



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

27 NOVEMBER 2024



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted



**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD
27 NOVEMBER 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA
TEAMS**

The meeting opened at 6:32pm.

IN ATTENDANCE

Cr Crawford (Chairperson), Cr Buckingham, Cr Cunsolo, Cr Halliday, Cr Hardy, Cr Jay, Cr Makin, Cr Thomann.

Chris Carroll, Chief Executive Officer, Brian Tee, General Manager City Growth and Development, Kylie Bennetts, General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager, Operations and Infrastructure, Claire Stevens, General Manager Organisational Capability and Experience, James Gullan, Acting Executive Manager Governance and Organisational Performance, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Vicki Tuchtan, Manager Property and Assets, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor.

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

An apology was received from Councillor Mears.

2. CONFIRMATION OF MINUTES

Moved Crs Buckingham/Cunsolo

That the minutes of the Meeting of the Port Phillip City Council held on 16 October and Special Meeting held on 14 November 2024 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PUBLIC QUESTION TIME AND SUBMISSIONS

Public Questions and responses are summarised below. Submissions to agenda items were made verbally and can be listened to in full on our website:

<http://webcast.portphillip.vic.gov.au/archivephp>.

Public Question Time:

In accordance with rule 51.8 of Council's Governance Rules, the following like questions relating to the Council car park at 32 Jackson Street, St Kilda were grouped together and a single response provided:

- **Eamon Dawson:** Ratepayers, locals and visitors are constantly being confronted with open drug use, intimidation, threats and in some cases violence. What can be done to maintain the fit and proper use of the council run car park and control the antisocial behaviour and criminal activity that threatens locals and visitors in and around Fitzroy and Jackson Streets? Police are saying it's a Council issue and Council are saying it's a police issue. What can Council do to work with Victoria Police on this issue? What have other Council's like City of Melbourne done to address similar issues? Without a more structured response, this situation could take place in any part of the City of Port Phillip. These issues are totally consuming us, please help us.
- **Will Bainbridge:** The situation at the Jackson Street Car park has now reached breaking point, the people occupying the car spots have refused support from Council and outreach, these people don't want help, they simply want trouble. The ongoing threatening behaviour makes us fear for our safety. What is next? We request Council to revisit the move on laws and give powers to either local laws officers or police to keep us safe. I speak to you seeking action. What is being done to protect our safety?
- **Toni Noah:** I live near the Jackson Street car park and it has been horrible. I have been accosted and my husband's car was vandalised. I am fearful to walk down Jackson and Fitzroy Streets. Those that were moved on from the car park this week have moved onto Fitzroy Street. It is a severe problem and it's emotionally devastating for a lot of us. What can the Council do to fix this?
- **John Spender:** I am a long term resident of Jackson Street. I love the area and am very used to the quirky character of St Kilda. The current situation at the car park though is intolerable and can't continue for the reasons outlined by the previous speakers. In relation to the issue of local laws and what powers Council have in relation to these matters, can the Council please look at the Melbourne City Council activities and local law 2024? They appear to have stricter conditions on the ability to camp in local areas than perhaps the laws that Port Phillip has.

Brian Tee, General Manager City Growth and Development acknowledged the members of the community who shared their experience and that what is happening in Jackson Street is having a devastating impact on the community affected.

Council officers including Local laws officers have been attending the site, and my team is there every day. We are receiving correspondence from the community and it is clear that the behaviour is intolerable, we are receiving reports of drug taking and drug dealing, there is violence and loud and aggressive behaviour – particularly late at night and there is stolen goods. My team is there every day requesting people to move so that we can clear the area. We are removing about two square metres of rubbish every day including bedding, needles, clothing, tents and stolen goods.

We are using our local laws in relation to nuisance and camping. We are issuing infringements for camping, but the impact of that local law is limited. We can issue a penalty

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 27 NOVEMBER 2024



notice for the breach of local laws every day, but enforcement is a long and uncertain process in the Magistrate's Court. Council cannot do it alone, which is why the Council is reaching out to every agency for help including the police. We are working with the police every day to get their input and their involvement to help us deal with the situation.

At the moment the situation is such that Council's local laws officers cannot go down there without police. We are threatened and abused and we are worried about the presence of knives. Generally police attend and we are very appreciative and grateful for that. Sometimes the police have competing priorities, but we are supportive and clear of their role. The police do have a somewhat complimentary role, they have the legislative powers, the training and the equipment to deal with criminal behaviour, drug trafficking, theft and violence. Under the Summary Offences Act 1966 they have the powers to direct any person to leave a place if they are breaching or are likely to breach the peace, endangering, or likely to endanger the safety or cause injury to another person. We have been encouraging and working with the police for them to be proactive in that policing approach and this week we saw a number of arrests. To clarify this was not police move on powers, this was the police exercising their powers in relation to criminal activities. Police powers do have their limitations, sometimes those arrested are bailed and return. The way we try and deal with that is a multi-tiered approach. We are trying to connect with service providers like Launch Housing, and the Salvation Army, with drug and alcohol support services. Every week we meet with police and service providers to try to connect individuals with the relevant housing and support services.

We do not have all the answers. Clearly it's not enough and clearly Council and the police collectively need to do more. We will continue to review what we do. We will continually try new things. We do not see this is a police vs Council issue. We see our role as being central to connecting all of those services. I have a meeting with the police tomorrow again to talk to them about any additional actions that can be taken.

We don't have all the answers, but we are very committed to keeping the community safe. We will continue to be there and work with the community members living nearby. We will continue to be there and look at every option to try and disrupt the activity that is there. We will continue to infringe. We will continue to clean and will work with services and we will continue to urge police action.

And we are also looking at a broader approach – updating our Community Safety Plan. This will give the community the opportunity to work with us on what else we can do.

- **Louisa Larkin:** The newly updated Port Melbourne skatepark is great for skateboarders and kids, but dog owners are concerned that the current set up could lead injury which I'm really keen to prevent. There used to be a car park and a synthetic turf recreational space proved a buffer between the skatepark and the Hester Reserve Off-Leash dog park, now one of the new ramps is less than half a metre from the entrance from the dog park without a gate. Will the Open Space team please consider installing a simple self-closing gate and approximately five metres of fencing between the skatepark and the dog off-leash park to ensure the skateboarders, dog owners, and dogs are safe and there will be no injuries?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that fencing was not an inclusion in the project scope for the new Port Melbourne Skate Park. There is an existing low-level stone heritage wall between the skatepark and the adjacent Hester Reserve, as well as a small portion of fencing to provide a buffer between the skate park and the light rail. The skate park is an existing use and while the footprint has shifted closer to Hester Reserve, the stone wall and small portion of fencing have being retained. There is also a small landscape buffer on the skate park side of the wall. Hester Reserve is

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 27 NOVEMBER 2024



an existing dog off-leash area located within the broader Port Melbourne railway reserves, which is a long stretch of reserves where there is a number of off leash areas.

Council also has another skate park located at Marina Reserve in St Kilda is located within an off leash dog area, with no fencing to separate use. This joint use seems to be working well. Due to this, Council is not proposing a change of design at this point.

- **Frank Artuso:** Would you as Councillors and officers give thought and consideration to further leveraging off this city's admirable public question time protocol to further promote the benefit it offers this city's citizens? One suggestion I propose is directly connecting with student approaching voting age, this City's 17 Council Advisory Committees, the database of past participants who engaged with the "Have your say" format with a structured and planned invitation into this Chamber to specifically witness public question time. Imagine this initiative further enhancing understanding of this City's diverse population and their issues, whilst providing meaningful education beyond sometimes misinformed and unreliable social media sources.

James Gullan, Acting Executive Manager Governance and Organisational Performance advised that Council is part of the M9 group and compared to other Council's, Port Phillip does allow for more public participation in Council Meetings than most. That being said, we are always looking to improve how we engage with our diverse community. We are currently reviewing and updating our Community Engagement Policy which will be a good avenue to provide some of these suggestions. This policy guides our approach to community engagement and is open for community input currently and closes on Monday 16 December. James Gullan undertook to provide the feedback provided by Frank back to the team as well as welcomed other members of the community to submit feedback via Council's have your say page. Some of the ways we currently engage with some of the community we don't hear from as much. For example, in August 2024, we held a Youth Summit which was targeted at young people from 15-18 years of age, who shared their ideas and views with Council and how they can participate. We also regularly consult our Advisory Committees on a range of items that pertain to not only projects but Council business. More broadly, we have a monthly engagement newsletter that is sent to our Have Your Say contributors to ensure they are kept up to date on how to provide feedback on Council business. Finally, we also regularly meet with our M9 colleagues through governance committees to share ideas and compare notes.

- **Annabel Jones:** In relation to the Dog Off Leash Guidelines. When the community consultative committee is formed, can consideration be taken into swapping the dog off leash allocated beaches in Port Melbourne?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that beach restrictions vary across the municipality for a number of reasons including:

- *Providing dog free spaces near environmentally sensitive areas*
- *Grouping different types of restrictions together, so the community has easy access to either a dog on leash or off leash beach.*
- *Pairing dog on leash outside Life Saving Club and in no boating (swimming) zones*

The Dog Off Leash Guidelines were adopted on 21 August 2024 and the resolution included an action to engage on changes to beach and park off leash areas. As part of the Council decision there is a proposed change to beach restrictions on the Port Melbourne beach, including extending the time on the beach in the morning, but no further restrictions were



proposed through that resolution. The community will have an opportunity to comment on changes to the beach when this engagement begins in the new year.

Council Report Submissions:

Item 7.3 Petition: Port Melbourne Skatepark - Graham Street Bridge Overpass

- Louisa Larkin

Item 7.4 Petition: Free the St Kilda Community: Junkie and Prostitution, Greeve and Blanch Streets, St Kilda

- Susanne Provis

5. COUNCILLOR QUESTION TIME

- **Councillor Thomann:** Acknowledging the work of the Elwood Canal Action group in removing 10 or 15 tonnes of rubbish per year. Can officers please highlight the work that Council has done in this space and how we can help to facilitate litter traps being installed as requested by that group?

Craig McLean, Acting Manager City Planning and Sustainability advised that Elwood Canal is important for biodiversity, water management and open space, and litter can negatively impact all of those. Council works closely with Melbourne Water as the asset owner, neighbouring councils and the community on a range of projects to maintain and improve the canal.

City of Port Phillip is part of a collaborative Working Group to deliver a whole-of-catchment Elster Creek Litter Action Plan. The Working Group is led by Melbourne Water with the four councils in the catchment, and EPA Victoria. Analysis of litter issues is underway, trying to get a good understanding the where it comes from, how it is transported, what management measures are already in place (and how well they are working) and identifying the best ways to improve. The analysis will lead to proposals to improve education, enforcement, maintenance and infrastructure targeted to where those actions will have the most impact, including if and where additional Litter Traps would make a difference.

As part of this, the Elster Creek collaboration is working with community stakeholders across the catchment to understand their concerns around litter management and use their local knowledge to refine its approach. In the meantime, Melbourne Water is also funding fortnightly litter picking along the canal.

On Litter Traps, or Gross Pollutant Traps, Council has 19 across the municipality. Two of these are installed along Elster Creek at Foam Street and Wave Street to prevent litter entering the Canal and Bay. An audit is being conducted of these traps, to assess how well they are functioning, with results are expected in the first quarter of 2025. As part of the work done by the group as well, there will be an assessment and if it shows that an additional litter trap could benefit and where it could best be placed, recognising that litter traps can affect water flow and therefore can contribute to flooding. Beyond litter. Council has entered a \$3.1 million partnership with the Australian Government on a stormwater harvesting and planting project to improve the lower Elster Creek, \$1.4m of which supported by Council.

Through this project approximately 12 million litres of stormwater will be harvested from lower Elster Creek to irrigate our reserves, reduce our dependence on potable water, help regulate water flows, improve water quality, and prevent sediments and pollutants from



entering the bay. As part of the project, about 22,500 Indigenous plants will be planted and approximately 4,500 square metres of dead, and dying vegetation will be removed, to improve the water quality of the habitat along nearly two kilometres of the banks of lower Creek in City of Port Phillip.

- **Councillor Buckingham:** Reflecting on what we have heard from the residents of St Kilda. Have the housing services, health services and the aboriginal controlled community services voiced any need for additional support or resources from the Council for the situation happening on Jackson Street?

Brian Tee, General Manager City Growth and Development advised that there hasn't been any specific conversations in relation to this particular matter but in previous conversations on similar issues, those services have indicated an excess in demand and an inability to meet demands. I am reasonably confident that it applies here but I don't have direct knowledge. Housing is an issue and access to mental health services is an ongoing issue due to the sheer volume of demand and lack of supply to meet the demand.

- **Councillor Makin:** In relation to the stages of the Dog Off Leash Guidelines, we have referred to early 2025 to commence community consultation. Are we in a position at this stage to define a window for when this will take place?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that the resolution of Council indicated early 2025. There is a lot of community consultation taking place on other topics early in the new year so we'll need to fit this in around those.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Petition: Request to not reinstate Speedhump on Byron Street near the corner of Cyril Street

A Petition containing 10 signatures, was received from local residents.

Moved Crs Halliday/Cunsolo

That Council:

1. Receives and notes the petition.
2. Thanks the petitioners for their petition.
3. Notes that the petition pertains to an operational matter and that Council Governance Rules requires the referral of operational matters to the CEO for a response.
4. Notes that the speed humps were reinstated on 14 November.

A vote was taken and the MOTION was CARRIED unanimously.



7.2 Petition: Safe Delivery of LGBTIQA+ events

A Petition containing 6 signatures, was received from Rainbow Local Government.

Moved Crs Buckingham/Makin

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their petition.
3. Acknowledges Port Phillip's commitment to safe and inclusive events its diverse communities, including the LGBTIQA+ community. This is affirmed in the LGBTIQA+ *Action Plan 2023-26, with a vision for an inclusive city where diverse LGBTIQA+ communities are safe, connected and celebrated.*

A vote was taken and the MOTION was CARRIED unanimously.

7.3 Petition: Port Melbourne Skatepark - Graham Street Bridge Overpass

The following question was taken on notice during discussion of the item:

Councillor Cunsolo: Does the Environmental Protection Authority (EPA) have rules or regulations for noise limits, given skateboarding is a noisy activity?.

Dana Pritchard, Manager Open Space, Recreation and Community Resilience took the question on notice.

A Petition containing 12 signatures, was received from local residents to the skatepark.

Moved Crs Makin/Cunsolo

That Council:

1. Receives and notes the petition.
2. Thanks the petitioners for their petition.
3. Notes the concerns raised by the petitioners regarding the existing noise and car parking impacts/issues from the Port Melbourne Skate Park.
3. Notes the project is replacing a current skate park that is being upgraded to make safe and to cater for population growth in the area.
4. Notes that the Port Melbourne Skate Park is in an activity hub, which attracts a variety of people for both formal sport and informal recreation pursuits.
5. Notes that measures to mitigate noise were considered in the design and included where suitable.
6. Notes that the closure of the carparks was undertaken through a formal process.
7. Notes that practical completion of the project is expected to occur imminently with a formal opening in 2025 including Council and State Government representation.



8. Supports the ongoing recreational use of Port Melbourne Skate Park, with no additional changes to the approved design.
9. Requests that officers notify the petitioner of the outcomes of this matter.

A vote was taken and the MOTION was CARRIED unanimously.

The mayor adjourned the meeting for a break at 7.31pm.

The meeting resumed at 7:34pm.

7.4 Petition: Free the St Kilda Community: Junkie and Prostitution, Greeve and Blanch Streets, St Kilda

A Petition containing 13 signatures, was received from residents of the City of Port Phillip.

Moved Crs Crawford/Halliday

That Council:

1. Receives and notes the petition.
2. Thanks the petitioners for their petition.
3. Continues to advocate with Victoria Police for proactive enforcement to reduce drug use and theft.
4. Requests that, subject to other competing priorities including Jackson Street, the mobile CCTV trailer be stationed on the street to monitor criminal behaviour.
5. Encourages residents to attend Victoria Police's Neighbourhood Policing Forum on 3 December 2024.
6. Encourages residents to continue to contact Victoria Police on 000 to report illegal activity.

A vote was taken and the MOTION was CARRIED unanimously.

7.5. Petition: Repair of the Edward O'Donnell Drinking Fountain

A Petition containing 520 signatures, was received via the change.org platform.

Moved Crs Thomann/Jay

That Council:

1. Receives and notes the Petition and provides a response at a future Council meeting, pending the outcome of the Notice of Motion on the same matter to be considered at this meeting.
2. Thanks the petitioners for their petition.

A vote was taken and the MOTION was CARRIED unanimously.

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 27 NOVEMBER 2024



Councillor Cunsolo left the meeting at 7.39pm and did not return for the remainder of the meeting.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report Issues 110 (August 2024) and 111 (Q1 2024)

PURPOSE

- 1.1 To provide Council with a regular update from the Chief Executive Officer regarding Council's activities and performance.

MOVED Crs Halliday/Hardy

That Council:

- 3.1 Notes the CEO Report – Issue 110 (provided as Attachment 1)
- 3.2 Notes the CEO Report – Issue 111 (provided as Attachment 2)
- 3.3 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the reports.

A vote was taken and the MOTION was CARRIED unanimously.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

Nil.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.

13. WELL GOVERNED PORT PHILLIP

13.1 Status of Council Decisions and Questions taken on Notice Recorded by Council: 1 July - 30 September 2024

PURPOSE

- 1.1 To provide Councillors with an update on the status of all Resolutions passed by Council at Council and Planning Committee Meetings between 1 July to 30

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 27 NOVEMBER 2024



September 2024 and the status of actions that were previously reported as outstanding in the last quarterly status report.

- 1.2 To provide Council with an update on the status of Questions Taken on Notice during Council Meetings from 1 July to 30 September 2024.

MOVED Crs Crawford/Buckingham

That Council:

- 3.1 Notes the implementation status of Council and Planning Committee Resolutions as contained in Attachments 1 and 2.
- 3.2 Notes the response status of questions taken on notice during Council Meetings as contained in Attachment 3.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Appointment of Councillors to Audit and Risk Committee (ARCO)

PURPOSE

- 1.1 To appoint Councillors to the Audit and Risk Committee (ARCO) for a 12-month period.

MOVED Crs Makin/Buckingham

That Council:

- 3.1 Appoints Mayor Louise Crawford and Deputy Mayor Bryan Mears to the Audit and Risk Committee effective from the date of this resolution for a 12 month period and that the names of the Councillor representatives will be published on Council's website.
- 3.2 Notes the Audit and Risk Committee Charter (attachment 1).

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Councillor Expenses Monthly Reporting - October 2024

PURPOSE

- 1.1 To report on the expenses incurred by Councillors during October 2024, in accordance with the Councillor Expenses and Support Policy.

MOVED Crs Crawford/Thomann

That Council:

- 3.1 Notes the monthly Councillor expenses report for October 2024 (attachment 1) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.



13.4 S6 Instrument of Delegation - Council to Members of Staff

PURPOSE

- 1.1 To present to Council an updated S6 Instrument of Delegation from Council to Members of Council Staff.

MOVED Crs Halliday/Crawford

That Council:

- 3.1 Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the S6 Instrument of Delegation from Council to Members of Council Staff (Attachment 1) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.
- 3.2 The Common Seal of Council be affixed to the S6 Instrument of Delegation from Council to Members of Council Staff.
- 3.3 The S6 Instrument of Delegation from Council to Members of Council Staff comes into force immediately from when the Common Seal of Council is affixed to the Instrument.
- 3.4 Notes that on the coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff (authorised by resolution of Council on 16 October 2024) is revoked.
- 3.5 Notes that the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any policies of Council that it may from time to time adopt.
- 3.6 Authorises the CEO, or their delegate, to make administrative changes to the document to correct any titles and typographical errors, to enable the documents to be appropriately sealed.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

14.1 Notice of Motion – Councillor Thomann – O’Donnell Gardens Fountain

Moved Crs Thomann/Jay

That Council

- 1 Requests officers provide Councillors with an update as early as practicable on the status and options, including cost requirements, to undertake the restoration of the Edward O’Donnell Fountain, including ensuring it is fully repaired, well-maintained and illuminated, to be considered as part of the development of the 2025/26 Budget.
- 2 Thanks those members of the public who have signed a petition requesting these works be undertaken.

A vote was taken and the MOTION was CARRIED unanimously.

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 27 NOVEMBER 2024



15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 7.51pm.

Confirmed: 11 December 2024

Chairperson _____