, clause 12, *Local Government Act 1989*). Any changes would need to be consistent with the National Regulator for heavy Vehicles and permission may need to be sought. This option is being explored further with VicRoads.

Council does not have a local law governing keeping or storing heavy vehicles on private property or Council land within the City of Port Phillip (Local Law No.1 (Community Amenity)). These laws have not been introduced as community feedback has been minimal about heavy vehicles (such as trucks) stored on private or Council land, until receipt of this petition.

Council has a number of local laws protecting its assets. Any builder or person who interferes with or damages Council assets such as crossovers, nature strips or curbing is liable for a fine or prosecution.

Introducing a new local law for parking heavy vehicles on private or public land

Council can choose to conduct a statutory process to introduce a new local law governing the keeping or storing of any heavy vehicles on private property within the municipality. The

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heavy vehicle owner would be required to apply to Council for a permit prior to keeping or storing the vehicle on the private property or Council land. Permit conditions would need to be determined.

The statutory process to introduce the proposed local laws governing heavy vehicle would require the following:

- Development of the proposed local law(s) regulating the keeping and storing of heavy vehicles on private land or Council owned land or Roads;
- Community engagement. Informing the community of the proposed and amended local law clause(s) and inviting submissions through the s223 process;
- Submissions to be heard at an Ordinary Meeting of Council and any required changes to be made to the proposed local law; and
- The amended local law clauses to be presented to Council for adoption and inclusion in the City of Port Phillip Local Law No.1.

The cost to develop the new local laws is approximately \$7,000 and could be funded through the 2017/18 Local Laws Council approved budget.

OFFICER RECOMMENDATION

That Council:

- Endorses Council Officers to develop a proposed local law governing the keeping or storing of any heavy vehicle on private property or Council land within the City of Port Phillip;
- Notes that the new proposed local laws and the community engagement plan will be presented to the Ordinary Meeting of Council on 4 April 2018, to seek approval to commence a statutory process for inclusion of these laws into the City of Port Phillip Local Law No.1 (Community Amenity).

TRIM FILE NO: 16/16/36

ATTACHMENTS Nil



Item 4.3

A Petition was received from the Melbourne Ports Stop Adani Group.

The Petition states the following:-

That Council resolve to:

1. *Review whether any companies or organisations with which the Council works or funds have any involvement in contracting for the development and operation of the Carmichael mine and its related infrastructure or have other ties to Adani. (Use latest information from Market Forces for up to date advice re Adani Related businesses)*
2. *Resolve not to award future contracts or to work with to those companies identified above and to continue to desist from working with any such organisations.*
3. *Write to the Prime Minister, the Hon. Mr Malcolm Turnbull and Queensland Premier, the Hon. Anastacia Palaszczuk and to all local governments across Australia (addressed to mayors and councillors) to express the concerns of the Port Phillip Community about the Adani mine and to inform them of the City of Port Phillip's action in not working with Adani related organisations.*
4. *Publicise via local newspapers and the Council's website etc that the Council has taken the stance and resolved not to do business with Adani related organisations.*
5. *Include in its reasons for the opposition to the mine the arguments put forward by Byron Council, namely:*
 - *The carbon emission impact of opening a never-before-mined region and the subsequent effect on international efforts to limit global warming*
 - *The mine's impact on two of Australia's most precious natural formations – Australia's largest groundwater system the Artesian Basin (under the mine's 60-year contract to extract unlimited water) and the Great Barrier Reef (with coal passing through Abbot Point terminal and required dredging to expand the terminal to accommodate for increased output)*
 - *Support for the national Stop Adani campaign's efforts to boycott businesses associated with the building of the Adani Carmichael mine.*

Further, add additional reasons that might pertain to Port Phillip, such as rising sea levels and flooding that would particularly impact Port Phillip, from the burning of coal from the mine.

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OFFICER COMMENT

The City of Port Phillip has a strong commitment to the future sustainability of the Environment. Our Council Plan (2017-2027) identifies Climate Change as one of the seven significant long-term challenges facing our City.

In support of this commitment Council has reflected in recent reviews of both its Procurement and Investment policies an intention to actively pursue outcomes from the delivery of services and maintenance of our City's assets that are supportive of protecting our environment.

The Procurement Policy adopted by Council on June 2017 includes the following direction to Officers:

"Wherever practical, for all procurement processes with a total contract value of \$1 million or greater, a representative from the Sustainability and Transport Department will be engaged in the development of tender specifications, and tenderers must complete the Corporate Social Responsibility Schedule including mandatory disclosure of whether a company has dealings with, or funds activities in the following industries:

- *Offshore detention*
- *Tobacco*
- *Fossil fuels energy generation or distribution*
- *Gambling*
- *Entertainment involving animals, including racing."*

Council's Investment policy adopted in February 2018 directs Officers to favour investments in Fossil Fuel Free Financial Institutions where they meet our Financial risk objectives and Liquidity needs.

Council targets an outcome of >60% of its Investment Portfolio are placed with Fossil Fuel Free Financial Institutions.

OFFICER RECOMMENDATION

That Council resolves that Officers provide a comprehensive report to Council in April 2018, after obtaining appropriate legal advice, outlining available mechanisms, risks, costs and necessary policy or procedure changes that enable Council to make a more detailed response to the specific actions requested in the petition.

TRIM FILE NO: 34/11/13

ATTACHMENTS Nil



5. SEALING SCHEDULE

Nil

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6. PUBLIC QUESTION TIME

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7. COUNCILLOR QUESTION TIME



8. PRESENTATION OF CEO REPORT

Nil



9. PEOPLE AND COMMUNITY

- 9.1 *Proposed Alcohol Restrictions - LATE REPORT TO BE DISTRIBUTED SEPARATELY*
- 9.2 *Fitzroy Street CCTV - Year One Interim Findings..... 19*



10. TRANSPORT AND PARKING

Nil

11. SUSTAINABILITY

Nil

12. PLANNING

Nil



13. ARTS, CULTURE & ECONOMIC DEVELOPMENT

- 13.1 *Response to Community Consultation and Petition - Middle Park Library*
LATE REPORT TO BE DISTRIBUTED SEPARATELY



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14. ORGANISATIONAL PERFORMANCE

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15. NOTICES OF MOTION

Nil



16. REPORTS BY COUNCILLOR DELEGATES

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17. URGENT BUSINESS



18. CONFIDENTIAL MATTERS

Nil