

# Minutes of the Ordinary Meeting of Council



Held on the 28 February 2022

Held online

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**PUBLIC QUESTION TIME.....33**

**MINUTES**

The Meeting opened at 7.00pm.

**Acknowledgement of the Traditional Custodians**

The Mayor read an acknowledgement of the traditional custodians, the Wurundjeri Woio-wurrung people.

**Diversity Statement**

The Mayor read Council's statement on its commitment to diversity and its principles.

**Present**

Mayor Cr Elizabeth Nealy, Cr Rick Garotti, Cr Peter Castaldo, Cr Alison Champion, Cr Mark Di Pasquale, Cr Alida McKern, Cr Tom Melican, Cr Fiona Mitsinikos,

**Apologies**

Cr Peter Dimarelos

**Leave of Absence**

Nil

**Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 7 February 2022*

**The Confirmation of the meeting minutes from the Ordinary Council meeting held on 7 February 2022 were not confirmed due to a procedural oversight and will be presented to the Ordinary Council Meeting scheduled for 21 March 2022.**

**Disclosure of Interests**

Nil

**Presentation**

**1. URGENT BUSINESS**

Nil

## 2. PETITIONS

### 2.1 ROSANNA PARKLANDS - OFF LEAD DOG CONCERN AND NEED FOR CHILD SAFE SPACE

A Pre-recorded video statement was played on behalf of Greta Gillies.

Written statements were read out on behalf of Neil Erenstrom & Madeline Farrugia, Jennifer Lewis and Robyn Ball.

#### SUMMARY

1. An online petition with 387 signatures (at the time of preparing this report) has been received.
2. Of the signatories there are 35 from Rosanna, 27 from Macleod, 164 from the rest of Banyule and 161 from outside Banyule.
3. The petition request as it appears on change.org is summarised as follows:

*This petition is asking Banyule City Council to urgently create spaces in Rosanna Parklands so that people without dogs, people with dogs on-leads, people with dogs off-lead and local wildlife can all feel safe and enjoy the parklands...*

*In order to create a more inclusive parklands, we are proposing that Banyule City Council create 2 zones. A dog on-lead area (including the central playground picnic area and the wildlife conservation areas) and an off-lead area. One idea would be to have the zones separated by the creek with minimal signage at park and zone entrance points.*

4. Council has previously resolved to not accept online petitions where it is not known who the signatories are. Due to the restrictions created by the Covid pandemic, Council has accepted online petitions and it is recommended that Council accepts this petition.

#### Resolution (CO2022/21)

That Council:

1. Receives and notes the petition.
2. Refers the petition to the Municipal Laws Team for investigation and a further report to Council.
3. Advise the primary petitioner of this resolution

Moved: Cr Tom Melican  
Seconded: Cr Fiona Mitsinikos

CARRIED

## 2.2 PETITION - VACCINE MANDATES

Pre-recorded video statements were played on behalf of Melissa Murphy-Webster, Rosie Shilo and Brian Grace.

Written statements were read out on behalf of Alan Smith, Divyeshkumar Amipara and Andrew John.

### SUMMARY

1. A petition with 23 signatures has been received.
2. The petition request is as follows:

*“Currently Banyule Council is actively discriminating against persons that have not been injected with drugs that are currently under trial known as COVID vaccines.*

*We the undersigned, petition or request Council to **perform due diligence, risk assessment and human rights assessment pertaining to all vaccine mandates.***

*Banyule Council has not performed the above mentioned in relation to the residents that have a different bodily characteristics, specifically those who do not have the characteristics of the COVID vaccines in their system and as such they are being excluded from Council properties, events and meetings with prejudice.”*

3. Council's Governance Rules outline criteria for every petition that is submitted to Council.

### Resolution (CO2022/22)

That Council:

1. Receives and notes the petition.
2. Advise the primary petitioner of this resolution.

Moved: Cr Mark Di Pasquale  
Seconded: Cr Fiona Mitsinikos

CARRIED

**2.3 PETITION - DISCRIMINATION OF COUNCIL VENUES/ SERVICES/ FACILITIES**

Pre-recorded video statements were played on behalf of Kate Roy-Chowhury and Brian Grace.

A pre-recorded audio statement was played on behalf of Sophie Miller.

A written statement was read out on behalf of Divyeshkumar Amipara.

**SUMMARY**

1. A petition with 68 signatures has been received.
2. The petition request is as follows:

*"We the undersigned, petition and request Banyule City Council to:*

- 1. Remove all restrictions to access Banyule Council venues/services/facilities;*
  - 2. Cease and desist from any and all forms of discrimination within the council venues/services/facilities;*
  - 3. Promote, uphold and respect the human rights and dignity of all Australians, and;*
  - 4. Disallow the use of council managed property for use by vaccine service providers to use as part of the Victorian Governments' COVID-19 vaccination campaign directed at our children, and;*
  - 5. Actively oppose the COOVID-19 mandates and promote pro-choice.*
3. Council's Governance Rules outline criteria for every petition that is submitted to Council. Three signatories did not meet the criteria and are not included in this report.

**Resolution (CO2022/23)**

That Council:

1. Receives and notes the petition.
2. Advise the primary petitioner of this resolution

Moved: Cr Mark Di Pasquale  
Seconded: Cr Fiona Mitsinikos

CARRIED

### 3. OUR INCLUSIVE AND CONNECTED COMMUNITY

#### 3.1 BANYULE GRANTS PROGRAM POLICY

##### SUMMARY

1. Council distributes over \$450k annually through the Banyule Grants Program.
2. Council's approach to managing and implementing its grants program has been developed over years of reflective learning on its grant making experience. The Banyule Grants Program assists Council to address community needs through the provision of funding to local groups, agencies and individuals. Grants are an investment in the community, strengthening community organisations and building partnerships.
3. In 2021 an Internal Audit recommended the review of the Banyule Grants Program Policy, further strengthening the existing robust governance and administration of the Banyule Grants Program.
4. The Banyule Grants Program Policy is based on contemporary approaches and provides the framework for Council to allocate grant funds in a transparent, equitable, ethical, effective and consistent manner.

##### Resolution (CO2022/24)

That Council:

1. Endorse the Banyule Grants Program Policy with the following amendments:
  - Inclusion of the following wording under the Ineligibility Criteria :
    - seeking support or assistance from Councillors in their application
    - the seeking or lobbying of Councillor input or support will automatically exclude an application from the grant round.
  - Inclusion of the following wording under the Assessment Process:
    - Specific information regarding how the assessment occurs will be detailed in the grant guidelines
  - Inclusion of the following wording under the Banyule Reference Documents:
    - In line with Council adopted policies and strategies
2. Notes that the Policy will be reviewed in 4 years (to be completed by June 2026) and a review report will be submitted to Council at this time.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED



### 3.2 CRICKET CLUB COVID RELIEF FOR SEASON 21/22

A pre-recorded video statement was played on behalf of Mark Dixon.

Written statements were read out on behalf of Chris Tremain and Michael Langford.

#### SUMMARY

1. As part of the Covid Relief Support package to support Banyule's sporting clubs Council has provided a range of support measures to clubs including waiving of all seasonal and leased sporting club fees and utilities for 2020/21; and waiving of the 2021 Winter season ground and pavilion hire fees (excluding utilities) given that the Winter clubs season was effectively cancelled.
2. Summer seasonal clubs (cricket) were not included in the second-round of Covid relief, given that their season commenced one month later (November 21) and will run through to end of season in March 2022. Summer clubs have been invoiced for their season.
3. Council received correspondence from the Ivanhoe Cricket Club (ICC) in December 2021, indicating dissatisfaction with cricket clubs not being included in the 2021/22 relief and requesting Council waive all seasonal cricket clubs' fees for the 2021/22 season, as per the Covid relief provided to football (winter season clubs). The ICC also advised the Minister of Sport and Recreation, the Minister for Local Government, and the State Member for Ivanhoe of their request of Council for fee relief.
4. Council has received no formal requests from other Cricket clubs for further relief than what has been provided to date.
5. Should a full waiver of fees be implemented across all cricket clubs, the cost to Council will be \$94,229.00.
6. It is proposed that a 20% discount be applied which would equate to a total of \$18,846.00 for the 2021/22 season for all cricket clubs. This is considered fair additional support that takes into account the different level of impact Covid has had on the seasonal clubs.

#### Resolution (CO2022/25)

That Council defer Item 3.2 to a future Council meeting in order to obtain further information for Council to consider in relation to the impacts that COVID-19 has had on various cricket clubs within the Banyule Community.

Moved: Cr Rick Garotti  
Seconded: Cr Alison Champion

CARRIED

#### 4. OUR SUSTAINABLE ENVIRONMENT

##### 4.1 BANYULE WEED MANAGEMENT STRATEGY

###### SUMMARY

1. Council plays a critical role in managing weeds and minimising their impact. Having a strategic approach to weed management ensures that Council can continue to protect and enhance our highly valued green spaces for their important environmental and amenity values.
2. At its meeting of 6 December 2021, Council endorsed the draft Banyule Weed Management Strategy for a six-week public exhibition period for general comment on the strategy and also to obtain specific comments over the use of chemical herbicides.
3. Based on the consultation, an updated Banyule Weed Management Strategy (Attachment 1) has been prepared. It:
  - o Identifies Banyule's 10 highest priority weeds across all green space management areas, with supporting management plans.
  - o Identifies all weed species.
  - o Highlights the importance of using an Integrated Weed Management approach to safely and sustainably control weeds.
  - o Identifies reporting and monitoring procedures to support weed management in Banyule.
4. The community consultation on the strategy was undertaken over two stages with feedback (Attachment 2) and changes being incorporated into final strategy.

###### Resolution (CO2022/26)

That Council:

1. Endorses the updated Banyule Weed Management Strategy; and noting that an Integrated Weed Management approach with Banyule's land managers, including Integrated Weed Management Plans, will be developed and implemented in the 2023/24 financial year.
2. Notes that reporting on key actions of the Banyule Weed Management Strategy is to occur as part of the Council Annual Reporting process.

Moved: Cr Alida McKern  
Seconded: Cr Peter Castaldo

CARRIED

## 4.2 DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY

### SUMMARY

1. In 2021, Council engaged the services of a consultant (Stantec/Outlines) to develop a high-level understanding of active transport connections and landscape/open space embellishment options along the Hurstbridge rail corridor from Darebin station to Montmorency station.
2. The purpose of the Hurstbridge Rail Feasibility Study is to:
  - Look to achieve safe, direct and legible active transport facilities that connect a wide range of users to the network of places along the Hurstbridge rail corridor and adjacent activity centres;
  - Look at options to provide attractive and welcoming places through improved urban design and landscaping aspects along the rail corridor; and
  - Support Council's advocacy activities.
3. The draft study found a disjointed and incomplete active travel network along the Hurstbridge rail line, with few formal crossing points, and much of the land abutting the rail line in a neglected and overgrown condition.
4. The study also captured a strong community desire and potential for many residents to utilize the land abutting the Hurstbridge rail line to make vital transport and recreational connections, if the land was redeveloped to provide appropriate active transport pathways.
5. For each section of rail line, between adjacent rail stations, the study identified:
  - Baseline conditions – issues and opportunities for improvement,
  - Corridor arrangements – maps detailing the type of active transport treatment which could be utilised, and which would be best suited to the road and land conditions. The treatments include shared user path, quietways (lightly trafficked local roads) and protected cycle lanes.
  - Urban design and open space typologies which could be used for different road and nature strip conditions,
  - Opportunities for indigenous infill planting and creation of biodiversity corridors, and
  - A set of maps detailing potential cycling route options for each section of the rail corridor with an accompanying comparison of their safety and usability.
6. It is intended to conduct a multi-faceted six-week community and stakeholder consultation during the period 14 March 2022 to 22 April 2022, including Shaping Banyule, The Banner, social media, online surveys, pop up engagement and direct key stakeholder engagement.

**Resolution (CO2022/27)**

That Council:

1. Approve the draft Hurstbridge Rail Feasibility Study for and public exhibition and community engagement for a six (6) week period.
2. Receive a further report to consider feedback and submissions and to adopt the final Hurstbridge Rail Feasibility Study.

Moved: Cr Alida McKern

Seconded: Cr Alison Champion

**CARRIED**

#### **4.3 ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP)**

##### **SUMMARY**

1. Melbourne Water (MW) has been engaging and working with 50 organisations in the refresh of its Flood Management Strategy for Port Philip and Westernport regions (FMS) 2015. Banyule City Council (BCC) is party to FMS 2015 with Council having endorsed the FMS 2015 in a Council meeting on 8 February 2016.
2. Similar to the 2015 FMS, MW is requesting all Councils in the Port Philip and Westernport region (including Banyule) to join other partner organisations in endorsing the refreshed FMS, which signifies Council's:
  - Agreement with the vision, objectives and directions of the FMS;
  - Commitment to actions (subject to funding); and
  - Commitment to participate in a co-delivery process to facilitate collaboration and alignment between the partners.
3. The endorsement:
  - Doesn't carry specific funding obligations for Council, but relies on existing flood management plans, capital works flood mitigation programmes and initiatives; and
  - Provides Council's agreement to use its logo for the final strategy and action plan.
4. In the 5-year action plan, Council could contribute to or benefit from 46 of the 53 actions in total identified in the plan.
5. Concurrently, BCC and MW have been engaging internal BCC staff and Victoria State Emergency Service (VICSES) in the Flood Management Plan (FMP) 2022 – 2027. This is a refresh and update of the earlier FMP 2012, which was adopted at Council meeting on 27 August 2012.
6. The FMP describes the key flood management activities that BCC & MW will undertake collaboratively to plan and manage flooding within the municipality for the next five (5) years.
7. This report seeks council's consent for:
  - Endorsement of the Flood Management Strategy for Port Philip and Westernport (FMS) 2021 - 2031; and
  - Endorsement of the Banyule City Flood Management Plan (FMP) 2022-2027.

**Resolution (CO2022/28)**

That Council:

1. Endorse the Flood Management Strategy for Port Philip & Westernport (FMS) 2021 – 2031; and
2. Endorse the Banyule City Flood Management Plan (FMP) 2022 - 2027.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

## 5. OUR WELL-BUILT CITY

### 5.1 2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021)

Written statements were read out on behalf of Michelle Giovas and James Deane.

#### EXECUTIVE SUMMARY

1. This report considers a proposal for the reconstruction of the Beverley Road Oval.
2. The proposal seeks to replace the existing ground cover with a new free draining sand profile and turf surface in addition to the relocation and reconstruction of other assets on the sports ground. Six trees are also proposed to be removed.
3. Public notification was undertaken in accordance with Section 52 of the *Planning & Environment Act 1987* prior to the introduction of notice exemptions for Local Government Projects. The proposed tree removal was not included in the advertised material, however further notice was not required due to the introduction of the notice exemptions. To date, no objections have been received.
4. The proposed works will enhance recreational opportunities for the community and improve the efficiency of the site's irrigation and drainage systems without impacting on potential overland flow paths or significant area of natural habitat.

#### Resolution (CO2022/29)

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolve to issue a Planning Permit in respect of Application P442/2021 for building and works associated with the reconstruction of an existing open sports ground on land affected by a Land Subject to Inundation Overlay and an Environmental Significance Overlay and vegetation removal at 2 Beverley Road HEIDELBERG subject to the following conditions:

#### General

1. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

#### Tree Protection & Planting

2. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plans or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.
3. Prior to the completion of the development permitted by this permit, a minimum of forty (40) trees must be planted in the immediate area surrounding the oval to the satisfaction of the Responsible Authority.

#### Drainage

4. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

**NOTE:**

Any connection to Council's drainage system

- (a) Within the road reserve must be carried out under a Memorandum of Consent for Works; and/or
- (b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

5. Effluent or polluted drainage must not be allowed to discharge beyond the boundaries of the subject land onto other land or any street or road or directly or indirectly into any watercourse.

**Melbourne Water**

6. The cut and fill balance as shown on the plan Drawing 120421 5A and 5B Revision 030921-1 dated 2 April 2021 must not be altered without further review and written consent from Melbourne Water.
7. Prior to the start of construction, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for further approval specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:
  - (a) Silt fencing
  - (b) Access tracks
  - (c) Spoil stockpiling
  - (d) Trenching locations
  - (e) Machinery/Plan Locations

**Time Limits**

8. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - (a) The development is not commenced within two years of the date of this permit;
  - (b) The development is not completed within four years of the date of this permit.In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing:
  - Before the permit expires, or
  - Within six months afterwards, or



- Within 12 months afterwards if the development started lawfully before the permit expired.

Moved: Cr Peter Castaldo  
Seconded: Cr Rick Garotti

CARRIED

## 5.2 BANYULE BICYCLE STRATEGY & ACTION PLAN 2022-2027

### SUMMARY

1. Demonstrating leadership in encouraging the uptake of cycling within the municipality is a key element of Banyule's Community Vision 2041 for a Well-Built City.
2. The Banyule Bicycle Strategy has been developed to support the use and maintenance of existing facilities, while ensuring future cyclists have access to a safe, convenient and accessible network that connects them to other transport modes and key destinations.
3. Consultation on the draft Banyule Bicycle Strategy was completed, including an eight-week public exhibition period. The findings of these activities and the Consultation Summary Report are included in **Appendix C** of the Final Banyule Bicycle Strategy.
4. A five-year action plan has been developed in line with the draft Banyule Bicycle Strategy's recommendations and community expectations. Forty actions are included that are categorised according to the key themes of Major Projects and Advocacy; Network Connectivity; Safe and Inclusive Design and Cycling for All.
5. The final Banyule Bicycle Strategy and incorporated Action Plan 2022-2027 is provided as Attachment 1 to this report.

### Resolution (CO2022/30)

That Council:

1. Adopt the final Banyule Bicycle Strategy and commence implementation of the incorporated Action Plan 2022-2027, allocating funding as part of its annual budget process.
2. Provide a copy of the Banyule Bicycle Strategy on Council's website and update Shaping Banyule to include the final Banyule Bicycle Strategy and the Bicycle Strategy Consultation Summary Report.
3. Advise all stakeholders and submitters to the Banyule Bicycle Strategy of the adoption of the strategy, thank them for their input and provide a copy of the strategy for future reference.
4. Seek funding from the State and Federal Governments to assist in the implementation of the Banyule Bicycle Strategy.
5. Writes to the Department of Transport, the Minister for Transport Infrastructure, the Minister for Roads and Road Safety and local State Members of Parliament to provide them a copy of the Banyule Bicycle Strategy, highlighting items that the State Government can implement and request a meeting.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

**5.3 PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021**

A written statement was read out on behalf of Kevin Biaggini.

**SUMMARY**

1. This report presents and provides commentary on the July to December 2021 activities of Development Planning and Building with key highlights from the review period.

**Development Planning**

2. The number of planning applications and requests received increased by 4.9% in the 2021 year as compared to the previous year.
3. The average number of planning applications and requests received and determined each month increased by 14 and 17 respectively as compared to the previous review period.
4. An average of 77% of planning applications were determined within the 60 statutory days, an improvement on the previous review period where 74% of applications were determined in 60 days.
5. Applications for multi dwelling development decreased in the second half of the year by approximately 25.6% from 156 to 116. Despite the reduction, the number of multi dwelling applications received continues to exceed pre-COVID levels.
6. There has been a decrease in the number of Council decisions overturned by the Victorian Civil and Administrative Tribunal (VCAT) throughout the review period with 28% of applications for review set aside by the Tribunal. Previously, 35% were overturned in the last six-month review period.
7. No 'out of time' appeals were received in the review period.

**Building Services and Banyule BPI**

8. The financial position for Banyule BPI for the period July - December 2021 is a \$57,779 cost (excluding corporate overheads). This represents a 116% decline compared with the corresponding period last financial year
9. In collaboration with the Victorian Building Authority (VBA) and Cladding Safe Victoria (CSV), the number of buildings with combustible cladding requiring resolution has been reduced by seven within this review period.

**Resolution (CO2022/31)**

That Council note the Development Planning and Building Activities Report for the period July to December 2021.

Moved: Cr Tom Melican  
Seconded: Cr Peter Castaldo

CARRIED

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**5.4 321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021)**

Written statements were read out on behalf of Elisé Burchsmith, Suzanne Lees, Kevin Biaggini and Lazaros Kyriacou.

**SUMMARY**

1. The purpose of this report is to outline a State Government led proposed Planning Scheme Amendment and Planning Permit proposal in respect land at 321 Lower Heidelberg Road and 1 Maltravers Road, Ivanhoe East and to consider the Council position for a submission to the Minister as part of the process.
2. A request has been made by TLC Group to the State Government's Development Facilitation Program (DFP) for accelerated assessment and determination of the project. The DFP have recommended to the Minister for Planning (the Minister) to consider facilitating the project.
3. The applicant is seeking to amend the Schedule to Clause 52.02 'Easements, Restrictions and Reserves' of the Banyule Planning Scheme and authorise the variation of restrictive covenants, so that the project can proceed with respect to a restrictive covenant on the title.
4. The accompanying Planning Permit application seeks approval to develop the site with a 4-5 storey building, which will accommodate a residential aged care facility, child care centre, medical centre, café and gym. Associated works will include the removal of protected vegetation, provision of car, bicycle and minibus parking, the display of internally illuminated signage and the creation of access to both King Street and Lower Heidelberg Road. This application is very similar to one previously considered and refused under delegation in 2019 (P1332/2018).
5. The State Government is currently undertaking consultation over a four week period. Banyule City Council is a respondent to the process and not the decision maker.
6. It is considered that the proposal is not consistent with the outcomes sought by the planning policy framework for the site and will have an unacceptable level of impact on the preferred neighbourhood character and amenity of residents. These critical concerns would form the basis of any Council submission made to the Minister.
7. Should the Minister choose to refer the matter to a Standing Advisory Committee, Council may be able to appear in order to advocate for the outcomes proposed by the Recommendations set out in this report.

**Resolution (CO2022/32)**

That Council:

1. Notes that it has written to the Minister for Planning and the Local Member advising of Council's position that it is not appropriate for the proposed development to be facilitated through a fast track process. The development proposal should be subject to the normal public information, consultation and decision-making processes where Council is the Responsible Authority and there are third party appeal rights for any objectors.
2. Make a submission to the Minister of Planning which:
  - a. Outlines its opposition to Planning Scheme Amendment C166 to the Banyule Planning Scheme and the draft Planning Permit P1503/2021.

- 
- b. Includes the following reasons why Council opposes the proposal:

**Strategic context**

1. The accumulation of the proposed uses combined with the scale of the proposal is at odds with the objectives of Clause 32.08 - General Residential Zone of the Banyule Planning Scheme.
2. The proposed use and hours of the gymnasium is not appropriate in the context of the Primary and Specific Location Criteria of Clause 22.04 - Non-Residential Use and Development in Residential Zones Policy and is contrary to Clause 22.04 - Non-Residential Use and Development in Residential Zone Policy of the Banyule Planning Scheme.
3. The hours of operation of the proposed food and drinks premises (café) is not appropriate in the existing residential context and fails to comply with the Primary and Specific Location Criteria of Clause 22.04 - Non-Residential Use and Development in Residential Zones Policy of the Banyule Planning Scheme.

**Residential Amenity**

4. The extent and nature of the multiple proposed uses on the site will result in an excessive number of individual site specific destinations and in turn will lead to an excessive number of vehicular movements across all hours of the day to the detriment of the amenity of the existing residents and future occupants of the aged care facility contrary to Clause 32.08 – General Residential Zone of the Banyule Planning Scheme.
5. The intensity and scale of the uses proposed would have a detrimental impact on the residential amenity of the surrounding and nearby residential properties through additional non-residential activity, noise and disturbance contrary to Clauses 21.04 – Land Use, 22.04 - Non-Residential Use and Development in Residential Zone Policy and Clause 32.08 – General Residential Zone of the Banyule Planning Scheme.

**Built Form/Landscaping**

6. The scale and design of the proposal will not make a positive contribution in the context of the streetscapes and broader character of the area specifically the height, massing and composition of the proposed built form is at odds with the streetscape and neighbourhood contrary to Clause 22.02 – Residential Neighbourhood Character Policy and Clause 32.08 – General Residential Zone of the Banyule Planning Scheme.
7. The height of the proposed building does not transition appropriately to the existing residential neighbourhood and fails to make a positive contribution to the preferred future neighbourhood character of Garden Suburban 3 Precinct contrary to Clause 22.02 – Residential Neighbourhood Character Policy of the Banyule Planning Scheme.
8. Inadequate space has been provided throughout the development in order to provide canopy tree planting and landscaping to adequately soften views and reasonably buffer the development from the street and neighbouring land failing to strengthen the landscape opportunities contrary to Clause 22.02 – Residential Neighbourhood Character Policy

and Clause 42.02 - Vegetation Protection Overlay – Schedule 3 of the Banyule Planning Scheme.

### Signage

9. The proposed signage is excessive in size and, in combination with the proposed illumination, will have a detrimental impact on the residential amenity of the area, contrary to Clause 22.01 – Outdoor Advertising Policy and Clause 52.05 – Signs of the Banyule Planning Scheme.
- c. Includes a list of conditions (see **Attachment 1**) which Council would seek to have included on a permit should the Minister decide to approve the proposal, including changes to address critical concerns and other deficiencies, such as:
- Reduction in height of the building and greater setbacks to the western boundary to provide a better transition to the dwellings adjoining to the west and provide better opportunities for larger trees and screen landscaping within this area.
  - Improvements to King Street frontage including relocation of pedestrian access and substation, deletion of signage and façade articulation.
  - Improvements to built form and use of materials to reduce overwhelming impacts on the heritage church.
  - Retaining original features on front façade of the heritage church.
  - Opportunities to further improve ESD within the building.
  - Vehicle exit to King Street to be left turn only to reduce disruption to residential streets.

Moved: Cr Peter Castaldo  
Seconded: Cr Alison Champion

CARRIED

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## 6. OUR VALUED COMMUNITY ASSETS AND FACILITIES

### 6.1 BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ART WORKS

#### SUMMARY

1. The Banyule Art Collection is a unique and valuable asset for the City, which is governed by a policy that aims to develop and maintain a visual art collection of national significance for the Banyule community that stimulates discussion, thinking and debate about current, social and cultural issues.
2. The *Banyule Art Collection Policy 2017-2021* (policy currently under review) which will be presented to Council describes the guidelines, criteria and procedure for acquiring new works of art into the Collection. Council allocates \$30,000 annually in the capital expenditure budget towards purchasing new acquisitions, and maintenance and storage requirements of the Collection.
3. As per the Policy's acquisition guidelines, the Banyule Art Collection Working Group met in January 2022 to consider eleven art works, mainly selected from the current Banyule Award for Works on Paper Finalists Exhibition for accession into the City's Art Collection.
4. All eleven art works were considered worthy of acquisition and presented to the Banyule Arts & Culture Advisory Committee on 3 February who voted unanimously to recommend Council purchase the works for acquisition.

#### Resolution (CO2022/33)

That Council:

1. Endorse the Arts & Culture Advisory Committee's recommendation to acquire the eleven (11) art works listed in this report, at a total cost of \$30,150, to further develop the significance of the Banyule Art Collection.
2. Note the purchasing process will be undertaken in accordance with procurement policies and best practice arts industry standards.

Moved: Cr Alison Champion

Seconded: Cr Tom Melican

CARRIED

***Councillor Garotti left the video stream at 9:04pm***

***Councillor Garotti returned to the video stream at 9:07pm***

***Councillor Mitsinikos left the video stream at 9:10pm..***

***Councillor Mitsinikos returned to the video stream at 9:12pm***

## 6.2 URBAN FOREST STRATEGY – PRINCIPLES

A written statement was read out on behalf of Michelle Giovas.

### SUMMARY

1. The review of the Urban Forest Strategic Plan refresh is a key deliverable within the 2021/22 Council Plan.
2. In December 2021, consultation with the wider community on the vision, principles and goals was undertaken as the first significant milestone of the Urban Forest Strategic Plan Refresh project.
3. The draft Urban Forest Strategy Vision and Principles have been informed by engagement with the appointed community reference group, community advisory group, internal council staff and Councillors, and are as follows:

#### ***Vision:***

*Banyule's urban forest is resilient. It is thriving and people are aware and value the role of the urban forest for health and wellbeing and in making Banyule a great place to live. The urban forest is managed as an essential asset for Banyule and decisions about the urban forest are fit for place and purpose and space is provided to support greening and larger tree canopy. People work with Council and are active in the protection, management and maintenance of the urban forest.*

#### ***Principles:***

1. *We believe the urban forest is an essential asset for Banyule, shared by all and crucial for the health and wellbeing of the community and natural environment.*
  2. *We believe a healthy urban forest is the result of strong partnerships between Council and community.*
  3. *We act today to respond to the changing climate and to leave a positive legacy for the future community, and we act responsibly, using evidence-based practice in our leadership and management of the urban forest.*
  4. *We plan, design and deliver for the people, places and natural environments of Banyule.*
  5. *We protect and enhance the Banyule's natural environment to care for flora and fauna.*
4. This report recommends that Council endorse the draft Vision and Principles for inclusion in the Urban Forest Strategic Plan.



**Resolution (CO2022/34)**

That Council:

1. Endorse the draft Urban Forest Strategic Plan Vision and Principles with a reworded Value Number 4 to be:
  - We plan, design and deliver for the people, places and natural environments of Banyule including:
    - a) Climate change and reduction of urban heat island
    - b) Liveability, amenity and neighbourhood character
    - c) Banyule's ecosystems and biodiversity
2. Acknowledge Stage Two of the project will now commence with work and consultation on the actions and targets.
3. Receive a further report in June 2022 to consider the draft Urban Forest Strategic Plan prior to broader community consultation.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

**7. OUR THRIVING LOCAL ECONOMY**

Nil

**8. OUR TRUSTED AND RESPONSIVE LEADERSHIP****8.1 RECORD OF COUNCILLOR MEETINGS****SUMMARY**

The *Local Government Act 1989* previously required that Assembly of Councillors (meetings of Councillors held outside of the formal Council Meeting program) were to be reported to the next available Council meeting, this section has now been repealed.

In accordance with the *Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules which include the requirement to report to Council on Councillor attendance at Briefings and Advisory Committees.

**Record of Meetings**

<b>1</b>	<b>Date of Meeting:</b>	7/2/2022
	<b>Type of Meeting:</b>	Council Pre-Meeting Briefing
	<b>Matters Considered:</b>	
	Wallace Street, Ivanhoe - Traffic and Parking Concerns Inclusive Local Jobs Strategy 2020-2025 Annual Update Social Enterprise Strategy 2020-2025 Annual Update Advisory Committees Report - Quarter Two, 2021/22 Domestic Animal Management Plan (2022 - 2026) Council Title Project Stage 2 - Vesting of Reserves Proposed State Government Changes to ResCode 30 Fernside Avenue, BRIAR HILL - Duplex Development (P972/2021) Draft Social Infrastructure Framework Award of Contract No.1144-2021 Montmorency Village Streetscape Renewal Property Transactions Report for the six month period ending 31 December 2021 Audit & Risk Committee - Minutes from 10 December 2021 Meeting Audit & Risk Committee - Annual Report 2021 Review of Hybrid Council Meetings Adoption of Council's Investment Policy Draft Governance Local Law No.2 (2022) - Public Submissions Record of Councillor Meetings	
<b>Councillors Present:</b>		
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
<b>Staff Present:</b>		

Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Megan Kemp – <i>Councillor Support &amp; Civic Events</i> Nick Van – <i>Council Business Officer</i> Fletcher Coburn – <i>Governance Customer Support Officer</i> Sukhpreet Sidhu - <i>Digital Transformation and Information Officer</i> Duncan Stephen - <i>Jets Facility &amp; Technical Administrator</i> Jay Mifsud – <i>Youth Program Officer</i> Frances Biggar - <i>Jets Creative Technical Assistant</i>	
<b>Others Present:</b>	
<b>Conflict of Interest:</b>	

3	<b>Date of Meeting:</b>	14/2/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Latrobe University City of the Future</li> <li>• Ivanhoe Grammar</li> <li>• Strategic Budget &amp; Capital Works Program</li> </ul>	
	<b>Councillors Present:</b>	
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
<b>Staff Present:</b>		
<ul style="list-style-type: none"> <li>• Megan Kemp – Councillor Support &amp; Civic Events</li> <li>• Joel Elbourne, Manager Planning , Building and Laws</li> <li>• Karen Leeder, Manager City Futures</li> <li>• Gary Mills, Senior Property Projects officer</li> <li>• Tania O'Reilly, Manager Finance &amp; Procurement</li> <li>• Greg Gale, Manager Delivery and Assets</li> </ul>		
<b>Others Present:</b>		
Latrobe University staff Professor Susan Dodds, Deputy Vice Chancellor Dr Megan Fisher, Pro Vice Chancellor		

Gerard Blood, Executive Director University City of the Future Kellie Watson, Community Relations Manager	
<b>Conflict of Interest:</b>	Yes – Cr Peter Dimarelos – Ivanhoe Grammar Cr. Dimarelos left the meeting for the discussion on this item.

<b>4</b>	<b>Date of Meeting:</b>	16/2/2022
	<b>Type of Meeting:</b>	Multicultural Committee Meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Multicultural Plan</li> <li>• Calendar of religious and cultural days</li> <li>• Harmony Week</li> <li>• Advocacy</li> <li>• Grants</li> </ul>	
	<b>Councillors Present:</b>	
	Fiona Mitsinikos	
<b>Staff Present:</b>		
<ul style="list-style-type: none"> <li>• Leanne Horvath - Acting Manager, Health, Aged and Community Planning</li> <li>• Lisa King – Community and Social Planner</li> </ul>		
<b>Others Present:</b>		
<ul style="list-style-type: none"> <li>• Linda Liwewe</li> <li>• Jeyarajah (Raj) Ramanathan</li> <li>• Naaz Fahmida</li> <li>• Susan Zhou</li> <li>• Ginger (Lan) Jiang</li> <li>• Suzanne Crenlin</li> </ul>		
<b>Conflict of Interest:</b>	Nil	

**Resolution (CO2022/35)**

That the Record of Councillor meetings report be received.

Moved: Cr Alison Champion

Seconded: Cr Tom Melican

CARRIED

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**8.2 QUARTERLY FINANCIAL MANAGEMENT REPORT - DECEMBER 2021****SUMMARY**

1. This Quarterly Financial Management Report is for the period ended 31 December 2021 and provides assessment of the following:
  - a. Financial Performance - key income and expenditure actual operating results against budget, including COVID-19 financial impacts on operations and the 2021/22 Economic Support Package initiative.
  - b. Capital Works Expenditure – summary of actual spend, budget and forecast.
  - c. Investment activity – compliance against the current Investment Policy
  - d. Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements

**Financial Performance:**

2. As of 31 December 2021, the year to date operating deficit is \$1.46m unfavourable to budget, due mainly to the financial impact from the unexpected COVID-19 lockdowns (number 5 and 6) resulting in some council services prevented from operating and/or postponed.
3. The December forecast is projected to be a \$8.49m operating surplus compared to the adopted budget surplus of \$14.58m (\$6.09m unfavourable movement).
4. The key forecast variances are from:
  - a. the net business impact from COVID-19 lockdowns which is estimated to be \$3.68m.
  - b. Council endorsed, in August 2021, a further \$1.72m of funding of the 2021/22 Economic Support Package (initiative and operating budget) with the available provision now \$3.54m.
  - c. Expensed Capital Works project: FOGO \$1.05m and various IT projects \$0.62m (budgeted in capital works); partially offset by the savings from the temporary closure of Olympic Leisure due to the significant emergency works: \$0.35m and adjustments of departmental discretionary cost \$0.20m.
5. The 2021/22 underlying operating deficit is forecasted to be \$8.07m compared to a budgeted underlying deficit result of \$1.19m (\$6.88m unfavourable). The underlying result is determined after adjusting for non-recurrent capital grants and capital contributions which represent \$16.55m of Council's income.

**Capital Works Performance:**

6. As of 31 December 2021, a total of \$14.445m has been spent on capital works.
7. The capital works expenditure is forecast to be \$57.19m including \$10.31m of estimated carry forwards projects to the 2022/22 financial year (the adopted capital budget is \$66.75m).

**Resolution (CO2022/36)**

That Council note:

1. the Quarterly Financial Management Report for the period 31 December 2021.

2. The December 2021 forecast is for Council to deliver an operating surplus of \$8.49m against the adopted budget deficit of \$14.58m for the year ended 30 June 2021.
3. The underlying operating deficit of \$8.07m is after adjusting for non-recurrent capital grants and capital contributions of \$16.55m.
4. The net cost impact on the forecast directly from COVID-19 restrictions is \$3.68m unfavourable to budget.
5. Council officers are restricting discretionary expenditure to minimise the impact from COVID-19 on the organisation's financial sustainability.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

**9. SEALING OF DOCUMENTS**

Nil

**10. NOTICES OF MOTION**

Nil

## **11. GENERAL BUSINESS**

### **11.1 BUNDOORA TENNIS CLUB**

Cr Rick Garotti congratulated Matthew Testolin's tenure as president of Bundoora Tennis Club.

### **11.2 TWILIGHT SOUNDS**

Cr Alison Champion acknowledged Banyule's first major event of 2022; Twilight Sounds, which was attended by around 5000 community members. Cr Champion thanked all of the volunteers, event crew, sponsors, performers and attendees of the Event.

### **11.3 ROSANNA FIRE STATION FOOD SWAP**

Cr Alison Champion recognised the launch of the Rosanna Fire Station Food Swap that was held on February 19 2022. This event is scheduled to be held every other Saturday morning commencing March 5 2022 from 10:00-11:00am at Rosanna Fire Station Community House. Cr Champion also acknowledged the work of Jasdip Singh and thanked her for her contribution to this program and to the broader Banyule community.

### **11.4 REELS ON WHEELS**

Cr Alida McKern acknowledged the Reels on Wheels program where participants can enjoy a curated bike ride including videos projected onto different sites along the bike route.

### **11.5 WORKS ON PAPER**

Cr Tom Melican acknowledged the Works on Paper Award Ceremony, highlighting the importance of the arts and the significant that the arts industry has to the Banyule community.

### **11.6 TWILIGHT MUSIC IN THE PARK – PRICE PARK**

Cr Fiona Mitsinikos acknowledged the Twilight Music in the Park event held at Price Park and congratulated all attendees, performers and the Rotary Club for their support and participation.

### **11.7 INTERNATIONAL WOMEN'S DAY**

Cr Elizabeth Nealy acknowledged the upcoming International Women's Day (March 8 2022), recognising the global celebration of the economic, political and social achievements of all women; past, present and future.

**Closure of Meeting to the Public**

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public prior to considering the confidential matters in 11.1.

Moved: Cr Tom Melican

Seconded: Cr Fiona Mitsinikos

CARRIED

*The Ordinary Council Meeting was closed to the public at 9.47pm.*

The Confidential Council meeting was opened at 9.47pm to discuss Item 11.1 Ivanhoe Grammar School – Public Access Update.

The item was designated confidential pursuant to section 3(e) of the *Local Government Act 2020* being legal privileged information, being information to which legal professional privilege or client legal privilege applies.

The premature release of this information in the open Council Meeting could have prejudice and diminish Council’s position on the Matter.

Council did not determine to release any of the resolution relating to 11.1 Ivanhoe Grammar School – Public Access Update to the public and therefore the resolution is not included in the meeting minutes in line with Council’s obligations under section 125 of the *Local Government Act 2020*.

DATED: ..... DAY OF ..... 2022

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 21 March 2022.*



## PUBLIC QUESTION TIME

<b>1</b>	<p><b>Name &amp; Suburb</b></p> <p>Michelle Giovas, Heidelberg</p>
	<p><b>Question:</b></p> <p>How is it that Council can stand down unvaccinated staff but permit two unvaccinated Councillors to attend Council meetings in person; putting all attendees, including the public, at risk of catching Covid when the unvaccinated Councillors could so easily participate in the Council meeting via zoom?</p>
	<p><b>Response:</b></p> <p><i>Marc Giglio – Director Corporate Services</i></p> <p>Banyule City Council has an obligation and is committed to maintaining a safe environment and workplace for our employees and all reasonable efforts are taken to reduce risks to health and ensure people within our workplace and the community are safe.</p> <p>Council always has and will continue to adhere to the State Government directives and the relevant Public Health Orders throughout the COVID-19 pandemic pertaining to mandatory vaccination requirements for members of Council staff and Councillors.</p> <p>Only members of Council staff and Councillors who have provided a valid medical exemption or have proof that they are compliant with the current vaccination requirements are able to participate in in-person Council meetings. Additionally, only members of the public that provide proof of their vaccination or a valid medical exemption are able to attend the in-person Council meetings, and these measures are put in place to protect the health and wellbeing of all and to be consistent with the current State Government Directions. Any staff member or councillor present at the Council meetings will have met the vaccination or exemption requirements.</p> <p>Council does have the capacity to facilitate a hybrid or fully virtual Council meeting in line with Council's Hybrid Council Meeting Policy and the Ministerial Good Practice Guideline MGP-1: Virtual Meetings in line with the Victorian Government's COVID-19 Omnibus (Emergency Measures) Act 2020. Accordingly, Council has participated in a mix of in-person, hybrid and virtual council meetings and has adapted this approach and format for each respective meeting to respond to the COVID-19 pandemic.</p> <p>Council will continue to provide a high level of care in the provision of healthy and safe Council services, workplaces and meeting venues for the broader Community, members of Council Staff and Councillors respectively.</p> <p>More information on the Public Health Orders, classifications of Council staff and medical exemption information can be found here <a href="#">Worker vaccination requirements   Coronavirus Victoria</a></p>

<b>2</b>	<p><b>Name &amp; Suburb</b></p> <p>Nola McDowell, Ivanhoe</p>
	<p><b>Question:</b></p> <p>Can Council advise the reasons why an easement at 10 The Boulevard East Ivanhoe was sold for \$1 when the valuation of that land would have been in the \$000's? (Ref: Report 8.2 Council Minutes 7/2/2022)</p>
	<p><b>Response:</b></p> <p><i>Natasha Swan – Director City Development</i></p> <p>An urgent business item on this evening's agenda outlines an action in relation to this proposal and Council will also consider a submission to DEWLP in relation to the proposal at a future Council meeting. While Council can also respond in its capacity as a landowner and beneficiary of the covenant, it is considered that the submission to the proposal will be the lead mechanism for advocating Council's position on this matter.</p>

<b>3</b>	<p><b>Name &amp; Suburb</b></p> <p>Roger Marcus Fyfe, Ivanhoe</p>
	<p><b>Question:</b></p> <p>Nola McDowell used the Council Public Question Time at Council's 6/12/21 Meeting to ask when this Seddon St/Norman St Intersection Road Safety Audit would be made available to the community.</p> <p>Jonathan Risby's response included "Members of the community interested in the accessing the (Final Report) document can contact our Traffic and Transport Engineering Team".</p> <p>I was an objector to the closure of Waterdale Road and a successful objector at the VCAT Hearing into the proposed 8-16 Seddon Street Development some years ago, where the pedestrian crossing comprised a totally inadequate splitter lane island and a Keep Left sign.</p> <p>I therefore have a direct interest in the report and the actions taken.</p> <p>On 21/1/22 I requested the Traffic and Transport Engineering Team email the Seddon St/Norman St Intersection Road Safety Audit Final Report and the Actions taken to me. It is now five weeks since that request. Why the delay?</p>
	<p><b>Response:</b></p> <p><i>Natasha Swan – Director City Development</i></p> <p>It is noted that a response was provided to your request on Friday 25 February 2022. We apologise that the response was not provided sooner.</p>

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<b>4</b>	<b>Name &amp; Suburb</b>  Alicia Curry, Rosanna
	<b>Question:</b>  Would council clarify what allowance would have been payable to the mayor for the full term ending November 2021 and what portion was not payable to the Mayor (Rick Garotti) upon stepping down due to the IBAC investigation?
	<b>Response:</b>  <i>Marc Giglio – Director Corporate Services</i>  Upon stepping down as Mayor, Cr Garrotti reverted back to the standard Councilor allowance and handed back the Mayoral vehicle. A net adjustment of \$2,244.02 was made to his allowance.