

Attachment 2 - Local Law No. 1 Review Submissions received by Council

Local Law No. 1 Review Submission No.	Group / Type	Clause No.	Summary of submission	Background
#001	Grand Prix Corporation	Clause 42 - Grand Prix Parking	Submission suggests that the Local Access Zone sticker and the normal CoPP Parking permit should both be displayed. This will ensure that the LAZ sticker is not passed on to friends and family or sold as it must be accompanied with the CoPP permit.	The Grand Prix Corporation currently distribute two stickers to residents to be used by residents and their visitors to park in the LAZ on the four race days. Residents and visitors can collect additional stickers from Council's Town Halls. If a Council permit is introduced there may be additional administrative costs. Council Officers are aware that some residents go on holidays during or prior to the Grand Prix and have left their cars on the street without a LAZ sticker displayed. These residents could potentially receive an infringement for failing to display a valid permit. Since 2016, Council has implemented additional 2P parking restriction overlays in Herbert Street, Richardson Street, Nimmo Street, Erskine Street and McGregor Street to reduce the impact on locals of visitors parking in the LAZ.
#002 and #003	Resident	Clause 42 - Grand Prix Parking	One submission was received regarding this clause, from a resident who attended the 'drop in' session at the Port Melbourne Town Hall. The resident was not supportive of amendments to clause 42 that require motorists during the period of the Australian Grand Prix to display a valid permit to leave a vehicle standing in the Local Access Only Zone or the Middle Park area. The resident expressed concerns that infringements would be issued unfairly to visitors as many residents have unplanned visitors who may not have a Grand Prix sticker on their vehicle. The resident stated that the Grand Prix organisers only issued two stickers to enter the restricted area during the Grand Prix which may be insufficient for visitors. A penalty of \$250 (infringement) applies for failing to display a valid permit or \$500 maximum penalty applies if the matter is heard in court.	During the period of the Australian Grand Prix, a Grand Prix parking permit is required to leave a vehicle standing in the Local Access Only Zone or the Middle Park Area. The Grand Prix Corporation distribute stickers currently to residents to be used by residents and their visitors to park in the restricted areas from 8am to 6pm on the four race days. Residents and visitors can collect additional stickers from Council's Town Halls. The stickers would need to be replaced by permits which may incur an additional charge to produce. There is a risk that a visitor or resident fails to display a valid permit and subsequently receives a \$250 fine which may need to be withdrawn. This provision has sought to restrict access to the area surrounding Albert Park during the Australian Grand Prix to ensure limited parking in the area remains available for local residents and businesses and is not taken up by race goers. A penalty for this offence has been introduced to ensure the provision is enforceable. Improving the current local law in this way will benefit residents by increased parking availability during the Grand Prix period. It is proposed that an Infringement penalty of \$200 is introduced for vehicles without Grand Prix Parking Permits during the Australian Grand Prix. The maximum penalty will be 5 penalty units or \$500 if the matter is referred to the magistrates court.
		Clause 60 - Shopping Trolleys	The resident was supportive of amending Clause 60 Shopping Trolleys to require any proprietor of a premises which makes shopping trolleys available for use to ensure that from 1 July 2018 onwards, each shopping trolley has a coin operated lock or a perimeter constraint system.	Noted.
#004	Small business owner	Clause 60 - Shopping Trolleys	The retail owner provided a written submission to Council requesting that the requirement to install the coin operated lock or perimeter constraint system be restricted to two or three large food retail stores who he believes are the primary culprits of the dumped trolleys. The owner of a small speciality food store stated he has been in business since 1995 and has never lost a trolley. The owner believes that those stores with fewer than 10-20 trolleys should be exempt from this requirement given their track record of ensuring trolleys are returned to the store and the financial impost of having to install the wheel devices. He stated that many local small businesses are already struggling with the cost of rents, power and general outgoings.	Council can exempt businesses with fewer than a prescribed number of trolleys from this requirement. Shopping trolleys must not be left or dumped on Council land. The local law has been amended to require a proprietor of any premises which provides shopping trolleys to ensure a coin deposit mechanism or a perimeter constraint system is installed on any shopping trolleys provided at their premises. The proposed penalty for failing to comply with this clause is a \$500 infringement or a maximum of 20 penalty units (\$2000) may be awarded by the court.
#005	Business	Clause 60 - Shopping Trolleys	Representative from Trolley Tracker's (on behalf of Woolworths and Dan Murphys) submission outlines that the proposed amendment to Clause 60 would financially impact each store with the installation and ongoing repair of the locking systems. The lock system also inhibits the ability for trolleys to be moved to different stores and so does the proposed mandatory contact details. Submission also notes that Council's position to have a message outlining customers obligation to return trolleys is difficult to understand, because even with the coin lock or perimeter locks, trolleys will still be abandoned by individuals. Individuals are not held accountable (only penalties to retailers). Education is required to change behaviour of people. The submission proposes that if all stores in CoPP comply with this proposed amendment that they should be exempt from further penalties as trolleys are abandoned by individuals, not the company.	From 2014-2016 Council has received between 105-109 requests to remove abandoned shopping trolleys annually. In many cases around a single complaint may require 15-20 abandoned shopping trolleys to be collected from a given area. Council's Local Laws Officers report that trolleys belonging to Aldi, Coles, Woolworths, IGAs and Dan Murphy have been abandoned however the majority of dumped trolleys belong to Coles and Woolworths. Council's Officers report that the areas with the highest incidents of abandoned trolleys are St Kilda, Balaclava, Port Melbourne and South Melbourne areas. In these areas the trolleys predominately belong to Woolworths and Coles. Trolleys that are not collected within 48 hours are impounded and only a small number of trolley owners collect the impounded trolleys and pay the required release fee of \$150 (Local Law No.1).
#006	Victoria Police	Clause 54 - Consumption of Liquor	Acting Inspector, Port Phillip Local Area Commander, provided a submission stating that the Police have no issues with the proposed Local Law changes to the Principal Local Law No.1. The submission also requested that documentation submitted to Council on 13 July 2017 regarding governing the consumption of alcohol on Carlisle Street from 9am to 8pm be considered as forming part of the Police submission. The letter from the Police dated 13 July 2017 respectfully requests consideration is given to a 12 month trial whereby the local law reflect the consumption of alcohol at any time on Carlisle Street.	There were no changes proposed to clause 54 in relation to governing the consumption of alcohol on Council land. Restrictions to the consumption of alcohol on Council land can be made by Council through its current Local Law. Council is able to designate an area as alcohol/liquor free. The consumption of alcohol is scheduled to be considered by Council at its Ordinary Meeting of Council 19 September 2017.

#007 and #008	Resident	Clause 36 - Domestic Waste and Recyclable materials	A resident living in Elwood submitted a petition with 11 signatures (including the head petitioner) requesting clause 36 Domestic Waste and Recyclable materials be changed to require domestic rubbish bins to be stored out of view of the street. The head petitioner expressed concern that three blocks of flats in Elwood store visibly bulky bins in the front of the property in full view of the street. The head petitioner believes the bins should be stored down the side or the back of the property. Additional matters raised included concerns about unauthorised goods being dumped on footpath or nature strip, non-removal of graffiti and broken light fittings and fences not being repaired.	Clause 36 has been amended to read that 'any owner of any flats or units must provide a clearly defined storage area for the storage of bins and every occupier must keep the bin allocated to the flat or unit in that defined storage area'. The clause does not specify the location of the bins. Planning permits for buildings greater than five storeys include a permit condition requiring the developer to provide a recycling compactor and an enclosed area for bins stored on the site. No enforceable provision exist to specify bin locations on private property and in buildings built prior to 1995. Fiona- I will check with Maddocks if we can enforce this under the Local Law however I doubt we can. Clause 36 in Local Law No. 1 has also been amended to permit a waste bin to be stored in a lane or other similar area where permission is given by an authorised officer and the placement of the bin does not cause an obstruction to vehicular or pedestrian traffic. This has been added to allow for storage of rubbish bins in laneways or streets where there is no place on the land to store the bin such as heritage buildings, where front and rear of the building are built to the boundary line. Planning year changed
		Clause 57 - Allowing land to be kept in a dangerous or unsightly manner	Resident raised concerns about unauthorised goods being dumped on the footpath or nature strip, non-removal of graffiti and broken light fittings and fences not being repaired.	The other concerns related to dumped rubbish and graffiti can be addressed by clause 57 'Allowing land to be kept in a dangerous or unsightly manner', which has been strengthened. This amended clause would permit Council's Local Laws Officers to enforce compliance where the landowner permits any structure to become dilapidated or further dilapidated, fails to maintain any building in a state of good repair and appearance, (including undertaking temporary repairs as required to ensure on sit safety and security and to avoid the appearance of neglect out of character with other premises in the vicinity) and allows any graffiti to remain on any building or structure on the land. Dumped rubbish is littering and enforceable under the Environmental Protection Act 1970.
#009	Business	Clause 36 - Domestic Waste and Recyclable materials	A doctor working at Port Melbourne Veterinary Clinic prepared a submission which states that the laneway abutting the business is cluttered with rubbish bins left out in the laneway all week. The bins make it difficult for staff and clients to safely access business car park.	Commercial waste bins require Council permission to be placed on the land and if required a waste management plan can be requested by Council to protect the safety and amenity of the environment. The new subclause permits residential rubbish bins to be stored on public land such as laneways in circumstance where the bin cannot be stored on private land and where the bin does not cause an obstruction to pedestrian or vehicular traffic. This clause will offer an alternative to residents whose houses or businesses open directly onto a lane as is the case in many heritage areas. This clause will assist older and people with special needs to better manage their domestic waste.
#010	Resident	N/A	Lawyer from Port Melbourne addressed that the manner in which the documents were presented were difficult to understand and could have been presented in a different form to encourage community members to respond.	The information placed on Council's webpage meet the requirements of s223 of the Local Government. A copy of the City of Port Phillip Local Law No.1 marked up with amendments was emailed to the resident as per the request. The proposed amendments to the Principal Local Law No.1 (Community Amenity and the Existing Local Law No.1 and the Procedures and Protocols Manual were available to residents during the submission process.
#011	Resident	N/A	Resident from Port Melbourne has provided a submission stating that outdoor heaters should be banned at all restuarants, plastic bags should be banned and that Council should refuse to acknowledge Australia Day	Placement of outdoor heaters on the footpath is regulated by the Footpath Trading Guidelines. The state government is considering a Bill (Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016) seeking to restrict the supply and sale of plastic bags and plastic and polystyrene packaging. On 23 May 2017, Council wrote to Daniel Andrews to formally endorse the Keep Australia Beautiful campaign calling on the State Government to join South Australia, Tasmania, Northern Territory, the ACT and Queensland in passing legislation to ban the distribution of free single use plastic bags. The letter also requested that the State Government pass the draft Environment Protection Amendment (Banning plastic bags, packaging and microbeads) Bill (2016) or, if not feasible, an alternative legislation to prevent the distribution of free single use plastic bags.
#012	Non for profit organisation	Clause 62A - glass on beach	Submission from Beach Patrol stated a question only, aren't glass and bottles already banned on beaches at all time?	An email response was provided in relation to the new clause 62A proposed to be introduced to regulate glass on beaches. There is a significant risk associated with glass waste on beaches within the municipality. Glass bottles cannot be easily be removed by beach cleaning machinery and the presence of broken glass poses a safety risk to tens of thousands of people who utilise the beach during summer. This new sub clause proposes to strengthen the current clause 62 which was added in 2013. The new clause 62A is proposed to prohibit the possession and carrying of glass onto beach areas, 'without a permit at any time on a public holiday, New Year's Eve for the period from 8pm on 30 December until 9am on 2 January in any year,' or onto any area designated by Council from time to time. The proposed penalty for failing to comply with this clause is a \$250 infringement or a maximum of 20 penalty units (\$2000) may be awarded by the court.