

Council Meeting

Agenda

Date: Wednesday 6 September 2023

Time: 5.30pm

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

Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning the Acting Governance Coordinator Tracey Beaton on (03) 5760 2600.

In accordance with Rule 6.4 of the *Governance Rules 2020* the Council Meeting will be livestreamed via the Council's website and an audio recording will be made of the proceedings.

Members of the public are encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

PO Box 227
1 Bridge Street East
Benalla Victoria 3671
Tel: 03 5760 2600
council@benalla.vic.gov.au
www.benalla.vic.gov.au

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Agenda

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Danny Claridge
Councillor Peter Davis
Councillor Don Firth
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Adrian Gasperoni Manager Assets and Infrastructure
Cathy Fitzpatrick Manager Finance
Greg Robertson Manager Facilities and Information Technology
Jess Pendergast Governance Coordinator

Opening and Acknowledgment of Country

The Chair will open the meeting 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.

Governance Matters

This Council Meeting is conducted in accordance with the *Local Government Act 2020* and the *Benalla Rural City Council Governance Rules 2020*.

Recording of Council Meetings

In accordance with the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.

Apologies and Leave of Absences

Recommendation:

That the apology/ies be accepted.

Confirmation of the previous Meeting Minutes

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Recommendation:

That the Minutes of the Council Meetings held on Wednesday 2 August 2023 be confirmed as a true and accurate record of the meeting.

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1. Public Question Time

The Council's *Governance Rules 2020* provide the opportunity for members of the public to lodge written questions of broad interest to the Council and the community.

Questions of the Council will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the *Local Government Act 2020* (the Act).

A question may be on any matter except if it:

- is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- relates to confidential information as defined under the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

No more than two questions will be accepted from any person at any one meeting.

All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

Like questions may be grouped together and a single answer provided.

The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.

<p>Recommendation:</p>

<p>That the question(s) and answer(s) be noted.</p>
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2. Petitions

Record of Committees

3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 23 August 2023 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 23 August 2023 be adopted.

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Business

1. Sale of Land at Enterprise Park – Hearing of Submissions

The report discussed the outcome of the public notice of intention to sell council owned land at Enterprise Park, Benalla.

A report to finalise the sale of Enterprise Park will be presented to the Council meeting on Wednesday 6 September 2023.

Cr Davis / Cr Hearn:

That the report be noted.

Carried

2. Draft Fawckner Drive Precinct Masterplan – Hearing of Submissions

The report presented submissions received on the draft *Benalla Fawckner Drive Masterplan*.

Submissions will be considered at the Finance and Operations Committee on 27 September 2023.

The draft *Benalla Fawckner Drive Masterplan* will be considered for adoption at the Council meeting on 11 October 2023.

It is noted that the following person addressed the meeting:

- Jud Kubeil spoke in support of the draft *Benalla Fawckner Drive Masterplan*.

Cr Davis / Cr King:

That submissions be received.

Carried

3. Planning Application – 18-20 Bridge Street West, Benalla – The use and development of the land for a service station and food and drink premises, to display signage and alteration to an access to a Transport Zone 2

This report assessed a planning application received for the use and development of the land for a service station and food and drink premises at 18-20 Bridge Street West, Benalla.

It is noted that the following persons addressed the meeting:

- Richard Rubira spoke against the planning application.
- Bret Flemming from Urbis Pty Ltd spoke in support of the planning application.
- Oliver Raschke spoke against the planning application.

Cr Davis / Cr O'Brien

That an extension of three minutes be given to Oliver Raschke.

Carried

Cr King / Cr Hearn:

That Council having caused notice of Planning Application No. P0156/22 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Lot 1 on TP511913Q, 18-20 Bridge Street West, Benalla for the use and development of the land for a service station and food and drink premises, alteration of access to a road in a Transport Zone 2 and signage in accordance with the endorsed plans, with the application dated 25 October 2022 and subject to the following conditions:

Plans for Endorsement – changes required.

- 1. Before the development commences, amended plans must be submitted for approval and endorsement by the responsible authority. The plans must show:
a) A schedule of colours, materials and finishes for all buildings on the land.**
- 2. The development and/or use permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.**
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**

General amenity provision

- 4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
a) transport of materials, goods, or commodities to or from the land**

- b) appearance of any building, works or materials.
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil to the satisfaction of the responsible authority.

Regulation of delivery times

5. Waste Collection and Fuel Delivery to and from the site must only take place between the times of Monday to Friday 9am to 3pm and 4pm to 8pm, Saturday to Sunday 9am to 8pm, 7 days a week. The responsible authority may consent in writing to vary these requirements.

Loading/unloading.

6. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) as shown on the endorsed plans and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

Waste storage

7. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained, and screened from public view to the satisfaction of the responsible authority.

Waste management plan

8. Before the development as appropriate commences, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must:
- a) be prepared to the satisfaction of the responsible authority.
 - b) be submitted in electronic form.
 - c) include the following:
 - i. anticipated volumes of waste and recycling that will be generated and how they are determined.
 - ii. the type and size of trucks required for waste collection.
 - iii. a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins.
 - iv. frequency of waste collection

Detailed construction plans – Carparking and Accessway Surfacing

9. Before any works associated with the development start, detailed construction plans must be approved and endorsed by the responsible authority. The construction plans must:
- a) be prepared to the satisfaction of the responsible authority
 - b) be drawn to scale with dimensions and submitted electronically.
 - c) Include the following:
 - i. fully sealed pavement with kerb and channel
 - ii. concrete footpaths
 - iii. underground drainage (Refer to Drainage Discharge Plan Condition)

- iv. vehicular crossings as shown on endorsed plans
 - v. Removal of redundant crossings and replacement of kerb & channel
 - vi. Centre Median along Goomalibee Street from Bridge Street West to Northern Boundary of site
 - vii. Bulk Earthworks
 - viii. Any earthworks retaining and/or fencing as required
 - ix. Landscaping and planting detail
 - x. Line marking and pavement marking
 - xi. Geotechnical testing and reporting to determine pavement design recommendation
- d) Any modifications to the detailed construction plans agreed to by the responsible authority must be shown on an amended plan that is endorsed by the responsible authority.

Drainage Discharge Plan

10. Before any of the development starts a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) details of how the works on the land are to be drained and/or retarded.
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge.
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) a max discharge rate from the site is to be determined by computation to the satisfaction of Council or 37L/s/ha.
- f) documentation demonstrating approval from the relevant authority for the legal point of discharge.
- g) the provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- h) the details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- i) maintenance schedules for treatment elements.

Before the use begins all works constructed or carried out must be in accordance with those plans, to the satisfaction of the Responsible Authority.

Car park construction

11. Before the development commences, the area(s) set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:

- a) constructed
- b) properly formed to such levels that they can be used in accordance with the plans
- c) surfaced with an all-weather wearing surface per geotechnical specification
- d) drained and properly retarded in accordance with council and IDM specifications
- e) line marked to indicate each car space and all accessways
- f) clearly marked to show the direction of traffic along accessways and driveways to the satisfaction of the responsible authority.

At all times car spaces, accessways and driveways must be kept available for these purposes.

Vehicle manoeuvring

12. All car parking spaces must be designed to allow all vehicles to drive forwards when entering and leaving the property.

Number of car spaces required

13. No fewer than 16 car spaces must be provided on the land.

Cycle parking

14. Provision for at least 5 bicycle parking spaces must be provided on the land.

Car parking for disabled persons

15. A minimum 2 car space(s) must be provided for the exclusive use of disabled persons.

The car space(s) must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons to the satisfaction of the responsible authority.

The dimensions and layout of the car space(s) must be in accordance with Australian Standard AS2890.6-2009 (Accessible (Disabled) Car Parking Requirements) and the Building Code of Australia.

New vehicular crossings

16. Before the use commences, any new vehicular crossing(s) must be constructed to the satisfaction of the responsible authority.

Vehicle crossing removal

17. Before the use commences, all existing disused or redundant vehicle crossings must be removed and the nature strip and kerb and channel reinstated to the satisfaction of the Responsible Authority at the cost of the owner.

Traffic Requirements

18. Before the use begins and/or the building(s) is/are occupied or before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must construct any traffic management works identified in Traffic Impact Assessment Report by Stantec (dated 11/10/2022, Ref: 300303963), excluding any such conditions of this permit which oppose these recommendations, to the satisfaction of Council. The cost of such works shall be fully met (or specify other cost sharing arrangement as required) by the applicant.
19. Within 6 months of the occupation of the development and use commencing, a road safety assessment of the development must be undertaken to determine if the development and use triggers the need for any further traffic safety works related to Goomalibee Street and Bridge Street West vehicular and pedestrian movements.
20. All works recommended within the Road Safety Assessment must be funded by the permit holder and completed within three months of the report to the satisfaction of the responsible authority.

Noise Control

21. The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with *Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended.
22. Not more than six months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken at the permit holders expense to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not being achieved with NIRV additional noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.
23. In the event of unreasonable noise being generated by activities conducted from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then further noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.
24. Audible security alarms must not be used on the site for security purposes to the satisfaction of the Responsible Authority.
25. Loudspeakers on the site must not be used between the hours of 7pm to 7am to the satisfaction of the Responsible Authority.

Carpark interface with Landscape/Fencing

26. Before the use commences, protective kerbs to prevent damage to fences or landscaped areas must be provided to the satisfaction of the responsible authority.

Completion of landscaping

27. Before the use commences, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

Landscaping maintenance

28. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Oil and Silt Trap

29. Before the use begins and/or the building(s) is/are occupied, an oil and silt interceptor trap shall be installed to receive all drainage from paved areas on the site including any car wash areas to the satisfaction of the Responsible Authority.

Construction Management Plan - Construction

30. Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the Responsible Authority. The plan must show:
- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
 - b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
 - c) locations of any construction wastes, equipment, machinery and/or earth storage/stockpiling during construction;
 - d) where access to the site for construction vehicle traffic will occur;
 - e) tree protection zones;
 - f) the location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - g) the location of trenching works, boring, and pits associated with the provision of services;
 - h) the location of any temporary buildings or yards; and
 - i) other as specified by the Responsible Authority.

Environmental management plan - Construction

31. Before the development or any site works (including demolition and excavation) start, an environmental management plan must be approved and endorsed by the responsible authority. The environmental management plan must:
- a) be prepared to the satisfaction of the responsible authority
 - b) be prepared in accordance with the Civil construction building and demolition guide, Publication 1834 (EPA, 2020)
 - c) adopt the form of the EMP template included in the EPA guide and must address the following risks:

- i. noise and vibration
 - ii. erosion, sediment and dust
 - iii. contaminated land and groundwater
 - iv. chemicals
 - v. waste
- d) include a traffic management plan showing:
- i. access routes for construction vehicles
 - ii. swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction
 - iii. proposed parking locations for construction vehicles and construction workers' vehicles
 - iv. any impacts upon adjacent roads, pedestrian walkways and provision for adequate movement and
 - v. circulation of vehicles and pedestrians adjacent to the land during the construction phase

The responsible authority may consent in writing to vary any details in the environmental management plan.

As Constructed Plans

32. Prior to the issue of Statement of Compliance, the applicant or developer shall submit to the satisfaction of the relevant authority the following:
- a) 'as - constructed' information for the entire works area as per approved civil construction plans in each development stage detailing information as listed in the council's Infrastructure Design Manual;
 - b) a certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.
 - c) certified as-constructed information presented as being true and correct; and
 - d) information to be presented in pdf., dwg., D, and R SPEC formats, or unless otherwise agreed in writing by the Authority.

Existing Council's Assets

33. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

Prior to Commencement of Construction

34. Before any road/drainage works associated with the subdivision start, the following items must be satisfied;

a) Approval of the Detailed Construction Plans

An on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction.

Works Prior to Commencement of Use**35. The use must not start until:**

- a) The parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the Responsible Authority; and
- b) The carparking parking and roadway/paving area(s) has been line-marked to the satisfaction of the Responsible Authority, and
- c) The garden and landscape area(s) shown on the endorsed plan(s) have been planted to the requirements and satisfaction the Responsible Authority

Nature Strip

36. Prior to commencement of use, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover. Alternative finishes may be approved by written agreement.

Expiry of Construction Approval

37. All construction plan approvals will lapse at the time of a request to extend this Planning Permit.

Signage

38. Signs must not display any flashing or scrolling messages
39. All signage must be located within the boundaries of the site
40. All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.
41. All signs must not obstruct a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
42. All signs must not dazzle or distract drivers due to their size, design or colouring, or it being illuminated, reflective, animated or flashing.

Head, Transport for Victoria Conditions

43. Only two accesses will be permitted from the subject land to Bridge Street West. The proposed western access must be left-in only and the proposed eastern access must be left-out only.
44. All access to the subject land must be limited to a vehicle no greater than a semi-trailer.
45. Prior to commencement of the buildings and/or works:
- a) A Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with Stantec drawing

number 300303963-01 but modified to show a physical treatment at the centre of Bridge Street West to prevent any right turn access to/from Bridge Street.

b) A functional layout stage road safety audit must be submitted to and approved by the Head, Transport for Victoria. The road safety audit must be undertaken by a suitably qualified road safety auditor.

46. Prior to commencement of the use, following roadworks must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
- i. Physical treatment at the centre of Bridge Street West to prevent any right turn access to/from Bridge Street treatment.
 - ii. Any works identified in the road safety audit.
 - iii. Any other works required.
47. Prior to commencement of the use, both the accesses from subject land to Bridge Street must be constructed to the satisfaction of Responsible Authority and at no cost to Head, Transport for Victoria.

Signage Conditions

48. During the operation of the sign, the maximum average luminance and threshold increment values as specified in below must not be exceeded:
- Maximum average luminance:
 - Full sun on face of signage: No limit
 - Daytime luminance: 4000 cd/m²
 - Morning and evening twilight and overcast weather: 400 cd/m²
 - Night time: 200 cd/m²
 - Threshold increment max percentage:
 - Night time: 15 percent
 - Adaptation luminance:
 - Night time: 5
49. The signs must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria
50. Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.
51. Electronic signage must have an Upward Light Ratio (ULR) of less than 50 percent and the design must include facilities (such as integral baffles) to mitigate upward waste light.
52. No sign content must be displayed other than fuel pricing.
53. The transition from one fuel price to another must be instantaneous.
54. The sign must not display content, images or text:
- i. Giving the illusion of continuous movement.

- ii. Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
 - iii. Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
 - iv. With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
 - v. Containing any animation.
 - vi. Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.
 - vii. Consisting of present time or other contemporary update information relating to news, weather or time.
 - viii. Containing video, movie or television broadcasts.
55. The sign and any displayed advertisement must not include any ancillary extension, embellishment or accessorisation within or outside the permitted advertising area unless the Head, Transport for Victoria has agreed to in writing prior to its installation.
56. The use of sound or motion to activate the sign is not permitted.
57. The use of sound to interact with road users is not permitted.
58. The sign must not dazzle or distract road users due to its colouring.
59. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign must shut down and cease any form of visual output until the malfunction is repaired.
60. This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.

Permit Expiry

61. This permit will expire if one of the following circumstances applies:
- a) the use or development is not commenced within two years after the issue of the permit;
 - b) the development is not completed within four years after the issue of the permit.
 - c) the use is discontinued for a period of two years.
- The Responsible Authority may extend the commencement date if a request is made in writing by the owner or the occupier of the land to which the permit applies before the permit expires or within 6 months afterwards.
- The Responsible Authority may extend the time within which the development is to be completed if the development has commenced and a request in writing is made by the owner or the occupier of the land to which it applies within 12 months after the permit expires.

General Notes

- The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.
- An asset protection permit is required prior to the commencement of any works on site.
- Before undertaking any works that cross onto public land or roads, the permit holder must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
- This permit does not authorise the commencement of any demolition works. Before any such development may commence, the applicant must apply for and obtain appropriate building permit approval.

Carried

A division of the vote was called.

For

Councillor Don Firth

Councillor Bernie Hearn

Councillor Justin King

Councillor Danny Claridge

Against

Councillor Peter Davis

Councillor Gail O'Brien

The motion was **carried**.

4. Planning Application – Bridge Street East Road Reserve, Benalla – Tree Removal in a Heritage Overlay

This report assessed a planning application received for the removal of a street tree (Cut-leaf Plane Tree) on the Bridge Street East Road Reserve, Benalla due to the roots causing damage to the gutter, footpath and building.

It is noted that the following persons addressed the meeting:

- Susan Campbell spoke against the planning application.
- Giulia Franceschi spoke against the planning application.
- Michael Hedderman spoke against the planning application.
- Jane Grimwade spoke against the planning application.
- Michael Levy spoke against the planning application.

Cr Davis / Cr O'Brien:

That an extension of three minutes be given to Susan Campbell.

Carried

Cr Hearn / Cr King:

That an extension of three minutes be given to Giulia Franceschi.

Carried

Cr Firth / Cr O'Brien:

That Council having caused notice of Planning Application No. P0148/22 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described Bridge Street East Road Reserve Benalla, for the removal of a tree within a heritage overlay, in accordance with the endorsed plans submitted with the application dated 11 October 2022 and subject to the following conditions:

Endorsed Plans

- 1. Only the Cut-Leaf Plane Tree (*Planatus orientalis*) as shown on the endorsed plan is permitted to be removed.**

Notification of permit conditions

- 2. Before the vegetation removal starts, the permit holder must advise all persons undertaking the vegetation removal, development or works on site of all relevant permit conditions and associated statutory requirements or approvals.**

Avoiding damage during vegetation removal

- 3. Vegetation removal and disposal must not cause damage to other vegetation to be retained or to drainage lines to the satisfaction of the responsible authority.**

Replacement Planting

- 4. Within six months of the tree removal, one mature street tree (as large as possible) must be planted in the general location. The location and species must be selected and approved by a qualified horticulturist/arborist and approved by the responsible authority.**

Permit Expiry

- 5. This permit will expire if the tree removal does not occur within two years of the date of the planning permit.**

The Responsible Authority may extend the time for the completion of the tree removal if a request is made in writing before the permit expires or within six months afterwards.

General Notes

- 1. The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**
- 2. An asset protection permit is required prior to the commencement of any works on site.**
- 3. Before undertaking any works that cross onto public land or roads, the permit holder must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**

Carried

5. Building and Planning Approvals – July 2023

The report detailed planning permit applications and building approvals for July 2023.

Cr Hearn / Cr King:

That the report be noted.

Carried

6. Development Department Activity Report For The Quarter Ended 30 June 2023

The report presented the activities of the Development department for the quarter ended 30 June 2023.

Cr Davis / Cr Hearn:

That the report be noted.

Carried

7. Cessation of Grant Management and Event Project Policy

The briefing discussed the review of the *Grant Management - Infrastructure and Event Projects Auspiced by Council Policy*.

Cr Firth / Cr Davis:

1. That the *Grant Management - Infrastructure and Event Projects Auspiced by Council Policy* be ceased.
2. That the *Project Proposal Application for Grant Funding* form be amended to serve as a guide for community groups and Council staff.

Carried

Cr Hearn / Cr King:

That standing orders be suspended to allow for a five-minute break.

Carried

The standing orders were suspended at 7.40pm and resumed at 7.45pm.

8. Economic Development and Sustainability Department Activity Report For The Quarter Ended 30 June 2023

The report presented the activity of the Economic Development and Sustainability Department for the quarter ending 30 June 2023.

Cr King / Cr Hearn:

That the report be noted.

Carried

9. Cessation of Plastic Wise Policy

The briefing discussed review of the *Plastic Wise Policy*.

Following the State Government single use plastic ban introduced on 1 February 2023, Council officers proposed that the policy is no longer required and that Council should consider the cessation of the Council's *Plastic Wise Policy*.

Cr O'Brien / Cr King:

That the *Plastic Wise Policy* be ceased.

Carried

10. People and Performance Department Activity Report For The Quarter Ended 30 June 2023

The report presented the activities of the People and Performance Department for the quarter ended 30 June 2023.

Cr O'Brien / Cr Firth:

That the report be noted.

Carried

11. Community Department Activity Report For The Quarter Ended 30 June 2023

The report presents activity for the Community Department for the quarter ended 30 June 2023.

Cr Hearn / Cr Davis:

That the report be noted.

Carried

12. Councillor Conduct Panel Determination

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

Cr Davis / Cr King:

That the Councillor Conduct Panel Determination and Statement Of Reasons For Decision contained in Appendix 1 be noted.

Carried

13. Urgent Business

No urgent business was submitted to the committee.

Closure of Meeting

The Finance and Planning Committee Meeting closed at 8.17pm.

Confirmed this twenty-seventh day of September 2023.

Signed: _____
Cr Danny Claridge (Chair)

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.

The record of Assemblies of Councillors since the report presented at the meeting on 2 August 2023 are attached as **Appendix 1**.

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

July 2023

24 July 2023	Benalla Street Art Advisory Committee Meeting
26 July 2023	Benalla Festival Advisory Committee Meeting
26 July 2023	Assembly of Councillors Business Review

<p>Recommendation: That the report be noted.</p>

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Record of Assemblies of Councillors, Advisory and External Committees

July 2023

Benalla Street Art Advisory Committee

5.30pm Monday 24 July 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla

Chair:	To be confirmed	
Committee:	Councillor Don Firth	Council Representative
	Councillor Gail O'Brien	Council Representative
	Toby Benador	Community Representative
	Ian Gonzaga	Community Representative
	Alex Ross	Community Representative
	Joel Spencer	Community Representative
	Raelene Stratton	Community Representative
	Courtney Naughton	Manager Economic Development and Sustainability
	Eric Nash	Benalla Art Gallery Director
In attendance:	Charlie Vincent	Tourism North East Victoria
	Catherine Macmillan	Business Development Coordinator
	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer
Apologies:	Charlie Vincent	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Committee Introductions
2. Election of Chair discussion
3. Committee's Terms of Reference
4. Presentation of Workshop Results
5. Visit Victoria Grant Application Update
6. Event Curation Update
7. Naming of the Street Art Festival

Benalla Festival Advisory Committee

4pm Wednesday 26 July 2023, Customer Service Centre (Geoff Oliver Meeting Room), 1 Bridge Street East, Benalla.

Chair:	Councillor Justin King	Council Representative
Committee:	Councillor Don Firth	Council Representative
	Caroll Bolitho	Community Representative
	Stephanie Brack	Youth Development Coordinator
	Vince Branigan	Community Representative
	Di Harper	Community Representative
In attendance:	Courtney Naughton	Manager Economic Development and Sustainability
	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer
	Will Smith	Youth Engagement Officer
Apologies:	Di Harper	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Planning for the 2023 Benalla Festival (4-12 November 2023)
2. 2023 Sponsorship Opportunities
3. Marketing and Promotion
4. General Business

Assembly of Councillors

5.30pm Wednesday 26 July 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Councillors Councillor Bernie Hearn (Mayor)
 Councillor Danny Claridge
 Councillor Peter Davis
 Councillor Don Firth
 Councillor Punarji Hewa Gunaratne
 Councillor Justin King
 Councillor Gail O'Brien

In attendance Dom Testoni Chief Executive Officer
 Robert Barber General Manager Corporate

Apologies: Councillor Danny Claridge

Conflicts of Interest disclosed:**Items discussed:**

1. Grant Management Policy Review
2. 2023 Local Government Community Satisfaction Survey
3. Council Plan 2021-2025 Action Plan
4. Benalla Indoor Recreation Centre (BIRC) Redevelopment Update

Officer Reports

4.1 Authorisation of Signing and Sealing of Documents – High Country Library Network Shared Services Agreement 2023-2026

SF/4478

Janine McMaster – Manager People and Performance

PURPOSE OF REPORT

The report presents the *High Country Library Network Shared Services Agreement 2023-2026*.

BACKGROUND

Since August 2016, the Sir Edward ‘Weary’ Dunlop Learning Centre, under Council operation, has benefited from a shared services arrangement under the High Country Library Network Shared Service Agreement.

This has been through a shared service agreement that shares the costs and resources of delivering core library services with the Alpine Shire, Mansfield Shire and the Rural City of Wangaratta.

DISCUSSION

The original shared services agreement was established between Alpine Shire Council, Mansfield Shire Council, Benalla Rural City Council and the Rural City of Wangaratta was approved by the Minister and commenced in August 2016.

Since that time, Alpine Shire Council has operated a library “hub” to provide the following shared library services to the four Councils:

- procurement and processing of a shared library collection
- coordination of freight amongst the member branches
- financial management and reporting
- administration of the Library Management System
- administration of the supply agreement with Public Libraries Victoria on behalf of the Councils.

The Library Management Group, which oversees the Agreement and consists of management representatives from each of the four Councils, recognises the most productive and efficient way to deliver core library services is through the continuation of the shared service arrangement.

The main changes to the 2023-2026 agreement are:

- The proposed term being three years plus one option to extend for an additional three years (3+3).
- The cost attribution formula has been updated.

Table 1: percentage contribution of each Council's agreed cost attribution

Council	Population (2023 Australian National Census)	Percentage of network membership under 2023- 2026 Agreement
Alpine	13,235	19.5%
Benalla	14,528	21.4%
Mansfield	10,178	15%
Wangaratta	29,808	44%
Total	67,749	100%

The *High Country Library Network Shared Services Agreement 2023-2026* is attached as **Appendix 1**.

***COUNCIL PLAN 2021-2025* IMPLICATIONS**

Community

- *A connected, involved and inclusive community.*

Livability

- *Vibrant public spaces and places.*

Leadership

- *Engaged and informed community.*

FINANCIAL IMPLICATIONS

The contribution of each Council is calculated according to an agreed cost attribution formula based on the official population served by each local government area according to the most recent Australian National Census prior to the start of an agreement.

Benalla Rural City Council's 2023/24 contribution to the shared service agreement is \$165,167.

Council's contribution to the shared service agreement for 2024/25 and 2025/26 are calculated at the end of each financial year using population and membership data as displayed in Table 1 above.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

1. That the *High Country Library Network Shared Services Agreement 2023-2026* be noted.
2. That the Chief Executive Officer be authorised to execute the *High Country Library Network Shared Services Agreement 2023-2026*.
3. That the Chief Executive Officer be authorised to approve Benalla Rural City Council's 2023/24 contribution of \$165,167 and contributions for the 2024/24 and 2025/26 financial years.

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High Country Library Network Shared Service Agreement

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1. Introduction

Alpine Shire Council (**Alpine**), Benalla Rural City Council (**Benalla**), Mansfield Shire Council (**Mansfield**) and Wangaratta Rural City Council (**Wangaratta**) (collectively **the Members**) have established a shared service Library Network known as the High Country Library Network (**HCLN**).

The public library branches within each council's municipal district share a common Library Management System and library collection.

The Members have agreed to receive collection, cataloguing and support services relating to the High Country Library Network (**HCLN**) through a hub (**the Hub**) located in Myrtleford and operated by **Alpine**. The costs associated with the Hub will be shared by each Member based on the cost attribution formula outlined in this Shared Service Agreement (**the Agreement**).

The Members acknowledge that it is essential to the success of this Agreement that there is a co-operative partnership approach and that this will require a strategic and flexible approach to the delivery of Library Hub services.

All parties have committed to strive to develop and improve systems and service delivery within the budget constraints. There will be a focus on achieving the services outlined in this Agreement to ensure improved outcomes for the community.

In operating the Hub, Alpine has committed to provide high quality services to the other Members. The service will support the Members to:

- Encourage and promote optimal use by the community of library services;
- Develop and maintain customer service standards comparable to the best in Australia; and
- Develop and maintain a diverse collection which meets the needs of the community.

The cost associated with running HCLN are shared across Member Council's based on the cost attribution formula outlined in this Shared Services Agreement.

2. Membership

2.1 Members

As of June 2023, the following Councils are Members of HCLN:

- Alpine Shire Council (ASC)
- Benalla Rural City Council (BRCC)
- Mansfield Shire Council (MSC)

- Wangaratta Rural City Council (WRCC)

The Cost Attribution Formula located in Appendix A is based on the above Membership. The Network collection is owned by and recognised in each council's financial statements and is not owned by the Members jointly.

The above Members of HCLN may chose to allow other Councils to become Members of HCLN. New Members may participate in all services or a subset of services. Only Councils from within the North East Region are eligible for Membership. A revision of the Agreement may need to be undertaken if a new Member Council joins HCLN.

2.2 Branches

Library branches that receive services from the Hub are:

- Bright library;
- Mansfield library;
- Mount Beauty library;
- Myrtleford library;
- Sir Edward 'Weary' Dunlop Learning Centre (Benalla library); and
- Wangaratta library.

For contact details of all branches refer to Appendix B.

3. Library Management Group

3.1 Statement of purpose

The purpose of the Library Management Group is to:

- Provide a forum to facilitate the exchange of ideas and experiences which enhance the quality of library services in the Members municipalities;
- Provide a forum to examine and discuss trends and issues in services in Victorian public libraries;
- Develop and monitor guidelines for the management of the Network collection;
- Monitor Key Performance Indicators related to the operation of the services and set out in the second column of Appendix C, most specifically the performance of Alpine in the operation of the Hub;
- Monitor issues and concerns between the Members and Alpine; and
- Monitor and oversee the library collection in accordance with the Collection Management Policy and Plan.

3.2 Membership

The Library Management Group comprises:

- The High Country Library Network Coordinator (Secretariat);
- One Council manager with overall responsibility for library services from each council; and
- One Library Coordinator representative - selected from the Member libraries to represent all coordinators.

The Group must annually appoint among the representatives a Chairperson who will hold office for a term of one (1) year but is eligible for reappointment for a further term, unless he/she resigns (in which case the Group must appoint a new Chairperson to chair the meetings). No person may be the Chairperson for more than two (2) consecutive years.

If the appointed Chairperson is absent from a meeting the representatives present at the Library Management Group meeting must appoint an acting Chairperson, who must preside over that meeting or until the Chairperson is present.

The Library Services Coordinator Group must annually appoint a Library Coordinator Representative who will represent the Coordinator Group at the Library Management Group meetings. This person may only hold the position for one (1) year but is eligible for reappointment for a further term, unless he/she resigns (in which case the Group must appoint a new Chairperson to chair the meetings). No person may be the Chairperson for more than two (2) consecutive years.

A quorum of 50% plus 1 must exist for any decisions to be binding.

Role	Member	Voting rights
Secretariat	High Country Library Network Coordinator	No
Chairperson	Nominated annually from within Council Managers	Yes - as a "Member" - not an additional vote. Has the deciding vote if a tie exists.
Member	Council Managers – one from each Council	Yes

Coordinator representative	Nominated annually from within Council Library Coordinators	Yes –on behalf of Coordinators
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3.3 Meetings of the Library Management Group

The Library Management Group must meet not less than four (4) times per year.

The Library Management Group may appoint sub-committees as it determines necessary.

In all other respects, the Library Management Group may regulate its own proceedings.

3.4 Reporting

The Secretariat of the Library Management Group must produce the Agenda and Minutes in consultation with the Chairperson. The Agendas and Minutes of meetings will be provided to each member of the Library Management Group.

3.5 Execution of Duties

Each member of the Library Management Group will be responsible for exercising their delegated powers and for the reporting back to their respective Council upon the exercise of those powers.

4. The High Country Library Network

4.1 Location

The High Country Library Network Headquarters, often referred to as the “Hub” is located in the former Council Chambers in Myrtleford opposite the Myrtleford library. The Stack collection is located in the Myrtleford library.

4.2 Address

The address of the Hub is:

Cnr Standish St & O’Donnell Ave

Myrtleford VIC 3737.

4.3 Operating hours

The operating hours of the Hub are 9.00 am to 5.00 pm, Monday to Friday (public holidays excepted).

4.4 Services provided to Member Councils

The Hub operates as a processing facility operated by Alpine. It will provide the following services (as outlined in Appendix C – Agreed Services Provided by the Hub):

- A team of Hub employees to ensure network branches are dealt with efficiently, courteously and in accordance with this Agreement;
- Liaison with branch Managers/Coordinators across the Network to ensure a detailed understanding of branch requirements is known and understood;
- Development and implementation of policies and procedures for managing the regional collection as recommended by the Library Management Group;
- Management of the Network collection in accordance with the Collection Management Policy;
- Provision of secretariat support for the Library Management Group;
- Provision of reports to the Members in accordance with the Agreement;
- Management of the Library Management System.
- Maintenance of the Network website;
- Preparation of quarterly and annual data for the Local Government Performance Reporting Framework;
- Ordering and purchasing of books and materials;
- Cataloguing of books and materials;
- Management of the courier service of books between branches and ensure delivery meets the requirements of this Agreement;
- Processing of books and materials to shelf ready standards;
- Maintenance of magazine subscriptions;
- Maintenance of inter library loans and Libraries Victoria Shared Services processes; and
- Monitoring of usage of online resources to ensure they are relevant and provide training to branches where necessary.

4.5 HCLN assets

Alpine Shire Council owns the premises from which HCLN will operate. As such, a rental component, based on the market rental, will form part of the financial contribution payable by the Members.

Alpine will provide assets such as desks & bookshelves. These assets remain the property of Alpine Shire.

5. The Agreement

5.1 Purpose of this Agreement

This Agreement sets out in specific and measurable terms the services to be provided by Alpine to the other Members and allocation of roles and responsibilities for the Hub and Network services, as well as consequential other matters.

5.2 Administration of the Agreement

The administration of this Agreement will be overseen by the Library Management Group, as outlined in this Agreement.

5.3 Term of the Agreement

5.3.1 Initial Term

This Agreement will be for 3 years commencing on 1 July 2023 and concluding on 30 June 2026.

5.3.2 Options for further terms

One further consecutive options of three years.

5.3.3 Exercising options for further terms

The unanimous agreement of Members is required to exercise options for further terms.

The Library Management Group is required to notify Members of the intent to renew this agreement in writing by no later than 1 April 2026.

5.4 Exit of Member(s)

If a Member wishes to exit the Network:

- The Member must give a minimum of 6 months' notice and coincide with the End of Financial Year (EOFY).
- The portion of the net assets to which the exiting Member is entitled must be calculated according to the value of the assets as disclosed by the financial statements and will be the same portion as outlined in the Cost Attribution Formula outlined in this Agreement.
- The portion of net assets to which the exiting Member is entitled may be taken in such combination of property and cash as is agreed between the Members. If it is agreed that the exiting Member is entitled to materials, then the removal of those materials will be at the cost of the exiting Member.
- Any redundancy or change in operation costs occasioned as a result of a Member exiting the Network will be determined by a review undertaken just prior to the notified exit date to assess the reduced function of the Hub. The review will consider:
 - The reduced number of materials being processed by the Hub as a result of the Member exiting;

- The reduced number of crates being transported to and from the Hub as a result of the Member exiting;
- The number of hours required to undertake operations and processing functions for the remaining Members;
- Entry of new Members to the Network; and
- Recommendations by the Library Management Group.
- Any redundancy or change in operation costs will be incurred by all Members based on the Cost Attribution Formula.
- The exiting Member will take its portion of the Collection based on the following:
 - The value of the exiting Members collection as recognised in the Member Council's financial statements.
 - Books and library items purchased during the term of this Agreement to the value based on the Cost Attribution Formula.
 - The exiting Member is entitled to books and library items that belong to its local collection and history as per adopted policies.
 - A review of the Cost Attribution Formula will be undertaken to determine if the current method (as outlined in Appendix A) is appropriate for the remaining Members.

5.5 The Network and Financial Obligations

At the conclusion of each financial year for the term of this Agreement and, regardless of whether the Members agree to extend its term or to enter a new agreement, Alpine must provide to each of the other Members:

- An Income Statement for the financial period (1 July – 30 June);
- A Balance Sheet for the financial period (as at 30 June);
- A readable copy of all audited records, in an appropriate format, associated with the operations of the Hub during the term of this Agreement; and
- A current asset valuation at year end (as at 30 June).

Each Member must:

- Make an annual contribution towards the cost of the services and maintenance of the Network, in accordance with the Annual Budget and the Cost Attribution Formula;
- Contribute to the share of the net assets or net liabilities as determined in the final Balance Sheet in accordance with the percentages specified in the Cost Attribution Formula;
- Remove materials apportioned to it under the Cost Attribution Formula at each Member's own cost;

- Surplus from previous financial year is credited towards the next year's invoice; and
- Shortfalls from one financial year is added to next year's invoice as per the Cost Attribution Formula.

5.6 Dispute Resolution

If there is a dispute or difference between the Members in relation to this Agreement, the parties undertake to use all reasonable endeavours to settle the dispute or difference by negotiation. If the parties cannot settle the dispute within 21 days, the matter must be determined as a dispute under the *Commercial Arbitration Act 2011* and the arbitrator's decision shall be final and binding on the parties. The costs of any arbitration shall be borne equally by Members involved in the arbitration.

5.7 Review of the Agreement

This Agreement must be reviewed annually by 30 June by the Library Management Group. The effectiveness, accuracy and relevance of Agreement will be reviewed as will the accuracy of specified services to ensure a true reflection of actual activities being undertaken. This Agreement may also be reviewed at any other time at the request of any current Member. Should this Agreement require amendment outside the scheduled review cycle, this review must be conducted through the Library Management Group.

Circumstances that can lead to a review include:

- A change in the level of service required;
- Changes that affect Alpine's ability to deliver the stated services; and
- Changes in the services required by two or more Members.

Reviews will cover:

- The scope of the services being delivered and their appropriateness;
- The appropriateness of frequency measures;
- The roles and responsibilities of both Alpine and the other Members; and
- The assessment of the delivery of services against the Key Performance Indicators as contained in the second column in Appendix C.

5.8 Variations to Agreement

The unanimous agreement of the parties is required to any variations to this Agreement; or to any changes in costs incurred as a result changes to the Cost Attribution Formula. This unanimous agreement must be in writing.

6. Financial Information

6.1 Financial contributions

Financial contributions under the Agreement are determined based on:

- The Cost Attribution Formula outlined in Appendix A;
- The Annual Budget;
- Variances to budget, which will be shared among the Members based on the Cost Attribution Formula outlined in Appendix A; and
- Variances to budgeted expenditure, which will not exceed 10% unless agreed by the Library Management Group.

The Cost Attribution Formula is based on the population as per the most recent Australian Bureau of Statistics reports per Member Local Government Area. The Cost Attribution Formula is updated at the beginning of each 3-year formal agreement review.

6.2 Financial principles of Agreement

The Principles on which this Agreement is based and will operate are:

- No surprises;
- Process improvement;
- Minimising costs to Members;
- Reporting quarterly;
- Recommendations to Members by the Library Management Group; and
- The Library Management Group reviewing the final operating result and making a recommendation to the Members on how a variance to budget will be treated.

6.3 Budget

HCLN will develop a Budget for its operations annually, in line with the financial year ending 30 June. The Annual Budget will be drafted by March and be presented to and endorsed by the Library Management Group prior to being presented to the Member Councils for adoption.

6.4 Financial reports

Financial reports will be prepared quarterly as follows:

- YTD Income Statement v YTD Budget;
- YTD Balance Sheet;
- Forecast Income Statement v Forecast Budget;
- Valuation report
- Forecast Balance Sheet; and

- Within 3 weeks of quarter end.

6.5 Financial management

Alpine will:

- Administer and account to the Members in accordance with the method set out in the Annual Budget or per 6.3 and 6.4 of the Agreement;
- Provide to the Members annually in advance a tax invoice for the amount owing in accordance with the Annual Budget; and
- Ensure that all financial activity in relation to the operation of HCLN is audited and reported in accordance with its usual processes.

6.6 Third party providers

A number of third party vendors which provide services for the Network that are within the scope of this Agreement will be managed by HCLN on behalf of the Members. The services of all third party vendors will be procured in accordance with the *Local Government Act 1989 and Local Government Act 2020*. Any breach of the Act is the responsibility of Alpine.

7. Insurance and Indemnity

7.1 Public Liability Insurance

The Members warrant that they are members of the MAV Insurance Scheme (the Scheme) and are bound by the rules of the Scheme. In the event that any of the Members cease to be members of the Scheme they will immediately, effect public liability insurance. Members agree that this public liability insurance will be for a minimum level of cover of \$20,000,000.

7.2 Work-Cover

HCLN employees are employed by Alpine and are covered under Alpine's WorkCover policy of insurance. Should an employee be injured, any WorkCover costs (e.g. insurance excess, top up salary and backfill) will be shared among the Members based on the Cost Attribution Formula.

7.3 Indemnity

Each Member (**the Indemnifying Member**) agrees to indemnify each other Member and keep indemnified the other Members, their servants and agents, and each of them against any and all liability and all actions, suits, proceedings, damages, claims, costs and expenses connected with any breach of this Agreement by the Indemnifying Member or related to any wilful or neglect conducted on the part of the Indemnifying Member. The indemnifying Member's liability to indemnify the

other Members shall be reduced proportionally to the extent that any act or omission of the other Members contributed to the loss or liability.

8. Service Delivery

Services must be delivered in accordance with this Agreement as outlined in Appendix C.

Any services not listed under the Agreed Services in Appendix C are beyond this Agreement. If the Network requires additional services, then these services will be negotiated and agreed upon individually.

HCLN and Alpine will not be held responsible or legally liable for any unplanned delay or interruption in service caused by third party providers such as SirsiDynix, website hosts, book suppliers, book processing, carriers, newsagents supplying newspapers and/or carriers. Any planned outages will be advised to those within the network who will be affected and progress with resolution will be advised in a timely fashion. HCLN and Alpine will operate in a way which minimises interruption and work with third party suppliers to ensure continual supply where possible.

8.1 Service Delivery Principles

- Alpine will ensure that all service delivery outputs in relation to this Agreement are delivered in a timely, accurate and consistent manner.
- All outputs will be delivered in accordance with the specified service levels as outlined in this Agreement and Appendices.
- Members will deliver accurate and timely inputs to enable Alpine to deliver the services in the most effective manner possible.
- Members will raise any issues in relation to provision of information or services so that these can be addressed promptly.
- Services will be delivered from the Hub located at the Myrtleford library.
- Concerns relating to the delivery of the services within this Agreement should be raised initially with the Library Management Group.
- The quality of services delivered under this Agreement will be monitored by Members through the Library Management Group.
- Any deficiencies identified between the Agreed Services and those delivered will be addressed immediately. Feedback on the services received will be monitored in the following ways:
 - Discussions between the day-to-day contacts;
 - Escalation discussions;
 - Library Management Group meetings; and
 - Advice and suggestions from Client staff members.

If identified issues cannot be resolved within the specified timeframe, dispute resolution will commence in accordance with Section 5.7.

8.2 Collection management

The Hub will provide the following collection management services:

- Report on progress against the Collection Management Policy and stated collection management principles;
- Maintenance and application of the Network collection and related policies;
- Strategic procurement of shelf-ready collection resources;
- Maintenance of the Network online catalogue;
- Movement of library materials both within the region and through the Libraries Victoria Consortium; and
- Provision of Library Management System management reports

8.3 Member responsibilities

The responsibilities of each Member and branch includes:

- Managing and supporting their own office applications to support its library service, such as public access, staff email and staff network access;
- Ensuring its library staff are appropriately trained in the use of the Library Management System;
- Logging all fault calls, help requests and queries for the Library Management System to the help desk system;
- Providing resources as requested to assist in user testing, projects and other activities related to the Library services;
- Adhering to the adopted Network policies and procedures;
- Actively engaging with the Network

8.4 Alpine Responsibilities

Alpine will:

- Manage and maintain the hardware and software to operate the Library Management System for the Hub;
- Manage and maintain the hardware and software to operate the Network website, which at the commencement of this Agreement was www.hcln.vic.gov.au;
- Assist in the planning for capacity, growth and aligning service delivery with Member needs;
- Preparation of quarterly reports for the Library Management Group;
- Develop and align procurement policy and procedures in consultation with Members;
- Adhere to the Network's policies and procedures as they relate to Hub operations;
- Coordinate training for new applications, modules and databases;
- Provide the Members with at least two (2) normal working day's-notice of any scheduled downtime as per the agreed process;
- Manage third party suppliers as they relate to the Library Management System and the responsibilities of operation of the Hub;
- Provide Secretariat support for the Library Management Group;
- Develop and maintain library policies specific to library services but not specific to each Member;

8.5 Collection databases

The Hub will manage the online databases provided to the Network. The online databases will be reviewed annually to ensure they remain relevant and are being used by the Members.

8.6 Operational management

- The Hub will seek productivity and service improvements wherever possible.
- Procurement and Contract Management Skills will be developed in all staff involved with these functions.
- Procurement Policy and procedures will be maintained in alignment with best practise and where possible incorporate Members Council policy.
- An annual supplier review will ensure best value and continual service improvement.
- The Hub will maintain engagement with Local Government Victoria to seek support, guidance and resources, primarily in relation to shared procurement.
- The Hub will actively engage agency arrangements and/or State Purchase Contracts and Whole of Victorian Government Contracts.

THIS AGREEMENT was made
on.....2023

SIGNED for and on behalf of ALPINE)
SHIRE COUNCIL by as delegate, in))
the presence of:)
.....	
Signature of Witness	
.....	
Name of Witness	

SIGNED for and on behalf of **BENALLA**)

RURAL CITY COUNCIL by as delegate, in)

the presence of:)

.....
Signature of Witness

.....
Name of Witness

SIGNED for and on behalf of **MANSFIELD**)

SHIRE COUNCIL by as delegate, in)

the presence of:)

.....
Signature of Witness

.....
Name of Witness

SIGNED for and on behalf of **WANGARATTA**)

RURAL CITY COUNCIL by as delegate, in)

the presence of:)

.....

Signature of Witness

.....

Name of Witness

Appendix A – Cost Attribution Formula

The membership of each Member is based on a Cost Attribution Formula. That formula is determined by the population of each Member as stated by the Australian Bureau of Statistics. At the commencement of this Agreement the Member cost attribution was outlined as follows:

Council	Population *	% Network membership
Alpine	13,235	19.5%
Benalla	14,528	21.4%
Mansfield	10,178	15%
Wangaratta	29,808	44%
	67,749	100%

* ABS population statistics 2023

Appendix B – Branch Contact Details

Council	Branch
Alpine Shire Council	Bright Library 14 Ireland St, Bright VIC 3741 brightlibrary1@alpineshire.vic.gov.au Phone: 03 5755 1540 Fax: 03 5755 1540
Alpine Shire Council	Mount Beauty Library 61 Lakeside Avenue, Mt Beauty VIC 3699 mtblibrary@alpineshire.vic.gov.au Phone: 03 5754 4305
Alpine Shire Council	Myrtleford Library Cnr Standish St & O'Donnell Ave, Myrtleford VIC 3737 myrtlibrary@alpineshire.vic.gov.au Phone: 03 5751 1591
Benalla Rural City Council	Sir Edward 'Weary' Dunlop Learning Centre (Benalla Library) 2 Fawckner Drive, Benalla VIC 3672 email: library@benalla.vic.gov.au Phone: 03 5762 2069
Mansfield Shire Council	Mansfield Library 2 Collopy Street, Mansfield VIC 3722 library@mansfield.vic.gov.au Phone: 03 5775 8621
Wangaratta Rural City Council	Wangaratta Library 21 Docker Street, Wangaratta VIC 3677 email: library@wangaratta.vic.gov.au Phone: 03 5721 2366

Appendix C – Agreed Services Provided by the Hub

Below is a detailed listing of the services provided by the Hub and how the services will be measured.

Agreed Services	Performance indicator
Development and management of Budget.	Initial draft budget produced by February LMG meeting. Final draft budget adopted in April LMG meeting.
Reporting on financial performance.	Reporting quarterly to Library Management Group within 4 weeks of end of quarter end.
Management, raising and payment of all Network invoices	Raising and payment of all Network invoices in accordance with terms.
Maintenance and application of the Network's Collection Management Policy and other related policies.	Policies reviewed and endorsed annually as a standing agenda item at the LMG.
Procurement and administration of collection resources.	Following receipt of items at the Hub, new library materials will be catalogued and available on shelves no later than: <ul style="list-style-type: none"> • One week for periodicals. • One week for items requested by patrons or purchased to fill reservations • Eight weeks for all other items
Shelf-ready processing of donated items not funded from Hub collection resources budget: <ul style="list-style-type: none"> • Processing of donations equalling up to a limit of 2% of total number of new items allocated in the previous year. All donations are only accepted in accordance with the Collection policies and	<ul style="list-style-type: none"> • 100% of donations processed within 12 weeks of receipt and report generated for any exceptions to this.

to maintain a high level of quality of the overall collection.	
Maintenance of the Network online catalogue.	Items entered within four weeks of receipt.
Movement of library materials both within the region and through the Libraries Victoria consortium	Ready for despatch from Hub within 24 hours of arrival Supply of inter-library loans is dependent on availability from the library of origin
Support of Library Management System	LMS procedural guides provided to Members. LMS hardware and software managed and maintained in accordance with Alpine Shire Council and system operational requirements on an annual and ongoing basis. Licences are maintained in support of LMS operations on an annual basis by Alpine Shire Council. Hub will advise of pending upgrades to be implemented by each member.
Quarterly reporting to meet Local Government Performance Reporting Framework (LGPRF) requirements of loans.	Hub Coordinator will prepare all management reports.
Website updates and site support and maintenance	Material is current and sites functional
Participate in the strategic planning for the Network. Managing the preparation of quarterly reports for the Library Management Group.	Hub Coordinator will participate in the strategic planning for the Network.
Support for Library Management Group	Meetings held quarterly, outcomes recorded and provided to Members.
Gather relevant industry information and distribute to LMG and library coordinators.	Library Management Group is kept informed on important industry news and events.
Provision of databases	Report on usage of databases

Review of electronic databases to be completed on an annual basis.	Recommendation provided on each database.
Provision of training in online databases as required.	Delivery as required
Local Government Planning and Reporting Regulations	Report quarterly and at end of financial year within 4 weeks of quarter-end.
ASC to maintain Hub IT infrastructure and provide network support to hub.	Effective service of network
Annual supplier performance reports and recommendations presented to LMG in April meeting.	Commercially advantageous supplier agreements and service improvements

Appendix D – Budget 2023-24

The following budget reflects the first year (2023-24) of operation and will be reviewed annually and updated in line with the financial requirements of this Agreement.

Income	FY 23/24 Budget
Alpine -Income	\$ 147,551
Benalla - Income	\$ 161,927
Mansfield - Income	\$ 113,501
Wangaratta -Income	\$ 332,935
Total:	\$ 755,914
Expenses	FY 23/24 Budget
HCLN Collection	\$ 374,505
HCLN Freight	\$ 46,898
HCLN Mgmt. System	\$ 27,117
HCLN Operations	\$ 63,198
HCLN Rent & Overheads	\$ 39,034

4.2 Finance Department Activity Report For The Quarter Ended 30 June 2023

SF/1519
Cathy Fitzpatrick – Manager Finance

PURPOSE OF REPORT

The report presents an overview of the functions of the Finance Department for the quarter ended 30 June 2023.

Finance

- Preparation of proposed 2023/24 Budget and loading into systems for 1 July 2023 operation.
- Reviewed financial data and undertook forecast for 30 June 2023.
- Victorian Auditor General Office – interim audit conducted for 2022/23.
- Preparation for planning and systems review for 2023 Financial Statements and Performance Statements.
- Participated in an internal audit on Capital Project Management.
- Ongoing participating in CODI IT replacement project working group – assessing finance system and rate system requirements.

Sundry Debtors

An analysis of the unpaid sundry accounts as at that date with comparative data for the previous year is as follows:

Debtors Balances:

Date	90 days	60 days	30 days	Current	Total
30/06/23	\$34,236	\$95,687	\$128,329	\$492,225	\$750,477
31/03/23	\$76,473	\$7,629	\$117,961	\$618,359	\$820,422
31/12/22	\$60,095	\$115,348	\$174,703	\$441,560	\$785,310
30/09/22	\$51,004	\$6,093	\$64,942	\$378,602	\$500,642
30/06/22	\$39,404	\$9,579	\$53,089	\$633,443	\$735,515

Investment Portfolio

In accordance with the Investment Policy, details of investments held at 30 June 2023 are provided in the following table.

Table 1. Investments held at 30 June 2023

Bank	Short-term credit rating	Investment type	Amount invested '000	Interest rate	Term (days)	Maturity date
ANZ	A-1+	TD	\$3,900	3.20%	212	24-Jul-23
Westpac	A-1+	TD	\$1,078	4.36%	186	25-Sep-23
Westpac	A-1+	TD	\$5,000	4.96%	124	30-Oct-23
Westpac	A-1+	TD	\$951	4.77%	270	24-Nov-23
Westpac	A-1+	TD	\$2,055	4.75%	181	27-Nov-23
NAB	A-1+	TD	\$3,114	4.32%	276	07-Feb-24
NAB	A-1+	TD	\$943	4.96%	274	21-Mar-24
Subtotal:	\$17,041					
CBA	A-1+	At call	\$4,268	0.25%		
CBA	A-1+	Operating	\$5,310	3.60%		
Subtotal:	\$9,578					
Total investments: \$26,619,000						

*TD refers to general term deposits where the use of interest earned is not restricted.

These funds are required to meet the Council's short-term commitments, including capital and operating supplier payments, employee payroll costs and loan repayments.

Loan Portfolio

Details of existing loans held at 30 June 2023 are attached in **Appendix 1**.

Loan terms are:

Loan Number	Type	Term
15 to 17	Variable	10 years
18	Fixed – principal and interest	10 years
19	Variable	10 years
20	Fixed	10 years
21	Fixed	10 years
22	Variable	10 Years

Contracts and Works Awarded Under Delegation

No publicly advertised tenders have been awarded under delegation for the period 1 April 2023 to 30 June 2023.

Contracts awarded for the period 1 April 2023 – 30 June 2023.

13 June 2023	Lakeside Cinema Fit out	\$218,430
30 May 2023	Building Surveyor Services	\$53,885

Delegation of Procurement Authority to Chief Executive Officer

As per the *Procurement Policy*, instances where the Chief Executive Officer approved expenditure for statutory charges or other matters, generally consistent with the approved or revised budget, be reported quarterly.

There was no expenditure of this nature for the quarter.

Procurement

- Continued to progress procurement for CAPEX 2023/24 program, additional carried forward from CAPEX 2022/23 projects.
- Six procurements initiated.
- Accessed one procurement opportunity through MAV Procurement for training.
- Online and face-to-face Procurement and Contract Management training ongoing.

Revenue, Property & Valuations

- Fourth instalment notices issued to all ratepayers.
- Fourth instalment reminder notices issued for overdue balances.
- Finalisation of rate modelling for 2022/23 annual budget
- Fourth instalment remittance return submitted to the State Revenue Office for the Fire Services Property Levy.
- The Q3 review of the rates database to identify possible pensioners resulted in around 100 additional rebates being granted compared to previous quarters. We normally grant around 15 rebates per quarter.
- E-notice stats:
 - EzyBill – 415 (+37)
 - BPAY View – 402 (+5)

EzyBill allows access to rate notices from any device, making payment both easy and convenient.

BPAY is an easy and secure way to pay and manage bills from your online banking.

Rates and Charges Revenue

Third instalment notices were issued on 2 May with payment due by 31 May.

Reminder notices were issued on 15 June. There were 926 notices issued for debts totaling just under \$997,000.

Appendix 2 details the overall rates and charges generated and collected and apportions the unpaid balance between arrears from previous years of \$369,000 and unpaid charges levied in the current year amounting to \$558,000.

Rate arrears collected in the current year amount to \$474,000, bringing the total arrears collected this financial year to 56 percent. This figure is slightly lower (-3 percent) than the quarter ended 30 June 2022.

Collections, as a proportion of overall debt, are slightly down compared to the quarter ended 30 June 2022 (-0.59 percent). The number of properties with outstanding balances has increased by 154 properties. This may indicate that more properties are falling into ‘low-level’ arrears.

The arrears balance carried into 2023/24 has increased by 6.28 percent compared to the quarter ended 30 June 2022. It is expected that this figure will not reduce in line with previous years due to the introduction of new legislation that will restrict the way councils are able to collect rates debts in a timely manner.

Appendix 3 provides a graph summary comparing the 2022/23 rate instalments due with the total instalments paid as at 30 June 2023.

Spatial Data Management

The following table includes spatial data management statistics.

Task	Jun 2023	Mar 2023	Dec 2022	Sept 2022
Rural Road numbers and urban addresses issued (not part of new subdivisions)	1	9	14	23
M1s forwarded to the Spatial Information Division of DEECA to update the State mapping datasets with new addresses and Council Property Numbers and rectify anomalies	94	203	252	83
Maintenance and auditing parcels on Mapbase	110	220	208	105

Corporate GIS

- Continued with data audit of mapping files to translate their projection from GDA94 to GDA2020 which is happening nationally.
- Reviewing and providing new roads and features/locations to be updated onto the new Tear Off Map.
- Attended the RESPOND- Benalla Community Led Children’s workshop.
- Meeting with Spatial Vision regarding the GMCA Resilient Estates digital data requirements to assist them with mapping the climate change analysis.

COUNCIL PLAN 2021-2025 (IMPLICATIONS)

Leadership

Action	June Quarter Update
Manage the procurement of goods and services to provide transparency and best value for money.	<ul style="list-style-type: none"> ▪ Ongoing staff training via Online and face-to-face for BRCC Procurement Policy and Procedural Guidelines as required by the Local Government Act 2020
Deliver responsible budget outcomes linked to strategy that maintain financial sustainability and deliver value for money and rating fairness.	<ul style="list-style-type: none"> ▪ Undertook Quarter review of forecast result for 30 June 2023 considering Flood and Storm events impacts against budget phasing 2022/23 and mid-year review 2022/23. ▪ Conducted Councillor workshops on 2023/24 Budget.

Recommendation:

That the report be noted.

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Loans held at 30 June 2023

Appendix 1

Interest to be paid:

Loan Number	2022/2023 Year	2023/2024 Year	2024/2025 Year	2025/2026 Year	2026/27 Year	2027/28 Year	2028/29 Year	2029/30 Year	2030/31 Year	Totals
15A (Variable)	\$1,922									\$1,922
15B (Variable)	\$4,322									\$4,322
16 (Variable)	\$7,239	\$4,580								\$11,819
17 (Variable)	\$13,587	\$11,370	\$3,730							\$28,688
18 (Fixed)	\$7,615	\$5,630	\$3,561	\$1,372						\$18,178
19 (Variable)	\$9,395	\$10,512	\$7,700	\$4,764	\$1,683					\$32,229
20 (Fixed)	\$11,385	\$9,499	\$7,528	\$5,395	\$3,286	\$1,062				\$38,156
21 (Fixed)	\$11,345	\$9,798	\$8,166	\$6,507	\$4,794	\$3,032	\$1,197			\$44,841
22 (Variable)	\$61,002	\$76,839	\$66,583	\$56,533	\$46,483	\$36,530	\$26,384	\$16,334	\$6,284	\$392,971
Total Interest Payable	\$127,812	\$128,228	\$97,268	\$74,571	\$56,247	\$40,625	\$27,581	\$16,334	\$6,284	\$573,126

Principle to be paid:

Loan Number	2022/2023 Year	2023/2024 Year	2024/2025 Year	2025/2026 Year	2026/27 Year	2027/28 Year	2028/29 Year	2029/30 Year	2030/31 Year	Totals
15A (Variable)	\$105,376									\$105,376
15B (Variable)	\$230,547									\$230,547
16 (Variable)	\$106,937	\$111,049								\$217,986
17 (Variable)	\$79,586	\$109,654	\$105,089							\$294,329
18 (Fixed)	\$52,585	\$54,570	\$56,639	\$58,819						\$222,612
19 (Variable)	\$50,592	\$51,769	\$54,581	\$57,516	\$54,156					\$268,615
20 (Fixed)	\$49,768	\$51,654	\$53,625	\$55,758	\$57,867	\$50,061				\$318,734
21 (Fixed)	\$35,461	\$48,950	\$50,582	\$52,241	\$53,954	\$55,716	\$58,374			\$355,279
22 (Variable)	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$1,710,000
Total Principal Payable	\$900,851	\$617,646	\$510,516	\$414,335	\$355,978	\$295,777	\$248,374	\$190,000	\$190,000	\$3,723,478

Rates and Charges Collections Report

30 June 2023

		Rates	Interest	Legal	Total	Comments
Arrears as at 1 July 2022		\$787,623	\$49,123	\$6,687	\$843,433	Unpaid amounts up to and including the 2021/22 rating year.
Payments	30/09/2022	-\$86,799	-\$11,854	-\$400	-\$99,053	
	31/12/2022	-\$180,746	-\$4,197	-\$545	-\$185,488	
	31/03/2023	-\$118,254	-\$2,516	-\$482	-\$121,252	
	30/06/2023	-\$63,564	-\$4,388	-\$331	-\$68,283	
Total		-\$449,363	-\$22,956	-\$1,757	-\$474,076	
Arrears Rates Balance		\$338,261	\$26,167	\$4,929	\$369,358	<i>Arrears Unpaid as at 30 June 2023</i>

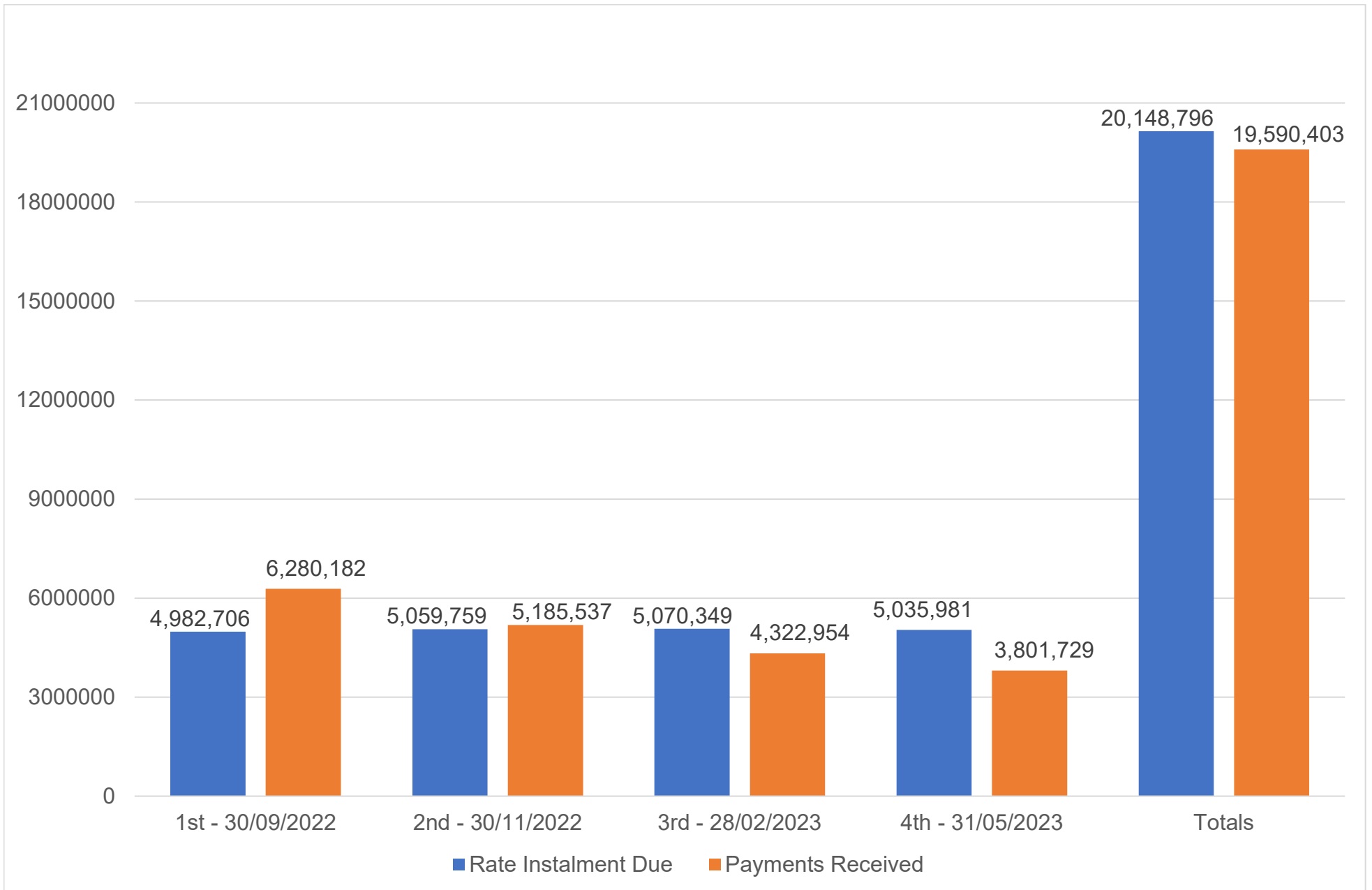
		Rates	Interest	Legal	Total	Comments
Current Rates/Charges						
Raised	30/09/2022	\$20,313,793	\$4,453	\$4,161	\$20,322,406	2022/23 Rates including Municipal and Waste Management Charges (includes additional rates levied on new houses and subdivided lands)
	31/12/2022	\$197,175	\$15,839	\$5,300	\$218,315	
	31/03/2023	\$35,344	\$17,841	\$468	\$53,653	
	30/06/2023	\$316	\$15,220	\$10,565	\$26,100	
Total		\$20,546,628	\$53,353	\$20,494	\$20,620,474	

		Rates	Interest	Legal	Total	Comments
Pension Concessions						
	30/09/2022	-\$417,421	\$0	\$0	-\$417,421	State Govt - reimbursed by DFFH.
	31/12/2022	-\$3,595	\$0	\$0	-\$3,595	
	31/03/2023	-\$8,503	\$0	\$0	-\$8,503	
	30/06/2023	-\$42,159	\$0	\$0	-\$42,159	
Total		-\$471,679	\$0	\$0	-\$471,679	

		Rates	Interest	Legal	Total	Comments
Net Rates for Collection		\$20,074,949	\$53,353	\$20,494	\$20,148,795	
Payments	30/09/2022	-\$6,277,617	-\$1,675	-\$891	-\$6,280,182	Payments received to date for current year rates
	31/12/2022	-\$5,175,074	-\$8,047	-\$2,416	-\$5,185,537	
	31/03/2023	-\$4,310,167	-\$10,373	-\$2,414	-\$4,322,954	
	30/06/2023	-\$3,790,088	-\$8,733	-\$2,908	-\$3,801,729	
Total		-\$19,552,945	-\$28,828	-\$8,629	-\$19,590,403	

		Rates	Interest	Legal	Total	Comments
Current Rates Balance		\$522,004	\$24,525	\$11,865	\$558,392	<i>Current unpaid as at 31 March 2023</i>
Balance Remaining		\$860,265	\$50,692	\$16,794	\$927,751	<i>Balance as at 1 April 2023</i>

2022/23 Rates & Charges - Due & Collected to 30 June 2023



4.3 Facilities and Information Technology Department Activity Report For The Quarter Ended 30 June 2023

SF/1544

Greg Robertson – Manager Facilities and Information Technology

PURPOSE OF REPORT

The report presents the activities of the Facilities and Information Technology Department for the quarter ended 30 June 2023.

Facilities Management

- A decorative ceiling panel in the Benalla Town Hall became detached from the roof. This has since been reattached by a local commercial builder.
- Installation of colour changing lighting at the Benalla Library.
- The grass runway and both grass glider strips at Benalla Airport have been closed for several months due to ongoing wet weather. The sealed runway and sealed taxiways have remained open and are not impacted by the ongoing wet conditions.



Decorative ceiling panel in the Benalla Town Hall.



Lighting at the Benalla Library set to green and gold in support of the Australian Rugby Team the Wallabies.

Information and Communications Technology (ICT)

- The Virtual Desktop environment, VMWare, has been rebuilt and deployed to all end users within council. The new environment is configured for high reliability so in the event of a server hardware fault, a staff member's computer session will failover to another server. The failover should be unnoticeable to the end user.
- Completed the migration of production servers to new server hardware. This process commenced last quarter and has now completed without incident. End users will notice moderate software speed enhancements, and increased storage space. The project ensured Council software continued to operate on server hardware that is under support and warranty. It is anticipated production services will move to a cloud-based solution next time this work is required.
- Staff continue to work on the Collaborative Digital Innovation project (CODI) in conjunction with Strathbogie, Mansfield and Murrundindi Shires, which will replace the following core software systems by end of 2024:
 - Finance System
 - Rates and Property
 - Customer Management
 - Information Management (Records)
 - Planning, Building, and Regulatory Services

Benalla Aquatic Centre YMCA

- Centre membership finished the quarter at 427 memberships, an increase on the previous total of 406 last quarter.
- Swimming lesson memberships finished the quarter at 629, up from 564 in the last quarter.

Highlight

- The awarding of the CODI tender for Information Management (Records) and Building, Planning and Regulatory systems. Working groups from the four CODI member councils are preparing for software rollout over the coming months.

COUNCIL PLAN 2021-2025 ACTION PLAN

Livability

Vibrant public spaces and places		
Strategy	Action	June Quarter Update
Maintain the amenity and cleanliness of townships, public spaces, roadsides, and community facilities.	Deliver Benalla Town Hall Infrastructure Upgrade project.	<ul style="list-style-type: none"> ▪ Installation of the major heating and cooling upgrade is complete, and we await the upgrade of the mains power supply by Austnet Services.
Enhance and maintain key places of significance.	Update Benalla Airport Master Plan.	<ul style="list-style-type: none"> ▪ Tender to conserve BARC Hut 65 and the amenities has been awarded. ▪ BARC Avenue at the Benalla Airport stormwater drainage works completed

Leadership

High performance culture		
Strategy	Action	June Quarter Update
Improve customer experience through responsive, timely, efficient, well planned, and accessible services.	Review, update and implement the <i>Benalla Rural City Council Information Technology and Communications strategy</i> .	<ul style="list-style-type: none"> ▪ Rollout of high availability virtual computer desktop. ▪ Continued involvement in project CODI.

Recommendation:
That the report be noted.

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4.4 Council Plan 2021-2025 Action Plan Update

SF/2495-02

Robert Barber – General Manager Corporate

PURPOSE OF REPORT

The report presents an update on the *Council Plan 2021-2025 Action Plan to 30 June 2023*.

BACKGROUND

At its meeting on 1 December 2021, the Council adopted the *Council Plan 2021-2025 Action Plan to 30 June 2023*.

The Action Plan details the projects and programs that will be delivered to achieve the Council Plan strategies under its five themes: Community, Liveability, Economy, Environment and Leadership.

DISCUSSION

For a status update on actions from the *Council Plan 2021-2025* refer to **Appendix 1**.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- Good governance
- Engaged and informed community

COMMUNITY ENGAGEMENT

Outcomes from

FINANCIAL IMPLICATIONS

Delivery of actions from *Council Plan 2021-2025* formed the basis of the *2022/23 Budget*.

CONCLUSION

Incomplete actions from the action plan will be transferred to the *Council Plan 2021-2025 Action Plan to 30 June 2025*. New actions developed at an upcoming Councillor and Leadership Team workshop will also be included in this action plan.

Recommendation:**That a report be noted.**

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Theme 1: Community

Objective: A healthy, safe and resilient community		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Work closely with community and key stakeholders to plan for emergencies and build community resilience.	Develop a new <i>Municipal Emergency Management Plan</i> .	Completed.
With our community and key stakeholders to address some of the priorities of the <i>Victorian Public Health and Wellbeing Plan 2019-2023</i> : healthy eating and active living; mental wellbeing, preventing violence and injury, and climate change and its impact on health.	Development, implementation and monitoring of <i>Benalla Rural City Municipal Health and Wellbeing Action Plan</i> .	Completed. Benalla Health and Wellbeing Partnership continues to meet and has developed an action plan. Progress on delivery the of action plan will be presented to the Council.
Offer programs, services, activities and events that support, develop and connect community members of all abilities and lead the community in being age friendly and child and Covid safe.	Update <i>Benalla Rural City Council Community Access and Inclusion Plan</i> .	Draft <i>Disability Action Plan</i> has been presented to the Accessibility Reference Group.

Theme 1: Community

Objective: A connected, involved and inclusive community		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Support and promote opportunities for the community to participate in a range of social, recreational, and arts and cultural programs, activities and events.	Update <i>Benalla Rural City Council Youth Strategy</i> .	Completed. Strategy adopted 29 June 2022.
	Investigate development of an Off-Leash Dog Park	Dog park at Churchill Reserve under construction.
Encourage, support, value and celebrate volunteering in the community.	Develop a strategy for engaging new volunteers.	In progress.
Continue to respectfully engage, include, celebrate and promote Aboriginal and Torres Strait Islander culture and people.	Develop a <i>Benalla Rural City Council Aboriginal Reconciliation Plan</i> .	In progress. \$50,000 allocated in 2023/24 Budget.
Promote, support and actively engage with smaller rural communities.	Reintroduce Councillor Rural Community Visitation program.	In progress.
	Develop rural township plans.	In progress. Some plans completed.
	Deliver township projects identified in township plans.	Waiting for completion of Township Plans.

Theme 2: Liveability

Objective: Vibrant public spaces and places		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Maintain and develop sport and recreation facilities and reserves, parks, gardens, playgrounds, and walking and cycling paths to increase passive and active community participation and social connection.	<p>Progress the Benalla Indoor Recreation Centre Redevelopment Project.</p> <p>Deliver Mitchell Street Lakeside Park project.</p> <p>Deliver Benalla Ceramic Mural Precinct Upgrade project.</p>	<p>\$15,000,000 in Victorian Government funding confirmed. Tender for design of facility and community consultation on location to be undertaken.</p> <p>Not progressed.</p> <p>In progress.</p>
Maintain the amenity and cleanliness of townships, public spaces, roadsides and community facilities.	Deliver Benalla Town Hall Infrastructure Upgrade project.	Completed.
Ensure open spaces and public places in existing and developing communities are thoughtfully planned, connected, green, sustainable, accessible, engaging and inclusive and consider the needs of an ageing community.	Deliver Playground Renewal Program.	Completed.
Beautify streetscapes, landscaping, signage and town entrances.	Deliver the Bridge Street Streetscape project.	In progress. Initial community engagement undertaken.

Theme 2: Liveability

Objective: Vibrant public spaces and places		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Enhance and maintain key places of significance.	Deliver Visitor Information Centre Redevelopment.	In progress. Project expected to be completed in August 2023.
	Deliver Benalla Art Gallery Redevelopment.	In progress. Stage 1 design near completion.
	Deliver Benalla Art Gallery Off-Site Storage.	To be delivered as part of Benalla Art Gallery Redevelopment project.
	Update Benalla Airport Master Plan.	Not progressed.
	Develop a concept plan for the Benalla Station Precinct and Benalla Central Business District Linkage upgrade.	Not started. Final design of Benalla Station Precinct redevelopment near completion.
Advocate for and act on opportunities to protect, maintain and preserve heritage assets.	Develop <i>Benalla Rural City Heritage</i> study.	In progress. Stakeholder engagement plan adopted and being implemented.

Theme 2: Liveability

Objective: Connected and accessible roads, footpaths, transport and parking		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Deliver and maintain accessible and safe footpaths and cycle paths in existing and new neighbourhoods.	Review and update <i>Pathways to the Future – Shared Path Project</i> strategy.	In progress. Projects audited. Delivery of outstanding projects started. Strategy to be updated once outstanding projects delivered.
	Deliver new footpath works	Completed.
	Deliver Lakeside Walk Boardwalk Renewal project.	In progress. Sustainable materials being procured.
	Deliver Kerb and Channel Replacement program.	In progress. Limited delivery in 2022/23 due to contractor shortage and impact of October 2022 flood event.

Objective: Connected and accessible roads, footpaths, transport and parking

Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Maintain and improve drainage, bridges, parking and road networks to meet the needs of the current and future population.	Deliver Fawckner Drive, Benalla Upgrade project. Implement Benalla Rural City Council <i>Drainage</i> strategy. Develop a <i>Benalla Rural City Council Asset Plan</i> .	Completed. In progress. Limited progress in 2022/23 due to flood event in October 2022. Completed. Asset Plan adopted June 2022
Plan for population growth and accessibility for all.	Develop <i>Benalla Rural City Growth</i> strategy	In progress. External funding required and is being sought.

Theme 3: Economy

Objective: Thriving business and industry		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Work together with key stakeholders to engage, support, strengthen, enhance and diversify local business.	Develop the <i>Economic Diversification Plan</i> .	In progress. Stakeholder interviews undertaken. Initial discussions on the establishment of a Benalla Innovation Network held.
Attract new investment, business and industry to the Benalla Rural City to facilitate business growth and job creation.		

Objective: Flourishing tourism		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Strengthen the visitor economy through growth of events and promotion of unique assets and experiences and visitor attractions.	Review and update the <i>Events and Tourism</i> strategy.	In progress. On hold waiting release of <i>Tourism North East Destination Management Plan</i> .
Grow, enhance and promote sports, arts and culture tourism opportunities.		
Improve accommodation offerings in the Benalla Rural City.		

Theme 3: Economy

Objective: Diverse education and employment		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Work with key stakeholders to improve local learning and employment pathway opportunities that address skills gaps, align with future needs and support lifelong learning.	Develop the <i>Economic Diversification Plan</i> .	In progress. Stakeholder interviews undertaken.

Theme 4: Environment

Objective: Healthy and protected natural environment		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Partner with agencies and the community to manage and enhance our natural environmental assets, water quality and river health across Benalla Rural City and support the Goulburn Broken Catchment Management Authority Regional Catchment Strategy and other regional environmental strategies.	<p>Review and update the <i>Environment Strategy</i>.</p> <p>Review and update the <i>Climate Change Adaptation Plan 2013-2025</i>.</p>	In progress. Current strategy and plan audited. Stakeholder engagement in progress.

Objective: High quality, efficient and sustainable waste management		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Actively promote responsible behaviours to reduce waste.	Review and update <i>Waste Management Policy</i> , including the consideration of the introduction of hard waste collection and 'tip vouchers'.	In progress. <i>Waste Services Policy</i> adopted September 2022. Waste Reduction Working Group established, but yet to meet.
Provide efficient and sustainable waste management services.	Bring Benalla Landfill and Resource Recovery Centre Transfer Station into operation.	Completed.

Theme 4: Environment

Objective: Sustainable practices		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Partner with business, industry and community to plan and implement local approaches and initiatives that respond to climate change.	Review, update and adopt <i>Environment Strategy</i> .	In progress. Current strategy and plan audited. Stakeholder engagement in progress.
Advocate, promote, support and encourage the use of renewable and clean energy and technology.		
Improve Council's sustainability performance through greater use of renewable energy and demonstrating sustainability leadership to the community.		

Theme 5: Leadership

Objective: Good governance		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Ensure compliance with the <i>Local Government Act 2020</i> and other relevant legislation and regulations.	Development and adoption of policies and strategies required under the <i>Local Government Act 2020</i> .	Completed
Ensure key community priorities captured in the long-term community vision are reflected in the Council Plan.	Review, update and implement the <i>Benalla Rural City Community Plan 2016-2036</i> .	Completed. Community Vision incorporated into <i>Council Plan 2021-2025</i> .
Manage the procurement of goods and services to provide transparency and best value for money.	Procurement Policy updated.	Completed.
Deliver responsible budget outcomes linked to strategy that maintain financial sustainability and deliver value for money and rating fairness.	Ongoing development of Financial Plan.	Ongoing.

Theme 5: Leadership

Objective: Engaged and informed community		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Work in partnership with community members, groups and organisations to achieve the aspirations captured within the Benalla Rural City long-term Community Vision.	Review, update and implement the <i>Benalla Rural City Community Plan 2016-2036</i> .	Completed. Community Vision incorporated into <i>Council Plan 2021-2025</i> .
Create opportunities for deliberative engagement prior to decision making and actively improve and enhance Council's community engagement practices.	Develop, adopt and implement the <i>Benalla Rural City Council Community Engagement Policy</i> and <i>Community Engagement Framework and Toolkit</i> .	Completed.
Provide timely and effective communications in plain language to the community about Council services, activities and decision making.		

Theme 5: Leadership

Objective: High performance culture		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Improve customer experience through responsive, timely, efficient, well planned, and accessible services.	Review and update the <i>Customer Relations</i> strategy.	In progress.
	Review, update and implement the <i>Benalla Rural City Council Information Technology and Communications</i> strategy.	In progress. Strategy being developed in parallel with Collaborative Digital Transformation project.
	Participate in the State Government's Rural Councils Transformation program.	In progress. Procurement for a range of software applications underway.
Develop a skilled, efficient and high performing customer focussed workforce.	Develop a Benalla Rural City Council Workforce Plan	In progress.
In collaboration with key community partners support an inclusive and safe workplace, aiming to increase awareness of and access to appropriate training for staff in the prevention of all forms of violence.	Develop a <i>Gender Equality Action Plan 2021-2025</i> plan.	Completed.

Theme 5: Leadership

Objective: Effective and responsive advocacy		
Strategies	Action (to 30 June 2023)	Status at 30 June 2023
Work in partnership with community, groups, local agencies, and all levels of government to advocate for improved services, infrastructure and social outcomes for the community and report on advocacy outcomes.	Develop and adopt a <i>Benalla Rural City Council Advocacy</i> strategy.	In progress. Advocacy continues on a range of issues.

4.5 Sale of Land at Enterprise Park, Benalla

SF/808-09
Dom Testoni – Chief Executive Officer

PURPOSE OF REPORT

The report is for Council to consider whether to sell the whole of the land known as Enterprise Park Industrial Estate, Benalla, being Lot G on plan of subdivision no. PS830933R (Land), to BT CON Pty Ltd and/or nominee.

BACKGROUND

At its meeting on 25 May 2022 resolved to commence an expression of interest (EOI) process in respect of the Council's intention to sell the Land.

The EOI was open for submissions between 14 November 2022 and 21 December 2022.

After initially reviewing four submissions in response to the EOI process, Council's evaluation panel subsequently reviewed revised submissions from two shortlisted proponents. Council determined that no submission be recommended for acceptance, on the basis that no submission met Council's principal objectives.

At its meeting on 12 April 2023, Council resolved to:

- terminate the EOI process, on the basis that no submissions received adequately met Council's objectives, and notify all proponents; accordingly, and
- publicly offer the Land for sale via Ray White Benalla.

The Council listed the Land for sale from 28 April 2023 until 29 May 2023, and received offers from three entities.

Following discussion with Council's selling agent, Council's evaluation panel recommended that the offer by BT CON Pty Ltd be recommended to Council for acceptance on the basis that it best met Council's principal objectives.

Council at its meeting on 28 June 2023 resolved:

1. *that, pursuant to section 114 of the Local Government Act 2020 (Act), a community engagement process be commenced in respect of Council's intention to transfer the whole of the land contained in Lot G on plan of subdivision no. PS830933R to BT CON Pty Ltd and/or nominee for market value as determined by Council;*
2. *that, under section 114(2)(i) of the Act, notice of the proposed sale be given on Council's internet site;*

3. *that as part of its community engagement process, public notice of the proposed sale at market value be given in the Benalla Ensign to invite submissions on the proposed sale and deal with any submissions received in accordance with Council's community engagement policy;*
4. *authorises Council's General Manager Robert Barber to undertake the administrative procedures necessary to enable Council to carry out its functions in accordance with Council's community engagement policy in relation to this matter; and*
5. *authorises Council's Chief Executive Officer to negotiate the proposed terms of the contract of sale with BT CON Pty Ltd, pending Council's completion of its community engagement process, consideration of any submissions received, and decision whether to proceed with the sale.*

Copies of the Council reports dated 12 April and 28 June 2023, which include a detailed description of the EOI process and subsequently public offer for sale have been provided to Councillors previously.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Economy

- Thriving business and industry.

Environment

- Healthy and protected natural environment.
- High quality efficient and sustainable waste management.
- Sustainable practices.

NOTICE AND COMMUNITY ENGAGEMENT PROCESS

In order to comply with its obligations under section 114 of the Act and the requirements of Council's community engagement policy, Council published notice of Council's intention to sell the Land: on Council's internet site and in the Benalla Ensign on 12 July 2023.

The closing date for submissions was 5pm 10 August 2023.

The Council did not receive any submissions in response to its community engagement process by the closing date for submissions.

LEGAL OR STATUTORY IMPLICATIONS

There is no statutory obligation upon the Council under the Act to undertake a public procurement process in respect of a proposal to sell Council land. However, the *Local Government Best Practice Guideline for the Sale and Exchange of Land* dated June 2009 (the Guideline) states that where a council is proposing to sell a significant land asset, then the sale should generally be conducted through a public procurement process, unless circumstances exist that justify an alternative method of sale.

Selling by public process is regarded as representing good practice for councils for the following reasons:

- i. A public process enables the entire market to respond to the proposal; and
- ii. Without such a process, councils cannot be certain that they are achieving the best possible deal available from the market.

The sale of the Land by public listing would satisfy the Guideline's recommendation for sale through a public procurement process.

FINANCIAL IMPLICATIONS

Costs associated with the disposal of Enterprise Park will be deducted from sale proceeds.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That Council:

- 1. having not received any submissions in response to its community engagement process, to transfer the whole of the land contained in Lot G on plan of subdivision no. PS830933R (Land) to BT CON Pty Ltd and/or nominee for market value as determined by Council; and**
- 2. authorises Council's Chief Executive Officer to:**
 - a. continue negotiating the proposed terms of the contract of sale with BT CON Pty Ltd; and**
 - b. execute the contract of sale and all associated transfer and other documents to effect the transfer of the Land.**

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4.6 Appointment of Acting Chief Executive Officer

SF/808-09

Dom Testoni – Chief Executive Officer
Jess Pendergast – Governance Coordinator

PURPOSE OF REPORT

The report discusses the appointment of an acting Chief Executive Officer during a period of annual leave by the Chief Executive Officer.

BACKGROUND

The *Local Government Act 2020* (the Act), section 44 states a Council must appoint a natural person to be its Chief Executive Officer.

The council through its Instrument of Delegation has approved delegated authority to the Chief Executive Officer to appoint an officer to the role of Acting Chief Executive Officer for a continuous period not exceeding 28 days.

If the period of leave exceeds 28 continuous days, then the Council should appoint an Acting Chief Executive Officer by resolution as prescribed under section 11(3) of the Act.

DISCUSSION

Chief Executive Officer Dom Testoni will be on approved annual leave exceeding 28 days from Thursday 28 September 2023 to Friday 29 October 2023. Therefore, it is necessary for the Council to appoint a person to act in this role during this period.

The Chief Executive Officer has recommended that the General Manager Corporate Robert Barber be appointed as acting Chief Executive Officer during his absence.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *Engaged and informed community.*
- *Effective and responsive advocacy.*

FINANCIAL IMPLICATIONS

The acting Chief Executive Officer will be paid higher duties for the appointment of the role.

LEGISLATIVE AND STATUTORY IMPLICATIONS

The Council is required to appoint a person to act as the Chief Executive Officer whilst the Chief Executive Officer is absent during a period of Annual Leave.

It is considered that the report is consistent with the section 11(3) of the *Local Government Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

The Chief Executive Officer has recommended that the General Manager Corporate be appointed to act on his behalf whilst he is away from the Office on annual Leave between 28 September 2023 to 29 October 2023.

Recommendation:

That General Manager Corporate Robert Barber be appointed as acting Chief Executive Officer for the period 28 September 2023 to 29 October 2023.

4.7 Councillors Expenses Report For The Quarter Ended 30 June 2023

SF/1557

Tracey Beaton – Executive Coordinator

PURPOSE OF REPORT

The report details expenditure associated with Councillors' mobile phone usage, attendance at professional development courses, conferences and seminars, and reimbursement of expenses incurred.

Councillors' Information and Communication Expenses

Councillors' information and communication expenses for mobile phones and iPads are detailed in the table below:

Councillor	2022/23 Q1	2022/23 Q2	2022/23 Q3	2022/23 Q4
Cr Claridge	\$107.84	\$107.84	\$107.84	\$107.84
Cr Davis	\$107.84	\$107.84	\$107.84	\$107.84
Cr Firth	\$35.95	\$35.95	\$35.95	\$35.95
Cr Gunaratne	\$107.84	\$107.84	\$107.84	\$107.84
Cr Hearn	\$107.84	\$107.84	\$107.84	\$107.84
Cr King	\$107.84	\$107.84	\$107.84	\$107.84
Cr O'Brien	\$107.84	\$107.84	\$107.84	\$107.84
Total (Ex. GST)	\$682.99	\$682.99	\$682.99	\$682.99

Councillors' reimbursement of expenses

The Council at its meeting on 15 December 2021 adopted the *Councillor Resources and Reimbursement Policy*.

Councillors' reimbursements are detailed in the table below:

Date	Councillor	Details	Amount
15 June 23	Cr Gunaratne	Lions Club Changeover Dinner	\$35.00
13 June 23	Cr Hearn	Fuel	\$92.28
20 May 23	Cr Claridge	Parking Fees (MAV State Meeting)	\$79.00
Total (Ex. GST)			\$206.28

Councillors' attendance at training courses, conferences and seminars

The Council at its meeting on 12 October 2022 adopted the *Professional Development for Councillors Policy*. The policy states that a quarterly report be submitted to the Council detailing year to date expenditure on Councillors' attendance at professional development courses, conferences and seminars.

Date	Councillor	Description	Professional Development	Conferences & Seminars
10/07/2022	Councillors	The Change Agent Network Pty Ltd	\$2,495	\$0
21/07/2022	Cr Punarji Gunaratne	MAV Community Leadership Training and accommodation	\$722	\$0
01/10/2022	Cr Hearn	Rural Councils Victoria - AICD Foundations of Directorship Course	\$1,249	
13/10/2022	Cr Hearn	2022 MAV Annual Conference		\$695
13/10/2022	Cr Claridge	2022 MAV Annual Conference and accommodation		\$1,150
03/11/2022	Cr Hearn	The Change Agent Network Pty Ltd - Expert Executive Training	\$590	
23 June 23	Cr O'Brien	MAV Meeting Procedures Workshop and accommodation	\$761	
23 June 23	Cr Gunaratne	MAV Meeting Procedures Workshop and accommodation	\$772	
20 May 23	Cr Hearn & Cr O'Brien	ALGWA Conference and accommodation		\$4,184
10 May 23	Cr Claridge	Royal Historical Society of Victoria - Ned Kelly a new lens		\$18
Total (Ex. GST)			\$6,589	\$6,047

FINANCIAL IMPLICATIONS

The *2022/23 Budget* allocated for Councillors' attendance at professional development courses, conferences and seminars is \$14,000.

Summary	Professional Development	Conferences & Seminars
Quarter ended 30 September 2022	\$3,217	\$0
Quarter ended 31 December 2022	\$1,839	\$1,845
Quarter ended 31 March 2023	\$0	\$0
Quarter ended 30 June 2023	\$1,533	\$4,202
Total spend as at 30 June 2023 (Ex. GST)	\$6,589	\$6,047

Recommendation:

That the report be noted.

4.8 Mayor and Councillors’ attendance at Committees and Civic Functions

SF/1557

Tracey Beaton – Executive Coordinator

The Mayor and Councillors, listed in alphabetical order, attended meetings and events as detailed below during the period from 24 July 2023 to 27 August 2023.

Councillor Danny Claridge	
9 August	Benalla Business Coffee Connection
10 August	Hands on Trades Career Expo
14 August	Tour of the Australian Christian College
15 August	Benalla Family Research Group Meeting
	Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee
	Audit and Risk Committee Meeting
16 August	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors – Business Review
18 August	RSL’s Annual Vietnam Day Memorial Service
	150 Years Since the first Steam Train arrived in Benalla Celebration
23 August	Councillor Only Time
	Briefing by North East Water
	Finance and Planning Committee Meeting

Councillor Peter Davis	
26 July	Councillor Only Time
	Assembly of Councillors – Business Review
2 August	Councillor Only Time
	Council Meeting
14 August	Tour of the Australian Christian College
15 August	Audit and Risk Committee Meeting
16 August	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors – Business Review
18 August	150 Years Since the first Steam Train arrived in Benalla Celebration
23 August	Councillor Only Time
	Briefing by North East Water
	Finance and Planning Committee Meeting
24 August	Benalla Art Gallery Foundation Meeting

Councillor Don Firth	
24 July	Benalla Street Art Advisory Group Meeting
26 July	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Assembly of Councillors – Business Review
2 August	Councillor Only Time
10 August	Hands on Trades Career Expo
14 August	Tour of the Australian Christian College
15 August	Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee
16 August	Councillor Only Time
	Assembly of Councillors – Business Review
23 August	Councillor Only Time
	Briefing by North East Water
	Finance and Planning Committee Meeting

Councillor Punarji Hewa Gunaratne	
26 July 2023	Assembly of Councillors – Business Review
2 August	Council Meeting
10 August	Hands on Trades Career Expo
16 August	Assembly of Councillors – Business Review

Mayor Councillor Bernie Hearn	
24 July	Meeting with Benalla RSL
26 July	Councillor Only Time
	Assembly of Councillors – Business Review
27 July	Ministerial Forum for Mayors
28 July	MAV Online Housing Summit
30 July	National Tree Planting Day
1 August	Accessibility Reference Group Meeting
2 August	Councillor Only Time
	Council Meeting
3 August	ABC Radio Interview
	WIN News Interview
	Launch of Always and Altered at the Benalla Art Gallery
7 August	Benalla Local Safety and Traffic Liaison Committee Meeting

Mayor Councillor Bernie Hearn	
	Lakeside Precinct Accessibility Access Working Group Meeting
10 August	Hands on Trades Career Expo
	Meeting with Neil Para - 1000km Walk for Freedom
12 August	Benalla Fire Brigade Presentation Dinner
14 August	Tour of the Australian Christian College
15 August	Victoria's Bushfire Management Strategy Session:
16 August	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors – Business Review
17 August	ABC Radio Interview
	Meeting to discuss Centrelink
18 August	RSL's Annual Vietnam Day Memorial Service
	Meeting with Australian Rail Track Corporation
	150 Years Since the first Steam Train arrived in Benalla Celebration
23 August	Councillor Only Time
	Briefing by North East Water
	Finance and Planning Committee Meeting
24 August	Benalla Gardens Club Plaque Unveiling (70th Birthday Celebrations)
25 August	LGA Roundtable Discussion with Helen Haines

Councillor Justin King	
26 July	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Assembly of Councillors – Business Review
28 July	MAV Online Housing Summit
2 August	Councillor Only Time
	Council Meeting
7 August	Benalla Local Safety and Traffic Liaison Committee Meeting
8 August	Benalla Festival - Fishing Event Meeting
10 August	Hands on Trades Career Expo
16 August	Councillor Only Time
	Assembly of Councillors – Business Review
18 August	RSL's Annual Vietnam Day Memorial Service
23 August	Councillor Only Time
	Finance and Planning Committee Meeting

Councillor Gail O'Brien	
24 July	Benalla Street Art Advisory Group Meeting
26 July	Councillor Only Time
	Live4Life Benalla Partnership Meeting
	Assembly of Councillors – Business Review
2 August	Councillor Only Time
	Council Meeting
3 August	Launch of Always and Altered at the Benalla Art Gallery
7 August	Benalla Health and Wellbeing Partnership Meeting
9 August	Benalla Business Coffee Connections
10 August	Hands on Trades Career Expo
	Meeting with Neil Para - 1000km Walk for Freedom
	Homelessness Resource Group Meeting
14 August	Tour of the Australian Christian College
16 August	Councillor Only Time
	Assembly of Councillors – Business Review
23 August	Councillor Only Time
	Briefing by North East Water
	Finance and Planning Committee Meeting
25 August	Australia Day Advisory Committee Meeting

Recommendation:

That the report be noted.

4.9 Council Actions Pending

Council Actions Pending are detailed in **Appendix 1**.

Recommendation:

That the report be noted.

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Council Actions Pending

Action No.	Meeting Name	Item	Action	Officer	Status/notes
1.	F&P Committee 23-Aug-23	12	Councillor Conduct Panel Determination That the Councillor Conduct Panel Determination and Statement Of Reasons For Decision contained in Appendix 1 be noted.	GMC	Completed
2.	F&P Committee 23-Aug-23	9	Cessation of Plastic Wise Policy That the Plastic Wise Policy be ceased.	MEDAS	Completed
3.	F&P Committee 23-Aug-23	7	Cessation of Grant Management and Event Project Policy 1. That the <i>Grant Management - Infrastructure and Event Projects Auspiced by Council Policy</i> be ceased. 2. That the <i>Project Proposal Application for Grant Funding</i> form be amended to serve as a guide for community groups and Council staff.	MC	1. Completed 2. In progress
4.	F&P Committee 23-Aug-23	2	Draft Fawckner Drive Precinct Masterplan – Hearing of Submissions That submissions be received.	MC	Completed
5.	Council Meeting 2-Aug-23	4.2	2023/24 Quick Response Grants Program That \$500 grant from the 2023/2024 Quick Response Grant program be allocated Parents and Friends Association – Australian Christian College.	MC	Completed
6.	F&P Committee 19-Jul-23	3	2023/24 Quick Response Grants Program That a \$500 grant from the 2023/2024 Quick Response Grant program be allocated to the Swanpool Community Cinema.	MC	Completed
7.	Council Meeting 28-June-23	4.6	Fawckner Drive Precinct Masterplan That the draft <i>Benalla Fawckner Drive Masterplan</i> be endorsed for public exhibition for a period of at least 28 days.	MC	Public exhibition closing 5pm Friday 11 August 2023.

Action No.	Meeting Name	Item	Action	Officer	Status/notes
8.	Council Meeting 19-Apr-23	4.4	<p>Climate Change Adaptation Action Plan 2013-2025 and the Environment Strategy 2016-2020 Review</p> <ol style="list-style-type: none"> 1. That the report be noted. 2. That a draft <i>Benalla Rural City Council Climate and Environment Strategy</i> be developed. 3. That the <i>Benalla Rural City Council Climate and Environment Strategy Communications and Stakeholder Engagement Plan</i> be endorsed. 	MEDAS	<ol style="list-style-type: none"> 1. Completed 2. In progress 3. Completed
9.	Council Meeting 15-Mar-23	4.2	<p>Proposed Tesla Carpark Lease</p> <ol style="list-style-type: none"> 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. 	MEDAS	<ol style="list-style-type: none"> 1. Completed 2. Completed 3. Completed 4. Negotiations are continuing. Report was expected in August 2023, now expected in October 2023. 5. Completed
10.	F&P Committee 1-Mar-23	3	<p>Planning Scheme Review Amendment – Benalla Planning Scheme Review</p> <p>That Council resolves to:</p> <ol style="list-style-type: none"> 1. Note and forward the <i>Benalla Planning Scheme Review 2022</i> to the Minister for Planning in accordance with Section 12B (5) of the <i>Planning and Environment Act 1987</i>. 2. Seek assistance from Regional Planning Hubs to prepare and exhibit a planning scheme amendment to implement the <i>Benalla Planning Scheme Review 2022</i>. 	MD	<ol style="list-style-type: none"> 1. Completed 2. In progress

Action No.	Meeting Name	Item	Action	Officer	Status/notes
11.	F&O Committee 27-Jul-22	2.	<p>Presentation: Benalla Centrelink Campaign</p> <ol style="list-style-type: none"> 1. That the Council reach out to Centrelink to send a representative to present to the Council. 2. That the Council continue to advocate to the Federal Government for the re-opening of the Benalla Centrelink and National Disability Insurance Agency (NDIA) offices. 	CEO	<ol style="list-style-type: none"> 1. In progress 2. Meeting held with Minister for NDIS and Minister for Government Services Hon Bill Shorten MP. Continuing to advocate.
12.	F&O Committee 15-Jun-22	9.	<p>Financial Hardship Policy Review</p> <ol style="list-style-type: none"> 1. That the <i>Financial Hardship Policy</i> be adopted. 2. That the <i>Financial Hardship Policy</i> be reviewed once the <i>Local Government legislation Amendment (Rating Reform and Other Matters) Bill 2022</i> becomes legislation. 	MF	<ol style="list-style-type: none"> 1. Completed 2. Legislation has been passed. A report will be presented once further clarification has been received.

5. Reports by Councillors

Recommendation:
That the report(s) be noted.

6. Notices of Motion

7. Notices of Rescission Motion

8. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

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Confidential Business

It is 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 Tender for Contract CM23.027 – Spray Sealing Works on Various Council Roads 2023/24
- 9.2 Confidential Reports by Councillors
- 9.3 Confidential Council Actions Pending

Recommendation:

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*.

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10. Reopening of the meeting to the public

Recommendation:

That the meeting be reopened to the public.

Closure of the meeting