

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
29 April 2025
at 6:30 pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Mayor)

Councillors: Cr Andrew Hockley
Cr Robert Irlicht
Cr Geoff Leigh
Cr Kylie McIntosh
Cr Elli Murray
Cr Debbie Taylor-Haynes (Deputy Mayor)

Officers: Matthew Cripps – A/Chief Executive Officer
Tilla Buden – Director Community and Customer Experience
Jill Colson – Director Environment, Recreation and Infrastructure
Jason Stubbs – A/Director Corporate Services
Rachael Bragg – Executive Manager People and Strategy
Julian Adler – Chief Information Officer
Joan Andrews – Manager Community Care
Felicity Barclay – A/Manager Development Services
Natalie Brown – Manager Customer, Libraries and Cultural Services
Keryn Fisher – Manager Communication and Engagement
Rachael Hudson – A/Manager Urban Strategy
Roslyn Pruden – Manager Family Youth and Wellbeing
James Roscoe – Manager Project Services
Bill Shanahan – Chief Financial Officer
Michelle Tipton – Manager Governance
Tom Vercoe – Manager Open Space and Recreation
Robert Lamb – Council Business Lead
Lily Bowe – Governance Administration Support Officer

Table of Contents

1.	Prayer	
2.	Acknowledgement of Country	
3.	Apologies	
4.	Disclosure of Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
7.1	Petition for Council to ban alcohol and rave parties on Holloway Beach	13
8.	Minutes of Advisory Committees	
8.1	Records of meetings held under the auspices of Council.....	14
9.	Reports by Special Committees	
	There were no reports by Special Committees.	
10.	Reports by the Organisation	
10.1	199 New Street and 215 New Street, Brighton Notice of Decision to Grant a Permit Planning Application 2024/389/1 Ward: Dendy	16
10.2	Proposed Annual Budget 2025–26.....	17
10.3	Revenue and rating plan 2025–26 to 2028–29	18
10.4	Community Engagement Policy 2025	19
10.5	Council Advisory Committees.....	20
10.6	Submission to Suburban Rail Loop Authority - Exhibition of the Precinct Structure Plan for Cheltenham	23
10.7	Submission to the Legislative Council Select Committee - State Government Planning Reforms	25
10.8	Submission to Victoria's 30 year Infrastructure Strategy	26
10.9	Update on the review of the Bayside Open Space Strategy.....	27
10.10	Proposed Discontinuance and Sale of Road adjoining 8 Lewis Street, Brighton	28
10.11	S11A Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987	29

10.12	CONTRACT CON/24/66 Yalukit Willam Nature Reserve Constructed Wetlands, Brighton.....	30
10.13	Council Action Awaiting Report	31
11.	Reports by Delegates	
12.	Urgent Business	
13.	Notices of Motion	
13.1	Notice of Motion - 343 - Wangara Road Masterplan works	34
14.	Confidential Business	
14.1	15-17, 19, 21, 23A, 23B, 25 & 33 Bay Road, Sandringham Consent Order Position - Section 87A VCAT Appeal Planning Permit: 2021/705/3 VCAT Ref: P79/2025 Ward: Boyd	36
14.2	Minutes of the Chief Executive Officer's Employment Matters Advisory Committee held on 22 April 2025	36

The Mayor declared the Council Meeting open at 6.30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

1. Prayer

The Mayor Cr El Mouallem read the prayer at the commencement of the meeting.

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Country

Cr Hockley read the Acknowledgement of Country.

- ◆ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.

3. Apologies

There were no apologies submitted to the meeting.

4. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

- 5.1 Confirmation of the Minutes of the Bayside City Council meeting held on 18 March 2025.

Moved: Cr Hockley

Seconded: Cr Leigh

That the minutes of the Bayside City Council meeting held on 18 March 2025, as previously circulated, be confirmed as an accurate record of proceedings.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor), Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht and Andrew Hockley (7)
AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. **Mr Jeff Naylor** submitted a question related to sport pavilions for Brighton Beach and Trevor Barker ovals, and Mr Naylor asked:

Question

- Part 1 Why is council announcing federal political party funding for sport pavilions for Brighton Beach & Trevor Barker ovals via the Mayor's council Facebook page. How does this comply with Council's Governance rules?
- Part 2 Will the planned sport pavilions at Brighton Beach and Trevor Barker ovals have a changing places bathrooms in their respective builds? If not, why does council not include suitable public bathrooms for everyone?

Response from the Acting CEO

- Part 1 *Advocating to state and federal governments to help meet the needs of our community is an essential role of local government. This advocacy is particularly public in the lead up to an election.*

Council is currently seeking action on a range of initiatives from a future Australian Government including funding for important community infrastructure.

The Mayor Cr Hanna El Mouallem has contacted all candidates for the Division of Goldstein and provided them with information on Bayside's advocacy priorities.

Council's advocacy also includes acknowledging election pledges via Council's communication channels including social media, in accordance with our protocols. We are also recording election pledges on Bayside's advocacy priorities on Council's website.

- Part 2 *Changing Places are important facilities to meet the needs of people with complex disabilities and their carers to plan and enjoy various activities throughout Bayside. In line with the endorsed Public Toilet Strategy 2024-28, Council is planning to include Changing places facilities at more locations throughout the municipality however one is not planned for Brighton Beach Pavilion due to site constraints. The funding announcement for the Trevor Barker Oval is understood to be a Sandringham Football Club project and is not a project delivered by Council as part of its Sportsground Pavilion Improvement Plan.*

Bayside also has Changing Places facilities located at Well Street carpark, Thomas Street Reserve and one soon to open at Beaumaris Arts Group facility, with three more proposed or under consideration.

- *Yalukit Willam Nature Reserve*
- *Dendy Park Athletics Pavilion*
- *Rickett's Point*

2. **Mr Jeff Naylor** submitted a further question related to changing place bathrooms at Billilla House, and Mr Naylor asked:

Question

My question is in regard to the Billilla historic mansion toilet upgrade:

Part 1 Will a changing places bathroom be included in this project?

Part 2 If not, why does council consider the most vulnerable people in society to be unworthy of a suitable public bathroom at our historic mansion?

Response from the Acting CEO

, A Changing Places facility is not planned as part of the upgrade at Billilla, in order to keep within the existing building footprint.

There is a Changing Places facility within 850m of Billilla in the Well Street carpark located behind Church Street.

Bayside also has Changing Places facilities located at Well Street carpark, Thomas Street Reserve and one soon to open at Beaumaris Arts Group facility, with three more proposed or under consideration.

- Yalukit Willam Nature Reserve*
- Dendy Park Athletics Pavilion*
- Rickett's Point*

3. **Mr George Dakis** submitted a question related to planning ResCode 55, and Mr Dakis asked:

Question

Part 1 Is Bayside allowed to implement new planning overlays to counterbalance the new 2025 ResCode 55 and capture neighbourhood character into all applications?

Part 2 Or does the new ResCode 55 restrict councils creating overlays that override ResCode 55?

Response from the Acting CEO

In response to Part 1 of the Question, Bayside City Council has the ability to prepare a planning scheme amendment to introduce planning controls into the Bayside Planning Scheme which could include Neighbourhood Character Overlay. This could enable character to be assessed in conjunction with the new changes to ResCode.

Planning Practice Note 91, a Neighbourhood Character Overlay should not be used as a 'blanket' control across the municipality, and there is a specific criteria to be utilised when applying such an Overlay.

As any amendment must be authorised and approved by the Minister for Planning it is considered highly unlikely that such a proposal would gain support where it could be deemed to be contrary to the Victorian Government objectives.

In response to Part 2 of the Question, the introduction of planning Overlays must be consistent with the underlying planning controls. While there is no prohibition on Councils seeking to introduce overlays that can be assessed in conjunction with the new changes to ResCode. Notwithstanding this, it is unlikely any new Overlay would be supported if it were considered to undermine or prevent the outcomes sought by the Victorian State Governments recent planning reforms.

4. **Mr Graham Roberts** submitted a question related to bus zones on Beach Road, and Mr Roberts asked:

Question

In October 2024 Council removed 20 car parking spaces on Beach Road opposite the Brighton Savoy and made them Bus Only Parking 24/7. No buses use this BUS ZONE in the afternoons, evenings and early mornings and only spasmodically buses park there in the AM.

Can Council please change this back so cars can park as they used to instead of this Bus Zone just being empty?

Response from the Acting CEO

Council is currently collecting data in traffic and parking movements in the vicinity of Dendy Beach Pavilion and will use this data to refine parking controls.

In addition, the adopted Dendy Beach Visitor Management Plan also identifies Middle Brighton Baths and Green Point car parks as future locations for bus parking subject to budget allocation.

5. **Ms Michelle Bentley** submitted a question related to the Warm Water Pool, and Ms Bentley asked:

Question

Bayside Council despite all the years of expense, planning, consultation, architectural design and feasibility studies for the provision of a Warm Water Pool for the health and wellbeing of the community, has recommended deferring its construction "indefinitely". What exactly do you mean by "indefinitely"?

Response from the Acting CEO

Council is proposing to undertake an Aquatics Strategy that will determine the future of the Sandringham Family Leisure Centre and the implications for the Warm Water Pool.

Council considered it is fiscally responsible to pause progress on the Warm Water Pool to enable an aquatics strategy to be developed, identifying the best outcomes for meeting our community's aquatic needs into the future and ensuring we deliver value for residents and ratepayers.

The Warm Water Pool is proposed to be deferred to enable this work to be completed. Further consideration of the Warm Water Pool will be presented to Council at the conclusion of this work.

6. **Ms Bentley** submitted a further question related to new built infrastructure, and Ms Bentley asked:

Question

Since amalgamation 30 years ago, what new infrastructure has been built in Bayside for their senior residents?

Response from the Acting CEO

Council has upgraded and dedicated multiple buildings to support seniors attending Mens Sheds, University of the Third Age and Seniors Centres. Council also purchased and has upgraded the former Freemasons building in Sandringham that is now dedicated to providing socialisation activities for seniors.

In addition to infrastructure Council has invested significantly in the expansion of aged care services for residents in recent years when many other Councils have exited the service.

- 7. Ms Dineke McLean** submitted a question related to new built infrastructure for senior residents, and Ms McLean asked:

Question

Why has Council not built any new infrastructure for seniors, given their huge financial contribution to this municipality?

Response from the Acting CEO

Council has upgraded and dedicated multiple buildings to support seniors attending Mens Sheds, University of the Third Age and Seniors Centres. Council also purchased and has upgraded the former Freemasons building in Sandringham that is now dedicated to providing socialisation activities for seniors.

In addition to infrastructure Council has invested significantly in the expansion of aged care service.

- 8. Ms Judy Tucker** submitted a question related to the Warm Water Pool, and Ms Tucker asked:

Question

BCC's Health and Wellbeing Plan 2021-2025 includes the building of a Warm Water Pool for people with disabilities, frail seniors, and those recovering from accidents and surgeries.

Why are you recommending deferring, indefinitely, the building of the Warm Water Pool?

Response from the Acting CEO

While the warm water pool facility has strong community support, estimates to construct the facility are now more than \$27 million.

Council has proposed undertaking an aquatics strategy in 2025-26, which will consider both the long term plans for the Sandringham Family Leisure Centre pool and the warm water pool facility. Council does not have the funding available to complete both projects within the next few years.

Council believes it is fiscally responsible to pause progress on the warm water pool to enable an aquatics strategy to be developed, identifying the best outcomes for meeting our community's aquatic needs into the future and ensuring we deliver value for residents and ratepayers.

The Warm Water Pool is proposed to be deferred to enable this work to be completed. Further consideration of the Warm Water Pool will be presented to Council at the conclusion of this work.

9. **Mr George Reynolds** submitted a question related to Council own source revenue, and Mr Reynolds asked:

Question

As ASIC has advised that for some of the functions of Council such as Own source Revenue, activities are conducted by the Corporation, Bayside City Corporation (ACN 163 566 621),

Part 1 When was the last annual meeting of the Municipal Corporation held?

Part 2 Have the minutes of the meeting containing the Annual Accounts been published?

Response from the Acting CEO

Bayside City Council is not a corporation as defined under the Corporations Act 2001 and therefore is not subject to the financial reporting requirements under the Corporations Act 2001.

Bayside City Council is registered as a Local Government Entity, a body corporate under the Local Government Act 2020 and its statutory reporting obligations which have been met are in accordance with the provisions of the Local Government Act 2020.

Council's Annual Accounts are certified by Council at the September Council meeting each year and minutes of that meeting published on Council's website shortly after.

10. **Mr Kevin Tasker** submitted a question related to the Southern Wetlands, and Mr Tasker asked:

Question

Can the Council provide evidence that they have conducted reasonable investigations, a proper informative public engagement on natural design materials and appropriate MUSIC modelling with Melbourne Water into whether the Southern Wetlands can be constructed as an ephemeral wetland without the use of a hydrocarbons in a geotextile liner?

Response from the Acting CEO

Council and its appointed constructed wetlands designer have undertaken extensive MUSIC modelling to inform the design of the wetland, and Melbourne Water has undertaken their own independent TuFlow modelling to confirm that the design does not compromise flood mitigation.

Due to the constraints of the site, a liner is required to achieve the full masterplan objectives.

Council's Community and Stakeholder Engagement Policy 2021 acknowledges Community Engagement data is one of many data sources to inform Council's decision making.

The Elsternwick Park Masterplan document was adopted following extensive community consultation in 2020, and the wetlands design closely aligns with Masterplan objectives. Officers have also met with YWNA representatives numerous times throughout the design process, sharing all construction drawings and other material. Council also worked closely with YWNA on the plant selection process for the 200,000+ plants forming part of the wetland design.

11. Mr Kevin Tasker submitted a further question related to the Southern Wetlands, and Mr Tasker asked:

Question

Can the Council provide the documented evidence that legally required processes have been applied and recorded to the Southern Wetlands design use of a Hydrocarbon based Geotextial that is completely contrary to the environmental and ephemeral intent of the Master Plan.

And most importantly the Public mandate and will as provided to the Council, Officers and Councillors through a democratic process. That the Council can document that Council Officers have acted in accordance with legally required processes and with public in mind.

Response from the Acting CEO

Council's wetland design complies with the Melbourne Water Constructed Wetland Guidelines and has been approved by Melbourne Water. Council has met with YWNA numerous times to discuss the design and how a geosynthetic clay liner is a non-negotiable given the site context and masterplan objectives.

Council undertook extensive community engagement, including deliberative practices, through the development of the Elsternwick Park Masterplan 2020. Council's Stakeholder Engagement Policy 2021 acknowledges that as a project progresses towards detailed design and delivery, the flexibility in time available and decisions that are 'negotiable' and can be influenced typically reduces.

In cases such as this, where the wetlands project is in 'delivery', broad engagement is typically not undertaken as significant decisions have either already been made, or are informed by technical, legislative and financial requirements (etc) and the ability to influence is limited.

In addition to monthly meetings with representatives from the YWNA Executive Committee, Officers have met regularly with YWNA specifically regarding the wetlands design since December 2024. This included extensive involvement in plant selection, input into the Fauna Management Plan for construction and several other matters that have informed both the design and operation of the wetland.

12. Mr Kevin Howard submitted a question related to sporting infrastructure, and Mr Howard asked:

Question

Part 1 How much has Council spent designing and constructing sporting infrastructure, including ovals, pavilions, and centres for non-field sports such basketball and netball, during the previous two terms of Council (from 2016)?

Part 2 How much has Council spent in the same timeframe, maintaining sports ovals?

Response from the Acting CEO

The information requested will take time to collate and will require a separate response to be provided in writing to you in due course.

The 15 minutes allocated for public question time elapsed at this time of the meeting. A further 3 questions were received from Mr Kevin Howard, and Ms Aiimee Burslem.

All submitters of the public questions received will receive a written response to their questions.

7. Petitions to Council

7.1 PETITION FOR COUNCIL TO BAN ALCOHOL AND RAVE PARTIES ON HOLLOWAY BEACH

City Planning and Amenity - Amenity Protection
File No: PSF/25/33 – Doc No: DOC/25/121372

Moved: Cr Leigh

Seconded: Cr Irlicht

That the petition be considered in conjunction with a report scheduled for the May 2025 Council meeting to consider options to implement an alcohol ban at Holloway Beach, pursuant to requirements of Council's Neighbourhood Amenity Local Law 2021.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

8. Minutes of Advisory Committees

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Corporate Services - Governance
File No: PSF/25/33 – Doc No: DOC/25/94300

Moved: Cr McIntosh

Seconded: Cr Taylor-Haynes (Deputy Mayor)

That Council notes the records of meeting/s held under the auspices of Council as required by the *Local Government Act 2020* and Council's Governance Rules:

- 6 March 2025 Budget Briefing
- 13 March 2025 Budget Briefing
- 19 March 2025 Budget Briefing
- 25 March 2025 Strategic Issues Discussion
- 1 April 2025 Councillor Briefing
- 15 April 2025 Council Plan Review

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees.

10. Reports by the Organisation

10.1 199 NEW STREET AND 215 NEW STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT PLANNING APPLICATION 2024/389/1 WARD: DENDY

City Planning and Amenity - Development Services
File No: PSF/25/61 – Doc No: DOC/25/72836

Moved: Cr McIntosh

Seconded: Cr Hockley

That Council defers consideration of this matter to the 13 May 2025 Planning and Amenity Delegated Committee meeting.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
AGAINST: Nil (0)

CARRIED

10.2 PROPOSED ANNUAL BUDGET 2025–26

Corporate Services - Finance

File No: PSF/25/58 – Doc No: DOC/25/110885

It is recorded that Mr George Reynolds submitted a written statement in relation to this item.

It is recorded that Mr Evan Packer (on behalf of Hampton Street Traders Association) spoke for 2 minutes in relation to this item.

Moved: Cr Taylor-Haynes (Deputy Mayor)**Seconded: Cr Leigh**

That Council:

1. formally presents the proposed Annual Budget 2025–26 (including the Schedule of Fees and Charges) for the purpose of community consultation
2. invites submissions on the proposed Budget 2025–26 in accordance with its Community and Stakeholder Engagement Policy 2021
3. authorises the Chief Executive Officer or delegate to effect any minor administrative changes which may be required to the proposed Budget 2025–26
4. notes that the proposed Annual Budget 2025–26 be presented for adoption as Council's Budget 2025–26, in accordance with section 94 of the *Local Government Act 2020*.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

10.3 REVENUE AND RATING PLAN 2025–26 TO 2028–29

Corporate Services - Finance

File No: PSF/25/58 – Doc No: DOC/25/127184

Moved: Cr Hockley**Seconded: Cr Taylor-Haynes (Deputy Mayor)**

That Council:

1. formally presents the proposed Revenue and Rating Plan 2025–26 to 2028–29 for the purpose of community consultation
2. invites submissions on the proposed Revenue and Rating Plan 2025–26 to 2028–29 in accordance with its Community and Stakeholder Engagement Policy 2021
3. authorises the Chief Executive Officer or delegate to effect any minor administrative changes which may be required to the proposed Revenue and Rating Plan 2025/26 to 2028–29
4. notes that the proposed Revenue and Rating Plan 2025–26 to 2028–29 be presented for adoption as Council's Revenue and Rating Plan 2025–26 to 2028–29, in accordance with section 94 of the *Local Government Act 2020*.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

10.4 COMMUNITY ENGAGEMENT POLICY 2025

Community and Customer Experience - Communication, Engagement and Customer Experience

File No: FOL/25/207 – Doc No: DOC/25/121524

Moved: Cr Hockley

Seconded: Cr McIntosh

That Council

1. endorses the draft Community Engagement Policy 2025 for the purposes of community engagement to be undertaken in May 2025
2. receives a report on the outcomes of community engagement and a proposed Community Engagement Policy 2025 for adoption by July 2025.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

10.5 COUNCIL ADVISORY COMMITTEES

Corporate Services - Governance

File No: PSF/25/33 – Doc No: DOC/25/303149

Moved: Cr McIntosh

Seconded: Cr Hockley

Part A

That Council:

1. endorses **Option A** outlined in this report to retain the **Bayside Arts and Gallery Advisory Committee** (the Advisory Committee) in its substantive format
2. revises the Advisory Committee Charter to allow for
 - a. a minimum of 1 Councillor representative (if required)
 - b. a minimum of 3 meetings per Council year (if required)
3. appoints Cr Murray and Cr McIntosh as Council's representatives of the Advisory Committee for the 2024–25 Council year
4. appoints Cr Murray as Chair of the Advisory Committee for the 2024–25 Council year
5. endorses an extension to the current term of the Advisory Committee membership until 30 September 2025 to allow for a review of the ongoing membership.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
AGAINST: Nil (0)

CARRIED

Moved: Cr Irlicht

Seconded: Cr McIntosh

Part B

That Council:

1. endorses **Option C** outlined in this report to re-constitute the **Billilla Advisory Committee** as the Billilla Reference Group (the Reference Group)
2. revises the Reference Group's Charter to allow for
 - a. a co-Chair arrangement consisting of an independent member as Chair to be appointed by the Reference Group members; and the responsible Council officer (Manager) as co-Chair (without voting rights)
 - b. the inclusion that an annual report be submitted to Council summarising the activities of the Reference Group (as opposed to meeting Minutes being reported to Council)
3. appoints the Manager Arts, Culture and Libraries as co-Chair for the 2024–25 Council year
4. seeks a nomination at the Reference Group's next meeting from the independent members for the role of Chair for the 2024–25 Council year.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

Moved: Cr Murray

Seconded: Cr McIntosh

Part C

That Council:

1. endorses **Option A** outlined in this report to retain the **Disability Access and Inclusion Advisory Committee** (the Advisory Committee) in its substantive format
2. revises the Committee's Charter to allow for
 - a. a minimum of 1 Councillor representative (if required)
 - b. for a minimum of 3 meetings per Council year (if required)
3. appoints Cr McIntosh as Council's representative and Chair of the Advisory Committee for the 2024–25 Council year
4. endorses an extension to the current term of the Advisory Committee membership until 30 September 2025 to allow for a review of the ongoing membership.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

Moved: Cr Hockley

Seconded: Cr McIntosh

Part D

That Council:

1. endorses **Option A** outlined in this report to retain the **Reconciliation Action Plan Advisory Committee** (the Advisory Committee) in its substantive format
2. revises the Committee's Charter to allow for
 - a. a minimum of 1 Councillor representative (if required)
 - b. for a minimum of 3 meetings per Council year (if required)
3. appoints Cr Hockley as Council's representative and Chair of the Advisory Committee for the 2024–25 Council year
4. retains Mr Josh Toscano as co-Chair of the Advisory Committee for the 2024–25 Council year.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
AGAINST: Nil (0)

CARRIED

Councillor Hockley left the Meeting at 8:16 pm. Councillor Hockley returned to the Meeting at 8:18 pm.

Moved: Cr Leigh

Seconded: Cr Irlicht

Part E

That Council:

1. endorses **Option D** outlined in this report to dissolve the **Yalukit Willam Nature Reserve Advisory Committee** (the Advisory Committee)
2. extends letters of appreciation to Committee members acknowledging their valuable contribution to the Advisory Committee
3. continues to meet regularly with the Yalukit Willam Nature Association and other key environmental organisations
4. reviews the Memorandum of Understanding (MOU) between Council and the Yalukit Willam Nature Association to reflect that the Advisory Committee has been dissolved.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
AGAINST: Nil (0)

CARRIED

Moved: Cr Hockley

Seconded: Cr McIntosh

Part F

That Council, in response to the petition received to the September 2024 Council meeting (item 7.1), does not establish a **LGBTIQA+ Advisory Committee** and advises the lead petitioner of this decision.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht and
Andrew Hockley (6)
AGAINST: *Cr Murray (*Abstained) (1)

CARRIED

** In accordance with the Local Government Act 2020, for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is taken to have voted against the question.*

10.6 SUBMISSION TO SUBURBAN RAIL LOOP AUTHORITY - EXHIBITION OF THE PRECINCT STRUCTURE PLAN FOR CHELTENHAM

City Planning and Amenity - Urban Strategy
File No: PSF/25/52 – Doc No: DOC/25/70712

It is recorded that Mr Derek Screen on behalf of Pennydale Residents Action Group (Inc) spoke for 2 minutes in relation to this item.

Moved: Cr Leigh

Seconded: Cr Irlicht

Part A

That Council:

1. notes the draft Suburban Rail Loop Precinct Structure Plan, draft Implementation Plan, draft Planning Scheme Amendment and supporting technical reports that have been prepared by the Suburban Rail Loop Authority
2. opposes the Suburban Rail Loop project in its entirety and writes to the Premier of Victoria, Minister for Suburban Rail Loop and Minister for Planning seeking an immediate stop to the program
3. undertakes a Freedom of Information request to the Suburban Rail Loop Authority to understand what actions are being put in place in response to the recommendations made by Infrastructure Australia in its Suburban Rail Loop East Business Case Evaluation Report, in particular, the recommendation made that:
 - a. the proponent develops the exit strategies discussed in the Business and Investment Case (BIC) in detail, in consultation with the Australian Government, to provide a clear pathway to successfully conclude or transition out of the project in the event it cannot be delivered at this stage or in the future.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Geoff Leigh, Hanna El Mouallem (Mayor), Debbie Taylor-Haynes (Deputy Mayor) and Robert Irlicht (4)
 AGAINST: Crs Elli Murray, Andrew Hockley, *Kylie McIntosh (*Abstained)
 (3)

CARRIED

** In accordance with the Local Government Act 2020, for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is taken to have voted against the question.*

Moved: Cr Leigh

Seconded: Cr Taylor-Haynes (Deputy Mayor)

Part B

That Council:

1. endorses the officers' submission prepared in response to the draft Suburban Rail Loop Precinct Structure Plan for Cheltenham, draft Implementation Plan, draft Planning Scheme Amendment and supporting technical reports
2. authorises the Chief Executive Officer, or their delegate, to make minor amendments to the submission that do not materially alter the intent of the submission.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

**10.7 SUBMISSION TO THE LEGISLATIVE COUNCIL SELECT COMMITTEE -
STATE GOVERNMENT PLANNING REFORMS**

City Planning and Amenity - Urban Strategy
File No: PSF/25/52 – Doc No: DOC/25/164853

It is recorded that Mr Derek Screen on behalf of Pennydale Residents Action Group (Inc) spoke for 2 minutes in relation to this item.

Moved: Cr Hockley

Seconded: Cr McIntosh

That Council

1. endorses the Council officers' submission to the Legislative Council Select Committee - inquiry into Victorian planning provisions amendments VC257, VC267, and VC274
2. contacts the individual members of the Legislative Council Select Committee to advocate on the concerns Bayside City Council and its community have with the planning reforms.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

10.8 SUBMISSION TO VICTORIA'S 30 YEAR INFRASTRUCTURE STRATEGY

City Planning and Amenity - Urban Strategy
File No: PSF/25/52 – Doc No: DOC/25/115676

Moved: Cr Hockley**Seconded: Cr Murray**

That Council:

1. notes the release of Infrastructure Victoria's draft 30-year infrastructure strategy 2025–55 for consultation
2. endorses the draft submission to the Victoria's draft 30-year Infrastructure Strategy
3. authorises the Chief Executive Officer, or their delegate, to make minor amendments to the submission that do not materially alter the intent of the submission.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

10.9 UPDATE ON THE REVIEW OF THE BAYSIDE OPEN SPACE STRATEGY

Environment, Recreation and Infrastructure - Open Space and Recreation

File No: PSF/25/54 – Doc No: DOC/25/124818

It is recorded that Mr Kevin Howard submitted a written statement in relation to this item.

Moved: Cr McIntosh

Seconded: Cr Murray

That Council notes this reports and receives the final draft Bayside Open Space Strategy for adoption at or before the October 2025 Council Meeting.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

10.10 PROPOSED DISCONTINUANCE AND SALE OF ROAD ADJOINING 8 LEWIS STREET, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/25/63 – Doc No: DOC/25/106317

Moved: Cr McIntosh**Seconded: Cr Leigh**

That Council:

1. in accordance with the Local Government Act 1989 and the Local Government Act 2020, resolves to discontinue the Subject Road adjoining 8 Lewis Street, Brighton outlined in red in Attachment 1, and sells the Subject Road to the adjoining owners of 8 Lewis Street, Brighton for \$297,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to discontinue and sell the Subject Road via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. directs a public notice to be published in the Victoria Government Gazette.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

**10.11 S11A INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS
UNDER THE PLANNING AND ENVIRONMENT ACT 1987**

Corporate Services - Governance

File No: PSF/25/33 – Doc No: DOC/25/303130

Moved: Cr Hockley**Seconded: Cr Murray**

That Council, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. the members of Council staff referred to in the Instrument attached be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately after the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it
3. the Instrument be sealed.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)

AGAINST: Nil (0)

CARRIED

**10.12 CONTRACT CON/24/66 YALUKIT WILLAM NATURE RESERVE
CONSTRUCTED WETLANDS, BRIGHTON**

Corporate Services - Commercial Services
File No: PSF/25/56 – Doc No: DOC/25/14657

Moved: Cr Hockley

Seconded: Cr Murray

That Council:

1. awards Contract CON/24/66 (Principal Construction Contractor for Yalukit Willam Nature Reserve Constructed Wetlands, Brighton) to Entracon Civil Pty. Ltd. (ABN: 35 118 370 077) for the lump sum price of \$3,795,721.84 excluding GST and \$4,175,294.03 including GST
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/24/66 Yalukit Willam Nature Reserve Constructed Wetlands, Brighton
3. advises the unsuccessful tenderers accordingly.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht and Andrew Hockley (6)
 AGAINST: Cr Hanna El Mouallem (Mayor) (1)

CARRIED

10.13 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/25/33 – Doc No: DOC/25/95102

Moved: Cr Hockley

Seconded: Cr Irlicht

That Council notes the Council Action Awaiting Report.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
 Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht
 and Andrew Hockley (7)
 AGAINST: Nil (0)

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – The Director Environment, Recreation and Infrastructure advised there was no update in relation to the Association of Bayside Municipalities (ABM) since the last Council meeting.
2. **Metropolitan Transport Forum** – Cr Geoff Leigh advised that the Metropolitan Transport Forum held its third meeting of the year for 2025.
 - The MTF meeting was attended by Dr Vicki Kotsirilos (Doctors for the Environment reporting on Traffic Related Air Pollution (TRAP), focusing on pollution sources, current safe levels and susceptible groups.
 - Dr Kotsirilos provided guidance to local government on how they can help educate the community to reduce emissions.
 - The MTF also reported on their Strategic Transport Advocacy and a meeting was held between Minister for SRL, Harriet Shing and executive MTF members.
 - MTF will begin engaging with councils on developing its MTF strategy.
 - Three councils (Bayside, Banyule and Brimbank) presented their current programs to the group. Bayside presented on its current transport initiatives and continued advocacy to SRL, safeguarding Council priorities within the design.
3. **Municipal Association of Victoria** – The Mayor, Cr Hanna El Mouallem advised that no meeting of the Municipal Association of Victoria (MAV) has been held since the last Council meeting.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Hanna El Mouallem advised that no meeting has been held since the last Council meeting.
5. **South East Councils Climate Change Alliance** – Cr Kylie McIntosh advised the South-East Councils Climate Change Alliance (SECCCA) held its first meeting of the year which was a Mayoral Forum on 27 March 2025 at Bunjil Place in Casey Council.
 - SECCCA's new CEO, Helen Steel, provided members with an overview of SECCCA, as a large number of the group were new members. There was a reminder provided of councils' regulatory responsibilities regarding climate change including those articulated by the *Local Government Act 2020*, the *Victorian Climate Change Act 2017*, Municipal Public Health and Wellbeing Plans and the *Planning and Environment Act 1987*.
 - The strategic direction of SECCCA over the 2024–28 period is broadly to accelerate the climate resilience for South-East Melbourne.
 - A new chair was nominated and appointed for 2025, Mayor of Casey Council, Cr Stefan Koomen and Cr Kylie McIntosh was appointed as Deputy Chair.

Moved: Cr Leigh

Seconded: Cr Irlicht

That the Reports by Delegates be received and noted.

The Motion was PUT:

DIVISION: **FOR:** Cr Hanna El Mouallem (Mayor), Crs Andrew Hockley, Robert Irlicht, Geoff Leigh, Kylie McIntosh, Elli Murray, Debbie Taylor-Haynes (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED

12. Urgent Business

There were no items of urgent business submitted to the meeting.

13. Notices of Motion

13.1 NOTICE OF MOTION - 343 - WANGARA ROAD MASTERPLAN WORKS

Environment, Recreation and Infrastructure - Open Space and Recreation
File No: PSF/25/33 – Doc No: DOC/25/304979

Moved: Cr Leigh

Seconded: Cr Taylor-Haynes (Deputy Mayor)

That Council:

1. carries out works to the landfill cap at the Wangara Road former landfill site, in accordance with the Environment Protection Authority approved Rehabilitation Plan
2. suspends the implementation of the Wangara Reserve Masterplan including any funds foreshadowed in 2025–26 for the detailed design for the proposed public open space component
3. proceeds with the design and construction of the additional car parking at the Wangara Road site
4. only undertakes works within the Suburban Rail Loop precinct boundary in respect of the needs of existing residents/ratepayers
5. reallocates any remaining funds proposed for 2025–26 to deliver the Masterplan to open space improvements within the Ebden Ward.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Geoff Leigh, Hanna El Mouallem (Mayor), Debbie Taylor-Haynes (Deputy Mayor), Robert Irlicht and Andrew Hockley (5)
 AGAINST: Crs Kylie McIntosh, *Elli Murray (*Abstained) (2)

CARRIED

** In accordance with the Local Government Act 2020, for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is taken to have voted against the question.*

14. Confidential Business

Moved: Cr Hockley

Seconded: Cr McIntosh

That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 3(1) (confidential information) of such Act:

- (a) Council business information*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Kylie McIntosh, Geoff Leigh, Hanna El Mouallem (Mayor),
Elli Murray, Debbie Taylor-Haynes (Deputy Mayor), Robert
Irlicht and Andrew Hockley (7)

AGAINST: Nil (0)

CARRIED

Table of Contents

- 14.1 15-17, 19, 21, 23A, 23B, 25 & 33 BAY ROAD, SANDRINGHAM
CONSENT ORDER POSITION - SECTION 87A VCAT APPEAL
PLANNING PERMIT: 2021/705/3 VCAT REF: P79/2025 WARD: BOYD**
*(LGA 2020 Section 3(1)(l) information that was confidential information for the
purposes of section 77 of the Local Government Act 1989.)*
- 14.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS
ADVISORY COMMITTEE HELD ON 22 APRIL 2025**
*(LGA 2020 Section 3(1)(f) personal information, being information which if released
would result in the unreasonable disclosure of information about any person or their
personal affairs.)*

*It is recorded that the public gallery was vacated to enable Council to consider the above
listed items in Confidential Business.*

*Following consideration of Confidential Business, the Mayor declared the meeting closed at
9.51pm.*