



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

21 MAY 2025



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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 21 MAY 2025 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS

The meeting opened at 6:30pm.

IN ATTENDANCE

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

Chris Carroll, Chief Executive Officer, Lauren Bialkower, A/ 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, Robyn Borley, Director Governance and Performance, Nellie Montague, Manager Safety and Amenity, Mike Fisher, Manager City Planning and Sustainability, James Gullan, Head of Governance, Joshua Vearing, Council Business Advisor, Carly Eyckens, Team Leader Councillor and Executive Support.

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

Nil.

2. CONFIRMATION OF MINUTES

Moved Crs Thomann/Mears

That the minutes of the Meeting of the Port Phillip City Council held on 7 May 2025 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously

Moved Crs Thomann/Mears

That the minutes of the Special Meeting of the Port Phillip City Council held on 13 May 2025 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

CONDOLENCE MOTION – ALLAN MITLEMAN

Allan Mitleman, an Australian artist and lifetime resident of Port Phillip who sadly passed away on Friday 18 April 2025.

Moved Crs Thomann/Buckingham

That Council

- Expresses its deep regret on the passing of Allan Mitleman.
- Offers its sincere condolences to their family and places on record its appreciation for their service to the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously

CONDOLENCE MOTION – TONY MORCOMBE

Tony Morcombe, a Port Phillip Council staff member of more than 20 years who sadly passed away

Moved Crs Halliday/Cunsolo

That Council

- Expresses its deep regret on the passing of Tony Morcombe.
- Offers its sincere condolences to their family and places on record its appreciation for their service to the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Public Questions are summarised below. The submissions were made verbally and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archivephp>.

Public Question Time:

- **Jeanette Gleeson:** What was Council's opinion on the submitted designs that were attached on the survey form for the development of 15 Marriott St, St Kilda, in relation to the 'Have Your Say' for more small parks for Balaclava and St Kilda East

Dana Pritchard, Manager Open Space, Recreation and Community Resilience to provide a response.

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Council Report Submissions:

Item 10.1 Community Safety Response

- Ian Gray
- Angel Lea
- Ann Byrne
- Rachel Powning
- Rob Mahoney
- Richard Ludlow
- David Williams
- Geoffrey Edwards
- Brett Davison
- Eamon Dawson
- Rhonda Small
- Brenda Forbath
- Tina Gelberidis
- Jason Rouda
- Jenni Roper
- Daniel Martz
- Kaitlyn Blythe
- Karina Stott
- Michael Barrett

Item 10.2 Local Law Response

- Claire Mear
- Rhonda Small
- Emma McNicol
- Tina Gelberidis
- Rodney Mitchell
- India Rowles
- Una Steele
- Astrid Dunkley
- Matilda Robertson
- David Williams
- Kadek Artaya
- Richard Ludlow
- Clare Jewell
- Delia Bradshaw
- Charlotte Frajman
- Penny Essing
- Geoffrey Conaghan
- Ines Gesang
- Jim Edwards
- Adrian King
- Eamon Dawson
- Lara Brown
- Jon Patrick
- Mel Dye
- Fran Church
- Matilda McDermott
- Jessica Richter
- Celia Gurr

Item 10.5 Contract Extension – General Civil Works and Asphaltting Services

- Adrian King

The Mayor adjourned the meeting for a break at 8:28pm

The meeting resumed at 8:42pm



5. COUNCILLOR QUESTION TIME

- **Councillor Hardy:** My question is regarding the building activity and the scaffolding surrounding the ISKON Site at Danks St in Albert Park. Has Council the power to investigate the reason for this activity and the concerns by the surrounding residents about the expansion of the commercial kitchen.

Lauren Bialkower, A/ General Manager City Growth and Development stated that Council is aware of the building work having been notified by the private building surveyor who has issued the building permit. Council is satisfied the works are appropriately being carried out under the building permit. This matter is separate to the application for a certificate of compliance to determine the lawfulness of the use of the building. This will be an upcoming item for Council at the June Council meeting.

- **Councillor Buckingham:** I note that the statutory process for the sale of the land and the laneways behind the Coles site in Balaclava has begun. I am interested to understand how Council is engaging the local community around this particular process and the future of Carlisle Street.

Lachlan Johnson, General Manager Operations and Infrastructure stated that Council's engagement process in the potential discontinuance in sale of land to Coles in Balaclava has commenced. By way of background, at its ordinary meeting on 21 August 2024, Council resolved to commence the statutory procedures to discontinue roads and sell land parcels by private treaty to Coles for no less than market value. Before proceeding with the road discontinuance or sale, Council needs to undertake consultation as mandated under the Road Management Act and Local Government Act. Council is committed to transparency and engaging meaningfully with the community, as such, the current community engagement process of the planned discontinuance and sale is far and above the minimum level required of Council under the relevant acts. On 8 May 2025 Council published public notices of its intention to discontinue roads and sell land in The Age and on Council's website, with submissions being accepted until 15 June 2025. Officers have also placed posters throughout the Balaclava precinct, undertaking targeted social media posts, have held stakeholder meetings, sent mailouts to over 1,000 properties, and set up a dedicated Have Your Say project page for the community to get more information about the proposal. Finally and importantly, Council is hosting a community forum at the St Kilda Town Hall from 6pm to 8pm on Thursday 29 May 2025. Residents are encouraged to visit the Council website for details and to register to attend, share their vision for Balaclava, learn more about what's happening in the area including the proposed discontinuance and sale of land to Coles, the upgrade of Carlisle Street and surrounding streetscape, and other exciting projects, to give their feedback.

- **Councillor Halliday** followed up asking what is the current status of the negotiation with Coles and how will the community forum inform the next steps of the negotiation as they are finalised.

Lachlan Johnson, General Manager Operations and Infrastructure responded that Council officers have been negotiating with Coles over an approximately 18-month period when Council considered this item in August 2024. There were some high level transaction

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objectives that were included in that report to form the basis of the consultation. Since that point we have had a Council election with new Councillors being elected. There's been further negotiations with Coles on some additional items that form part of the information that's gone out for community consultation. We have already had quite a lot of community members participate and provide submissions. We'll get additional feedback at the community forum on Thursday 29 May 2025 and then when Council considers all of that feedback at a future Council meeting, they'll be able to make decisions about what they accept, what they want to include, what their decision is on proposal to discontinue and sale of the land, and there may be potential for additional negotiations with Coles ahead of any potential discontinuance and sale.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Nil.

In light of the significant public interest relating to the Community Safety and Local Laws responses, in accordance with Chapter 2 Provision 19, the Mayor proposed a change to the order of business.

10.1 Community Safety Response

1. PURPOSE

- 1.1 To present the response to the 11 December 2024 Community Safety Notice of Motion, including the Roundtable Report and Recommendations from 19 March 2025
- 1.2 To provide Council an approach and engagement methodology for development of a new Community Safety Plan.
 - **Councillor Thomann:** What is the situation with the other Councils who have no exemptions and why is it against human rights principles with us trying to challenge that and being like other Councils?

Nellie Montague, Manager Safety and Amenity stated that Merri-bek Council and Port Phillip Council are the only Councils with an exemptions for rough sleepers to their camping on public land Local Law. However, most other Councils have homelessness protocols, guidelines or alliances to support people experiencing homelessness without issuing infringements as a primary method of enforcement. Each Council has discretion on how to apply their Local Laws and most primarily focus on reducing antisocial behaviour and removing items obstructing access to public spaces through conversations and requests in the first instance. We have received legal advice that the potential amendment including removing the exemptions may not conflict with the Victorian Charter of Human Rights and Responsibilities. The Charter recognises that in some circumstances one

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persons right may come into conflict with the right of another person or group. In these circumstances it can be necessary to limit or restrict these rights. This will be further investigated if the amendment progresses to engagement.

- **Councillor Cunsolo:** Can I have some clarification as to whether the report and those involved in creating the report may have had a discussion about the proposal for the designated area?

Nellie Montague, Manager Safety and Amenity confirmed that the roundtable was given a Terms of Reference based on the December and February notice of motions requesting a roundtable and investigation of any changes to Local Laws. As part of the invitations and the pre-meeting pack in the agenda tonight, those Terms of Reference are set out and there is details of our Local Laws and a number of surrounding Council's Local Laws and how they currently have their Local Laws and processes set out especially in relation to rough sleeping. This was all provided to people who attended the roundtable. The encampment clause we are looking at in the motion had not been developed by 19 March when the roundtable was held, so people attending the roundtable did not discuss the encampment clause in its current form. They provided feedback in the submissions you can see in the amendments of Local Laws in general, but they were not presented with the encampment amendment being presented at tonight's meeting.

- **Councillor Halliday** followed up wanting to clarify that the original community safety roundtable objective was to explore how Local Laws can be used to improve community safety and amenity of public space. Did the roundtable consider specific Local Laws or the Local Laws as an entire body needing changes?

Nellie Montague Manager Safety and Amenity confirmed that the objectives of the roundtable included how local laws can be used to improve community safety and amenity of public spaces within the City of Port Phillip and that was reflected in the discussion on the day and the submissions provided afterwards

- **Councillor Jay** sought clarification as to whether the roundtable was under the impression that Council would be fining the homeless?

Nellie Montague, Manager Safety and Amenity answered questions at the roundtable about our Local Laws and the amendment from the February notice of motion and outlined that the current setting in our Local Laws makes people exempt from the camping clause and means that we do not issue them fines. Currently, the City of Port Phillip take a ask, tell, enforce approach to all Local Law interactions regardless of topic. Of the 58 different Local Laws we can issue infringements for, Council very rarely use infringements to the camping clause. On discussion and initial contact with people who are camping, Council often gets compliance from those not exempt and Council has processes to ensure those who are exempt get services and provided with help. This was outline to the services attending the roundtable on the day.

- **Councillor Buckingham** My understanding is that the legal advice that Council received about the local laws changes found that there would be implementation issues that would potentially make Council's actions incompatible with the Human Rights Charter. If the Council went through with such changes and such actions, how would a legal challenge come to the Council and what kind of costs would that incur on the City of Port Phillip

Nellie Montague Manger of Safety and Amenity responded that the legal advice obtained is now available on the Council website. The encampment clause has not been tested in

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court. If Council were to make an amendment that resulted in fines under the new Local Laws clause, similarly to other situations, those people that are issued fines and do not pay progress to court or fine collection.

Nellie Montague took the question on notice relating to the exact cost that Council would incur in a legal challenge.

- **Councillor Buckingham** followed up asking if that costly process would potentially apply to fines, would it also apply if Council went down the path of removing property from rough sleepers.

Chris Carroll, Chief Executive Officer clarified whether Councillor Buckingham was referring to the proposed officer's amendment.

- **Councillor Buckingham** clarified that the intention behind the question was to understand the potential liability Council would open itself up to by making amendments to its Local Laws that potentially breach human rights.

Chris Carroll, Chief Executive Officer stated that the report and review that has been completed by officers has highlighted, in terms of legal advice, that there's some uncertainty with the original notice of motion, not in terms of changing the local laws, but Council's ability to enforce it. When coming to an enforcement of the proposed notice of motion from February around removing all exemptions, enforcement was identified in the legal advice as potentially providing the issue around human rights. Council's legal advice, in terms of the potential amendment which officer's are proposing to engage with community and stakeholders on, is that that is likely not to be a problem in terms of human rights. That's where you come in to the balance between general human rights and those in the community being subjected to safety and amenity impacts. By narrowing the focus and making it the end of the process of seeking to provide as much support as possible, it is a last resort implementing that further mechanism.

- **Councillor Buckingham** followed up asking if the changes to Local Laws would change Council's risk profile as it opens Council up to a costly process.

Chris Carroll, Chief Executive Officer stated that not at this stage. Council is not proposing that we change the local law, Council is proposing that we engage on a potential amendment to the local law. The officer's recommendation is to engage on a potential amendment to seek further information and advice before Councillors make a decision.

- **Councillor Cunsolo** what is the Council's understanding of why the police may say the current local laws are enabling encampments?

Nellie Montague, Manager Safety and Amenity stated that on discussion with local police officers and through their submission, Council understands in certain circumstances when they are called to a location, Local Laws officers are also present trying to provide services and help to people in those encampments. The police have outlined they are hesitant to progress any actions that they are able to do while Local Laws officers are undertaking their enforcement response outlined in the Local Laws. Council's response doesn't stop them from completing actions that only police have the ability to do. Council understands that there can be challenges for police to complete those actions if there is other enforcement activities happening under the Local Law.

- **Councillor Cunsolo** asked whether Council can work together with police so that everyone was able to do their jobs.

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Nellie Montague, Manager Safety and Amenity stated that having protocols with police is a prerequisite to having these amendments to the Local Law. Council would require assistance from police in certain situations as a last resort after an ask, tell, enforce approach, and Council is hoping to never have to use this clause if it is accepted.

Police have been open to that conversation and Council have looked at other protocols from other Council's across Melbourne. We would like to have detailed discussions with them about and put in writing and signatures to say what the process/timeline/thresholds/actions would be for each party involved in that protocol. Council is proposing to do this during the engagement period in support of the recommendation.

- **Councillor Cunsolo** followed up asking how Council would express this through the community and give better understanding and the expectation is that if its used it would be used in these situations

Nellie Montague, Manager Safety and Amenity responded that as part of the engagement Council is proposing there would be conversations at engagement pop-ups, Have Your Says, and at workshops about what Council is trying to achieve and solve. Through the engagement phase Council will seek to understand the community's experiences with these issues. In terms of where it would be available to be understood if it were to be enacted, Council has procedures and protocols to the Local Law currently. Council would look to formalise them in that document as well as the formal police protocols, to outline the steps we would take, and the last resort this would enable, which will include criteria and thresholds and recommendations from various stakeholders around the designation of that area.

- **Councillor Cunsolo** asked whether this was a public facing document and does it have community engagement.

Nellie Montague, Manager Safety and Amenity stated that Council has looked at Melbourne's protocol which is included in the agenda, which has a certain level of detail. Council would need to make a determination with police about whether the whole document or parts of it would be made public. As part of the engagement proposed Council would talk to community about the protocols, thresholds and criteria including the tolerance of certain activities in the community. Council wants to make sure that they respond to the concerns from the community which is why the amendment is being proposed.

- **Councillor Halliday:** Are you suggesting that the designated areas is after a police response to law and order issues or before?

Chris Carroll, Chief Executive Officer stated that is not the case. Council is not proposing that this would create a new threshold for police intervention. If there is criminal activity occurring, Council expect that it would be dealt with just like any other criminal offence at the time.

- **Councillor Halliday** followed up asking whether Council already has the power to break up encampments under existing local laws?

Chris Carroll, Chief Executive Officer stated under existing Local Laws there are exemptions for people who are homeless or have mental health issues in terms of the kind of belongings they can have on the street. If there are large encampments with a large collection of items, Council does have the ability to remove some of those items already if they go beyond certain personal or minimal additional belongings. Normally, Council will try

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to work with those people to address the issue. In certain intractable issues some interventions proved to be ineffective. Police have advised Council to see some broader changes, which have been considered in the amendment, but it will ultimately be up to Councillors to vote on further engagement on the matter.

- **Councillor Crawford** asked for clarification as to whether all items, other than bedding and personal belongings, can be removed under the current local laws, and whether there are barriers to early intervention in preventing large encampments,

Nellie Montague, Manager Safety and Amenity responded that there are clauses around furniture and obstructions to public space including footpaths. Rapid response teams conduct daily patrols to remove biowaste hazards and items deemed abandoned. Council works with people to ensure their personal items are not taken and follow the impounding process for items that may be taken away which are then stored and can be returned to them. Under the current clauses Council can remove the majority of items and work with people to ensure they are not left of the street including things like trolleys. As outlined in the roundtable report and the officers report presented tonight, these issues are not simple, these people are experiencing multiple challenges with no quick fix. Everyday the local laws officers are working with these people to try and provide as much support as possible. We've heard from the community that some of these prevention methods are not sufficient, and Council keeps the stronger enforcements methods as a last resort. Council hopes through the recommendations provided tonight that there will be significant improvements to early intervention and support to these people.

Chris Carroll, Chief Executive Officer added that there has been great recommendations provided from the community safety roundtable, with a range of these already being implemented by Council. With the right level of resourcing and input from stakeholders such as State Government and local agencies that Council can make a real difference. The CEO reiterated that this is not a recommendation to change a Local Law, it is only a recommendation to engage further on a potential Local Law in response to feedback from the police.

- **Councillor Buckingham:** is the protocol dependent on changes to the Local Laws, and when Council is designing policies and legislation would Council normally get the prerequisite and protocol right before the consultation process with the community?

Nellie Montague, Manager Safety and Amenity responded that Council do not see protocols needing to be tied with any amendment, we will be seeking to progress that as recommended by the roundtable report to ensure Council has clear working relationships and understanding of roles and responsibilities with Police and service providers. Council are suggesting the protocol go ahead regardless of the outcome of the amendment.

In terms of the staged approach, Council are proposing during the engagement process to work on the protocol and the amendment. Council will be notified of the outcome of those conversations with the community, police and service providers that Council want to have protocols with. As outlined in the Local Government Act there is a statutory requirement for any changes to the Local Laws that requires specific engagement on exact wording, which is not being suggested tonight, Council is suggesting an earlier, broader conversation around community safety and in particular the current Local Laws and how they responding to the issues. The second statutory phase has to include the exact wording which is then checked by lawyers to ensure it does not contradict other legislation before it

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can be enacted. The current recommendation is phase one of engagement with the community asking for feedback.

- **Councillor Thomann** asked for clarification as to whether traders and residents were involved in the engagement process.

Nellie Montague, Manager Safety and Amenity responded as outlined in the roundtable report Ian Gray met with a range of stakeholders including representatives from the deliberative panel to the community plan that was mentioned in earlier submissions. The invitation was open to that deliberative panel as a representative sample of residents. Ian met with those residents and heard a wide range of views of community safety in Port Phillip and also met with representatives of the business advisory group and traders associations across the city and had a similar conversation about community safety issues. These inputs informed the roundtable report. Input was provided by representatives of residents, representatives of traders and from services providers and police.

Chris Carroll, Chief Executive Officer added it was outlined to the community that the roundtable was a collaboration between Council, services providers and police. This recommendation is the opportunity to engage further with the broader community on the safety plan.

- **Councillor Thomann** followed up asking whether the traders made submissions to follow up conversations with Ian Gray?

Nellie Montague, Manager Safety and Amenity confirmed that traders did submit written submissions as well as the discussion with Ian Gray on the day that was incorporated into the roundtable report.

- **Councillor Halliday:** what commitments or guarantees do we have that Victoria Police will engage with the development of the protocol and commit to that without preconditions around Local Laws?

Nellie Montague, Manager Safety and Amenity stated that in the letter from February from Inspector Brett Kollo based on the December recommendation, they provided written support for a discussion around Local Laws and recommended a working group which Council have been meeting with regularly to discuss issue and work through what Council is wanting to achieve. Council have had discussions about the protocol and police have expressed interest to be part of that conversation.

- **Councillor Crawford:** do we need to change Local Laws in situations to put up fences to disperse the problem temporarily, which is what we're seeking to do with the designated areas?

Nellie Montague, Manager Safety and Amenity stated Council have a range of options for these situations. Appropriate use of public land is important and Council want to ensure that areas such as car parks are used for their intended purpose. There are circumstances where an interim measure such as temporary fencing or temporary garden beds are used as a way to continue those conversations. These are complex issues and Council are trying to respond to concerns in the best possible way while also seeking to ensure that people are supported who are often experiencing great difficulties.

MOVED Crs Buckingham/Makin

Councillor Buckingham moved an alternate motion to the officers recommendation

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That Council:

- 3.1 Notes officers' response to the 11 December 2024 Community Safety Notice of Motion.

Section 1 Community Safety Roundtable

- 3.2 Thanks participants in the Community Safety Roundtable process for their commitment and valuable ideas and insights.
- 3.3 Notes the Roundtable Report and Recommendations by Ian Gray from the Community Safety Roundtable held on 19 March 2025.
- 3.4 Requests the Mayor write to Ian Gray thanking him for his contribution to the Community Safety Roundtable session and Report.
- 3.5 Publishes on Council's website the Roundtable Report and Recommendations, the pre-reading provided to the roundtable participants and the submissions provided by participants, where the participants have agreed to their release
- 3.6 Refers the Roundtable Report Recommendations related to Local Laws and protocols to the engagement around the Local Laws amendment as outlined in the Local Law Response paper 21 May 2025.
- 3.7 Requests that Council officers:
- 3.7.1 Continue implementation of the following recommendations from the Roundtable Report:
- Recommendation 2 Advocate for an ACLO role specific to the Port Phillip Police Service Area.
 - Recommendation 12 Maintain and enhance existing partnership protocols among CoPP, Victoria Police, and key service providers (e.g., Launch, Access Health, Ngwala Willumbong).
 - Recommendation 13 Continue to support and adequately fund service providers demonstrating effectiveness, particularly those working with high-impact cohorts (individuals leaving prison, mental health, or rehabilitation facilities).
 - Recommendation 14 Lead a coordinated advocacy campaign to increase the resources of PACER and HOPS.
 - Recommendation 16 Renew and clearly define service agreements between CoPP and community service agencies, outlining explicit mandates, outreach obligations, required capacities, and accountability mechanisms.
 - Recommendation 17 Enhance the Port Phillip Zero collaboration, implementing identified improvements based on participant feedback.
 - Recommendation 24 Urgently review and modify problematic public spaces (e.g., Woodstock), applying Crime Prevention Through Environmental Design (CPTED) principles.
 - Recommendation 27 Review the current placement of CCTV cameras to ensure their ongoing value and efficacy to community safety efforts in the CoPP.

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- Recommendation 29 Continue to invest in and publicise the work of the Trauma Aware Port Phillip group with a view to expanding its reach and impact.
 - Recommendation 32 Review the need to equip CoPP Local Laws officers with protective gear (such as stab-proof vests) due to increased safety risks encountered.
 - Recommendation 33 Provide Local Laws officers with essential equipment for emergency situations and site management, including temporary fencing, pressure cleaning equipment, and access control measures.
- 3.7.2 Commence review of each remaining recommendation and the Ian Gray report in its entirety in consultation with relevant stakeholders now and supplement with community feedback, as required, once this is available
- 3.7.3 Request that a report be brought back to Council regarding how each action will be implemented as part of the development of the Community Safety Plan.
- 3.8 Requests the Mayor to send the Roundtable Report and Recommendations to the Chief Commissioner of Victoria Police and Local Inspector and invites them to meet with the Mayor and CEO.

Section 2 Community Safety Plan

- 3.9 Endorses the approach and engagement methodology for development of the new Community Safety Plan.
- 3.10 Notes that the Roundtable Report and Recommendations will form part of engagement for the development of the Community Safety Plan.
- 3.11 Notes a draft Community Safety Plan based on feedback from engagement will come back to Council for review in August/September 2025.

Cr Halliday called for a DIVISION.

FOR: Crs Jay, Hardy, Makin, Mears, Halliday, Cunsolo, Crawford, Buckingham and Thomann

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously

10.2 Local Law Response

1. PURPOSE

- 1.1 To provide Council with the outcome of investigations on potential amendments to the Community Amenity Local Law 2023, including as outlined in the Notice of Motion from the Council Meeting on 19 February 2025 and seek approval for community engagement.

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- **Councillor Cunsolo** asked if Council has a working definition of encampments and does it relate to the duration of the encampment?

Nellie Montague, Manager Safety and Amenity confirmed that the legal advice obtained states part of the definition would be about the size of the encampment. Council haven't worked through the details regarding the exact amount of time or any other criteria that would define what an encampment was. This will be worked through as part of the engagement process with stakeholders and the community to be clearly outlined in the protocols and procedures to the Local Law.

- **Councillor Jay** asked out of the 58 offences that can incur penalty unit infringement notices, how many notices were served by Local Laws officers for which offence in the last 12 months?

Nellie Montague, Manager Safety and Amenity outlined that with all Local Laws enforcement, Council take an ask, tell, enforce approach with enforcement including notices to comply and then infringements as a last resort. Over the last 12 months approximately 350 Local Law infringements were issued, with majority of the infringements relating to 10 of the 58 Local Laws that can incur penalty units, with the majority relating to the management of construction sites and work out of hours. Council very rarely issue infringements for the issues outlined tonight, and in the last 12 months Council have not issued an infringement for camping on public land. Council endeavour not to issue infringements to people experiencing homelessness for any of the 58 Local Laws, following guidance from the attorney generals guidelines on vulnerable persons and legal advice informed by outcomes in the magistrates court.

- **Councillor Buckingham** asked how much does it cost the City of Port Phillip to conduct community consultation in relation to Local Law changes?

Nellie Montague, Manager Safety and Amenity confirmed that there is a budget of \$60,000 for a Local Law review in the 2025/26 budget, \$30,000 which was brought forward earlier this year through a motion of Council. The majority of this money is used for legal advice to ensure Council is able to enact the changes and that it complies with various legislation, as well as benchmarking, report writing and project work.

- **Councillor Crawford** asked if Council was aware of how often the tip out law, in relation to drinking on public streets, was used since it had been enacted?

Nellie Montague, Manager Safety and Amenity took the question on notice

- **Councillor Halliday** asked what is the enforcement approach if Council remove the exemptions from the Local Law regarding rough sleepers camping on public land, and if it different from Council's current approach?

Nellie Montague, Manager Safety and Amenity stated that as part of the ask, tell, enforce approach Council outline the law to people who may not be aware of the Local Laws and to assist them in finding appropriate services they need. A directive would then be given if compliance is not given, with fines being a further escalation point. In terms of removing those exemptions If the exemption was to be removed, Council would still provide services depending on their situation and would progress through the ask, tell, enforce approach before any enforcement action.

- **Councillor Halliday** followed up asking if the exemptions were to be removed would Council follow the same process that would end in the same result?

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Nellie Montague, Manager Safety and Amenity stated that Council would not progress to the enforcement steps for those people currently exempt from the camping on public land clause. If the exemption were to be removed, enforcement could be an avenue that Council pursue, but serious consideration would be taken and further advice will be needed as to what that enforcement process would look like.

- **Councillor Crawford** followed up asking what are Local Laws officers expected to do with people who don't comply with Local Laws if the exemption is removed or not?

Nellie Montague, Manager Safety and Amenity stated that officer under the Local Law don't have the authority to move people on, they cannot physically move them, they don't have any equipment such as handcuffs. Council will need to work through what those steps and interventions look like, and develop protocols following the engagement process in order to bring more detailed information back to Councillors to detail what can be done in certain situations. If there are criminal activities occurring, there are actions that police can take that Local Laws officers cannot.

- **Councillor Jay** asked will the encampment motion consolidate the protocols, the process, the police and Local Laws officers to improve what Council is doing now?

Nellie Montague, Manager Safety and Amenity stated there is not currently a clause in the Local Laws that allows Council to designate an area as a no camping area. The officer recommendation is to investigate this further. This motions provides Council with another tool and escalation point that is not currently available. It would enable Council, for a short period, to designate a small defined area as a no camping area for three or more people with more criteria to be determined.

- **Councillor Buckingham** does the designated area proposal only apply to Council land?

Nellie Montague, Manager Safety and Amenity confirmed that Council only has jurisdiction over Council land and the Local Laws only apply those areas.

- **Councillor Makin** asked for clarification that the recommendation is to commence engagement, not change the Local Law.

Nellie Montague, Manager Safety and Amenity that is correct. The Local Law will not change from a motion at this meeting as there are statutory requirements on that process that Council must go through in order for the law to change.

MOVED Crs Makin/Mears

Councillor Makin moved an alternate motion to the officers recommendation

Part 1

That Council:

3.1 Endorses engagement with community, stakeholders and staff of responsibilities and escalation points and other factors in relation to:

- Protocols between Council, Service Providers and Victoria Police to support Community Amenity Local Law 2023.
- Effective implementation of the current Community Amenity Local Law 2023 to support the proposed protocols

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- 3.2 Writes to the Inspector seeking a commitment from Victoria Police to work in partnership with Council to enact protocols to support people usually exempt under the Local Law Clause 42 Camping on Council Land.
- 3.3 Affirms that protocols are necessary to improve the effectiveness of Council Local Law and for the successful implementation of any proposed amendments to Council's Local Laws in relation to Camping on Council Land
- 3.4 Notes the outcomes of investigations into potential amendments to the *Community Amenity Local Law 2023* to address community safety, including those outlined in the Notice of Motion from the Council Meeting on 19 February 2025.
- 3.5 Notes that the *Community Safety Roundtable Report* includes discussion and recommendations on the Local Law amendments and protocols and that these have been considered in the Local Law review.
- 3.6 Notes the legal advice commissioned by the City of Port Phillip in relation to the February 19 Notion of Motion on changes to the local law is now available on Council's public website.

Cr Halliday called for a DIVISION.

FOR: Crs Jay, Hardy, Makin, Mears, Halliday, Cunsolo, Crawford, Buckingham and Thomann

AGAINST: Nil

A vote was taken and the Motion was CARRIED unanimously

Part 2

- 4 Endorses engaging on the potential amendment to the *Local Law* noting that this will include:
 - 4.1 The ability to temporarily designate an area as a no encampment area in consultation with key stakeholders so that:
 - a) The amenity of the Council land or the amenity of land in the vicinity of the Council land is or is likely to be adversely affected; or
 - b) The safety or welfare of a person is or is likely to be put at risk by behaviours of persons congregating on Council land with the intention or apparent intention of camping or sleeping there.
 - 4.2 Notes that:
 - a) such a designation could be considered an exceptional circumstance after existing and enhanced assertive outreach models with service providers and supportive conversations had failed.
 - b) that enforcement of the potential amendment would not include fines, but instead, the removal and impoundment of equipment following provision

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of outreach and support services, where individuals have refused both a request and then warning to remove the material from the designated area.

Cr Halliday called for a DIVISION.

FOR: Crs Jay, Hardy, Makin, Mears, Cunsolo and Thomann

AGAINST: Crs Halliday, Crawford and Buckingham

A vote was taken and the MOTION was CARRIED.

13.1 Proposed Road Discontinuance - Kerferd Road & Herbert/Montague Street. Albert Park Intersection ("Shrine to Sea Project")

1. PURPOSE

1.1 The purpose of this report is to:

- Propose the discontinuance of part of the Government Road known as the Herbert / Montague Street intersection, along Kerferd Road, Albert Park, outlined in red on the aerial image below ("the Road").
- Recommend a request be made to the Department of Energy, Environment and Climate Change Action (**DEECA**) for the reservation of the part of the Government Road for park / open space purposes.



- **Councillor Halliday** what is the timeline here between the discontinuance and the implementation of the Shrine to the Sea project through that area?

Lachlan Johnson, General Manager Operations and Infrastructure took the question on notice.

- **Councillor Cunsolo** are there are changes Council can still make to the Shrine to the Sea project or is it set in stone?

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Dana Pritchard, Manager Open Space, Recreation and Community Resilience stated that we are going into concept design through to detailed design at the moment. There are opportunities still to make comment.

Chris Carroll, Chief Executive Officer added that it is a tight deadline and budget and that if there are any ideas that it should be shared with officers as soon as possible.

MOVED Crs Makin/Halliday

That Council:

- 3.1 Acting under section 17(4) of the *Road Management Act 2004* (Vic), resolves to remove the Road known as KERR0140L and KERR0140R (also known as Herbert / Montage Street intersection (along Kerferd Road), Albert Park) from Council's Register of Public Roads.
- 3.2 Acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) ("the Act"):
 - 3.2.1 Resolves that the statutory procedures be commenced to discontinue the Road, on the basis that the Road is no longer reasonably required for general public use for the reasons set out in this report;
 - 3.2.2 Directs that under sections 206, 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in The Age newspaper;
 - 3.2.3 Resolves that the public notice required to be given under the Act should state that if the Road is discontinued, the Road will remain in the ownership of the Crown for the purposes of a public open space;
 - 3.2.4 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the matter; and
 - 3.2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting to be determined at a later date.
- 3.3 Apply to Department of Energy, Environment and Climate Action (DEECA) to:
 - 3.3.1 Initiate the reservation of the Road and appoint Council as the Committee of Management; and
 - 3.3.2 Issue a licence pursuant to the Land Act 1958 (Vic) (or as otherwise necessary) to enable Council to access the Road and perform any required works for the development of the reservation as a permanent open space / park, pending the reservation of the land and appointment of Council as Committee of Management, following formal gazettal of the proposed discontinuance.

Cr Halliday called for a DIVISION.

FOR: Crs Makin, Halliday, Cunsolo, Crawford, Buckingham and Thomann

AGAINST: Crs Jay, Hardy and Mears

A vote was taken and the MOTION was CARRIED.

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10.5 Contract Extension – Contract 000941 - General Civil Works and Asphaltting Services

1. PURPOSE

- 1.1 To recommend the extension of contract 000941, Part A - General Civil Works and Part B - Asphaltting Services for a period of two (2) years, commencing 1 January 2026 to the following current panel of six (6) contractors.

1.1.1 Part A Panel of suppliers - General Civil Works include:

- a) Fulton Hogan Industries Pty Ltd
- b) Presta and Sons Pty Ltd
- c) TDL Contractors Pty Ltd

1.1.2 Part B Panel of suppliers - Asphaltting Services include:

- a) Boral Resources (Vic) Pty Ltd
- b) Fulton Hogan Industries Pty Ltd
- c) RABS Paving Services Pty Ltd

- **Councillor Halliday** what is the justification for delegating the contract decision at the 2-year mark of the extension to the CEO?

Lachlan Johnson, General Manager Operations and Infrastructure stated that this is a common approach that is undertaken. Often Council will enter into contracts that require large scale capital investment that has multiple parts with decision points for Council to decide whether the contract is operating well. Often for these Council considers the total length of the contract and delegates to the CEO the operational matter to consider whether those extensions will be taken up. In this case when the original contract was awarded there was an administrative error that we didn't seek the delegation.

- **Councillor Jay** is the contract directly related to the community satisfaction and the state of the roads, and is there better options?

Lachlan Johnson, General Manager Operations and Infrastructure stated that in Council's draft 2025/26 budget Council's increased funding for investment in road renewal by over \$9m is in response to asset condition and those community expectations, Council in the draft budget has committed significant additional expenditure to try and improve our road assets. The majority of the work to renew our roads and footpaths will likely be delivered through this panel. As the report outlines in recommending the Councillors to exercise this extension, reviews have been undertaken of the panel participants performance. Their performance in delivery of high quality works in a timely manner in accordance with the technical engineering specifications has been assessed as being of a high level. All the works delivered by this panel are subject to site surveillance, hold and test points, and auditing by Council's construction officers. The community has implored Council to invest more in the road network which the draft Council plan and budget commits to. In exercising this extension Council will be best placed to deliver as much of this increased investment quickly, cost effectively and at a high quality. In Council exercising this extension, there is no commitment to spend under this panel, this is not a budget allocation item, each year

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Council allocates funding through the annual budget and this is simply a mechanism to deliver those works.

- **Councillor Jay** followed up asking would the perceived poor performance on Council's sealed roads be due to poor investment and not the contractors timely response?

Lachlan Johnson, General Manager Operations and Infrastructure stated that Council's draft budget makes clear that Council is allocating more money into the road network. By spending more money on the road network, renewing more roads and sections of footpath, Council is intending to uplift our asset condition of the road network, and respond to community feedback.

MOVED Crs Halliday/Crawford

That Council:

- 3.1 Exercises the extension of Contract 000941 Part A - General Civil Works and Part B - Asphaltting Services – Panel of Suppliers with all the six (6) panel contractors for a further period of two-years.
 - 3.1.1 Part A - General Civil Works Panel of suppliers include:
 - a) Fulton Hogan Industries Pty Ltd
 - b) Presta and Sons Pty Ltd
 - c) TDL Contractors Pty Ltd
 - 3.1.2 Part B - Asphaltting Services Panel of suppliers include:
 - a) Boral Resources (Vic) Pty Ltd
 - b) Fulton Hogan Industries Pty Ltd
 - c) RABS Paving Services Pty Ltd
- 3.2 Notes that although no funding is guaranteed to any recommended contractor(s), the total projected contract expenditure for Part A and Part B remains at \$55,939,117 (GST exclusive) over the full eight-year contract term including extensions, as per Council's original approval at the commencement of the contract.
- 3.3 Authorises the Chief Executive Officer, or their delegate, to execute the Contract Document (Extension) on behalf of Council.
- 3.4 Authorises the Chief Executive Officer, or their delegate, to determine if the second and final contract extension is to be exercised in 2027 and to execute the contract extension within the Council approved expenditure limit.

Cr Halliday called for a DIVISION.

FOR: Crs Hardy, Makin, Mears, Halliday, Cunsolo, Crawford, Buckingham and Thomann

AGAINST: Cr Jay

A vote was taken and the MOTION was CARRIED.



10.3 Chapel Street, St Kilda - Proposed Pedestrian Operated Signal

1. PURPOSE

- 1.1 To seek Council endorsement for the delivery of a Pedestrian Operated Signal (the project) on Chapel Street, St Kilda where the design and construction of the project is funded by St Michael's Grammar School.

- **Councillor Halliday** if I had \$1m could I put a pedestrian crossing in front of my house?

Mike Fisher, Manager City Planning and Sustainability stated Council have assessed the wider impact and community benefits of the pedestrian operated signal.

- **Councillor Halliday** followed up asking whether this delivers the community benefits that are commensurate to our additional commitment of funding to this project?

Mike Fisher, Manager City Planning and Sustainability stated that is what Council have recommended in terms of the wider community benefits.

- **Councillor Cunsolo** in 3.2 there's a bit that talks about community engagement, project management, legal fees and any other costs associated. Is there any further information about what 'any other costs' could entail?

Mike Fisher, Manager City Planning and Sustainability stated that Council has nailed down the costs and Council certainly wouldn't be wanting to see more costs than what has been allocated in the recommendation.

- **Councillor Cunsolo** asked for clarification that Council are agreeing to \$75,000, and if there are further costs it will be made known to Council?

Mike Fisher, Manager City Planning and Sustainability stated that is correct.

- **Councillor Crawford** followed up asking if the costs are more than \$75,000 is it possible for the school to cover those costs?

Mike Fisher, Manager City Planning and Sustainability stated that Council can certainly ask school, but they have indicated that the cost that they are willing to bear at the moment. Council would then have a discussion if there is any other costs.

- **Councillor Crawford** asked for clarification that Council could cap our costs to \$75,000 as the school have indicated their cap at \$1m.

Mike Fisher, Manager City Planning and Sustainability agreed that Council can cap the cost.

- **Councillor Jay** is the community consultation necessary, could Council not save money on the community consultation. Is Council legally bound to consult and how much money can be saved if Council doesn't do community consultation?

Mike Fisher, Manager City Planning and Sustainability stated that Council has an obligation to complete community consultation as part of the project to ensure the community is engaged.

Councillor Crawford ask whether Council can do minimal community consultation so that most of the \$75,000 is remained for the project management and design?

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Mike Fisher, Manager City Planning and Sustainability stated that Council understands that we have to complete community consultation as well as trying to save costs to Council noting it will have a wider benefit to the community.

MOVED Crs Halliday/Thomann

That Council:

- 3.1 Endorses Council officers' delivery of a Pedestrian Operated Signal (the project) along Chapel Street, St Kilda where the design and construction of the project is funded by St Michael's Grammar School.
- 3.2 Allocates \$75,000 to undertake community engagement and for project management and legal fees and any other costs associated with the design and construction of the project for 25/26.
- 3.3 Endorses Council funding the ongoing maintenance of the pedestrian operated signal.

A vote was taken and the MOTION was CARRIED unanimously

9.2 Grant Assessment Reference Committees Community Appointments

1. PURPOSE

- 1.1 To seek Council approval of:
 - 1.1.1 Community representatives on the Community Grants Program Assessment Reference Committee and the Cultural Development Fund - Projects Assessment Reference Committee.
 - 1.1.2 Updated Terms of Reference for the Community Grants Program Reference Committee, and updated Terms of Reference for the Cultural Development Fund – Projects Reference Committee which have been updated to align with VAGO recommendations for local government.

MOVED Crs Thomann/Makin

That Council:

- 3.1 Appoints four community members to the role of Committee Members on the Community Grants Assessment Reference Committee as appears in Confidential **Attachment 1** from June 2025 to June 2027.
- 3.2 Appoints five community members to the role of Committee Members to the Cultural Development Fund - Projects Assessment Reference Committee as appears in Confidential **Attachment 2** and a further three community members to a 'pool' should other Committee Members resign during the course of two years from June 2025 to June 2027.
- 3.3 Notes that six previous community panel member appointments have ended and formally thanks these Members for their participation and commitment.
- 3.4 Endorses the updated Terms of Reference Community Grant Program, as appears in **Attachment 3**.

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- 3.5 Endorses the updated Terms of Reference Cultural Development Fund: Projects, as appears in **Attachment 4**.

A vote was taken and the MOTION was CARRIED unanimously

13.2 Third Quarter 2024-25 Financial Review

1. PURPOSE

- 1.1 To provide Council with an overview of the results of the third quarter 2024/25 Financial review including performance to budget (as required under Section 97 of the Local Government Act 2020) and seek approval for any unbudgeted items.

MOVED Crs Crawford/Thomann

That Council:

- 3.1 Notes that full year cumulative cash surplus before the third quarter budget requests is \$1.67 million which is \$1.05 million more than budget of \$0.62 million.
- 3.2 Notes attachment 1 – Financial Statements with accompanying explanatory notes.
- 3.3 Approves the following additional funding requests (see attachment 2 –Budget Requests):
- 3.3.1 \$50,000 for additional tree removal required to requests in accordance with Council's tree removal assessment process
- 3.4 Notes attachment 3 – Portfolio updates and achievements.
- 3.5 Notes in accordance with Section 97(3) of the Act, the Chief Executive Officer supported by the Chief Financial Officer, concludes that a revised budget for 2024/25 is not required.
- 3.6 Delegates authority to the CEO, or their delegate, to reflect any changes made by Council at tonight's meeting, and to make minor typographical corrections (including in any attachments to this report) before final publication.

A vote was taken and the MOTION was CARRIED unanimously

MOVED Crs Crawford/Makin

That Council defer the following items for consideration at the 18 June Council Meeting:

- *Presentation of CEO Report Issue 117 - Quarter 3, 2024-25.*
- *Older Persons Advisory Committee Annual Report 2024 - For Endorsement*
- *Submission to Victoria's draft 30-year infrastructure strategy*
- *Councillor Expenses Monthly Reporting - April 2025*

A vote was taken and the MOTION was CARRIED unanimously



14. NOTICES OF MOTION

Nil.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Cunsolo/Halliday

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the Local Government Act 2020:

17.1 Confidential - Balaclava/St Kilda East Public Space Acquisition

- 3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
- 3(1)(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

Reason:

This report is confidential because it relates to the potential purchase of a property by Council

A vote was taken and the MOTION was CARRIED unanimously

The meeting closed to members of the public at 11:17pm.

The meeting reopened to members of the public at 11:25pm.

As there was no further business the meeting closed at 11:25pm.

Confirmed: 18 June 2025

Chairperson _____