

Proposed Local Law 2023

Prepared by i.e. community for the City of Port Phillip

Engagement report

28 April 2023

About this report

This report provides the findings of the engagement undertaken by the City of Port Phillip to obtain feedback on the proposed Community Amenity Local Law 2023. It provides an overview of the engagement activities undertaken from 6 March to 31 March 2023.

i.e. community analysed the data from the engagement activities and produced this report.

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Executive summary

In March 2023, the City of Port Phillip consulted the community on the proposed Local Law 2023. A total of 168 community members were engaged, primarily via an online survey on Council's Have Your Say platform. Feedback was also received through written submissions.

Survey respondents were predominantly aged over 35 (95%), lived in St Kilda (42%) and were ratepayers (43%). Interest and responses varied between clauses. The largest number of respondents were from St Kilda, reflected in the high level of interest in Clause 17 (72 responses) impacts on nuisance and antisocial behaviour Clause, which received significantly more responses than the other Clauses. Other areas of interest for the community were hoon events (60 responses) and Clause 43 Furniture and other items on Council Land and Footpaths (46 responses).

Key findings of the engagement were:

Elements of the proposed Local Law 2023 supported by community members:

- There is a high level of support for the amendments to Clause 17 Behaviour on Council Land, with significant public support for a response to antisocial behaviour and nuisance.
- Clause 43 Furniture and other items on Council Land and Footpaths was also well supported, as current behaviour is seen to create safety risks, reduce cleanliness and create visual clutter.
- There was strong support for amendments to Clause 51 Dangerous or unsightly land to require owners or owners' corporations to take responsibility for land adjacent to their properties and not allow nature strips and the like to be unsightly or occupied with furniture.
- Clause 23 Shopping Trolleys was also strongly supported as respondents thought this would improve aesthetics and reduce safety risks.
- Clause 35 Special Events permits also received general support.

Elements of the proposed Local Law 2023 less supported by community members:

- There was less support for amendments to Clause 15 Asset Protection Permit as it was perceived as a transfer of responsibility from the builder to the owner.
- Revising times for building work on a Saturday in Clause 52 also had less support from the community, due to concerns about noise and disruption.
- The absence of an amendment to the Local Law to respond to the increasing antisocial behaviour generated by short-term rentals received a high number of comments (23) in the final open-ended question of the survey.

Community feedback on hoon driving events:

- There was a strong consensus that hoon driving events are an issue in Port Phillip, with the main concerns being dangerous driving, noise, blocked roads, and illegal parking.

Introduction

Purpose of the engagement

The purpose of the engagement was to consult the community on the proposed amendments and additional Clauses in the Local Law 2023. Council also sought to understand what was of most interest to the community and how the proposed changes may impact the community. Council also asked for community feedback on hoon driving events to inform Council's direction in this area.

Developing the proposed Local Law 2023

The *Local Government Act 2020* states that Councils must review and update Local Laws every decade to ensure their relevance, suitability, and alignment with the community's needs and emerging concerns. Council's existing Community Local Law No. 1 and Procedures and Protocols Manual must undergo a review before the expiration of the current Local Law on 31 August 2023.

Thorough internal stakeholder engagement, Councillor briefings, benchmarking, and data set analysis were conducted to identify necessary changes for enhancing the functionality of the Proposed Local Law 2023.

The Local Law allows the City of Port Phillip to achieve its strategic goals, core strategies, and policies. It contributes to developing a more liveable, secure, and healthy city by regulating activities in public and private spaces that may influence urban character, local amenity, and the fair enjoyment or safety of others.

Limitations

Limitations to the community engagement process include:

- Consultative engagement provides only a high-level snapshot of community sentiment and does not reflect deeper deliberation of issues and challenges.
- Contributions do not constitute a representative snapshot of the community, as people self-selected to participate.
- In general, the number of responses was low, with six Clauses returning less than 20 responses (Clauses 9, 15, 35, 50, 52 building works).
- The vast majority of respondents were over 35 (95%), which means a significant portion of the community was not represented through the survey.
- Limited submissions were received from industry, business, and community groups, including from the building and dog walking sectors.

Participants and activities

Overview of participants

A series of demographic questions were asked as part of the survey. The following provides a brief snapshot of who we engaged through the survey. Detailed demographic data is provided in Appendix A of this report. Data is presented as the number of respondents and the percentage of the total surveyed cohort in brackets.

- Most respondents are Port Phillip residents (151; 97%)
- Survey respondents predominantly lived in St Kilda, St Kilda East and St Kilda West (93; 60%)
- There were more female (49%) than male survey respondents (43%)
- The majority were aged over 35 years (117; 74%), with relatively equal numbers in respondents in age brackets 35-49 (41; 26%), 50-59 (41; 26%) and 60-69 (35; 22%)
- A large number of respondents were ratepayers (43%), residents (39%), and business owners represented (14%) of respondents.

Summary of engagement activities



Council's online portal – "Have Your Say":

- An online survey for feedback and suggestions on the proposed Community Amenity Local Law 2023.
- Email responses to proposedlocallaw2023@portphillip.vic.gov.au.
- A document library with supporting information, such as a copy of the proposed Community Amenity Local Law 2023, draft Procedures and Protocols Manual 2023, Community Impact Statement, and FAQs.



Hard copy options:

- The proposed Community Amenity Local Law 2023 and survey were available at ASSIST customer service counters, libraries, and by writing to the Local Laws team at City of Port Phillip, Private Bag 3, St Kilda Vic 3182.



In-person consultation – Neighbourhood Engagement Program:

- Seven pop-ups where Local Laws team members answered questions and collected feedback. These included:
 - South Melbourne Market - 10 March
 - Ripponlea - 17 March
 - Gasworks Market - 18 March
 - Albert Road South Melbourne - 19 March

- Carlisle Street St Kilda - 22 March
- Elwood Market - 25 March
- Sandridge Lifesaving Club - 26 March



Stakeholder meetings

- Key organisations were contacted and provided with the opportunity to meet with Council staff regarding the proposed Local Law. Not all offers were taken up.

Communication and promotion

Consultation activities were developed and coordinated by Council's Communications team through a detailed communications and engagement plan to build awareness and promote the consultation opportunities. Activities included:

- Port Phillip e-Newsletters (Business / Community Services / Sustainability / DiverCity / Engagement)
- Newspaper advertisements (formal notice of intention to make local law)
- Social media (boosted posts)
- Council's website (Have Your Say) with supporting information
- proposedlocallaw2023@portphillip.vic.gov.au email address
- Posters and postcards with QR codes displayed at ASSIST counters and libraries
- Key external stakeholders were contacted directly and invited to participate.
- FAQs on the proposed Community Amenity Local Law 2023.



Stakeholder outreach

Emails were sent to key external stakeholders informing them of the opportunity to provide feedback, and meetings held with those interested. These included:

- Port Phillip Zero stakeholders (including community and health support services, VicPol and others)
- Resident groups
- Trader/business associations
- Traditional owner groups
- Building and development industry contacts
- Businesses that use shopping trolleys or provide related services.
- Advisory committees (e.g., youth, multicultural, multifait, LGBTIQ+, older persons)
- Environmental groups



Social media

Statistics from social media are provided below. Most hits were from direct engagement with the Port Phillip website or Google.

- 4208 reached through social media (boosted posts)
- 767 unique website page views of Have Your Say page
- 465 page views came from direct website hits
- 131 came from Google
- 106 came from the Port Phillip website
- 78 came from the social campaign.

Key findings

A summary of the level of support or agreement for each of the clauses and statements are provided below.



Support or strongly support the proposed changes to Clause 9 Connecting into Council drains, aimed at protecting Council assets and water courses by ensuring that any connection to a Council drain is carried out pursuant to a permit.



Support or strongly support the proposed changes to Clause 15 Asset Protection Permit, aimed at protecting Council assets by making it clear that an owner of land can be held responsible for damages caused by the builder if the builder fails to repair the damage.



Support or strongly support the proposed changes to Clause 17 Behaviour on Council Land, aimed at addressing nuisance behaviour in our city to reduce the impact on amenities, safety, perceptions of safety and the appeal of our high streets.



Support or strongly support the proposed changes to Clause 23 Shopping Trolleys, aimed at preventing abandoned trolleys on public land from causing damage or blocking access. This amendment requires venues with over 30 trolleys to have a perimeter lock system.



Support or strongly support the proposed changes to Clause 35 Special Events, aimed at enabling event organisers to broaden their offer whilst managing risks through a permit process that would allow for furniture, heaters, fire pits or other items on Council land.



Support or strongly support the proposed changes to Clause 43 Furniture and other items on Council Land and Footpaths, aimed at reducing the incidence of dumped furniture or other items on Council land to protect access to businesses, footpaths and public places; and to maintain neighbourhood amenity.



Support or strongly support the proposed changes to Clause 50 Political Signs aimed at improving transparency and removing confusion with the Planning Scheme and other legislation.



Support or strongly support the proposed changes to Clause 51, Dangerous or unsightly land, where owners or owners' corporations are to take responsibility for land adjacent to their properties and not allow nature strips to become unsightly or occupied with furniture or other objects. This amendment is aimed at encouraging a joint onus approach to addressing dumped hard waste in our streets.



Support or strongly support the proposed changes to Clause 52 Managing Amenity on Building Sites (hours), where allowable hours on a Saturday are expanded from 9am-3pm to 9am-5pm in response to an increasing level of development, growth and construction permit requests



Support or strongly support the proposed changes to Clause 52 Managing Amenity on Building Sites (tree protection), aimed at protecting Council trees by requiring tree protection barriers for Council trees (including tree root zone) on Council land or nature strips adjoining building sites



Agree or strongly agree there are issues with hoon driving events.

Key results from the survey

Survey question	Summary of feedback
<p>How would you rate your level of support or opposition for the proposed amended Clause 9 Connecting into Council drains? 7 respondents</p>	<p>57% (4) strongly supported the proposed amendment.</p> <p>28% (2) supported the proposed amendment.</p> <p>14% (1) were neutral about the proposed amendment.</p> <p>3 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 2 respondents supported the interest in waterways and drainage. • 1 respondent would like clearer definitions of creek, gutter, culvert, or stormwater system.
<p>How would you rate your level of support or opposition for the proposed amended Clause 15 Asset Protection Permit? 8 respondents</p>	<p>12% (1) strongly supported the proposed amendment.</p> <p>25% (2) supported the proposed amendment.</p> <p>12% (1) were neutral about the proposed amendment.</p> <p>25% (2) were opposed to the proposed amendment.</p> <p>25% (2) were strongly opposed to the proposed amendment.</p> <p>4 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 2 respondents highlighted the time and cost for Council and applicants. • 2 respondents expressed concerns about the reduction in liability for builders and the increased onus on owners.
<p>How would you rate your level of support or opposition for the proposed amended Clause 17 Behaviour on Council Land? 72 respondents</p>	<p>72% (52) strongly supported the proposed amendment.</p> <p>19% (14) supported the proposed amendment.</p> <p>2% (2) were neutral about the proposed amendment.</p> <p>5% (4) were strongly opposed to the proposed amendment.</p> <p>61 respondents provided a reason for their level of support. Reasons provided:</p>

	<ul style="list-style-type: none"> • 33 highlighted support for addressing the increase in antisocial behaviour, safety issues and drug and alcohol use. • 7 showed support for this Clause to respond to the camps and homeless issues currently experienced in St Kilda. • 7 respondents highlighted support for this Clause to improve the environment for businesses and traders in the area. • 4 respondents highlighted that the Clause should also include noise related to dogs. • 2 respondents were concerned about Council overreach and that powers would be abused to impact vulnerable people.
<p>How would you rate your level of support or opposition for the proposed amended Clause 23 Shopping Trolleys? 22 respondents</p>	<p>68% (15) strongly supported the proposed amendment.</p> <p>18% (4) supported the proposed amendment.</p> <p>9% (2) were neutral about the proposed amendment.</p> <p>5% (1) was strongly opposed to the proposed amendment.</p> <p>14 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 5 respondents highlighted support for addressing the visual and environmental impact of abandoned trolleys. • 2 respondents highlighted support for the increased responsibility of retailers. • 1 respondent highlighted the cost for supermarkets.
<p>How would you rate your level of support or opposition for the proposed amended Clause 35 Special Events? 17 respondents</p>	<p>29% (5) strongly supported the proposed amendment.</p> <p>35% (6) supported the proposed amendment.</p> <p>12% (2) were neutral about the proposed amendment.</p> <p>12% (2) were opposed to the proposed amendment.</p> <p>12% (2) were strongly opposed to the proposed amendment.</p>

	<p>16 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 8 respondents supported permits for special events. • 5 respondents supported enforcement of the permits. • 4 respondents expressed concerns about the laws being overly restrictive. • 4 respondents expressed concerns about the impact on residents.
<p>How would you rate your level of support or opposition for the proposed new Clause 43 Furniture and other items on Council Land and Footpaths? 46 respondents</p>	<p>74% (34) strongly supported the proposed amendment.</p> <p>17% (8) supported the proposed amendment.</p> <p>6% (3) were neutral about the proposed amendment.</p> <p>2% (1) was opposed to the proposed amendment.</p> <p>29 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 19 respondents supported the amendment to improve cleanliness on the streets. • 12 respondents supported the amendment to improve footpath access. • 11 respondents supported the amendment to improve safety. • 9 respondents supported an increased focus on the impact of the homeless and camps, however, concerns about whether this would solve the issues were also raised. • 9 respondents highlighted the importance of enforcement.
<p>How would you rate your level of support or opposition for the proposed new Clause 50 Political Signs? 18 respondents</p>	<p>39% (7) strongly supported the proposed amendment.</p> <p>28% (5) supported the proposed amendment.</p> <p>28% (5) were neutral about the proposed amendment.</p> <p>5% (1) was strongly opposed to the proposed amendment.</p> <p>6 respondents provided a reason for their level of support. Reasons provided:.</p>

	<ul style="list-style-type: none"> • 6 respondents supported the amendment to maintain the impartiality of the Council. • 6 respondents supported the amendment to reduce visual clutter
<p>How would you rate your level of support or opposition for the proposed amended Clause 51 Dangerous or unsightly land? 27 respondents</p>	<p>85% (23) strongly supported the proposed amendment.</p> <p>7% (2) supported the proposed amendment.</p> <p>4% (1) was neutral about the proposed amendment.</p> <p>4% (1) was strongly opposed to the proposed amendment.</p> <p>16 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 13 respondents supported the amendment and how it would improve cleanliness and visual appearance. • 6 respondents highlighted the current risks with enforcement and the need for it to improve.
<p>How would you rate your level of support or opposition for the proposed amended Clause 52 Managing Amenity on Building Sites - revised times for building works? 15 respondents</p>	<p>33% (5) strongly supported the proposed amendment.</p> <p>13% (2) supported the proposed amendment.</p> <p>27% (4) were neutral about the proposed amendment.</p> <p>27% (4) were strongly opposed to the proposed amendment.</p> <p>10 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 5 respondents supported the amendment as it aligned with standard practice. • 4 respondents raised concerns about the impact of increased noise and disturbance on the community.

<p>How would you rate your level of support or opposition for the proposed amended Clause 52 Managing Amenity on Building Sites - protecting Council street trees?</p> <p>15 respondents</p>	<p>67% (10) strongly supported the proposed amendment.</p> <p>20.0% (3) supported the proposed amendment.</p> <p>13% (2) were opposed to the proposed amendment.</p> <p>9 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 7 respondents supported the proposal and the need to protect trees.
<p>Hoon driving events are an issue in Port Phillip (please rate how much you agree or disagree with this statement).</p> <p>60 respondents</p>	<p>87% (52) strongly agreed with the statement.</p> <p>5% (3) agreed with the statement.</p> <p>3% (2) disagreed with the statement.</p> <p>5% (3) strongly disagreed with the statement.</p> <p>55 respondents provided a reason for why they consider hoon driving events to be an issue in Port Phillip. Reasons provided:</p> <ul style="list-style-type: none"> • 85% (47) of respondents stated dangerous driving. • 93% (51) of respondents stated noise. • 29% (16) of respondents stated gathering of people. • 45% (25) of respondents stated roads being blocked / illegal parking. • 5% (3) of respondents stated other. <p>53 respondents provided a reason for their level of support. Reasons provided:</p> <ul style="list-style-type: none"> • 27 respondents raised issues with noise. • 19 respondents raised the need to enforce laws and the role of the police. • 13 respondents raised issues with increased antisocial and loud motorbike usage.

Key results from the submissions

Clause 17 Behaviour on Council Land	<p>3 submissions were received in response to Clause 17:</p> <ul style="list-style-type: none"> • 2 submissions highlighted the impacts on the business of antisocial behaviour, including the impact of drug use and camps. • 1 submission from Traditional Owners raised concerns about how the proposed amendments may impinge on the rights of First Nations peoples to sit and gather, which is a common cultural practice. • 1 submission stated the law was skewed heavily to homeless, criminal, and nuisance behaviour, not day-to-day noise from boom boxes and dogs.
Clause 20 Commercial dog walkers	<p>1 submission was received in response to Clause 20:</p> <ul style="list-style-type: none"> • 1 submission highlighted the impact on the community from unrestrained dogs.
Clause 23 Shopping Trolleys	<p>2 submissions were received in response to Clause 23:</p> <ul style="list-style-type: none"> • 1 submission from a trolley security operator working for major retailers raised concerns on evidence of the scale of the problem and appropriateness of the solution. Other issues raised were the significant costs, both in the installation of the system and its ongoing maintenance and repair. • 1 submission raised a concern about the impact of First Nations gatherings and the limitations on any cultural practice this caused.
Clause 43 Furniture and other items on Council Land and Footpaths	<p>1 submission was received in response to Clause 43:</p> <ul style="list-style-type: none"> • 1 submission addressed the need to remove the unsightly stools around Fitzroy and Jackson Streets, impacting traders and a hub for drug-related behaviour.

Detailed findings

Survey results

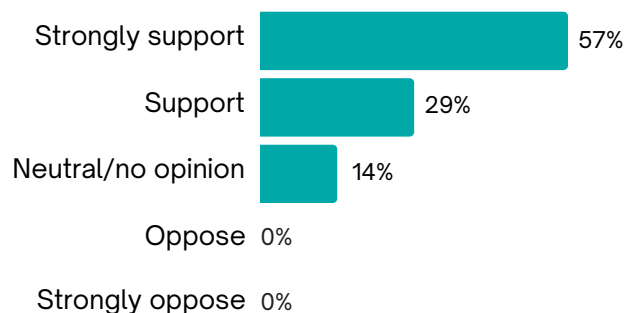
Clause 9 Connecting into Council Drains

Clause 9 Connecting into Council Drains has been altered to ensure that any connection to a Council drain is carried out pursuant to a permit. This alteration has been made to increase control over activities that have the potential to damage Council assets, and/or impact the quality of water entering stormwater systems, water courses and Port Phillip Bay. The current requirement to obtain a permit did not apply where Council has approved a plan of subdivision. This exemption has been removed to ensure that all connections to a Council drain are carried out in accordance with Council's requirements.



86% of respondents support or strongly support the proposed amendments to Clause 9.

Level of support for proposed amendment	Response count (7 total)	Percentage of responses
Strongly support	4	57%
Support	2	29%
Neutral/no opinion	1	14%
Oppose	0	0%
Strongly oppose	0	0%



Respondents were given the opportunity to provide a reason for their level of support. Three of the seven provided an answer to this open-ended question.

Summary of reasons provided:



Environmental impact - waterways and drainage

One (1) respondent raised concerns about the conditions of waterways for swimming and supported Council taking action.

Another (1) supported the change to respond to the tampering of drainage without consideration of impact by individuals and organisations.

Actions suggested by respondents for Council:

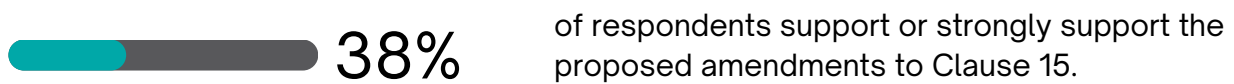


Definition drafting

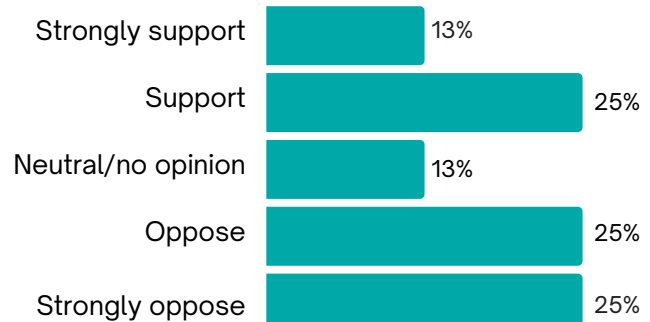
One (1) respondent would like to see clearer definitions of creek, gutter, culvert, or storm water system in the law.

Clause 15 Asset Protection Permit

Clause 15 Asset Protection Permit has been amended to make it clear that the owner of the land can be held responsible for damages caused by the builder if the builder fails to repair the damage. The wording of the clause has been simplified, and definition of builder expended to ensure that all parties involved in building works can be held responsible for damage to Council assets. This change is consistent with Building and Planning legislation.



Level of support for proposed amendment	Response count (8 total)	Percentage of responses
Strongly support	1	13%
Support	2	25%
Neutral/no opinion	1	13%
Oppose	2	25%
Strongly oppose	2	25%



Respondents were given the opportunity to provide a reason for their level of support. Four of the eight provided an answer to this open-ended question.

Summary of reasons provided:



Unjust transfer of responsibility to owners

Three (3) respondents thought putting the onus of liability on the owner for builder negligence was unjust to owners.



“Why should the owner bear responsibility for a builder’s negligence.”



Cost burden

The cost to Council, the industry and the community were raised by three (3) respondents.



“Obtaining permits adds time and cost to everyone's works, punishing all residents. Just fine those who do the damage.”

Actions suggested by respondents for Council:



Enforcement - Holding builders liable

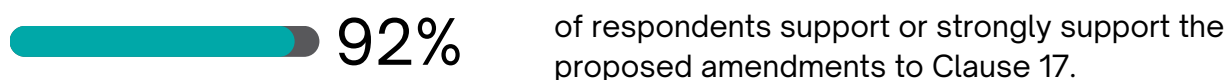
Three (3) respondents suggested that holding builder's liable would be a more effective solution.



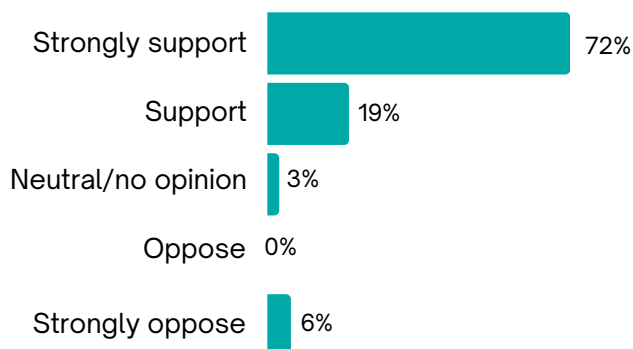
“Where an owner engages a builder to complete works, the owner should not be held financially liable for the mistakes of that builder (unless they were complicit, of course). Council must use its clout to hold the builder financially liable. This could be done by requiring appropriate insurance.”

Clause 17 Behaviour on Council Land

Clause 17 Behaviour on Council Land has been amended to address nuisance behaviour in our city. It would give officers the ability to address behaviour that unreasonably interferes with another person on or close to Council land by asking them to stop or by issuing an infringement. We have heard from our community about the impacts of antisocial behaviour on our residents. Council receives many complaints about the issue, its impacts upon amenity, safety, perceptions of safety and the appeal of high streets and other areas as vibrant, attractive and safe places to visit.



Level of support for proposed amendment	Response count (72 total)	Percentage of responses
Strongly support	52	72%
Support	14	19%
Neutral/no opinion	2	8%
Oppose	0	0%
Strongly oppose	4	6%



Respondents were given the opportunity to provide a reason for their level of support. Sixty one of the 72 provided an answer to this open-ended question.

Summary of reasons provided:



Antisocial behaviour, drug use and safety concerns

Support for the updates reflected respondents' concerns with increasing social issues, including antisocial behaviour (33), drug and alcohol use (24), and safety concerns (22).



"St Kilda's main shopping/dining/entertainment strips have become increasingly dangerous and uninviting".

"In Acland Street (Barkly end) people urinate in full view of others, defecate, harass others, physically assault others, inject drugs. The area becomes increasingly dangerous. Something needs to be done. The same with Fitzroy Street and, to lesser extent, Carlisle Street Balaclava."



“Council can no longer ignore their responsibility. The poor behaviour is happening on Council land. It is your responsibility to ensure the safety of ALL community members. Police must play a part but are frankly failing, and Council needs to take responsibility for it happening on their watch. Our rates should be put into greater training and more local laws officers. Clean up the streets, we have had enough of Fitzroy and Acland looking like a cesspit. I can't leave my elderly parents alone to sit in Acland Street because of the crime, antisocial, drunk/drug affected people taking over the area.”



Amenities and cleanliness

Additionally, this law was seen to address respondents experience with reduced access to Council amenities (24), and city cleanliness (11).



Impact on business, tourism and traders

Many respondents (12) also felt the law was needed to improve conditions for businesses, tourism and traders, expressing concerns about how the above behaviours were impacting business.



“Residents of Port Phillip and traders have an absolute right to their personal safety and quiet enjoyment within and on public places, streets and roads and these types of nuisance behaviours by often regular offenders should not have to be tolerated. It is driving investment away from our area and particularly tourism, shops are closing and residents are tired of the inability of officers to be able to do anything within the local laws about it - they are tired of the inaction.”



Increase to enforcement

A consistent theme was enforcement, with (22) respondents unhappy with Police and Council response to nuisance behaviour.



“Having lived in St Kilda for the last 27 years, I have witnessed the decline in social amenities over the last decade under the current local laws. Lawless groups gather on Fitzroy St and Acland St, St Kilda, without consequence. Police are called but never show up, council bylaws and social amenity arrive and cannot do anything under the current laws. The groups drinking and abusing need to be addressed by council in St Kilda. It doesn't happen in other suburbs, why does this council want to destroy St Kilda? This is why this nuisance law must be approved.”

There were (2) responses with countering views and concerned that enforcement of this law had the potential to be an overreach by Council.



“Certain members of the community will request Council to use these local laws against vulnerable community members. Gentrification at its best”

Actions suggested by respondents for Council:



Further definitions

Two (2) respondents asked for expansion of the definition or further clarity.



“I hope this includes noise, music and rubbish left out.”

“How are we defining 'create a nuisance'?!? Seems liable for abuse.”

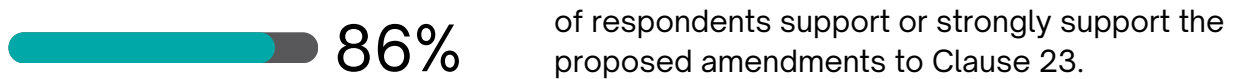


Consideration for nuisance behaviour for dogs.

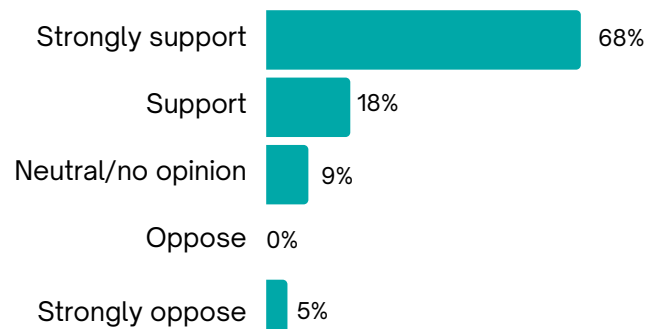
Four (4) respondents highlighted that the Clause should also include dog-related noise.

Clause 23 Shopping Trolleys

Clause 23 Shopping Trolleys has been amended to require all venues with over 30 trolleys to have a perimeter lock system installed to reduce the number of trolleys being taken off site. This amendment is aimed at preventing shopping trolleys from being moved well beyond the stores, misused or being abandoned on public land where they can cause damage and block access.



Level of support for proposed amendment	Response count (22 total)	Percentage of responses
Strongly support	15	68%
Support	4	18%
Neutral/no opinion	2	9%
Oppose	0	0%
Strongly oppose	1	5%



Respondents were given the opportunity to provide a reason for their level of support. Fourteen of the 22 provided an answer to this open-ended question.

Summary of reasons provided:



Safety and aesthetics

Generally, respondents thought this law would improve the aesthetics of the community (6) and improve safety risks (3).



"I hate seeing these floating in the canal and being dumped on nature strips by joy riders. They are a hazard."

"Love this idea! The number of shopping trolleys I see on the street (and in my apartment building's parking garage) is insane! The trolleys are unsightly and add so much clutter"

Actions suggested by respondents for Council:



Consider cost impact to business

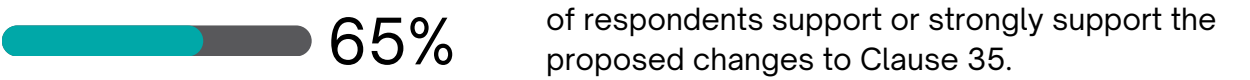
One (1) respondent highlighted the cost to business.



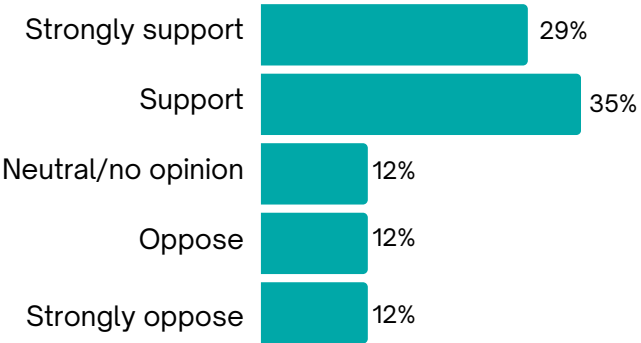
“This will add significant cost to our shopping by requiring this of supermarkets. This is not a major problem but will impact all.”

Clause 35 Special Events

Clause 35 Special Events has been amended to include the requirement for a permit for the placement of any furniture, heater, fire pit of other item on a road or Council Land. This enables event organisers to broaden their offer at some special events. whilst managing risks and being subjected to assessment through the permitting process.



Level of support for proposed amendment	Response count (17 total)	Percentage of responses
Strongly support	5	29%
Support	6	35%
Neutral/no opinion	2	12%
Oppose	2	12%
Strongly oppose	2	12%



Respondents were given the opportunity to provide a reason for their level of support. Sixteen of the 17 provided an answer to this open-ended question.

Summary of reasons provided:

Permit management and enforcement

Eight (8) respondents talked about the inconsistency of enforcement and management of the current practice and ensuring penalties are imposed for non-compliance.

“It is important that the drumming circle needs a permit to occupy council land and that there are appropriate penalties if they breach the permit terms.”

“I feel like music festivals do the right thing and give an advanced warning, but when there is a triathlon, there is no warning, and it is a total nightmare. I was going to complain to the council about sporting events”.

Resident impacts

Five (5) respondents highlighted how events impacted residents and the need to ensure resident day to day life is not affected.



“Last St. Kilda Festival, I did not get a permit for my car in my mailbox, and I had to walk two blocks with two heavy suitcases and a cake in a tin to get out of the area.”



Restrictive and costly

Five (5) raised concerns about the restrictiveness of the permit and the cost impact.



“This reduces community interaction and gathering. It is not a major issue. Please don't add another layer of control.”

Actions suggested by respondents for Council:



Clarify definitions and scope.

Three (3) respondents requested clarity on the definitions and Clauses.



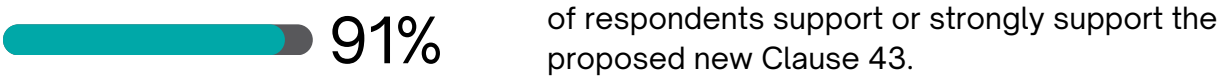
“How is 'special event' defined? Does this mean we need a permit to have a family picnic in the botanical gardens? Clearer information is needed. As residents, we face increasing numbers of restrictions that assume the worst behaviour, e.g., alcohol bans. These over restrict the everyday amenity for most people.”

“This amended Clause seems acceptable (3) If Council has granted a permit for a special event, Council may apply revised parking restrictions for the period of the special event. These two Clauses seem unnecessary and reduce spontaneity. (1) A permit is required to conduct a special event on a road or road related area or on Council land. (2) A person must not, without a permit, place any furniture, heater, fire pit or other item on a road, or road related area or Council land.”

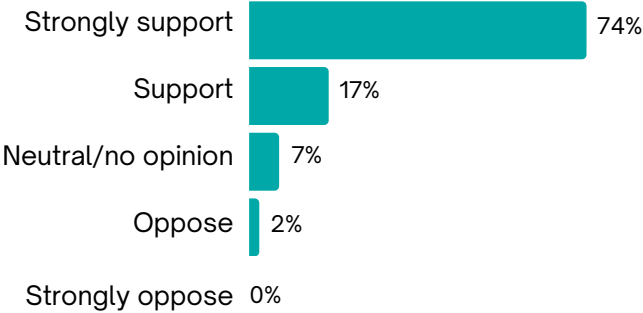
“Permits for conducting special events should include enforcement of leaving the area clean and free of rubbish.”

Clause 43 Furniture and other items on Council Land and Footpaths

This new clause makes it an offence to place furniture or other items on footpaths or other Council Land that obstructs access and provides a power for Authorised Officers to direct that they be removed, or impound the items, if there is a breach. The clause is aimed at reducing the incidence of dumped furniture and other items being moved from their original positions to open spaces and footpaths within the municipality, where they impact pedestrian and customer access to businesses, public amenities and footpaths.



Level of support for proposed amendment	Response count (46 total)	Percentage of responses
Strongly support	34	74%
Support	8	17%
Neutral/no opinion	3	7%
Oppose	1	2%
Strongly oppose	0	0%



Respondents were given the opportunity to provide a reason for their level of support. Twenty-nine of the of the 46 provided an answer to this open-ended question.

Summary of reasons provided:



Cleanliness

This law was seen by respondents (19) to go some way in addressing the issues of cleanliness in the community.



“Dumped furniture is unattractive, messy, obstructive, can be unsafe and in many cases unclean. It litters our streets and should not be tolerated. Further, it can be secured and encourage persons to camp on our streets, which creates further issues.”



Safety and footpath access

Footpath access was seen as a current concern, and (12) respondents supported the amendment to address this.

Eleven (11) respondents supported the amendment to improve safety by removing trip hazards and other safety-related issues caused by excess furniture in the streets.



“Fitzroy Street Business Ass. supports the limitation of the type of items allowed on Fitzroy Street, as to increase the access for people to move up and down the footpaths. At times items and belongs deposited on the footpaths has meant that people including the disabled have had to walk on the road. Blind people are unable to use the shop fronts to tap their canes, due to furniture.”

“As an elderly person (81), I am entitled to access the streets and shops free of encumbrances.”



Homelessness and camps

Nine (9) respondents raised that camps, gathering and homelessness are increasing, and this law is needed to address this. However, concerns about whether this would solve these issues were also raised.

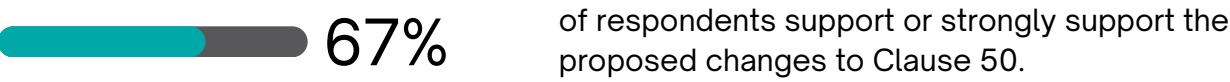


Enforcement

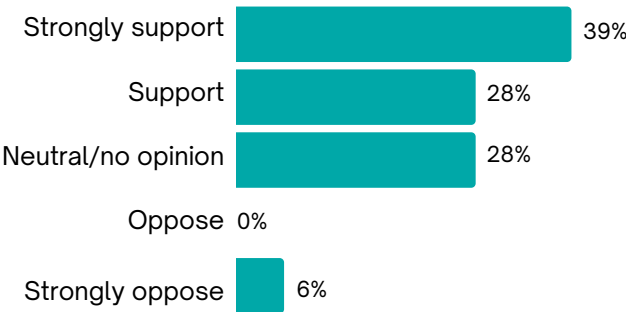
Enforcement and repeat offences were also seen as an issue, with nine (9) respondents highlighting the importance of enforcement.

Clause 50 Political Signs

This new clause is proposed in order to improve transparency and remove any confusion with regard to the Planning Scheme and other legislation. The clause makes it an offence to affix, erect, install or otherwise display a political sign on Council Land other than where it is authorised under any other legislation. State and Federal legislation provide for the placing, erection and display of candidate signs within 100m of polling places.



Level of support for proposed amendment	Response count (18 total)	Percentage of responses
Strongly support	7	39%
Support	5	28%
Neutral/no opinion	5	28%
Oppose	0	0%
Strongly oppose	1	6%



Respondents were given the opportunity to provide a reason for their level of support. Six of the of the 17 provided an answer to this open-ended question.

Responses provided by theme:



Impartiality of Council

Six (6) respondents supported the amendment to maintain the impartiality of the Council.



“Installing political signs on Council land can imply our Council endorses the respective candidate.Political promotion of candidates is not a Council role, who should be acting independently to support the Municipality.”



Visual clutter

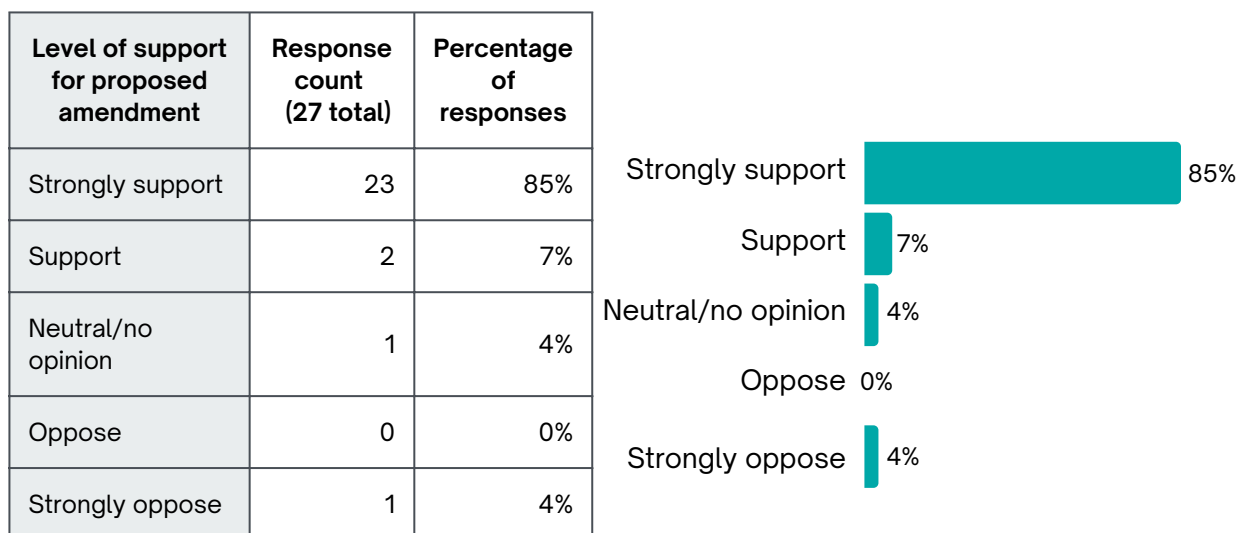
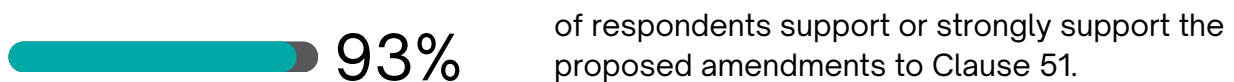
Six (6) respondents supported the amendment to reduce visual clutter.



“We do not need political signage on Council property/structures as it is enough when it’s on private billboards etc.It is ugly and creates visual clutter.”

Clause 51 Dangerous or unsightly land

Clause 51 Dangerous or unsightly land has been expanded. A new Part (1) sub clause (2) has been introduced to require owners or owners' corporations to take responsibility for land adjacent to their properties and not allow nature strips and land adjacent to property to become unsightly or occupied with furniture or other objects. This amendment is proposed to encourage a joint onus approach to addressing the issue of dumped hard waste in our streets and responds to community complaints and feedback about the amenity, access, and visual impacts of this occurrence. Land owners and owners' corporations will be required to book hard waste collections services through Council's service provider.



Respondents were given the opportunity to provide a reason for their level of support. Sixteen of the of the 27 provided an answer to this open-ended question.

Summary of reasons provided:



Cleanliness and visual appearance

Six (6) respondents supported the amendment to reduce visual clutter.



“Too many residents are leaving their properties and nature strips in an unsafe and unsightly condition.”



Support for Council to enforce the practice.

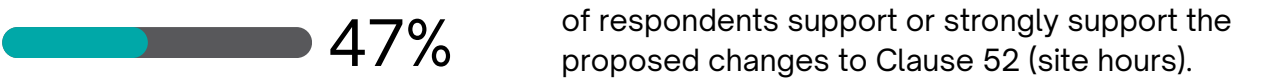
Six (6) respondents also felt the law was the correct move to provide Council with the powers to address this issue.



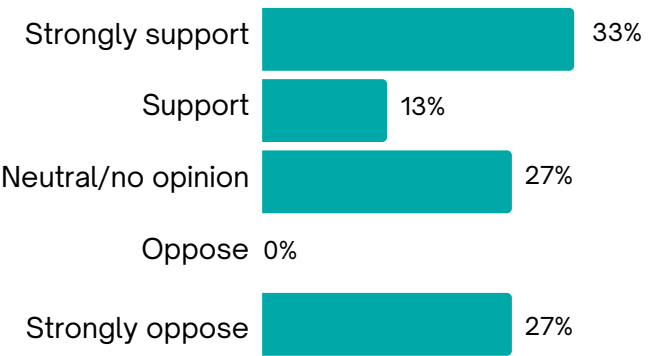
“Like furniture on footpaths, leaving the land in an unsightly manner is not appropriate. Council should have necessary powers to maintain community standards.”

Clause 52 Managing Amenity on Building Sites - Revised times for building works

Clause 52 Managing Amenity on Building Sites has been amended to increase the allowable hours whereby construction works can be carried out on a Saturday without requiring an ‘Out of Hours’ permit. The allowable hours will increase from 9am to 3pm to 9am to 5pm. This is in response to increasing requests for permits from the construction industry and in consideration of the municipality’s increasing level of development and projected growth.



Level of support for proposed amendment	Response count (15 total)	Proportion of responses
Strongly support	5	33%
Support	2	13%
Neutral/no opinion	4	27%
Oppose	0	0%
Strongly oppose	4	27%



Respondents were given the opportunity to provide a reason for their level of support. Ten of the of the 15 provided an answer to this open-ended question.

Summary of reasons provided:



Align to standard practice

Five (5) respondents stated they supported this amendment, as it aligned with other Councils and standard business practices.



“This also brings it into line with other business operating hours. We have become a 7 day a week society, and building is such a big part of our working community that it is appropriate to bring this closer into line with the rest of the business community.”



Noise, disturbance, and impact on residents

Results were mixed on the impact for residents due to disturbance and noise, with four (4) stating the added noise and disturbance was a reason not to support the amendment.

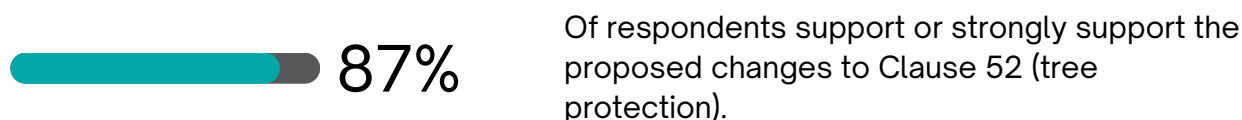
Another three (3) respondents highlighted the volume of construction activity is impacting the well-being and mental health of residents and therefore did not support the change.



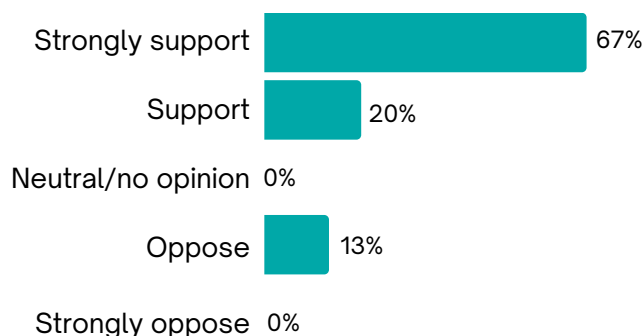
“Increasing hours on a Saturday does not add to the health of residents. Six days a week of building noise is not conducive to the health of residents. Start putting that first.”

Clause 52 Managing Amenity on Building Sites - Protecting Council street trees

Clause 52 Managing Amenity on Building Sites has been amended to include the requirement for Tree Protection Barriers for Council trees (including root zone) on the nature strip or other Council Land adjoining a building site. This change is in recognition of the trees' environmental and aesthetic values, and the significant investment of public funds in tree maintenance, monitoring and replacement.



Level of support for proposed amendment	Response count (15 total)	Percentage of responses
Strongly support	10	67%
Support	3	20%
Neutral/no opinion	0	0%
Oppose	2	13%
Strongly oppose	0	0%



Respondents were given the opportunity to provide a reason for their level of support. Nine of the 15 provided an answer to this open-ended question.

Summary of reasons provided:



Tree protection

Respondents (7) generally supported Council's amendment and the commitment to protecting trees.



"Our street trees are an asset and need to be maintained [and] protected. It's cavalier to assume they can simply be replaced if damaged. These assets are slow growing and important for heat reduction and other local amenity."

"All established trees MUST be protected."



Cost of bureaucracy

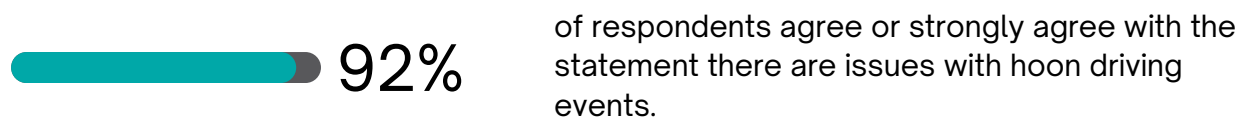
One (1) respondent did not support the additional legislation.



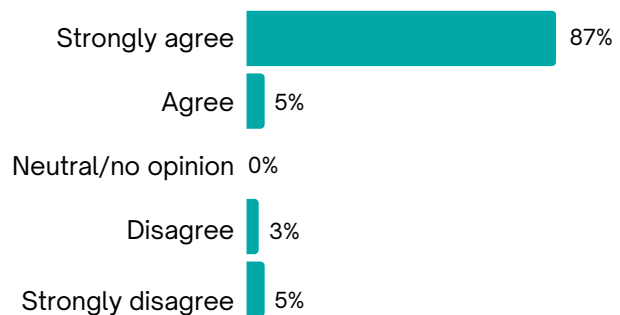
“Unnecessary extra expense and bureaucracy. Please present evidence of how much damage is being done under current laws.”

Hoon driving events

As part of the Proposed Local Law consultation process, Council asked officers to investigate community sentiment towards hoon driving events.

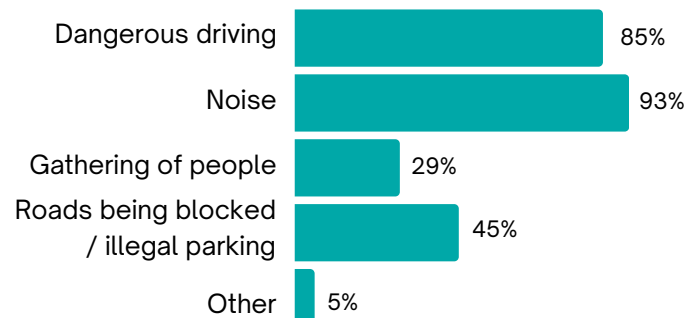


Level of support for proposed amendment	Response count (60 total)	Percentage of responses
Strongly support	52	87%
Support	3	5%
Neutral/no opinion	0	0%
Oppose	2	3%
Strongly oppose	3	5%



Respondents were given the opportunity to provide a reason for the specific issues. Fifty-five of the 60 provided an answer to this question. Note respondents were able to provide multiple responses to this question.

Issue	Response count (55 total)	Percentage of responses
Dangerous driving	52	85%
Noise	3	93%
Gathering of people	0	29%
Roads being blocked/illegal parking	2	45%
Other	3	5%



Respondents were given the opportunity to provide a reason for their level of agreement. Fifty-three of the of the 60 provided an answer to this open-ended question.

Summary of reasons provided:



Noise and safety

The key issue respondents raised was noise (27) and its impact on well-being and sleep. Some stated it gets through double glazed windows.

Safety was another key issue, with 23 respondents addressing the risks and hazards it poses to the community.



“It spoils the amenity of our beautiful seaside location, creates awful noise and is dangerous. It also leaves unsightly tyre marks on the roads.”

“Vehicles speed and often narrowly miss pedestrians on the pedestrian crossings.”



Enforcement

Nineteen (19) respondents raised the need to enforce laws and the role of the police.



“Please do something about hoons. If you create a local law, police are legally able to enforce it.”



Motor bikes and antisocial behaviour.

Multiple respondents raised issues with increased antisocial behaviour (12) with hoon events and loud motorbike usage (13).



“Also, some attention needs to be given to motorcycles and the noise these create. There is unnecessary noise because people alter exhausts etc. I am regularly woken up by these and there is no real reason why they are so noisy except those blokes like drawing attention to themselves.”

Additional comments about the proposed Local Law 2023

The final question of the survey was an open-ended question with 48 comments received. The main themes from the feedback are below.

Summary of reasons provided:



Short-term rentals

In the additional comments section, respondents (23) addressed the increasing pressure on residents due to the disruptive behaviour of short-term rentals and the need for Council to provide a solution.



“Why isn’t there changes or additions regarding short stay accommodation? Our Local laws do not address it adequately at all. Council needs to look at how councils like Mornington are addressing this problem.”

“We need to stop short term rentals in our community because they are destroying our lives by having many parties, and our quality of life is diminishing. We need the laws changed, and we need to stop disrupting and misbehaving tenants and make Hosts more accountable.”



Camping and homelessness, drug use and antisocial behaviour.

Eleven (11) respondents addressed the ongoing issues with camps, gatherings, antisocial behaviour (13), and drug use (6).



“The Camping on Council land local law Clause 53 needs to be amended. This is the most important local law that needs to be amended to rescue St Kilda from what has happened over the last 2-3 decades due to council policies. The council officers report had option 2 which removes the get out Clause on complex needs. Fitzroy St, St Kilda for the last 10 years has seen transient groups camping and performing antisocial and illegal behaviours, the local laws team say they cannot do anything because Clause 53 says under complex needs, these people cannot be asked to leave.

- 1. These transients are not from St Kilda; they have housing in other LGA's*
- 2. Option 2 in Clause 53 retains the statement that if you are homeless, you are exempt which does not impact truly homeless (in reality there would be lucky to be one truly homeless person turn up from another LGA every other week), so this alternate motion will have no impact on the truly homeless.*
- 3. Council officers have told us for the last decade, that this law needs to be amended, if we are going to solve the problems in St Kilda.*



4. *There is an oversupply of dysfunctional social housing in St Kilda, without any support services, many are housing known drug dealers ie (You have a dealers in at several St Kilda community housing properties, the management and police know they are dealing, but nothing is done about it). This leads to transients arriving to St Kilda, camping on Fitzroy St, claiming complex needs, sourcing drugs from the dealers arriving from the social housing properties, the aggressive and antisocial behaviour then happens daily at these camps, and council officers tell us nothing can be done due to existing Clause 53.*

5. *If Clause 53 is not amended to remove complex needs, then Clause 17 and Clause 43 nuisance and furniture are going to be irrelevant.*

Please for the sake of St Kilda, change the Camping on Council Land Clause.”

“This is clearly a complex and controversial issue. We need to find out why people don't have anywhere else to go or why places designated as appropriate aren't. We also need stronger law enforcement of drug trafficking in the area. Police hang around train stations in large groups doing nothing. Why can't they be shifted to other streets where there is open sale of drugs. We see this happening in broad daylight and is possibly one of the biggest causes of the problems faced.”

Submissions

Submissions were accepted in hard copy and by email. There were 13 submissions with key themes from the feedback below.

Provided information by Clause and theme:

Clause 31 Residential Parking

One of the submissions was related to residents who do not have off-street parking for electric vehicle owners and the proposed alternative solutions to the current model, similar to what the United Kingdom has adopted, which allows vehicles parked on the street to be charged at the resident's properties provided the cord is covered to reduce the trip hazard.



“For instance, if we followed safety rules and used pedestrian cable covers similar to what construction workers use all the time why can't EV owners use that method noting that if the homeowner did not follow the safety guidelines they could be fined. This would be more economical whilst providing safety to pedestrians.”

Clause 17 Behaviour on Council Land

Two (2) submissions supported Clause 17:

- Three (3) submissions highlighted the impacts of antisocial behaviour on business, including the impact of drug use and camps.
- One (1) submission stated the law was skewed heavily to homeless, criminals, and nuisance behaviour not day to day noise from boom boxes and dogs.
- Other key themes were the issues with cleanliness on the streets and the inability to keep commercial centres clean due to camps and nuisance behaviour.



“St Kilda in general is host to too much anti-social behaviour, a hotspot for drug & alcohol affected aggressive beggars. Sadly, it's also overpopulated with people with mental health problems, ranging from mild to full on psychotic outbursts.”

“The cleaners do a stellar job but in reality, rather than once-a-day, street cleans, there would need to be 4 or 5 times a day to make a visible difference.”

Another submission (1) from Traditional Owners acknowledged the antisocial behaviour but raised concerns on how the proposed amendments may impinge on the rights of Indigenous people to sit and gather, which is a common cultural practice. Key aspects of this submission include the following.



“While we acknowledge it might be important to stop people genuinely being a nuisance or causing trouble, there needs to be a distinction between this, and a gathering of Aboriginal people.”



“An authorised right to asking people to disperse from a public setting may in fact harm a process that provide support and belonging in the community. Aboriginal people gather for a yarn or as a way of getting help from elders and their mob to work out problems.”

“An insensitive local law may see Aboriginal people placed under greater scrutiny or judgement. This is not healthy for community as too often Aboriginal people are judged without reason.”

Clause 20 Commercial Dog walkers

One (1) resident highlighted the impact on the community from unrestrained dogs.



“I can no longer walk along the beach and beach paths because it is unsafe due to unrestrained dogs, e-scooters and cyclists. I no longer attend the Gasworks market because the number of dogs makes walking through crowds and browsing at stalls almost impossible.”

Clause 23 Shopping Trolleys

A (1) shopping trolley tracking service that works for major retailers and with the Endeavour Foundation in Port Phillip raised concerns with the implementation.



“This proposal does not appear to be supported by evidence of a problem or that it will provide a solution to that perceived problem. On the other hand, the installation of a perimeter locking system involves significant cost, both in the installation of the system and its ongoing maintenance and repair. Negotiating the installation of a perimeter locking system – especially in shopping centres - is highly contentious and time-consuming, involving other parties such as property owners, property managers, other retailers etc. It is also a fact that the retrofitting of such a system is not welcomed by shoppers, with subsequent damage as trolleys are forced across perimeters.”

Another submission (1) addressed the safety concerns of blocked footpath access.

Clause 43 Furniture and other items on Council Land and Footpaths

One (1) submission addressed the need to remove the unsightly stools around Fitzroy and Jackson Streets that are impacting traders and a hub for drug related behaviour causing safety issues for the community and blocking footpath access.



“Temporary drug villages comprising stolen garden furniture, including both chairs and tables, commandeered shopping trolleys and even stolen BBQs, that protrude into and occupy the footpath, preventing safe foot traffic along the major thoroughfare that is Fitzroy Street, St Kilda.”



“Footpaths are there to service and provide free, unencumbered access and passage for pedestrians, wheelchairs and mobility aids, prams/strollers, on all public streets and thoroughfares.”

The traditional owner’s submission identified the need to ensure that the cultural practice of gathering of First Nations peoples is not inhibited through these changes.

Other themes in the submissions included:

- Council inaction (2 submitters)
- Hoons (2 submitters)
- Noise disturbances (1 submitter)
- Removal of quiet enjoyment in the law (1 submitter)

Appendix A: Survey demographic data

Gender identification	Number of respondents (155 total)	Proportion of responses
Man or male	67	43%
Non-binary	6	4%
Prefer not to say	5	3%
Woman or female	77	50%

Age group	Number of respondents (155 total)	Proportion of responses	Proportion of demographic in City of Port Phillip population*
18 to 24 years	2	1%	13%
25 to 34 years	6	4%	8%
35 to 49 years	41	26%	26%
50 to 59 years	41	26%	25%
60 to 69 years	35	23%	12%
70 to 74 years	15	10%	9%
75 to 79 years	5	3%	6%
80 to 84 years	3	2%	
85 years and over	1	1%	1%
Prefer not to say	6	4%	-

*Australian Bureau of Statistics, Census of Population and Housing 2016

Connection to City of Port Phillip	Number of respondents (155 total)	Proportion of respondents
Business owner	22	14%
Ratepayer	67	43%
Resident	60	39%
Student	1	1%
Worker	2	1%
Prefer not to say	3	2%

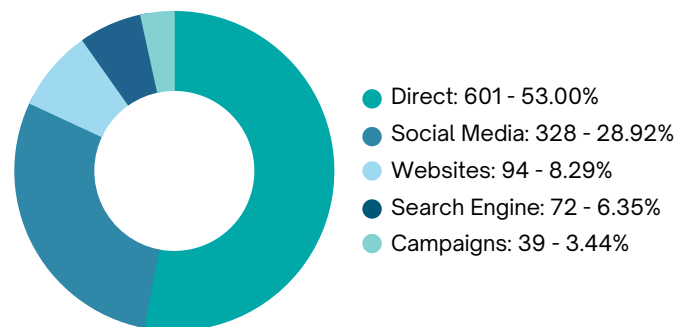
Note: that respondents were able to choose multiple selections for this response. The above table of connections to Council were provided as the primary connection to avoid duplication of reporting.

Appendix B: Communication statistics

How survey participants arrived at the website

There were 1135 site visits to the Have Your Say page and 13% of visitors submitted a survey response. A high-level summary of the participant acquisition is below.

Customer acquisition channel	Number of visitors	Proportion of visitors
Direct	601	53%
Social media	328	28%
Websites	94	8%
Search engine	72	6%
Campaigns	39	3%




Definitions

- Direct - Visitors who have arrived at a Site by entering the exact web address or URL of the page.
- Search Engine - Visitors who have arrived at a Site via a search engine. Such as Google, Yahoo, etc.
- Websites - Visitors who have arrived at a Site after clicking a link located on an external website.
- Social Media - Visitors who have arrived at a Site by clicking a link from a known social media site such as Facebook, Twitter, LinkedIn, etc.
- Campaigns - Visitors who have arrived through a campaign (using a UTM). See your email campaign report for more details on campaigns sent from this platform.

Appendix C: Submissions

#	Submission
1	<p>St Kilda in general is host to too much anti-social behaviour, a hotspot for drug & alcohol affected aggressive beggars. Sadly, it's also overpopulated with people with mental health problems, ranging from mild to full on psychotic outbursts.</p> <p>Last night I was sitting outside Oki2go on Acland St, a woman clearly psychotic was charging along the footpath on a bicycle as fast as she possibly could, raving & screaming as she went. People had to jump out of her way to avoid getting floored, she ran into trouble when she did it again & was angrily confronted by 3 or 4 people walking the same footpath.</p> <p>While that's going on another woman is criss-crossing the street non-stop, with a cloth of some kind covering her entire head, she could not have seen a thing. Car drivers were very patient, that won't last, people are sick of this because its escalating, with apparently no solutions in sight.</p> <p>Directly across from my shop, every day & I mean <i>every single day</i> a poor soul, I feel sorry for him because he's obviously very disturbed, he sits on the footpath at the Tram stop outside the National Theatre on Carlisle St. He growls loudly, no words are uttered, just howling growls. People waiting for a Tram give him a very wide berth.</p> <p>Last week I had a woman aged about 30 or 40, plainly drug affected come into my shop while I was unloading my van. I told her I was closed, the shop door was slightly ajar, lights were off & a closed sign was visible, nevertheless she followed me into the closed shop & asked if I needed any models, where she got that notion I've no idea, anyway I told her I was closed & no I didn't need models, well that was it, she unleashed a tirade of abuse, screaming & I quote: 'Go on, call me a junkie whore' & much more besides, she followed me outside on the street & kept it up, getting right up in my face, screaming spitting abuse.</p> <p>I could go on, but you get the picture & it's VERY far from pleasant & extremely detrimental for locals, tourists & traders. Does anyone care???</p>
2	<p>I am currently purchasing an electric vehicle, but I only have on street parking. I have read your curb side charging option and found it both expensive and all risk placed the property owner with minimal benefit to the homeowner. We currently pay for on street parking and all you have done is added an additional cost whilst putting all the risk on the homeowner. This is hardly encouraging people to buy electric vehicles.</p> <p>I would like to know if the council has investigated more economical solutions. For instance, if we followed safety rules and used pedestrian cable covers similar to what construction workers use all the time why can't EV owners use that method noting that if the homeowner did not follow the safety guidelines they could be fined. This would be more economical whilst providing safety to pedestrians.</p>

#	Submission
	<p>Would appreciate your thoughts on more economical alternatives. For instance, the photo below provides an example of what they are looking at in the UK.</p> 
3	<p>Residents have recently been encouraged to “Have Your Say” regarding the project: Proposed Local Law 2023. In this project there are no proposed changes regarding protection of significant trees. Following a series of incidents last year where significant trees were removed, both without a permit and in contravention to an existing permit (10 St Leonards Avenue St Kilda), our neighbourhood was informed by Marc Jay, Coordinator City Permits, (email 25 May 2022) that “tree protection policies will be reviewed next year, including permit requirements and the decision-making process for significant tree pruning and removals.” Is this the appropriate time for me to make a submission to the current Engagement project regarding this matter?</p> <p>Note: Council Officers responded to this customer regarding the questions raised</p> <p>I also see from Schedule 1 of the Proposed City of Port Phillip Community Amenity Local Law 2023 that the penalty for an offence regarding Significant Trees is only 1 penalty unit (currently \$184.92). Given our current Climate Emergency, this penalty is disproportionate to the loss of 6 mature canopy trees endured by the community, and out of keeping with the Greening Port Phillip Strategy. Our Local Laws play an important role in enabling Council to deliver on its core strategies and policies, and the current status quo is failing in this regard. I urgently seek your advice as to how I should proceed.</p>
4	<p>I agree with all the amendments that are proposed by council, especially the nuisance behaviour and hooning laws.</p> <p>I would also like council to maybe address in the near future, courtyard areas operating as entertainment venues that have opened up recently within meters of existing long-time dwellings and causing excessive noise issues to long-term residents.</p> <p>This may be addressed by limiting the trading hours in courtyard areas, covering courtyards and using soundproofing materials and heavy penalties.</p>
5	<p>I would like to comment on three aspects of human behaviour in the Port Phillip area which concern me.</p>

#	Submission
5	<p>Please provide me with appropriate links to sites where I can provide feedback on:</p> <ol style="list-style-type: none"> 1. Hoon events Clause 2. E-scooters trial Port Phillip 3. Regulation of unrestrained dogs in public places. <p>I am a 69 years old resident who lives near Station Pier and who used to walk daily along the Port Melbourne and Albert Park beach paths.</p> <p>I have decided to move out of Port Melbourne as I can no longer tolerate the nightly noise made by so-called hooners in the Station Pier area. I can't sit on my balcony or open my windows because of the noise.</p> <p>I can no longer walk along the beach and beach paths because it is unsafe due to unrestrained dogs, e-scooters and cyclists.</p> <p>I no longer attend the Gasworks market because the number of dogs makes walking through crowds and browsing at stalls almost impossible.</p> <p>My complaints to the police and to Council have been met with excuses supporting the failure of authorities to respond to these concerns.</p> <p>My and others' right to peace, quiet and safety are dismissed.</p> <p>I have recently returned from London and Adelaide where these problems do not exist as they do in Port Melbourne.</p> <p>I am now forced to leave the neighbourhood I love and am actively inspecting properties elsewhere.</p>
6	<p>Why can the community not ask and have answered questions on the the HYS Page? I would like to be able to see what other wise minds have asked, and how COPP has responded. Please take the above two sentences as submissions.</p> <p>Other questions. Is there a marked-up version of the new proposed changes? Have local supermarkets been consulted regarding the change to trolleys, and what did they say in response.?</p> <p>Under the current local law, am I permitted to use my phone to film a what I think is a dangerous intersection and to show that to my local neighbours? Under the rule on filming I am unsure, Clause 38 I think.</p> <p>Clause 33 - will this mean if a scooter is left in a manner that blocks or impedes pedestrian flow on a footpath that COPP will be able to issue an infringement to the owner?</p>

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	<p>Other feedback. I was a little upset to read you refer to homeless people as “them” in an answer on a FAQ. Please amend.</p> <p>Note: Council Officers responded to the questions posed.</p>
7	<p>The corner of Greeves Street and Vale Street, the gutters/drains, need to be cleaned on a regular basis. This area has been flooded three times since 1999. It is always because of blocked drains. Leaf litter is a problem. I often have to contact the depot for the drains to be cleared. I should not have to do so, it should be done regularly by council workers. There is an abundance of litter in this area, a lot of foot traffic passes through, so it ought to be cleaned/cleared weekly.</p> <p>This stretch of roadway, between Barkly Street, Vale Street into Greeves and to Carlisle Street is often used by drivers who wish to avoid the traffic lights, corner of Barkly and Carlisle. This is a residential area. I use a bicycle, and many times I have to get out of the way of cars desiring to avoid traffic lights, who have no regard for local people. THIS IS A DANGEROUS SITUATION.</p> <p>The same area is also used by motorcycles late at night, to accelerate quickly in a short period of time. This creates a lot of noise in a residential area.</p> <p>If the CoPP wants to make a difference to residents the please show us</p> <p>Note: Officers raised CRMs and responded to the concerns raised about drains, safety etc</p>
8	<p>The rules around new Clause 20 dog walkers isn’t on the below and I would like to add my thoughts on Clause 52 behaviour on council land, but it doesn’t give me an “other” box.</p> <p>Is your Clause 17 replacing Clause 52 of local law 1?</p> <p>Can this be amended? I have been waiting for this to appear on have your say, but its very narrow in scope.</p>
9	<p>Am I correct in my understanding that the new law removes any reference to the granting quiet enjoyment to those of us who live opposite council land?</p> <p>I can’t find a reference to quiet enjoyment anywhere else in the new proposed laws.</p> <p>Clause 17 seems to now be skewed heavily to homeless, criminal, nuisance behaviour not day to day noise from boom boxes, dogs etc. This opens up council land to even more noisy activities.</p> <p>What is the definition of nuisance for the purpose of Clause 17?</p> <p>Note: Officers responded to the questions raised</p>

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9	<p>Am I correct in my understanding that the new law removes any reference to the granting quiet enjoyment to those of us who live opposite council land?</p> <p>I can't find a reference to quiet enjoyment anywhere else in the new proposed laws.</p> <p>Clause 17 seems to now be skewed heavily to homeless, criminal, nuisance behaviour not day to day noise from boom boxes, dogs etc. This opens up council land to even more noisy activities.</p> <p>What is the definition of nuisance for the purpose of Clause 17?</p> <p>Note: Officers responded to the questions raised</p>
10	<p>PROPOSED CHANGES TO LOCAL BY-LAWS - CITY OF PORT PHILLIP - MARCH 2023</p> <p>SUBMISSION RELEVANT TO PROPOSED CLAUSES: 17: BEHAVIOUR ON COUNCIL LAND, 23: SHOPPING TROLLEYS, 43: FURNITURE AND OTHER ITEMS ON COUNCIL LAND</p> <p>Firstly, let me state that I am both a resident and owner as well as a business owner in St Kilda, within the City of Port Phillip for more than three decades.</p> <p>My husband, [REDACTED] and I have owned and operated an independent, community pharmacy in Fitzroy Street St Kilda, 3182 since September 3rd, 1990.</p> <p>During these 32.5 years, we have seen all shades of inner-city, urban life in cosmopolitan St Kilda, served multi-generational families (and their dogs), witnessed changes in demographics and socio-economic mixes and catered to travellers and tourists of all ages and backgrounds.</p> <p>Basically, we have seen and encountered everything within one's imagination and beyond, over the years and lived through the worst aspects and spillovers from the infamous former Gatwick Hotel, which was, in short, a cesspool of crime, corruption, illegal drugs and prostitution.</p> <p>The Fitzroy Street traders and residents all hoped and prayed that we would all finally be able to breathe fresh air and have a new start once Channel 9's The Block bought this site and that our darkest days would be behind us. Sadly, the Global Financial Crisis, soon followed by Covid-19, cruelled those hopes!</p> <p><i>Fast forward to the present, March 2023, it is hard to believe that I am even writing this sentence, things are even worse that the absolute nadir of the Gatwick Hotel!</i></p>

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	<p><i>Crime and drugs are rampant!</i></p> <p>Drug sales & usage, occur in broad daylight, <i>less than 300 metres from St Kilda Park Primary School!</i> [In the past, there was a modicum of discretion and deals would be done off the main streets/roads and there was an attempt to hide this illegal activity]. Not anymore!</p> <p>The rate-payers of the City of Port Phillip have to clean up the residual mess of the drug dealers and users, who just drop their rubbish, including food wrappers and leftovers on the streets, drug paraphernalia such as syringes/wrappers, on the streets, in residents' gardens & property, despite the convenient locations of public bins and syringe disposal bins.</p> <p>The cleaners do a stellar job but in reality, rather than once-a -day, street cleans, there would need to be 4 or 5 times a day to make a visible difference.</p> <p>Also, the <i>red-coloured mushroom-shaped stools</i>, located on the corner of Fitzroy Street & Jackson Street are nothing but a magnet and meeting point for drug dealers and drug users.</p> <p>We have seen successive Councils from the original St Kilda City Council to the current City of Port Phillip install and uninstall street furniture, once it was obvious that these facilities were being used for nefarious activities.</p> <p>We have been begging for the removal of these stools, for more than 18 months now!</p> <p>This point is also relevant to proposed Clauses 17, 23 & 43, as these stools are often the "starting point" of temporary DRUG VILLAGES, comprising stolen garden furniture, including both chairs and tables, commandeered shopping trolleys and even stolen BBQs, that protrude into and occupy the footpath, preventing safe foot traffic along the major thoroughfare that is Fitzroy Street, St Kilda.</p> <p>BASICALLY, IT FEELS AS IF THE ILLEGAL DRUG USERS & SELLERS HAVE MORE RIGHTS THAN THE LAW-ABIDING RESIDENTS, TRADERS & RATE-PAYERS!!!</p> <p>So, rather than just criticise or complain, I would like to make the following suggestion:</p> <p>Any changes to the abovementioned By-Laws, specifically Clauses 17, 23 & 43, should be in SIMPLE, UNEQUIVOCAL TERMS such as:</p> <ol style="list-style-type: none"> 1. Footpaths are there to service & provide free, unencumbered access & passage for pedestrians, wheelchairs & mobility aids, prams/strollers, on all public streets and thoroughfares. 2. No sitting, squatting, sleeping or lying within 10 metres of an <u>occupied</u> residence, public or retail premises in the city of port phillip 3. In conjunction with points 1 & 2, no objects are to be allowed on the streets &

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	<p>thoroughfares unless authorized by an approved city of port phillip permit [This will then cover A-frames, restaurant seating, parklets etc.]</p> <p>I am very keen to stay updated on these issues and any proposed changes to the City of Port Phillip By-Laws.</p>
11	<p>Discussed</p> <p>Clause 17 Behaviour on Council and</p> <p>Clause 43 Furniture and other items on Council land and footpaths</p> <p><u>General feedback</u></p> <ul style="list-style-type: none"> • While we acknowledge it might be important to stop people genuinely being a nuisance or causing trouble, there needs to be a distinction between this, and a gathering of Aboriginal people. • Council need to be really clear that local laws do not impinge on cultural practice. Which includes gathering in public places • Proposed amendments may impinge on the rights of Indigenous people to sit and gather which is a common cultural practice. • An authorised right to asking people to disperse from a public setting may in fact harm a processes that provide support and belonging in the community. Aboriginal people gather for a yarn or as a way of getting help from elders and their mob to work out problems. • An insensitive local law may see Aboriginal people placed under greater scrutiny or judgement. This is not healthy for community as too often Aboriginal people are judged without reason. • We are concerned that amendments to the local law will create a relationship of greater authority between police, local law officer and indigenous people and this needs to be considered from a cultural perspective as such judgement impedes the right to gather on country. • Aboriginal people deserve the same respect as all people. • We commend processes where Council officers enquire and seek to compassionately understand a situation before acting (including asking about cultural practices). And suggest Council continue working in a way that builds community confidence and sense of belonging through compassion. This will ensure that the most vulnerable people are not impacted more than others.
12	<p>Submission on Proposed Amendment Local Law 23 Shopping Trolleys (Community Amenity)</p> <p>This submission is made by Trolley Services Australia, operators of the Trolley Tracker service, on behalf of Endeavour Group and Dan Murphy's stores.</p> <p>Endeavour Group is committed to working with the Port Phillip community to appropriately manage the issue of abandoned shopping trolleys and has demonstrated this by seeking to educate customers about responsible use of</p>

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	<p>shopping trolleys through the national Trolley Tracker program. This program also includes incentives for members of the public to report wayward shopping trolleys for collection, with \$1,000 prizes awarded each month.</p> <p>In the Port Phillip Local Government Area there are two Dan Murphy's stores... South Melbourne and Fisherman's Bend.</p> <p>Council cites the fact that it receives around 140 complaints a year from residents and ratepayers about abandoned trolleys as justification for seeking to make another change to its Local Law. That is</p> <p>2.7 complaints on average per week lodged with Council. There is no breakdown of these numbers by retailer. To put that in perspective the two Dan Murphy's stores serve thousands of customers each week.</p> <p>Retailers recognise the concerns of the Council in relation to abandoned shopping trolleys and share the frustrations of local communities when a few careless people behave irresponsibly by not returning shopping trolleys to stores. Be assured that the prompt return of trolleys is in the best interests of both retailers, residents and Council, and the loss of abandoned trolleys and their replacement is a considerable cost to retailers.</p> <p>On behalf of Endeavour Group, I would like to make several points in relation to the proposed changes to the City of Port Phillip Local Law.</p> <p>It is our submission that the proposed change to Council's Local Law would impose a very expensive and unnecessary penalty on retailers, and fails to recognise the complexity of the issue, as well as the fact that it is the public – not retailers - who misuse trolleys.</p> <p>The proposal reads:</p> <p>Proposed Changes to Community Amenity Local Laws 2023</p> <p>Supermarkets currently employ specialised businesses to pick up abandoned trolleys that have been reported by the community. Despite this, Council still receives many complaints about multiple trolleys being left in the street before they can be collected. This amendment will assist in ensuring trolleys stay within a close proximity to the stores where they belong (where the store has 30 or more trolleys)</p> <p>Clause 23 Shopping Trolleys</p> <p>Amended Clause:</p> <p>1. The occupier of any premises which makes shopping trolleys available for use must ensure that:</p> <ul style="list-style-type: none"> • Each shopping trolley has a perimeter constraint system attached to the shopping trolley and is maintained so that the shopping trolley is prevented

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	<p>from leaving the land on which the premises is situated. Penalty: 20 penalty units</p> <p>Comments and Submission</p> <p>When considering this issue Council must acknowledge that some six years ago Council changed its Local Law to make the use of coin locks on trolleys compulsory. Council was of the view at that time that coin locks would solve the problem. Retailers complied by installing coin locks at all stores at considerable cost. Now it appears Council has changed its mind, proposing yet another change under the impression that this will provide the answer.</p> <p>This proposal does not appear to be supported by evidence of a problem or that it will provide a solution to that perceived problem. On the other hand, the installation of a perimeter locking system involves significant cost, both in the installation of the system and its ongoing maintenance and repair. Negotiating the installation of a perimeter locking system – especially in shopping centres - is highly contentious and time-consuming, involving other parties such as property owners, property managers, other retailers etc. It is also a fact that the retrofitting of such a system is not welcomed by shoppers, with subsequent damage as trolleys are forced across perimeters.</p> <p>These costs are not necessarily offset by what Council may assume are savings from a reduction in trolley losses. The installation of such devices and systems may, in fact, have a significant impact on the revenue – and profit - generated by each store.</p> <p>Such systems also impose difficulties in the management of trolley fleets. The mandating of specific equipment to trolleys restricts the ability of retailers to move trolleys between stores, which happens frequently across the industry.</p> <p>Endeavour Group does not consider the installation of perimeter locks totally effective and appropriate in all circumstances. We do, however, support the principle that where coin locks and perimeter locks are mandated by local laws that these requirements be met by ALL retailers <u>equally</u>, to ensure there is no commercial disadvantage.</p> <p>The proposed Local Law makes no mention of any responsibility of an individual to return a trolley and the Council fails to recognise that even with the installation of perimeter locks trolleys will still be abandoned by individuals. There is nothing in the proposed Local Law to act against these individuals, only additional costs, and penalties on retailers.</p> <p>Rather than impose penalties, perhaps Council could consider an approach to change the behaviour of that small proportion of people who abandon customer trolleys? If that was the objective the first step would be to better educate the</p>

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	<p>community about responsible use of trolleys and, second, to reinforce those messages with an amendment to the Local Law to enable Council to act against those who abandon the trolleys in the first place.</p> <p>Endeavour Group is willing to work with Council, through Trolley Tracker, to undertake an education campaign in the Port Phillip community and believe that this step should be implemented BEFORE any further financial imposition on retailers is considered by Council. Activities undertaken by Trolley Tracker in cooperation with other Councils include signage at public transport hubs, promotion through Council newsletters and websites (including reporting links to Trolley Tracker), promotion at major Council events, promotion via ratepayer notices, partnerships with local media etc.</p> <p>There appears to be no recognition by Council that if a retailer fully complies with the requirements of the proposed Local Law, it may still incur penalties because of the action (or lack of action) by others. It is our submission that if Endeavour Group complies with the Local Law that no further penalties or fines be imposed on Group stores in relation to that Local Law.</p> <p>In other words, if perimeter locks are fitted to all Dan Murphy's trolleys, Council should not impose any penalty or impounding fee should a trolley be abandoned (i.e., "left on any road or Council land") by another person/s.</p> <p>In conclusion I repeat the point made above – it is our submission that the proposed change to Council's Local Law would impose a very expensive and unnecessary penalty on retailers and fails to recognise the complexity of the issue, as well as the fact that it is the public – not retailers - who misuse trolleys. It is also our submission that if the proposal is adopted and Endeavour Group complies with the Local Law that no further penalties or fines be imposed on Group stores in relation to that Local Law.</p> <p>Further, if the proposal is adopted that Council enforce requirements be met by ALL retailers to ensure there is no commercial disadvantage.</p> <p>If you would like further information on any of the matters raised in this submission, please contact the writer <details provided in contact column>.</p>
13	<p>With the necessary changes to Carlisle, Acland, and Fitzroy Streets I'd like to propose that the appropriate people contact the team at the Yarra City Council and ask how they managed to turn around the unruly behavior in Gertrude and Smith Streets Collingwood.</p> <p>The expertise is there, tap into their knowledge and let's turn the issues around. Gertrude Street is now named the 2nd coolest suburb in the world. I drove down a few weeks ago and had a good look around. The variety of shops, cafes, and galleries was stunning. And the street was clean. Not filthy like Carlile, Acland, and Fitzroy Streets. Gertrude and Smith Streets do not nail shop after nail shop and massage shop after massage shop and BONG shops.</p> <p>I thank you.</p>