MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

6 AUGUST 2025

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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 6 AUGUST 2025 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS

The meeting opened at 6:31pm.

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

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, Robyn Borley, Director Governance and Performance, Nellie Montague, Manager Safety & Amenity, James Ackroyd, Property Development Associate, James Gullan, Head of Governance and Advocacy, Emily Williams, Senior Council Business Advisor, Joshua Vearing, Council Business Advisor.

The Council respectfully acknowledges the Traditional Owners and Custodians of the Kulin Nation. We acknowledge their legacy and spiritual connection to the land and waterways across the City of Port Phillip and pay our heartfelt respect to their Elders, past, present, and emerging.

1. APOLOGIES

Nil.

Cr Thomann joined the meeting at 6:33pm.

ADDITIONAL AGENDA ITEMS

Mayor Crawford advised that there would be two additional agenda items on the agenda.

The Chief Executive Officer, with consent from the Mayor, added a late item to the Council meeting agenda (item 13.3) relating to the Grand Prix Amendment Bill 2025. On 28 July the State Government announced changes to legislation that governs the Australian Grand Prix. Of particular significance for to the Port Phillip community are changes that extend the race period from 7 to up to 21 days, reducing access for community and sporting clubs. The Government announced two weeks for making submission from 28 July to 11 August 2025. The Council were not in a position to make a submission by 1 August when the Council meeting agenda was made public and as a result the item was not included in the agenda.

Additionally, a Notice of Arbiters Decision and statement of reasons report on the matter of an application by Councillor Beti Jay concerning Councillor Louise Crawford was tabled at the meeting and recorded in the minutes in accordance with section 147(4) of the Local Government Act 2020.

2. CONFIRMATION OF MINUTES

Moved Crs Mears/Makin

That the minutes of the Meeting of the Port Phillip City Council held on 2 July 2025 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Crawford declared a general interest in relation to item *12.3: Panel Contract for Library Collections* due to their previous employment with one of the companies listed in the procurement process.

Councillor Thomann declared a material interest in item *12.1: Footpath Trading Fee Policy Review* due to their ownership of a business on Acland Street.

ACKNOWLEDGEMENT OF 80TH ANNIVERSARY OF HIROSHIMA AND NAGASAKI

Mayor Crawford addressed the meeting to acknowledge the 80th anniversary since the nuclear devastation of Hiroshima and Nagasaki, the City of Port Phillip solemnly reflects on one of the darkest chapters in human history. We honour the memory of the tens of thousands of lives lost and the enduring resilience of survivors who continue to advocate for peace.

This milestone serves as a powerful reminder of the urgent need for global unity and disarmament. As a modern and multicultural city, we would like to take this opportunity to reaffirm Council's dedication to fostering a peaceful world for future generations, free of nuclear weapons.

CONDOLENCE MOTION – GREGORY VAISMAN

Gregory Vaisman, the co-founder of the Sputnik Russian Television and Cultural Association and long-term St Kilda resident who sadly passed away.

Moved Crs Thomann/Mears

That Council

- Expresses its deep regret on the passing of Gregory Vaisman.
- 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 – RUSSELL GRIFFITHS

Russell Griffiths, a former Port Melbourne Councillor and Mayor, lifelong unionist, passionate ship enthusiast, and dedicated member of the Port Melbourne community who sadly passed away.

Moved Cr Cunsolo/Makin

That Council

- Expresses its deep regret on the passing of Russell Griffiths.
- 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

The submissions were made verbally and can be listened to in full on our website: http://webcast.portphillip.vic.gov.au/archive.php

Council Report Submissions:

Item 11.1 Domestic Animal Management Plan 2026-2029

- Fiona Patterson
- Jen Bishop
- Sally Blair
- Ruth Slonimsky

Item 13.1 Carlisle Street Proposed Sale of Land – Reporting Feedback from Consultation

- Gary Braun
- Julien Vincent
- Ruth Slonimsky
- David Vorchheimer
- Geraldine Mcloughlin
- Adrian Coleiro
- Anna Malos

5. COUNCILLOR QUESTION TIME

Nil.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Supplementary Public Question Time Principle, Purpose and Practice

A Petition containing 341 signatures, was received from a member of the public.

Moved Crs Halliday/Makin

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioner for their petition, acknowledging their active engagement and commitment to promoting good governance, transparency, and accountability within the City of Port Phillip.
3. Notes that a formal response to the Petition will be incorporated with the Governance Rules which are scheduled for Council consideration and endorsement in September 2025.

A vote was taken and the MOTION was CARRIED unanimously.

7.2 Parking Restrictions for streets bound by Bay, Graham, Bridge and Princes Streets

A Petition containing 13 signatures, was received from a member of the public.

Moved Crs Makin/Cunsolo

That Council:

1. Receives and notes the petition.
2. Thanks the petitioners for their petition.
3. As this petition pertains to an operational matter, in accordance with Council's Governance Rules, Council refers the petition to the CEO for a response.
4. Notes, officers will assess the request in line with Council's parking restriction change process, and Parking Management Policy. Upon completion of this assessment, officers will advise the petition organiser of the outcome and any proposed next steps.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

Nil.

9. A HEALTHY AND CONNECTED COMMUNITY

9.1 Multicultural Advisory Committee Annual Report 2024/2025

PURPOSE

1.1 To present the City of Port Phillip Multicultural Advisory Committee (MAC) Annual Report for 2024/2025.

Moved Crs Buckingham/Halliday

That Council:

3.1 Notes the City of Port Phillip Multicultural Advisory Committee 2024/2025 Annual Report.

3.2 Thanks members of the Multicultural Advisory Committee for their service to the Port Phillip community.

3.3 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the report.

A vote was taken and the MOTION was CARRIED unanimously.

9.2 LGBTIQA+ Advisory Committee Annual Report 2024/2025

PURPOSE

1.1 To present the City of Port Phillip LGBTIQA+ Advisory Committee Annual Report for 2024-2025.

Moved Crs Thomann/Halliday

That Council:

3.1 Notes the City of Port Phillip's LGBTIQA+ Advisory Committee 2024-2025 Annual Report.

3.2 Thanks the LGBTIQA+ Advisory Committee members for their service to the Port Phillip community.

3.3 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the report.

A vote was taken and the MOTION was CARRIED unanimously.

10. AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY

Nil.

11. A SAFE AND LIVEABLE CITY

11.1 Domestic Animal Management Plan 2026-2029

PURPOSE

1.1 To present the findings from engagement on the draft Domestic Animal Management Plan and present the updated Domestic Animal Management Plan 2026-2029 for endorsement.

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

Councillor Halliday: How much does Council spend maintaining dog off-leash parks?

Nellie Montague, Manager Safety & Amenity took the question on notice.

Moved Crs Cunsolo/Makin

Councillor Cunsolo moved an alternate motion to the officers recommendation to introduce a trial of dog waste bags.

That Council:

3.1 Acknowledges and thanks the community for their input and feedback on the draft Domestic Animal Management Plan (DAMP).

3.2 Endorses the Domestic Animal Management Plan 2022-2025.

3.3 Authorises the Chief Executive Officer, or delegate, to make final design or minor editorial changes that do not materially change the intent of the DAMP.

3.4 Provides the Secretary of the Department of Jobs, Precincts and Regions with a copy of the endorsed Domestic Animal Management Plan 2026-2029.

3.5 Notes the community feedback supporting the introduction of dog waste bags in public spaces.

3.6 Approves a 14-month trial of dog waste bags in up to 12 locations across the Municipality to be informed through community input.

3.7 Further investigates a system to allow traders and organisations to apply for a dog waste bag dispenser and bags to help reduce dog waste concerns in our municipality.

3.8 Allocates the remaining $50,000 in budget savings from the DAMP project to fund the trial.

3.9 Requests officers to report back to Council the outcomes at conclusion of the trial.

A vote was TAKEN and the MOTION was CARRIED.

Cr Halliday called for a DIVISION.

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

AGAINST: **Cr Crawford**

The MOTION was CARRIED.

The Mayor adjourned the meeting for a break at 7:48pm.

The meeting resumed at 8:00pm.

11.2 Proposed Local Law Amendment - Storage of caravans, boats and trailers on Council land and roads

PURPOSE

1.1 To recommend the release for public engagement a proposed new Community Amenity Local Law 2023 clause to regulate the parking of registered caravans, boats and trailers on Council land and public roads in accordance with the *Local Government Act 2020.*

Moved Crs Halliday/Crawford

That Council:

3.1 Receives the proposed Community Amenity Local Law 2023 amendment:

A person must not store or park on a Council road or Council land a:

i) Boat;

ii) Trailer; or

iii) Caravan

For more than 14 days (within a 60-day period)

3.2 Authorises commencement of the statutory process for the making of the proposed Community Amenity Local Law 2023 (Amended) in accordance with the Local Government Act 202, by

a) Giving public notice in a local newspaper and on Council's website of its intention to make Community Amenity Local Law 2023 (Amended);

b) Stating the objectives and intended effect of the proposed local law amendments: and

c) Making the proposed Community Amenity Local Law 2023 (Amended) available at the City of Port Phillip Town Halls and Libraries and on council websites.

d) Undertaking community engagement to obtain feedback on the amendment for a period of a minimum of four weeks.

3.3 Authorises the Chief Executive Officer to make minor changes to the proposed Community Amenity Local Law 2023 (Amended) before community engagement commences, where these are insubstantial but required for correctness, clarity, formatting or the like.

A vote was taken and the MOTION was CARRIED unanimously.

12. A VIBRANT AND THRIVING COMMUNITY

12.1 Footpath Trading Fee Policy Review

PURPOSE

1.1 To present the draft Footpath Trading Fee Policy 2025 and seek Council approval for the release of the draft Policy for community consultation.

Councillor Thomann declared a material conflict of interest in relation to this item and left the meeting at 8:18 pm.

Moved Crs Jay/Makin

That Council:

3.1 Endorses the draft Footpath Trading Fee Policy (2025) for community consultation.

A vote was taken and the MOTION was CARRIED unanimously.

Councillor Thomann returned to the meeting at 8:26pm.

12.2 Cultural Development Fund Key Organisations

PURPOSE

1.1 To present recommendations for 2025/26 Cultural Development Fund – Key Arts Organisations funding program for Council's endorsement.

Moved Crs Buckingham/Thomann

That Council:

3.1 Endorses the extension of funding arrangements for Cultural Development Fund: Key Organisations for a period of 12 months from 31 December 2025 to 31 December 2026.

3.2 Authorises the Chief Executive Officer, or their delegate, to conduct reviews of each Cultural Development Fund – Key Organisations recipient to determine funding amounts (up to a maximum of funding received in 2025) and allocate accordingly.

3.3 Notes that a review of all streams of the Cultural Development Fund will be considered as part of development of Council's new Cultural and Creative Strategy, which will include extensive community and stakeholder engagement periods.

A vote was taken and the MOTION was CARRIED unanimously.

12.3 Panel Contract for Library Collections

PURPOSE

1.1 To seek Council endorsement to opt-in and utilise suppliers listed in the Procurement Australia Head Agreement 2706/0848 Library Collections, Furniture, Equipment & Associated Requirements Contract.

Mayor Crawford declared a general conflict of interest in relation to this item and left the meeting at 8:31pm having.

Deputy Mayor Mears assumed the position of Chair.

Moved Crs Cunsolo/Halliday

That Council:

3.1 Notes the tender process undertaken by Procurement Australia and that the tender evaluation panel (TEP) comprised of library subject matter experts assessed the Procurement Australia contract and identified this as best value.

3.2 Endorses the City of Port Phillip Libraries to access the Procurement Australia Head Agreement 2706/0848 Library Collections, Furniture, Equipment & Associated Requirements specifically for the suppliers Aussie Global Books Pty Ltd, Bolinda Publishing Pty Ltd, CAVAL Limited, Digital Education services Pty Ltd trading as Digitales, James Bennett Pty Limited, MDM Entertainment Pty Ltd, OverDrive Australia Pty Ltd and Prenax Pty Ltd for the initial term of 2 Years for $1,958,000.

3.3 Authorises the Chief Executive Officer, or their delegate, to execute the Contract Document on behalf of Council, including the two one-year extension options outlined in Confidential Attachment 1, which details an estimated total contract value of $4,033,700 (inclusive of GST) over a four-year term.

A vote was taken and the MOTION was CARRIED unanimously.

Mayor Crawford returned to the meeting at 8:34pm and resumed the position of chair.

13. AN ENGAGED AND EMPOWERED COMMUNITY

13.1 Carlisle Street Proposed Sale of Land - Reporting Feedback from Consultation

PURPOSE

1.1 To report the submissions received on Council's Carlisle Street Car Parks Intention to Sell consultation.

Moved Crs Buckingham/Halliday

Councillor Buckingham moved an alternate motion to the officers recommendation to add a new part 3.4 to the recommendation.

That Council:

3.1 Thanks community members who provided feedback on the Intention to Sell land and Intention to discontinue and sell Roads.

3.2 Notes the Engagement Summary Report as contained in Attachment 1.

3.3 Notes that a recommendation on whether to proceed with the proposed sale of land and roads will be considered at a future Council meeting.

3.4 Requests that officers write to all adjoining landowners and seeks their input into the proposed legal mechanisms to provide continued access to the rear of their properties.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 City of Port Phillip Advocacy Strategy - Annual Report 2025

PURPOSE

1.1 To report to Council the outcomes of the 2024/25 advocacy program and seek Council endorsement of the recommended forward plan for advocacy for the 2025/26 financial year.

Moved Crs Makin/Buckingham

An officers amendment was raised to add items 3.5 and 3.6 to the recommendation.

That Council:

3.1 Notes the contents, design and publication of the Part 1 – Advocacy Annual Report 2024/25 (**attachment 1**).

3.2 Endorses the advocacy forward plan outlined in Part 2 – Forward Advocacy Plan 2025/26 (**attachment 2**).

3.3 Notes that the forward advocacy plan may be subject to change, as issues, opportunities or new/urgent items arise throughout the year.

3.4 Authorises the CEO, or their delegate, to make amendments to either 'Part' as necessary, provided such changes do not materially alter the purpose or intent of Part 1 – Advocacy Annual Report 2024/25 (**attachment 1**) and Part 2 – Forward Advocacy Plan 2025/26 (**attachment 2**).

3.5 Endorses the following motions to be submitted to the Municipal Association of Victoria (MAV) for consideration at the October State Council, noting submissions are due by 11 August 2025:

Motions led by City of Port Phillip:

3.5.1 **A transport plan for Victoria:** That the Municipal Association of Victoria (MAV) calls on the State Government of Victoria to publish Victoria's integrated transport plan, as required under the *Transport Integration Act 2010* and in line with Recommendation #33 of Infrastructure Victoria's *Infrastructure Strategy 2021–2051* and Recommendation #35 of the updated *Infrastructure Victoria 2025-2055 Strategy*.

3.5.2 **Improving acute mental health response programs:** That the Municipal Association of Victoria (MAV) advocate to the Victorian Government to improve mental health response programs by:

1. Continuing to support and adequately fund service providers demonstrating effectiveness, particularly those working with high-impact cohorts;
2. Increasing the resources of Police, Ambulance, and Clinical Early Response (PACER) and Homeless Outreach Psychiatric Service (HOPS);
3. Ensuring implementation of Mental Health Royal Commission recommendations including transfer of first response to mental health emergency services calls from Police to Ambulance Victoria; and
4. Tackling the service gap for responding to people experiencing acute mental health episodes in public places, particularly the gap in culturally appropriate supports.

3.5.3 Improving the Planning Scheme Amendments approvals process: That the Municipal Association of Victoria (MAV) advocate to the Victorian Government for reforms to the planning scheme amendment **process**, including:

1. Investigating simpler pathways for minor amendments;
2. Introducing more flexible processes based on complexity and risk
3. Reducing high costs for councils
4. Simplifying panel processes
5. Reviewing outdated notice requirements; and
6. Clarifying and streamlining the authorisation process.

<u>Motions which have been jointly drafted in collaboration with Glen Eira City Council:</u>

3.5.4 Support for local initiatives to accelerate climate action: That the State Council of the Municipal Association of Victoria (MAV) calls on the Victorian Government to partner with local government in responding to the climate emergency through:

1. Fast-tracking electrification and emissions reduction initiatives for essential community infrastructure, such as neighbourhood centres, aged care facilities, public housing, and community centres.
2. Expanding opportunities for councils to upgrade local infrastructure and improve resilience to extreme weather events, with attention to the differing needs of urban, regional and rural municipalities.
3. Supporting household and business access to:
    - Electrification of their property

- Power purchase agreements that fund the creation of new renewable energy systems
- Insulation and energy efficiency upgrades
- Solar PV panels and batteries tailored to local conditions.

4. Ensuring these programs are equitable and accessible, particularly for low-income earners, renters, and other groups experiencing vulnerability in metropolitan, regional, and rural areas.
5. Additional support for culturally and linguistically diverse communities to access information about what is available to them.

3.5.5 Protecting and expanding urban tree canopy through planning and vegetation management reform: That the Municipal Association of Victoria (MAV) advocate to the Victorian Government for urgent reforms to better protect and grow urban tree canopy, including:

1. Recognising the role of tree canopy in climate resilience, public health, biodiversity, and urban amenity in planning decisions
2. Moving away from broad vegetation clearance practices around powerlines in low bushfire-risk areas, where safety risk is low
3. Endorsing evidence-based minimum vegetation clearance (e.g. 30cm) where appropriate, such as in inner metropolitan Councils that are classed as Low Bushfire Risk Areas (LBRA)
4. Establishing statewide standards and targeted investment to support councils in retaining and expanding canopy cover through planning controls, infrastructure coordination, and local greening initiatives.

3.6 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the motions.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Australian Grand Prix Amendment Bill 2025

MOVED Crs Crawford/Mears

That Council:

3.1 Acknowledges the opportunity to provide feedback on the *Australian Grand Prix Amendment Bill 2025*, with submissions closing on 11 August 2025.

3.2 Thanks the community for their input on the proposed amendments, and the Australian Grand Prix Corporation for meeting with the Mayor, Deputy Mayor, and CEO of the City of Port Phillip.

3.3 Endorses the preparation and submission of Council's formal response, which will include:

3.3.1 Expression of concerns regarding:

3.3.1.1 The limited consultation period which may inhibit the capacity of the local community and sporting clubs impacted by the Bill to provide a submission.

3.3.1.2 The disruption to sporting clubs particularly rowing and sailing clubs, and reduced community access to Albert Park Reserve, affecting community wellbeing.

3.3.1.3 The lack of clarity around provisions for non-motor sport events and their potential impacts on local venues, the environment, and the community.

3.3.2 An outline of the impact of the Grand Prix on Albert Park Lake, the community and sporting clubs and request Victorian Government support to improve outcomes including through the provision of funding support for the Lake and for community and sporting club infrastructure and facilities.

3.4 Authorises the CEO, or their delegate, to finalise the submission.

3.5 Makes councils' submission available online, once submitted to the Victorian Government

A vote was taken and the MOTION was CARRIED unanimously.

13.4 Councillor Expenses Monthly Reporting - June 2025

PURPOSE

1.1 To report on the expenses incurred by Councillors during June 2025 in accordance with the Councillor Expenses and Support Policy.

Moved Crs Halliday/Makin

That Council:

3.1 Notes the monthly Councillor expenses report for June 2025 (attachment 1) and that this will be made available on Council's website.

3.2 Accepts Cr Heather Cunsolo's childcare reimbursement claim from March 2025.

3.3 Notes the Councillor Expense and Support Annual Report FY24/25 will be tabled at the September Audit and Risk Committee meeting.

A vote was taken and the MOTION was CARRIED unanimously.

14. A TRUSTED AND HIGH-PERFORMING ORGANISATION

14.1 15 Elwood Foreshore, Elwood - Intention to Lease

PURPOSE

1.1 This report seeks Council approval to undertake the statutory processes required under the *Local Government Act 2020* (Vic), relating to the potential lease of 15 Elwood Foreshore, Elwood to PWI Hospitality Group Pty Ltd (trading as Elwood Bathers), including the hearing and considering of public submissions.

Moved Crs Crawford/Buckingham

That Council:

3.1 Notes the intention to lease 15 Elwood Foreshore, Elwood (the "Site") to PWI Hospitality Group Pty Ltd.

3.2 Resolves to commence and carry out the statutory process under Section 115 of the *Local Government Act 2020* (Vic) regarding its intention to lease the Site, including giving public notice of this intention, inviting submissions for 28 days.

3.3 If no submissions are received in response to the publication of the Notice, authorises the Chief Executive Officer (or their delegate) to undertake the necessary procedural steps to complete a lease, including execution of relevant documentation.

3.4 Notes that in the event that submissions are received in response to the Notice, a further report will be presented to Council to enable consideration of the submission(s).

A vote was taken and the MOTION was CARRIED unanimously.

14.2 Proposed Discontinuance and Sale of Laneways R3317 AND R3319, 60-66 Clakre Street, Southbank

PURPOSE

1.1 For Council to consider whether Laneways R3317 and R3319 (adjoining 60-66 Clarke Street, Southbank, Victoria 3006), described in Plan of Crown Allotment OP125086 shaded green in the image below) ("the Roads"), should be discontinued pursuant to the *Local Government Act 1989* (Vic) ("the Act") and sold to an adjoining property owner.

Moved Crs Makin/Halliday

That Council:

Having considered that there were no submissions received in response to the public notice regarding Council's proposal to discontinue Roads R3317 and R3319 being the land contained within Plan of Crown Allotment OP125086:

3.1 Resolves to discontinue the Roads as it considers that the Roads are not reasonably required for public use for the following reason:

3.1.1 The Roads are not used for vehicular or pedestrian access by the public to access adjoining properties and benefit only the applicant and adjoining owner.

3.2 Resolves to sell the discontinued Roads for market value (estimated at $573,000 (ex GST)) plus reimbursement of Council's costs to facilitate this transaction to the adjoining owner of 60-66 Clarke Street, Southbank Victoria 3006 (Owner);

3.3 Notes that proceeds from the sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;

3.4 Directs that a notice pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989* is published in the Victorian Government Gazette;

3.5 Authorises the Chief Executive Officer or their delegate to negotiate, approve, and enter into such documentation to complete the discontinuance, sale, and transfer of the Road as described;

3.6 Directs that the Chief Executive Officer or their delegate signs an authorisation allowing Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Road to the Owner;

3.7 Directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and sale of the Road;

3.8 Directs that the Owner be required to consolidate the title to the discontinued Roads with the title to the Owner's land (or such part of it approved by Council) within 12 months of the date of the transfer of the discontinued Roads; and

3.9 Notes the applicant will be required to pay Council an additional sum of $55,044 plus GST for bluestone pavers currently in situ (139 sqm of bluestone pavers @ $396 per square metre).

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Nil.

17. URGENT BUSINESS

Nil.

ADDITIONAL AGENDA ITEM – NOTICE OF ARBITERS DECISION

In accordance with section 147(4) of the Local Government Act 2020, the Arbiter's decision and statement of reasons on the matter of an Application by Councillor Beti Jay concerning Councillor Louise Crawford (included below) is tabled and recorded in the minutes of the meeting.

IN THE MATTER OF AN APPLICATION FOR AN INTERNAL ARBITRATION PROCESS CITY OF PORT PHILLIP

IAP 2025-11

HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE LOCAL GOVERNMENT ACT 2020

Applicant:	Councillor Beti Jay
Respondent:	Councillor Louise Crawford
Date of hearing:	Tuesday, 1 July 2025
Place of hearing:	St Kilda meeting room, St Kilda town hall, 99a Carlisle Street, St Kilda
Arbiter:	Simon Heath

Determination:

Councillor jay has made application for an internal arbitration process seeking a finding of misconduct against Councillor Crawford.

The arbiter determines that Councillor Crawford has not failed to comply with the 'model Councillor Code of Conduct' and, as such, makes no finding of misconduct.

The application is therefore dismissed.

STATEMENT OF REASONS

The Application

1. The 'application for an internal arbitration process' is dated 19 may 2025 (application).
2. In the application, the applicant seeks a finding of misconduct against the respondent in relation to alleged breaches of the 'model councillor code of conduct' (code).
3. A public meeting of the city of port phillip (council) was held on 19 february 2025 (meeting) wherein a notice of motion to investigate 'changes to local law', brought by another councillor, was carried unanimously (motion).
4. The alleged breaches of the code are said to be as a result of the following comment on the motion, which was contained in a 'mayoral statement' posted by the respondent on the council's facebook page on 20 february 2025 (post):

   "essentially, it involves council officers investigating suggested changes to our local laws relating to people experiencing homelessness living on our public spaces, from streets to parks..." (statement)

5. The applicant alleges that in making the statement, the respondent breached the standards of conduct included in the code relating to performing the role of a councillor, behaviours, and integrity. Details of these standards are set out below.

Arbiter's jurisdiction

6. The arbiter was appointed pursuant to sections 144 and 149 of the local government act 2020(act).

7. Section 143 of the act provides that an arbiter may hear an application that alleges misconduct by a councillor.

8. Section 143(3) of the act provides that an application "must be made within 3 months of the alleged misconduct occurring". The alleged misconduct occurred on 20 february 2025, so this requirement is satisfied.

9. Pursuant to section 147 of the act, an arbiter may determine whether or not a councillor has engaged in misconduct.

10. "misconduct" is defined in section 3 of the act as follows:

    "...any breach by a councillor of the model councillor code of conduct".

11. Section 139(3)(b) of the act specifies that the standards of conduct expected to be observed by councillors in the course of performing their duties and functions are to be included in the code. The code is set out in schedule 1 to the local government {governance and integrity) regulations 2020.

12. As required by section 139(4) of the act, the code is published on the council's website, and a copy thereof is attached as annexure a.

Hearings

13. The internal arbitration process comprised directions made on 5 june 2025, a video conference directions hearing on 10 june 2025, further directions made on 10 june 2025, and an in-person hearing on 1 july 2025.

Applicant's evidence

14. The applicant's evidence comprised the application, which was detailed and contained links to supporting materials. The applicant also provided additional information by way of a statement entitled 'part ii' dated 12 june 2025 and gave oral evidence at the hearing.

Respondent's evidence

15. The respondent's evidence comprised a detailed written response to the application and oral evidence at the hearing.

Arbiter's findings

16. The application is dismissed on the basis that neither the statement or the post constituted a breach any of the standards in the code.

Arbiter's reasons

17. The motion was widely reported.in the media as 'fining the homeless' and resulted in considerable public discussion. While the applicant provided examples of that coverage and discussion, the application was limited to an allegation that the respondent had breached the code by reason of the statement in the post.

18. The applicant's position was that the respondent breached the code because the statement referred to 'homelessness' rather than to 'encampment'. The applicant was seeking to have the statement rectified.

19. The arbiter notes that neither the statement nor the post mention 'fining'.

20. The arbiter also notes that the 'local law' the motion was seeking to review does refer to 'homeless'. In this regard, section 42(2) of the city of port phillip local law provides that a person who establishes that they are 'homeless or in need of secure accommodation' is not guilty of an offence. That local law does not contain any reference to 'encampment'.

21. When asked, the applicant conceded that no one who spoke to her about the 'fining the homeless' issue made any mention of the statement or indeed the post. The arbiter does not accept the applicant's assertions that stakeholders were 'echoing' the respondent's statement because, as mentioned, the post does not include any reference to fines.

22. Importantly, the respondent's post also included the following:

    "it's fair to say there were diverse views, for and against, among some councillors and members of the public about this proposal. I want to stress that what we agreed to is a review only - and this investigation will be aligned to the upcoming broader roundtable we have convened on community safety. We will be hearing ideas and feedback from local experts ranging from victoria police to health and housing outreach services and legal centres as community safety is complex and requires everyone to work together...'.

23. The arbiter finds that the post reflects the issues discussed at the meeting, that there were diverse views, and that an investigation would be undertaken as opposed to any decision on the issue being made.

24. The applicant says the respondent's indication that the investigation would inform the 'roundtable' was misleading. Paragraph 2 of the motion however indicated that a report was required by may 2025 'or aligned to the timing of the feedback of the roundtable discussions (whichever is sooner)'.

25. While the arbiter finds that neither the statement nor the post breach any of the standards of conduct in the code as alleged by the applicant, it is appropriate to address each alleged breach separately.

26. Clause 1 of the code relates to 'performing the role of a councillor' and the applicant alleges that the respondent breached sub-clauses l(a), (c) and (e) thereof.

27. Sub-clause l(a) of the code requires a councillor to be 'responsive to the diversity of interests and needs of the municipal community'. Neither the statement nor the post constitutes a breach of this standard.

28. Sub-clause 1 (c) of the code requires a councillor to 'diligently use council processes to become informed about matters which are subject to council decisions'. Neither the statement nor the post constitutes a breach this standard.

29. Sub-clause l(e) of the code requires councillors to acknowledge and support the mayor in the performance of their role. Given that the respondent is the mayor, the applicant's allegation that the respondent breached this standard is misguided.

30. Clause 2 of the code relates to 'behaviours' and the applicant alleges that the respondent breached sub-clauses 2(1)(a) and (b), and 2(2) thereof.

31. Sub-clause 2(1)(a) of the code was not breached because neither the statement nor the post involves any 'abusive, obscene or threatening behaviour'

32. Sub-clause 2(1)(b) of the code requires that councillors do not engage in behaviour which 'intentionally causes or perpetuates stigma, stereotyping prejudice or aggression against a person or class of persons'. The arbiter finds that neither the statement nor the post constitutes such behaviour.

33. Sub-clause 2(2) of the code relates to 'health and safety' requirements' of councillors. The applicant's allegation that the post constitutes a breach of this standard is also misguided.

34. Clause 4 of the code relates to 'integrity'. The applicant alleges that the respondent breached sub-clause 4(1) thereof, asserting that the statement and post brought 'discredit upon the council' by 'deliberately misleading... The public'.

35. As mentioned, the arbiter finds that the statement and the post reflected the issues discussed at the meeting and was therefore not misleading. As such, no rectification was required. Any discredit upon the council in relation to the motion did not arise by reason of the post.

36. In any event, it is important to note that in a further 'mayoral statement' posted on 7 march 2025, the respondent clarified the post as follows:

    "can i be very clear that port phillip councillors have not voted to fine homeless people, nor have they voted to criminalise homelessness. The passing of the motion merely signified an agreement to investigate the impact that changes to the local law might have on encampments. Once that investigation has taken place, the matter may or may not be considered further.'

37. The later post appropriately addressed any confusion that may have arisen in relation to media reporting of the motion and the meeting.

38. In conclusion, the arbiter does not accept the applicant's contentions that the respondent was 'reckless', acted 'unlawfully', 'presented her own view', 'misled the public', or 'misused her position' or that the post impacted the applicant's 'reputation and standing'.

Simon Heath

Arbiter

Dated: 9 July 2025

18. CONFIDENTIAL MATTERS

Moved Crs Mears/Makin

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

18.1 Proposed Property Acquisition - Fishermans Bend

3(1)(g(ii)). private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Reason: This report contains commercial business transaction information which if released, could unreasonably expose external stakeholders.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to members of the public at 9:28pm

The meeting reopened to members of the public at 9:33pm.

As there was no further business the meeting closed at 9:33pm.

Confirmed: 20 August 2025

Chairperson _____