

Minutes of the Ordinary Meeting of Council



Held on the 25 October 2021

Meeting held online via Zoom

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MINUTES

The Meeting opened at 7.01pm.

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Statement in relation to Independent Broad-based Anti-corruption Commission (IBAC) Hearing

The Mayor read out the following statement:

"I want to acknowledge the reports that have emerged from the IBAC hearings, which – as most will know – Cr Rick Garotti was a witness at last week.

While the hearings primarily relate to Cr Garotti's role in the Labor Party, some of the matters raised also cover his position of authority within Banyule Council.

Cr Garotti has informed Banyule Council that he has taken a leave of absence from his role as councillor for personal reasons, effective immediately and has stepped down as Mayor. I, as Deputy Mayor, have now assumed the role of Mayor.

The IBAC hearings referenced Council's practices when it comes to funding community organisations.

While I am confident that the integrity of Banyule Council remains intact, we take these matters very seriously.

Earlier this year, we conducted an independent audit of our grants and funding for community organisations, the results of which were presented to our Independent Audit and Risk Committee. In light of the matters raised before IBAC, we have now started a secondary audit.

We will continue to monitor developments at IBAC and, as we have throughout the hearings, will fully cooperate if called upon to provide any further information, and action any recommendations accordingly.

As a Council we understand the concern around these recent reports and wanted to address those directly."

Present

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

Apologies

Nil

Leave of Absence

Cr Rick Garotti submitted a Leave of Absence for the period of 21 October to 7 November 2021 (inclusive) noting also that Cr Garotti is stepping down from the remaining duration of his role as Mayor which concludes at 6am on 8 November 2021.

Moved: Cr Alison Champion

Seconded: Cr Peter Dimarelos

CARRIED

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 4 October 2021

Moved: Cr Elizabeth Nealy

Seconded: Cr Peter Dimarelos

CARRIED

Disclosure of Interests

Nil

Presentation

Nil

11. URGENT BUSINESS

Nil

12. PETITIONS

Nil

3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

3.1 ESTABLISHMENT OF THE BANYULE COMMUNITY FUND

A written statement was read out on behalf of Nola McDowell by Jonathan Risby, Acting Director City Development

SUMMARY

1. The proposed Banyule Community Fund (the Banyule Fund) establishes a philanthropic named fund under the auspice of the Australian Communities Foundation (ACF). It will enable Council, businesses, organisations and individuals to make taxable and non-taxable donations towards the Fund, becoming the local vehicle for structured charitable giving.
2. The Fund offers a modern and innovative approach to grant giving and reflects best practice in social transformation and philanthropy. Council's strategic priorities and current granting will be key inputs.
3. The Banyule Fund will not incur any establishment costs. Ongoing costs include the following:
 - \$20,000 initial donation due within 12 months and held as a fund minimum (and granted out upon closing);
 - Annual fees of 2.2% for administration and 0.37% for investment based on the balance of the ACF pooled corpus;
 - Any other donations Council may approve from time to time.
4. The Banyule Fund is a relationship between Council and the Australian Communities Foundation (ACF). The ACF will be the trustees and have legal responsibilities for donated funds.
5. The appointment of a specialist staff resource that has marketing and philanthropy expertise would safeguard the success and growth of the Banyule Fund. It is anticipated that this resource would be in place for the next 4 years at a Band 6 Award level for 0.6 EFT (\$75,000 including oncosts).

Resolution (CO2021/202)

That Council:

1. Establish the Banyule Community Fund, a philanthropic fund in perpetuity in partnership with the Australian Communities Foundation (ACF) as the trustees.
2. Approve an additional allocation of \$37,500 (6 months pro rata) from the 2021/22 budget for the employment of a temporary specialist 0.6 EFT at a Band 6 Award level to market and grow the Banyule Fund.
3. Refer funding for employment of a temporary specialist 0.6 EFT for years 2, 3 and 4 to the 2022/23 budget process.
4. Receive a progress report in July 2022 or 6 months after the establishment of the fund and further receives a statement of all donations made to the fund and grants made from the fund on an annual basis.

Moved: Cr Alida McKern

Seconded: Cr Peter Dimarelos

CARRIED

3.2 INCLUSIVE EMPLOYMENT PROGRAM 2020/21 UPDATE

**A written statement was read out on behalf Nola McDowell by Darren Bennett,
Director Assets & City Services**

SUMMARY

1. Council's 2020/21 financial year Inclusive Employment Program concluded on Friday 24 September 2021. 10 participants successfully completed the program and strong outcomes for the program and participants were achieved.
2. Preparations are currently underway for the 2021/22 financial year Inclusive Employment Program to be delivered in a COVID-Safe format. 15 new placements and 5 transitional pathway placements aim to be created.
3. It is timely that Council consider the program viability long term as a portion of the programs budget will cease at the end of the 2020/21 financial year. Council has an opportunity to commit to an ongoing operational budget that enables the long term delivery of Council's Inclusive Employment Program.
4. It is proposed that Council commits long term to existing operating budgets and that any existing initiatives budgets due to cease at the end of the 2020/21 financial year are moved to Council's operating budget.
5. The cost of the initiative to be transferred to permanent operating expenditure totals \$317,120.

Resolution (CO2021/203)

That Council:

1. Notes the continued achievements of the Inclusive Employment Program.
2. Note the progress of the preparations are currently underway for the 2021/22 financial year Inclusive Employment Program.
3. Further commits to the continuation of program by approving the incorporation of the existing initiatives budgets, due to cease at the end of the 2020/21 financial year, as a permanent resource made up of:
 - a. One full-time permanent 6 EFT Inclusive Employment Program Officer role that is responsible for the end-to-end delivery of the program.
 - b. Inclusive Employment Program Salaries and oncosts of \$200,000. This budget is used to create Inclusive Employment Program placements which includes green-collar roles that support Council's Climate Action Plan.

Moved: Cr Elizabeth Nealy
Seconded: Cr Alison Champion

CARRIED

4. PLANET – ENVIRONMENTAL SUSTAINABILITY

Nil

5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT**5.1 419 AND 421 UPPER HEIDELBERG ROAD, IVANHOE - PROPOSED LAND EXCHANGE****SUMMARY**

1. The proposal involves exchanging part of the Council Land at Parcel A (966m²) with part of the Yarra Valley Water (YVW) Land at Parcel B (2081m²).
2. The increased area of land and improved park is consistent with a Heads of Agreement established between Council and YVW and the outcome of Planning Scheme Amendment C116, gazetted in October 2018.
3. Section 116 of the Local Government Act 2020 ('the Act') stipulates that Council has the power to transfer, exchange or lease any land to any public body without consideration and Section 114 does not apply to any transfer, exchange or lease under this section. YVW is considered a public body. Consultation on the land exchange was undertaken throughout the Planning Scheme Amendment process and further community consultation will be required as part of the Development Plan.
4. As no statutory procedures are required to be undertaken, Council can decide whether or not to approve the land exchange proposal.

Resolution (CO2021/204)

That Council:

1. Approves the land exchange involving:
 - a. Council Land (Parcel A) contained on Certificate of Title volume 10293 folio 472 and described as Lot 2 on PS349641N and has an area of 966m².
 - b. Yarra Valley Water (YVW) Land (Parcel B) known as part 421 Upper Heidelberg Road, Heidelberg contained on Certificate of Title volume 10293 folio 471 and described as Lot 1 on PS349641N has an area of 2081m².
 - c. Council entering into a Section 173 Agreement to use and maintain the Licensed Area (E-2) in 'Parcel A' for the purpose of a shared pathway providing access to and egress from Upper Heidelberg Road to the new park.
 - d. Council entering into a Section 173 Agreement to licence 'Parcel A' to use and maintain the existing park and playground until the new parks works are complete.
 - e. Council entering into a laydown licence with Development Victoria (DV) following YVW's sale of the property to DV.
 - f. A boundary realignment subdivision be undertaken pursuant to the relevant provisions of the Subdivision Act 1988; and
 - g. Reimbursement by the Developer of all of Council's out of pocket expenses associated with the negotiation, preparation, execution and completion of the land exchange.
2. Council authorises the Director City Development to execute all associated documents pertaining to the land exchange, plan of subdivision, section 173 Agreement, licences and land transfers.

Moved: Cr Peter Dimarelos
Seconded: Cr Fiona Mitsinikos

CARRIED

5.2 10A TATE STREET, IVANHOE - PROPOSED SALE OF LAND**SUMMARY**

1. Council owns land (approximately 190m²) described as Lot A on PS747610F and contained on Certificate of Title Volume 12147 Folio 367 and bounded by 1/10, 2/10, 12 Tate Street, Ivanhoe and 27 Ailsa Grove, Ivanhoe (Subject Land).
2. It is proposed to sell parcels of the Subject Land to four abutting landowners by private treaty.
3. Council has undertaken statutory procedures pursuant to sections 55 and 114 of the *Local Government Act 2020* ('the Act') giving notice of its intention to sell the Land by private treaty.
4. Public notice was given in on Council's website and signage erected on the land from 13 September 2021 advising of Council's intention to sell the Subject Land to abutting property owners generally in accordance with the Land Allocation Plan given as Attachment 1. Public submissions were invited in accordance with Council's Community Engagement Policy and Procedures. The Submission period closed on 12 October 2021. No submissions were received.
5. Council has completed statutory procedures under section 114 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of land to by private treaty and can now decide whether or not to sell the Subject Land.

Resolution (CO2021/205)

That Council:

1. Having not received any submissions to the proposal resolves to sell the Subject Land known as 10A Tate Street Ivanhoe and described as Lot A on PS747610F and contained on Certificate of Title Volume 12147 Folio 367 and bounded by 1/10, 2/10, 12 Tate Street, Ivanhoe and 27 Ailsa Grove, Ivanhoe by private treaty in accordance with section 114 of the *Local Government Act 2020* and the Proposed Land Allocation Plan at Attachment 1.
2. Authorises a plan of subdivision application pursuant to the relevant provisions of the *Subdivision Act 1988* required to sell the Subject Land.
3. Authorises the Chief Executive Officer to negotiate and settle the land sale agreements and execute all associated documents to affect the sale and transfers of the Subject Land.

Moved: Cr Alida McKern

Seconded: Cr Elizabeth Nealy

CARRIED

5.3 87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019)

A written statement was read out on behalf of Elle Harrington by Marc Giglio, Director Corporate Services.

SUMMARY

1. Planning Permit P363/2019 was issued in January 2019 and allowed the development of the site with a mixed use multi-storey development (including two 18 storey buildings, a 15 storey and a 14 storey building).
2. This is an application to amend the permit. The amendments include:
 - alterations to building designs and associated internal layout change to make provision for an additional 60 apartments, increased from 491 to 551 apartment with associate variation in carparking, motorcycle parking and bicycle parking;
 - modifications to the rear setbacks of Buildings B, C and D;
 - the height of Buildings B and C reduced by 1.1 metres;
 - the height of Building D increased by two additional levels; and
 - Amendments to the permit preamble and permit conditions.
3. The changes will add some height to Building D and will increase the total number of apartments, however the increase in the amount of apartments will not have a detrimental impact the traffic and parking arrangements and the local traffic network will still function adequately
4. The changes to the building forms will still maintain a stepped and articulated building profile to the rear with landscaped balconies still present to provide green space to the south elevation. The change in building profiles will not result additional overshadowing of the residential properties to the south and will continue receive adequate daylight.
5. The proposed changes are broadly contained within the context of the original approval having minimal impacts on both the immediate neighbouring and nearby properties.
6. The changes will also allow for an inclusion of 27 apartments for Vasey RSL Care RSL who provide residential dwellings for seniors, veterans and war widows and partners/spouses. The Vasey RSL Care office will also be able to be co-located within the building providing easy access to residents.
7. For these reasons the amendment should be supported.

Resolution (CO2021/206)

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant an Amended Planning Permit** in respect of Application No. P363/2019 allowing the following amendments:

- Amend the permit preamble to “Building and works for a staged mixed use multi-storey development (including two 18 storey buildings, a 15 storey and a 16 storey building); Use of land for offices and shops; and Alteration of access to a road in a Road Zone, Category 1
- Increase in building height of Building D of two storeys;
- A reduction of 1.1 metres to the maximum building height of Buildings B and C;
- Modifications to the rear setbacks of Buildings B, C and D;

- Increase in apartment numbers to 551;
- Increase in car parking spaces to 709;
- Increase in motorcycle parking to 35 spaces;
- Internal layout changes as a result of the above;
- Amendments to building heights referenced in the permit preamble; and
- Amendment to Condition 1(k) to correctly refer to the relevant sections of Condition 1.
- Conditions will be included requiring the plans be amended to show retention of 313 bicycle parking spaces as per the existing approved plans.
- Conditions will be included requiring updating of the Sustainability Management Plan to require that “Car parking areas are to be EV ready with a dedicated distribution board to accommodate future cabling for EV charging.
- Conditions will be included the Sustainability Management Plan must be updated to align with the arrangements of the Waste Management Plan with regard to food organic waste
- Conditions will be included requiring all timber certified as FSC sustainable timber and low-VOC floor and wall coverings

Moved: Cr Peter Dimarelos
Seconded: Cr Alison Champion

CARRIED

5.4 NORTHERN METRO LAND USE FRAMEWORK PLAN SUBMISSION

SUMMARY

1. The Victorian State Government has prepared the draft *Northern Metro Land Use Framework Plan* (LUFPP). The LUFPP was released for public consultation on 24 August 2021. Consultation has been conducted by the State Government, and Council along with members of the community have been able to make a submission.
2. The purpose of this report is to outline the key issues in the LUFPP and for Council to consider and endorse its submission to the State Government. Consultation closes on 24 October 2021, however; the State Government has agreed that Council's submission can be received on the 26 October 2021 so that an endorsed Council position can be submitted.
3. The Northern Metro LUFPP was prepared as an action of the Metropolitan Strategy, *Plan Melbourne* (2017). It applies to the local government areas of Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik and Whittlesea.
4. The LUFPP is a 30-year strategic vision that provides guidance on how the region will shape population and industry growth, inform plans for service and infrastructure development, guide public and private investment, protect the distinctive and historic characteristics of the Northern Metro region and improve environmental resilience.
5. Overall, it is a positive step to have a focused regional plan. Like many State Government plans of this nature – the LUFPP is high level but reasonably short on implementation details and commitments. Of most note to Banyule is:
 - The action to establish a local and state government partnership to coordinate planning for the La Trobe National Employment and Innovation Cluster (La Trobe NEIC).
 - The recognition of the opportunities in the Heidelberg Activity Centre and support for the emerging structure planning work, and the acknowledgement of the Heidelberg West Business Park as 'regionally significant'.
 - The new 'housing investigation areas' in highly accessible locations of Rosanna, Macleod and Watsonia in addition to major activity centres and urban renewal areas as a focus for housing growth.
 - The indicative future Suburban Rail Loop (SRL) alignment and future planning for SRL stations, including Heidelberg (in the longer term).
 - The need for changes to local planning schemes to implement the LUFPP.
6. Council's submission to the LUFPP is in Attachment 1. It gives 'in principle' support for the draft LUFPP and identifies some areas where changes could be made to align with work already done, or to give greater clarity including:
 - Strong support for the appointment of a lead agency to coordinate planning for the La Trobe NEIC.
 - Require significantly more information on 'housing growth areas' and the policy and resourcing implications. They are currently little more than an outline of an idea in the LUFPP.
 - More accurate description of the public and active transport challenges facing the region and actions to address them in both the short and long term.
 - Clarity on how more generalised strategies can be acted upon or tailored specifically for the Northern Metro Region.

- Commitment to better whole-of-place integrated planning and transport outcomes around new train stations/ transport nodes – including Greensborough and Watsonia.
- Clearer resourcing and timing commitments in the Implementation Plan.

Resolution (CO2021/207)

1. Give 'in principle' support to the vision, directions, strategies and actions of the draft Northern Metro Land Use Framework Plan (LUFP).
2. Endorse the submission at Attachment 1 to the draft LUFP to be submitted under covering letter by Council's Chief Executive Officer (CEO), which generally supports the plan, and identifies areas where changes can be made, including to:
 - a) Better align the LUFP with the work of Banyule and other State Government Departments and Agencies.
 - b) Give more clarity on how the LUFP will be enacted through the proposed Implementation Plan with a commitment that Council is actively consulted and collaborated with during the design and development of these projects.
 - c) Indicate that major changes are required to the strategic cycling corridors in Banyule and requesting an immediate review and update by the Department of Transport of the routes.
2. Note that the final submission will be the subject of minor drafting, presentation and administrative edits by the CEO.

Moved: Cr Peter Castaldo

Seconded: Cr Alison Champion

CARRIED

6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE

6.1 QUARTER 1 ADVISORY COMMITTEES REPORT

SUMMARY

1. Advisory Committees are made up of Councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council's strategic plan for their respective focus.
2. Advisory Committees provide important linkages between Council, Community, State agencies and interest groups. Following an Advisory Committee meeting, a report will be submitted to Council to note the minutes and consider any issues raised by the committees.
3. The following Minutes are presented for noting:
 - o Reconciliation Action Plan Advisory Committee
 - o Arts and Culture Advisory Committee
 - o Banyule Environment & Climate Action Advisory Committee
 - o Multicultural Committee
 - o Disability and Inclusion Committee
 - o LGBTIQ+ Committee
 - o Age-Friendly City Committee
4. The RAP Advisory Committee Recommended the Co-Chair role receives additional remuneration to acknowledge the additional work and responsibilities of the Co-Chair
5. The Banyule Environment and Climate Action Advisory Committee recommended that Council allocates further funding to the Better Score Program to ensure another round of funding can be implemented as soon as feasible.

Resolution (CO2021/208)

That Council:

1. Notes the following minutes/reports:
 - a) Reconciliation Action Plan (RAP) Advisory Committee
 - b) Arts and Culture Advisory Committee
 - c) Banyule Environment & Climate Action Advisory Committee
 - d) Multicultural Committee
 - e) Disability and Inclusion Committee
 - f) LGBTIQ+ Committee
 - g) Age-Friendly City Committee
2. Notes the recommendation from Reconciliation Action Plan Advisory Committee that the Co-Chair role receives additional remuneration to acknowledge the additional work and responsibilities of the Co-Chair.
3. Refers consideration of additional remuneration for the Reconciliation Action Plan Co-Chair to a future Council meeting.

4. Notes the recommendation from the Banyule Environment and Climate Action Advisory Committee to allocate further funding to the Better Score Program to ensure another round of funding can be implemented as soon as feasible.
5. Refers the consideration of additional funds to enable the expansion of the Better Score Program to the 2022/23 budget process.

Moved: Cr Peter Castaldo

Seconded: Cr Elizabeth Nealy

CARRIED

6.2 BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031**SUMMARY**

1. Since November 2020, Council has been on a journey to undertake an extensive deliberative engagement program to inform the development of the Banyule Community Vision, Council Plan and Financial Plan. This is in accordance with the *Local Government Act 2020* (the Act) that requires these documents to be developed and adopted by 31 October 2021.
2. Banyule 2041 Shaping Our Future Project (the Project) has been delivered in several stages.
 - **Stage 1** - key findings report was endorsed at the Ordinary Council Meeting on 22 March 2021.
 - **Stage 2** - representative sample of the Banyule community joined the Banyule 2041 Community Working Group (CWG) which in accordance with deliberative engagement practices gave the community a voice and platform to shape the future of Banyule. The Community Working Group Journey Report and the Banyule Community Vision 2041 were endorsed at the Ordinary Council Meeting on 19 July 2021.
 - Findings from both stages, combined with Councillor priorities and the existing organisational plans, were utilised to develop the draft Council Plan 2021- 2025 and Financial Plan 2021 - 2031
 - **Stage 3** – from 10 August to 7 September 2021, the draft Council Plan 2021-2025 and draft Financial Plan 2021–2031 were placed on public exhibition to seek further feedback from the wider community.
3. The Council Plan 2021-2025 and Financial Plan 2021-2031 have incorporated community aspirations, values, focus and feedback from all stages of the project and are now ready for Council to consider for adoption.
4. The new Council Plan 2021-2025 and Financial Plan 2021-2031 will play a critical role by supporting the implementation of the Banyule Community Vision 2041.

Resolution (CO2021/209)

That Council:

1. In accordance with Section 90 (3) of the *Local Government Act 2020* (the Act) adopt the Banyule Council Plan 2021- 2025 (the Council Plan).
2. Note that in accordance with Section 90 (4) of the Act, the Council Plan takes effect from 1 July 2021.
3. In accordance with Section 91 (4) of the *Local Government Act 2020* (the Act) adopt the Banyule Financial Plan 2021- 2031 (the Financial Plan).
4. Note that in accordance with Section 90 (5) of the Act, the Financial Plan takes effect from 1 July 2021
5. Note In accordance with Sec 18 (1) (d), Council will be reporting on the progress of the Council Plan 2021-2025 to the community on regular basis.

Moved: Cr Elizabeth Nealy
Seconded: Cr Peter Castaldo

CARRIED

6.3 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

1	Date of Meeting:	27 September 2021 – 6.30pm										
	Type of Meeting:	Councillor Briefing										
	Matters Considered:											
	<ul style="list-style-type: none"> • Councillor Training: Prevention of Sexual Harassment and Gender Equity • Council Plan & Financial Plan update • General Business 											
	Councillors Present:											
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Peter Castaldo</td> <td style="width: 50%;">Alida McKern</td> </tr> <tr> <td>Alison Champion</td> <td>Tom Melican</td> </tr> <tr> <td>Peter Dimarelos</td> <td>Fiona Mitsinikos</td> </tr> <tr> <td>Mark Di Pasquale</td> <td>Elizabeth Nealy</td> </tr> <tr> <td>Rick Garotti</td> <td></td> </tr> </table>		Peter Castaldo	Alida McKern	Alison Champion	Tom Melican	Peter Dimarelos	Fiona Mitsinikos	Mark Di Pasquale	Elizabeth Nealy	Rick Garotti	
	Peter Castaldo	Alida McKern										
Alison Champion	Tom Melican											
Peter Dimarelos	Fiona Mitsinikos											
Mark Di Pasquale	Elizabeth Nealy											
Rick Garotti												
Staff Present:												
<p>Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Corporate Governance and Communications</i> Kerryn Woods – <i>Acting Governance Coordinator</i> Emily Outlaw - <i>Acting Governance Coordinator</i> Roberta Colosimo – <i>Manager of Youth and Family Services</i> Kamal Singh – <i>Integrated Planning Project Manager</i></p>												
Others Present:												
Karen Maher – Smart Culture												
Conflict of Interest:	Nil											

2	Date of Meeting:	4 October 2021 – 5.30pm
	Type of Meeting:	Council Meeting Pre-Briefing
	Matters Considered:	
	<p>Items listed on the agenda for Council Meeting 4 October 2021 as below:</p> <p>3.1 Christmas Day Gathering for Isolated or Underprivileged People 3.2 Bellfield Social Enterprise Cafe 3.3 Reimagining Olympic Leisure Centre</p>	

5.1	Greensborough North East Gateway Integrated Strategic Plan
5.2	Banyule Planning Scheme Amendment C107 (Treetop climbing facility) at 340 -680 The Boulevard, Ivanhoe East
5.3	7-11 Cartmell Street, Heidelberg - proposed sale of land
Councillors Present:	
Peter Castaldo	Alida McKern
Alison Champion	Tom Melican
Peter Dimarelos	Fiona Mitsinikos
Mark Di Pasquale	Elizabeth Nealy
Rick Garotti	
Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i>	
Darren Bennett – <i>Director Assets & City Services</i>	
Marc Giglio – <i>Director Corporate Services</i>	
Joel Elbourne – <i>Acting Director City Development</i>	
Kath Brackett – <i>Director Community Programs</i>	
Gina Burden – <i>Manager Corporate Governance and Communications</i>	
Kerryn Woods – <i>Acting Governance Coordinator</i>	
Emily Outlaw - <i>Acting Governance Coordinator</i>	
David Pascolo – <i>IT Infrastructure Analyst</i>	
Duncan Stephen – <i>JETS Sound Engineer / Program Assistant</i>	
Jay Mifsud – <i>Youth Program Officer (FReeza)</i>	
Megan Kemp – <i>Councillor Support & Civic Events Officer</i>	
Others Present:	
Nil	
Conflict of Interest:	Nil

3	Date of Meeting:	5 October 2021 – 7.30pm
	Type of Meeting:	Watsonia Town Square Community Group Reference Group Meeting
Matters Considered:		
<ul style="list-style-type: none"> • Watsonia Town Square – Concept Design Options • Watsonia Town Square – Public Toilet Design 		
Councillors Present:		
Alison Champion		
Mark Di Pasquale		
Rick Garotti		
Staff Present:		
Jonathan Risby – <i>Manager of Transport</i>		
Erica Hardie – <i>Senior Project Manager</i>		
Others Present:		
Jeremy Richards, Watsonia Traders Association		
Sarah Maguire, Watsonia Traders Association		
Shaun Paine, Rex Paine Timber and Hardware		
John Kiriakidis		
Susannah Madden		
Kate van der Drift		
Barbara Armstrong, Yarra Plenty Regional Library Watsonia Branch		

Luke Nelson Rev Denise Nicholls, Anglican Parish of Banyule Paul Johnson, Watsonia Primary School Alexander Madden Acacia Karabatsos Nathan Mundy, Group GSA Rita Fernandes, Group GSA Richard Weinman, Group GSA	
Conflict of Interest:	Nil

4	Date of Meeting:	11 October 2021 – 6.30pm								
	Type of Meeting:	Councillor Briefing								
	Matters Considered:									
	<ul style="list-style-type: none"> • Waste Update (FOGO) • Unconstructed Roads • Banyule Community Fund • General Business 									
	Councillors Present:									
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Peter Castaldo</td> <td style="width: 50%;">Alida McKern</td> </tr> <tr> <td>Tom Melican</td> <td>Rick Garotti</td> </tr> <tr> <td>Peter Dimarelos</td> <td>Fiona Mitsinikos</td> </tr> <tr> <td>Mark Di Pasquale</td> <td>Elizabeth Nealy</td> </tr> </table>		Peter Castaldo	Alida McKern	Tom Melican	Rick Garotti	Peter Dimarelos	Fiona Mitsinikos	Mark Di Pasquale	Elizabeth Nealy
	Peter Castaldo	Alida McKern								
Tom Melican	Rick Garotti									
Peter Dimarelos	Fiona Mitsinikos									
Mark Di Pasquale	Elizabeth Nealy									
Staff Present:										
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Joel Elbourne – <i>Acting Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Kerryn Woods – <i>Acting Governance Coordinator</i> Frances Gianinotti – <i>Community Partnerships Coordinator</i> Kathy Hynes – <i>Manager Operations</i> Lucy Rasdell – <i>Acting Manager Delivery & Assets</i> Mohammad Rashid – <i>City Assets Coordinator</i>										
Others Present:										
Nil										
Conflict of Interest:	Nil									

Resolution (CO2021/210)

That the record of councillor meetings report be received.

Moved: Cr Peter Dimarelos
 Seconded: Cr Peter Castaldo

CARRIED

7. PERFORMANCE - USE OUR RESOURCES WISELY**7.1 AUDIT & RISK COMMITTEE MINUTES - 17 SEPTEMBER 2021****SUMMARY**

1. The Audit & Risk Committee is an Advisory Committee and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. The *Audit & Risk Committee Charter* states the minutes of each meeting of the Audit & Risk Committee are required to be reported to a Council Meeting.
3. Consequently, the Minutes of the meeting held on the 17 September 2021 are being circulated for noting by Council.
4. The minutes are subject to confirmation by the Audit & Risk Committee at its next meeting, being held on 10 December 2021.

Resolution (CO2021/211)

That Council note the unconfirmed Minutes of the Audit & Risk Committee meeting held on the 17 September 2021.

Moved: Cr Peter Castaldo

Seconded: Cr Mark Di Pasquale

CARRIED

7.2 AUDIT & RISK COMMITTEE - RE-APPOINTMENT OF INDEPENDENT REPRESENTATIVE

A written statement was read out on behalf of Michelle Giovas by Kath Brackett, Director Community Programs

SUMMARY

1. Each Council must establish an Audit & Risk Committee (the Committee) in accordance with the *Local Government Act 2020*. Each Committee must adopt a Charter. The Charter sets out how the Committee will operate including the membership and terms of appointment. At Banyule, the Committee is made up of five members appointed by Council, three of whom must be independent members.
2. Professor Stuart Kells has been an Independent Representative on the Committee since 1 October 2018 with the first term concluding on 30 September 2021.
3. As outlined in the Committee Charter Independent Representatives may be re-appointed for a further term but will not be appointed for more than two consecutive terms.
4. Since his appointment, Professor Kells has showed a detailed understanding of the entity's business, displayed the ability to act objectively and independently and made a constructive contribution to the work of the committee. He has displayed a willingness to devote the time required to prepare and participate in committee meetings and engage with management outside committee meetings.
5. This report seeks to review the appointment term for Professor Stuart Kells, Independent Representative, on the Committee.

Resolution (CO2021/212)

That Council re-appoint Professor Stuart Kells as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 October 2021 and concluding 30 September 2024.

Moved: Cr Mark Di Pasquale
Seconded: Cr Peter Castaldo

CARRIED

7.3 ANNUAL REPORT 2020/2021**SUMMARY**

1. Banyule's Annual Report 2020/21 is a report to our community in relation to the achievement of Banyule's strategic direction as set out in its Council Plan 2017-2021 and Budget 2020/21, and contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
2. The Annual Report 2020/21 was approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer on 20 September 2021 for submission to the Victorian Auditor General and the Minister for Local Government (the Minister).
3. The Annual Report 2020/21 was submitted to the Minister on 1 October 2021, as required by Section 133 of the Act (with subsequent industry-wide extension).
4. A Public Notice was placed on Council's website and in The Age newspaper on 1 October 2021 which gave the legislatively required minimum fourteen (14) days' public notice, in accordance with Section 134(2) of the Act. The document was available during this period for inspection via Council's website.
5. The report is required to be considered by Council within 1 month of submission to the Minister.

Resolution (CO2021/213)

That Council:

1. Receives and notes the Annual Report 2020/21 incorporating the Report of Operations, Performance Statement and Financial Report.
2. Make available the Annual Report on Council's website and when restrictions are eased, copies be made available for inspection at Council's Service Centres.

Moved: Cr Elizabeth Nealy
Seconded: Cr Peter Dimarelos

CARRIED

7.4 DIGITAL TRANSFORMATION STRATEGY AND ACTION PLAN 2022 - 2025**SUMMARY**

1. The Digital Transformation Strategy and Action Plan 2021 – 2025 (2021 Strategy) is a new strategy based upon some of the constructs of the 2018 Digital Transformation Plan 2018 – 2020 (2018 Plan). These repeated items include the principles, vision, strategic pillars and some undelivered initiatives.
2. The Digital Transformation Strategy and Action Plan will drive investment in new information, communications and technology (ICT) services over the next three years.
3. To deliver the program over three financial years it is estimated to cost \$13.3 million. The projects identified in the Action Plan will be funded from both the Capital Works program and operational budgets.
4. The Strategy was developed in consultation with Council's service units taking into account current and future needs.
5. A key component of the Strategy is how digital transformation will use data and technology to redesign how Council works, how to provide efficient services and automate operational processes to deliver better value to customers

Resolution (CO2021/214)

1. Note the benefits Digital Transformation will deliver for the community
2. Note the significant investment to modernise its information and communications technology capability.
3. Approve the Digital Transformation Strategy and Action Plan 2021 – 2025.

Moved: Cr Mark Di Pasquale

Seconded: Cr Alida McKern

CARRIED

7.5 VARIATION - CONTRACT NO PA 2110-0503 SUPPLY OF MOBILE BINS**SUMMARY**

1. This report is seeking approval for a variation against Contract No. PA 2110-0503 - Supply of Mobile Bins, that was awarded to Trident Plastics (SA) Pty Ltd by Council at the 3 February 2020 Ordinary Council Meeting.
2. In 2019 Council participated in the Procurement Australia public tender process for the Supply of Mobile Bins. The services include the supply and delivery of a range of mobile bin products and related services under the two following categories:
 - a. Category 1 – Two and four wheeled bins in a range of sizes - provision of the basic unit (body, lid, wheels, axles, hinge pins etc.), accessories, markings and product assembly and/ or distribution.
 - b. Category 2 – RFID technology and bin spare parts - provision of RFID technology, two and four wheeled bin spare parts and field maintenance and repair services.
3. At the time the Tender Evaluation Panel (TEP) recommended awarding the contract to Trident Plastics (SA) Pty Ltd in accordance with the tender and conditions as determined by Council, as Council's preferred supplier for the supply of mobile bins and spare parts up to the value of \$720,000 over the five (5) years contract.
4. The report is seeking approval to spend in excess of the \$720,000 over a 5-year period to enable the purchasing of the 50,000 bins required for the Food and Garden Organics service roll out.
5. The associated expenditure for the purchasing of 50,000 bins is \$2,030,000 and is included in the 2021/22 Council Budget.

Resolution (CO2021/215)

That Council:

1. Note the extension, under delegation, of existing Contract No. PA 2110-0503 - Supply of Mobile Bins with Trident Plastics (SA) Pty Ltd to 31 October 2022.
2. Approves the formal variation of existing Contract No. PA 2110-0503 – Supply of Mobile Bins, to include the purchase of an additional 50,000 bins to the value of \$2,030,000 required for the roll out of the Food and Garden Organics service.
3. Note the allocation of \$3,830,000 in its 2021/22 budget for the roll out of the Food & Garden Organics service, which includes the purchasing of the bins required for the Food and Garden Organics service.

Moved: Cr Peter Castaldo

Seconded: Cr Elizabeth Nealy

CARRIED

8. SEALING OF DOCUMENTS

Nil

9. NOTICES OF MOTION**9.1 PLANNING SCHEME AMENDMENTS - STATE AND LOCAL PROJECTS**

TAKE NOTICE that it is my intention to move:

Resolution (CO2021/216)

That Council:

1. Notes with significant concern that a number of amendments have been made by the State Government to Victorian Planning Schemes without consultation with councils. Of most serious concern to Banyule Council are VC170, VC194, and VC198. The changes remove:
 - a. Council permit requirements,
 - b. Public Consultation
 - c. Consultation with local government, and
 - d. Third party rights of residents.
2. Write to the Minister for Planning and the shadow Minister for Planning to advocate that:
 - a. Meaningful consultation with the community and with local government on any reform proposals must occur before reforms are considered or introduced;
 - b. Community consultation must remain an integral consideration for planning decisions;
 - c. Community consultation must be a core part of major planning decisions and is critical for ensuring a transparent planning system.
3. Request the Mayor write to all Mayors of other local government agencies in the Melbourne Metropolitan area regarding Banyule's position.
4. Advise Northern Region Metro Council Mayors of Banyule City Council's position on this matter. and seeking collaborative and coordinated advocacy.
5. Request the CEO or delegate coordinate with other local governments regarding advocacy and provide updates to Council.
6. Request the CEO or delegate and Council MAV representative write to the MAV to take advocacy action.
7. Council's position be submitted for publication in the next edition of the PIA journal "Planning News" and/or any other suitable publications.

Moved: Cr Alida McKern

Seconded: Cr Alison Champion

CARRIED

10. GENERAL BUSINESS

10.1 PASSING OF NOEL HENRY OAM

A general business item was raised by Cr. Tom Melican acknowledging the passing of Noel Henry OAM, a former Heidelberg Councillor.

10.2 IVANHOE READING CIRCLE

A general business item was raised by Cr Alida McKern who spoke about the online celebration of Ivanhoe Reading Circle's 100th Birthday which was held on Saturday 23 October 2021.

10.3 BANYULE CITIZENSHIP CEREMONIES

A general business item was raised by Cr Alida McKern about the two online Citizenship Ceremonies held last week, and she welcomed all the new Australian Citizens of Banyule.

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 Alison Champion

Seconded: Cr Fiona Mitsinikos

CARRIED

The Meeting was closed to the public at 8.16pm.

Closure of Meeting

The Meeting was closed at 8.54pm.

DATED: DAY OF 2021

.....
MAYOR

The next Ordinary Meeting of Council will be held on Monday, 15 November 2021.

PUBLIC QUESTION TIME

NOTE: Several questions did not meet the criteria/guidelines for Public Questions as published on Council's website and would not normally be publishes. However, given the community concern about the IBAC hearings, and in the interest of public transparency, these questions have been allowed in this instance.

1.	<p>Name & Suburb</p> <p>Emilia Williams, Rosanna</p>
	<p>Question:</p> <p>What training do Councillors receive in regards to matter of conflict of interest, when was the most recent training and what assistance do they receive in determining whether they do have a conflict of interest?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>Conflict of interest (COI) training and information was provided to all councillors as part of the mandatory induction training they received post the Council elections in 2020, this was conducted in November 2020. Refresher training for all councillors on COI was also recently provided in September 2021.</p> <p>The following is an extract from "In the Public Interest - A Guide for Relevant Persons", Local Government Victoria's guide on COI for councillors and council staff:</p> <p>"The obligation to disclose a conflict of interest is a personal responsibility. Each relevant person must monitor their own circumstances and identify their conflicts of interests. If you have a conflict of interest, you must disclose it and exclude yourself from the decision-making process. This guide is not the only source of advice. Where appropriate, relevant persons may also seek assistance from:</p> <ul style="list-style-type: none"> • the Council's Chief Executive Officer or staff authorised by the CEO, • a lawyer or other suitably qualified person, • the Municipal Association of Victoria, • the Victorian Local Governance Association."
2.	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>What action can be taken by other councillors to remove a corrupt Mayor or councillor from the Banyule council?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>The <i>Local Government Act 2020</i> steps out the provisions related to councillor conduct and the processes for removal from Office. There are very limited circumstances in</p>

	<p>which this would apply, and removal of a councillor cannot be directly instigated by Council itself.</p>
3.	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>What social media training is undertaken by councillors to ensure that their activities and publications are factually correct, consistent with the code of conduct given that their posts may be made on privately managed pages (requiring membership) and with little public scrutiny?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>The Banyule Councillor Code of Conduct provides guidance and advice around the use of social media. Specific training on the use of social media is also made available to councillors through the Municipal Association of Victoria.</p>
4.	<p>Name & Suburb</p> <p>Michelle, Heidelberg</p>
	<p>Question:</p> <p>Can Council please advise for which projects along the Hurstbridge Line that it has a signed Memorandum of Understanding with the Level Crossing Removal Authority or Level Crossing Removal Project? Thank you</p>
	<p>Response:</p> <p><i>Jonathan Risby – Acting Director City Development</i></p> <p>An Organisation Confidentiality Undertaking with the Level Crossing Removal Project has been entered into for the Hurstbridge Line Duplication Stage 2 project and applies to Council Officers.</p>
5.	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>As Banyule Council's Fraud and Corruption Control Policy includes in its 'Fraud' examples; 'Release or misuse of misleading or inaccurate information for the purpose of deceiving, misleading or to hide wrongdoing', what is the penalty for a councillor participating in such activities?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p>

	<p>The <i>Local Government Act 2020</i> sets out the various penalties that may apply for breaches of conduct provisions by councillors. There are no specific penalties or provisions for the activity described in the question.</p>
6.	<p>Name & Suburb</p> <p>Alicia Curry, Rosanna</p>
	<p>Question:</p> <p>As council adopted the Fraud & Corruption Control Policy on 7th September 2020, why hasn't Banyule Council created and maintained the 'Fraud and Corruption Risk Register' as required by their own policy?</p>
	<p>Response:</p> <p><i>Marc Giglio, Director Corporate Services</i></p> <p>Council's Enterprise Risk Register contains 10 individual Parent Risks and each has a series of associated Child Risks. The revised Enterprise Risk Register was endorsed by Council's Audit and Risk Committee at its meeting held on 18 June 2021.</p> <p>In relation to Fraud and Corruption, the parent risk is: 'Fraudulent/corrupt behaviour by a member of staff, elected official and/or 3rd party'. There are 15 child risks'.</p>
7.	<p>Name & Suburb</p> <p>Shaylynn Zentay-Jones, Rosanna</p>
	<p>Question:</p> <p>What is council's policy on staff and councillors providing a submission or feedback through Shaping Banyule projects or liking / commenting on council's Facebook page?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>We understand that some of Council staff are also residents of Banyule. While staff are not precluded from making submissions on consultations, they need to do so in their own time and respecting the staff code of conduct to avoid any issues such as conflicts of interest.</p> <p>A councillor is not precluded from interacting with commentary on Council websites or social media. Any interactions must be within the guidelines of the Councillor Code of Conduct.</p> <p>It would not be appropriate for a councillor to provide a formal submission or contribution to a project asking for community feedback. A councillor's role is to consider community feedback prior to participating in the decision making.</p>
8.	<p>Name & Suburb</p> <p>Anonymous</p>

	<p>Question:</p> <p>Could council advise how many Freedom of Information Requests (FOI) they receive on average each month and the average number of days it takes council to complete requests.</p> <p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>Banyule processes around 25 valid FOI requests per financial year, each request varies in complexity and there are a number of requests in addition that do not proceed under Freedom of Information, for example when documents are publicly available.</p> <p>An agency has between 30 - 45 days from the date a valid request is made to provide a decision. A sample of the last three financial years showed the average number of days for a decision by Banyule was 38 days.</p> <p>Under the FOI Act agencies are required to report to the Information Commissioner (OVIC) annually on the requests received and processed. Further information can be found in OVIC's Annual Reports.</p>
9.	<p>Name & Suburb</p> <p>Carol McColl, Rosanna</p> <p>Question:</p> <p>How do I sign up to get the Banyule Council's News items emailed or notified to me automatically from council webpage?</p> <p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>This function does not currently exist on the Banyule website. Council's Communications Team is currently working on an expanded digital newsletter that people can subscribe to. This newsletter will feature news items and be emailed directly to subscribers.</p>
10.	<p>Name & Suburb</p> <p>Anonymous</p> <p>Question:</p> <p>Do Council have any plans to introduce a traders charge now or in the future for the outdoor dining spaces introduced in Banyule shopping centres, similar to the Greens dominated Yarra Council?</p> <p>Response:</p> <p><i>Jonathan Risby – Acting Director City Development</i></p> <p>At this point in time there are no current plans to introduce a charge for these sites. A report on Temporary Outdoor Dining Parklets was considered by Council on 28 June</p>

	<p>2021. In response to this report Council decided to approve the extension of the temporary parklets until 30 June 2022 and continue to waive the feeds until that date. A full review on the future of temporary parklets (ie beyond 30 June 2022) is scheduled early next year.</p>
11.	<p>Name & Suburb</p> <p>Michael Smith, Ivanhoe</p>
	<p>Question:</p> <p>My question is based on the final 60 seconds of Cr Rick Garotti's appearance at IBAC last week when counsel assisting put this to Cr Garo "This system of factional patronage it involved you and others in various acts of dishonesty ... it involved you and others engaging in, in various ways, the obtaining of public resources and public funds for factional purposes ... it involved looking after factional allies, giving them paid but fictional jobs ... and this is all done, isn't it, in order to pursue power - power for the faction, power within the party, power politically ... and it's the influence that people who have power are able to exercise over these processes that allows them to continue to recruit the likes of you to engage in these sorts of activities, isn't it?" Mr Carr said.</p> <p>Cr Garotti : "Correct."</p> <p>In the light of this exchange, how can Cr Garotti continue to serve as a Councillor?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>The comments referred to in the question do not relate to Cr Garotti's role as a Banyule councillor.</p> <p>Notwithstanding this, the <i>Local Government Act 2020</i> steps out the provisions related to councillor conduct and the processes for removal from Office. There are very limited circumstances in which this would apply, and removal of a councillor cannot be directly instigated by Council itself.</p>
12.	<p>Name & Suburb</p> <p>Sheryl O'Connor, Greensborough</p>
	<p>Question:</p> <p>Council should consider educational programs for dog owners who continuously allow their dogs off their lead when out in public. Shop owners, especially on shopping strip street, could be included in this, as many dogs stick their head in the doorway of shops and not only is this a OHS problem but disrespectful to other customers. Too many dogs off the lead in Banyule and there seems to be no rights for the citizens doing the right thing. This is problematic to children, those with dog phobias(7% of population) accessibility and people with disabilities and for other dog owners.</p>
	<p>Response:</p> <p><i>Jonathan Risby – Acting Director City Development</i></p>

	<p>Council provide regular community education and updates regarding responsible pet ownership requirements via the Banyule Banner, social media channels, website updates and newsletter correspondence. Pet owners are also reminded of their responsibilities when they register their pets.</p> <p>We undertake frequent pro-active park patrols to engage with the community to ensure information is being provided. Investigations of any complaints received are also undertaken to ensure compliance with our Local Laws.</p>
13.	<p>Name & Suburb</p> <p>Kay Smith, Ivanhoe</p>
	<p>Question:</p> <p>Based on the evidence before IBAC, can the Council guarantee that ratepayers funds were not used to assist branch stacking in ALP branches, even branches outside Banyule?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>Council has not received any of the evidence presented during the IBAC hearings and is unable to comment further on this matter while the hearings are underway.</p>
14.	<p>Name & Suburb</p> <p>Martyn Wild, Ivanhoe</p>
	<p>Question:</p> <p>Given Garotti's recent admission of extended and repeated dishonest and self serving behaviour at IBAC whilst as both Mayor and Councillor at BCC, he has patently brought BCC into disrepute. Why hasn't he been summarily dismissed as a result? Why is he being protected by the current CEO and allowed to remain as a Councillor, despite taking himself on 'extended leave'?</p>
	<p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>The accusation and inference that any councillor is being protected by the CEO is false, misguided, derogatory and possibly defamatory. The CEO has no power or ability to remove or dismiss a councillor, who is an elected representative, not an employee of the Council.</p> <p>Nor can the removal of a councillor be instigated by a Council itself. The <i>Local Government Act 2020</i> steps out the provisions related to councillor conduct and the processes for removal from Office. There are very limited circumstances in which this would apply.</p>
15.	<p>Name & Suburb</p>

	<p>Bruce Rodell, Ivanhoe East</p> <p>Question:</p> <p>Given the appalling revelations in IBAC last week, can the councillors assure me that my rates have not been used to stack ALP branches in the area?</p> <p>Response:</p> <p><i>Gina Burden Manager Corporate Governance & Communications</i></p> <p>The IBAC hearings referenced Council's practices when it comes to funding community organisations, we take these matters very seriously.</p> <p>Earlier this year, we conducted an independent audit of our grants and funding for community organisations, the results of which were presented to our Independent Audit and Risk Committee. The audit identified a small number of areas which could be strengthened and we have already begun implementing changes to address these. In light of the matters raised before IBAC, we have now started a second audit.</p> <p>We will continue to monitor developments at IBAC and, as we have throughout the hearings, will fully cooperate if called upon to provide any further information.</p>
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