

# Council Meeting

## Minutes

**Date:** Wednesday 15 March 2023

**Venue:** Civic Centre (Council Meeting Room)  
13 Mair Street, Benalla

The Council Meeting was live streamed and recorded. Members of the public were encouraged to watch the live broadcast of the meeting at [www.benalla.vic.gov.au](http://www.benalla.vic.gov.au)

In accordance with Rule 6.4 of the *Governance Rules 2020* an audio recording was made of the proceedings of the meeting.



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# Minutes

<b>Chair</b>	Councillor Bernie Hearn (Mayor)	
<b>Councillors</b>	Councillor Danny Claridge	
	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Punarji Hewa Gunaratne	
	Councillor Justin King	
	Councillor Gail O'Brien	
<b>In attendance</b>	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Jane Archbold	Manager Community
	Janine McMaster	Manager People and Performance
	Courtney Naughton	Manager Economic Development and Sustainability
	Nathan Gasperoni	Environmental Sustainability Officer
	Tracey Beaton	Acting Governance Coordinator

## Opening and Acknowledgment of Country

The Chair opened the meeting at 6.03pm and recite the following Acknowledgement of Country.

*We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.*



**Statement of Commitment**

The Councillors will recite the following Statement of Commitment:

*I declare,  
that as a Councillor of Benalla Rural City  
I will undertake on every occasion  
to carry out my duties in the best interests of the community  
and that my conduct shall maintain the standards of our Councillor Code of Conduct  
so that I may faithfully represent  
and uphold the trust placed in the Council  
by the people of Benalla and District.*

**Disclosures of Conflict of Interest**

See item 4.10.

**Apologies**

It is noted that Councillor Gail O'Brien is on an approved leave of absence.

**Cr Firth / Cr King:**

**That the apology/ies be accepted and a leave of absence granted.**

**Carried**

**Confirmation of the previous Meeting Minutes**

The minutes have been circulated to Councillors and posted on the Council website [www.benalla.vic.gov.au](http://www.benalla.vic.gov.au) pending confirmation at this meeting.

**Cr Davis / Cr Gunaratne:**

**That the Minutes of the Council Meetings held on 8 February 2023 be confirmed as a true and accurate record of the meeting.**

**Carried**



## 1. Public Question Time

It is recorded that Sabine Smyth tabled the below questions.

*What number of signatures on a petition to Council are considered (by Council) sufficient and representative of the community?*

The Chief Executive Officer answered that as described in the *Governance Rules 2020* a petition must be received from at least 12 persons.

*When is the next Council review of the Community Engagement Policy?*

The Chief Executive Officer answered that the Community Engagement Policy is scheduled for review in February 2024.

**Cr Davis / Cr King:**

**That the questions and answers be noted.**

**Carried**

## 2. Petitions

No petitions were submitted to the meeting.

## Record of Committees

### 3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 1 March 2023 were presented.

**Cr Claridge / Cr King:**

**That the recommendations of the Finance and Planning Committee meeting held on Wednesday 1 March 2023 be adopted.**

**Carried**



### 3.2 Assemblies of Councillors, Advisory and External Committees

Under Council's *Governance Rules 2020* the Chief Executive Officer is required to provide a written record of the Assemblies of Councillors at a scheduled Council Meeting.

Copies of the Minutes from the following meetings have been provided to councillors under separate cover.

#### January 2023

20 January 2023	Australia Day Advisory Committee
25 January 2023	Assembly of Councillors – Business Review

**Cr Davis / Cr King:**  
**That the report be noted.**

**Carried**

### Officer Reports

#### 4.1 Authorisation of Signing and Sealing of Documents

No documents were submitted for signing and sealing.





#### 4.2 Proposed Tesla Carpark Lease

The report presents submissions received on a proposal for Tesla to lease Council-owned land for the purpose of an electric vehicle charging station.

**Cr Claridge / Cr King:**

1. That submissions be received.
2. That in-principle support be given to the installation of an electric vehicle supercharger in the carpark at the rear of 49-59 Smythe Street, Benalla.
3. That licence agreement negotiations be finalised with Tesla Motors Australia Pty Ltd for the use and occupancy of land at the rear of 49-59 Smythe Street, Benalla.
4. That a report on licence agreement negotiations be presented to the Finance and Planning Committee meeting on 5 April 2023.
5. That submitters be advised of the Council's decision.

**Carried**

#### 4.3 Arthur Baird Memorial Sculpture

The report presents for consideration the installation and commissioning of a sculpture dedicated to Arthur Baird, a former Benalla resident and founding member of QANTAS.

It is noted that Barry O'Connor spoke in favour of the Arthur Baird Memorial sculpture.

**Cr Firth / Cr Davis:**

**That the proposed Arthur Baird Memorial sculpture be endorsed for public exhibition for a period of at least 28 days.**

**Carried**

#### 4.4 Benalla Airport – Intention to Lease Land

The report finalises the matter of intention to lease land to Mr Martin Jacobson for the development of aircraft hangarage at the Benalla Airport.

**Cr Claridge / Cr King:**

1. That in accordance with Section 115 of the *Local Government Act 2020*, a lease agreement be entered into with Mr Martin Jacobson for Hangar site 28 at the Benalla Airport, Samaria Road, Benalla for a term of five years commencing 1 July 2023 with an option for four further terms of five years.
2. That the Chief Executive Officer be authorised to execute lease documentation on behalf of the Council.

Carried

#### 4.5 2022/23 Quick Response Grants Program

The report presents funding applications for 2022/23 Quick Response Grants.

**Cr Claridge / Cr Gunaratne:**

That \$500 grants from the 2022/2023 Quick Response Grant program be allocated to Lima South Hall Committee and the Benalla Clydesdale and Heavy Horse Driving Day.

Carried

#### 4.6 Community Department Activity Report For The Quarter Ended 31 December 2022

The report presents activity for the Community Department for the quarter ended 31 December 2022.

**Cr King / Cr Firth:**

That the report be noted.

Carried



**4.7 People and Performance Department Activity Report For The Quarter Ended 31 December 2022**

The report presents the activities of the People and Performance Department for the quarter ended 31 December 2022.

**Cr Gunaratne / Cr Davis:**  
That the report be noted.

**Carried**

**4.8 Finance Department Activity Report For The Quarter Ended 31 December 2022**

The report presents an overview of the functions of the Finance Department for the quarter ended 31 December 2022.

**Cr King / Cr Claridge:**  
That the report be noted.

**Carried**

**4.9 Local Government Performance Reporting Framework - Report Of Operations For Half-Year Ending 31 December 2022**

The report presents half-year service performance indicator results under the Local Government Performance Reporting Framework.

**Cr King / Davis:**  
That the report be noted.

**Carried**



Cr Gunaratne declared a general conflict of interest in the following item.

#### 4.10 Councillor Conduct Panel Determination

The report tables the *Councillor Conduct Panel Determination and Statement Of Reasons For Decision* in the matter of an application by Cr Gunaratne concerning Cr Claridge.

Cr Gunaratne left the meeting at 7.07pm.

**Cr Claridge / King:**

**That the *Councillor Conduct Panel Determination and Statement Of Reasons For Decision* be noted.**

**Carried**

Cr Gunaratne returned to the meeting at 7.14pm.

#### 4.11 Councillors Expenses For The Quarter Ended 31 December 2022

The report details expenditure associated with Councillors' mobile phone usage, attendance at professional development courses and conferences and seminars, and reimbursement of expenses incurred during the quarter ended 31 December 2022.

**Cr Davis / Cr King:**

**That the report be noted.**

**Carried**

#### 4.12 Mayor and Councillor's Attendance at Committees and Civic Functions

The Mayor and Councillors attendance at meetings and events during the period from 30 January 2023 to 5 March 2023 were presented.

**Cr King / Cr Gunaratne:**

**That the report be noted.**

**Carried**

#### 4.13 Council Actions Pending

Council Actions Pending were presented.

**Cr King / Cr Davis:**  
**That the report be noted.**

**Carried**

#### 5. Reports by Councillors

Cr Claridge reported on his attendance at the:

- Benalla Historical Society Committee Meeting on 1 February 2023
- Benalla Family Research Group on 21 February 2023.

Cr King reported on his attendance at the:

- new Visitor Information Centre to view the progress with Councillors and the Victorian Regional Development Minister Harriet Shing on Friday 11 March 2023
- Swanpool Motor Festival on Sunday 12 March 2023.

Cr Firth reported on his attendance at the:

- Tatong Hall Committee Tri Annual General Meeting on 7 February 2023
- Moorngag Hall Committee Tri Annual General Meeting on 9 February 2023.

Cr Gunaratne reported on his attendance at the

- Benalla P-12 College Extraordinary School Council Meeting on 6 February 2023
- Benalla P-12 College School Council Meeting on 1 March 2023





Cr Hearn reported on her attendance at the:

- International Cricket Match between England and Victoria's over 70's on 16 February 2023.
- Benalla Art Gallery - Exhibition Celebration: Daniel O'Toole – Voices from the Void on 17 February 2023
- Ceremony commemorating the loss of HMAS Perth and USS Houston in the battle of Sunda strait during WW2 on 26 February 2023. The Council gifted a new Australian Flag to the Benalla RSL Sub Branch and this flag was flown at the ceremony.

**Cr King / Cr Claridge:**

**That the report(s) be noted.**

**Carried**

#### **6. Notices of Motion**

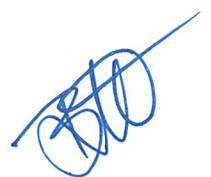
No notices of motion were submitted to the meeting.

#### **7. Notices of Rescission Motion**

No notices of rescission motion were submitted to the meeting.

#### **8. Urgent Business**

No urgent business was submitted to the meeting.



### Confidential Business

It was proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contain personal information or private commercial information that would result in the unreasonable disclosure of information about a person, their personal affairs or expose the business, commercial or financial undertaking if released:

- 9.1 Confidential Reports by Councillors
- 9.2 Confidential Council Actions Pending

**Cr Davis / Cr Claridge:**

**That the meeting be closed to the public for the consideration of the confidential business item noted above pursuant to Sections 3(1) and Section 66(2)(a) of the *Local Government Act 2020*.**

**Carried**



**10. Reopening of the meeting to the public**

**Cr Claridge / Cr Gunaratne:**

**That the meeting be reopened to the public.**

**Carried**

**Closure of the meeting**

The Council Meeting closed at 7.27pm.

**Confirmed this nineteenth day of April 2023.**

**Signed:** \_\_\_\_\_

**Chair – Cr Bernie Hearn (Mayor)**

