

# Council Meeting

## Agenda

**Date:** Wednesday 19 April 2023

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

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

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



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# Minutes

<b>Chair</b>	Councillor Bernie Hearn (Mayor)	
<b>Councillors</b>	Councillor Danny Claridge	
	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Punarji Hewa Gunaratne	
	Councillor Justin King	
	Councillor Gail O'Brien	
<b>In attendance</b>	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Cathy Fitzpatrick	Manager Finance
	Adrian Gasperoni	Manager Assets and Infrastructure
	Courtney Naughton	Manager Economic Development and Sustainability
	Shannan Cooper	Resource Recovery Coordinator
	Jess Pendergast	Governance Coordinator
	Nathan Gasperoni	Environmental Sustainability Officer

## Opening and Acknowledgment of Country

The Chair opened the meeting at 5.40pm and recited 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 recited 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**

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

### **Disclosures of Conflict of Interest**

No conflicts of interest were disclosed to the meeting.

### **Apologies**

An apology was received from Councillor Punarji Hewa Gunarante.

**Cr King /Cr Claridge:**

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

**Carried**

### **Confirmation of the previous Meeting Minutes**

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

**Cr Davis / Cr King:**

**That the Minutes of the Council Meetings held on Wednesday 15 March 2023 and Wednesday 12 April 2023 be confirmed as a true and accurate records of the meetings.**

**Carried**



## 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.

It is recorded that Jane Rushworth tabled the below question:

*I have read the BRCC Councillor Code of Conduct and supporting legislation. When a community member has a complaint with a Councillor, what community based options are available to the community member to resolve the matter?*

The Chief Executive Officer answered that under the Code of Conduct, where the dispute arises from a complaint generated by a member of the public or Council staff, access to the dispute resolution process under this Code is only possible where a Councillor or group of Councillors takes up the complaint about another Councillor on behalf of the complainant.

The Code can be downloaded from Council's website. In addition to this, two other options are available:

1. Direct complaint to the Local Government Inspectorate
2. Direct complaint to the Victorian Ombudsman

It is recorded that Lynda Orr tabled the below question in relation to the '15 Minutes City Planning Concept':

1. *Will Council be installing cameras & barricades to inhibit movement of residents in & out of Benalla & FINE residents in the monetary sense or other as well as operating a passport/permission/permit system - if residents choose to travel freely?*
2. *Have Councillors researched the reaction of residents from other countries eg. Canada, Oxfordshire UK & the disintegration of the towns, the morale of the residents, the resentment residents feel & the high level of discrimination against residents from councils?*

The Chief Executive Officer answered no.

It is recorded that Susan Pearce tabled the below question:

*Can the Mayor please advise the date of meeting with Better Benalla Rail and all Councillors to discuss plans for the Benalla Station precinct?*

The Chief Executive Officer answered that the Mayor has advised that she will arrange a meeting to be held within the next couple of weeks.

**Cr Claridge / Cr King:**

**That the question(s) and answer(s) be noted.**

Carried

## 2. Petitions

No petitions were submitted to the meeting.

## Record of Committees

### 3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 5 April 2023 are attached as **Appendix 1**.

**Cr Firth / Cr Claridge:**

**That the recommendations of the Finance and Planning Committee meeting held on Wednesday 5 April 2023 be adopted.**

**Carried**



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

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

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

#### February 2023

7 February 2023	Accessibility Reference Group
16 February 2023	Visitor, Cinema, History Co-Location in Benalla Working Group
21 February 2023	Audit and Risk Committee
22 February 2023	Communications Advisory Committee
22 February 2023	Assembly of Councillors – Business Review

#### March 2023

8 March 2023	Assembly of Councillors – Business Review
15 March 2023	Benalla Festival Advisory Committee
21 March 2023	Assembly of Councillors – Business Review

**Cr O'Brien / Cr Davis:**  
That the report be noted.

**Carried**

### Officer Reports

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

No documents were submitted for signing and sealing.





#### 4.2 Proposed 2023/2024 Budget

The report presented the proposed *2023/24 Budget* for consideration.

**Cr Firth / Cr King:**

1. That the proposed *2023/24 Budget* be endorsed for public exhibition for a period of at least 28 days from 20 April 2023.
2. That submissions relating to the proposed *2023/24 Budget* be heard at a meeting of the Finance and Planning Committee on 24 May 2023.
3. That the Council consider submissions relating to the proposed *2023/24 Budget* at a Council meeting on 14 June 2023.
4. That the Council consider the adoption of the *2023/24 Budget* at a meeting of the Council on Wednesday 28 June 2023.

Carried

#### 4.3 Proposed Discontinuance of Roads at Flynns Road and Lee Road Railway Crossings, Winton North

The report sought the Council's approval for the Chief Executive Officer to commence the statutory procedures to consider discontinuing the government roads located at Flynns Road and Lee Road railway crossings, Winton North and publicly advertise and invite public submissions on the proposal.

**Cr King / Cr Claridge:**

**That the Chief Executive Officer, acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Act)*:**

1. Directs that the required statutory procedures be commenced to discontinue the government roads located at the Flynns Road and Lee Road railway crossings, Winton North.
2. Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the *Benalla Ensign*.
3. Gives public notice required to be given under sections 207A and 223 of the Act should state that if the Roads are discontinued, the Roads will vest in the Crown.
4. That the Finance and Planning Committee consider any submissions received pursuant to section 223 of the Act at its meeting on 24 May 2023.

Carried



#### 4.4 *Climate Change Adaptation Action Plan 2013-2025 and the Environment Strategy 2016-2020 Review*

The report discussed the review of the *Climate Change Adaptation Action Plan 2013-2025* and the *Environment Strategy 2016-2020*.

**Cr Firth / Cr O'Brien:**

1. That the report be noted.
2. That a draft *Benalla Rural City Council Climate and Environment Strategy* be developed.
3. That the *Benalla Rural City Council Climate and Environment Strategy Communications and Stakeholder Engagement Plan* be endorsed.

Carried

#### 4.5 **Mayor and Councillor's Attendance at Committees and Civic Functions**

The Mayor and Councillors attendance at meetings and events during the period from 6 March 2023 to 7 April 2023 were presented.

It is noted that:

- Cr King was not in attendance at the Benalla Local Safety and Traffic Liaison Committee meeting on 3 April 2023 and the Visitor Information Centre Redevelopment Site Tour on 6 April 2023.
- Cr Firth was not in attendance at the Swanpool Motor Festival on the 12 March 2023.
- Cr Hearn attended the Swanpool Motor Festival on the 12 March 2023.

**Cr Davis / Cr O'Brien:**

That the report be noted.

Carried

#### 4.6 Council Actions Pending

Council Actions Pending were presented.

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

**Carried**

#### 5. Reports by Councillors

Cr Claridge reported on his attendance at:

- Recycling Victoria North East Regional Roundtable meeting on 16 March 2023.
- Waste and Recycling Forum meeting on 16 March 2023.

Cr King reported:

- Planning for the 2023 Benalla Festival has begun.
- On his attendance at the Benalla Air Show on 18 March 2023

Cr Firth reported on his attendance at:

- Benalla Air Show on 18 March 2023.
- Molyullah Easter Sports on 10 April 2023.

Cr Davis reported on his attendance at:

- Swanpool Motor Festival on Sunday 12 March 2023.
- Moorngag Mower Mainer on 1 April 2023.

Cr O'Brien reported on her attendance at:

- International Women's Day breakfast at FCJ College on 8 March 2023.
- Benalla Air Show on 18 March 2023.

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

**Carried**

**6. Notices of Motion**

No notices of motion were submitted to the meeting.

**7. Notices of Rescission Motion**

No notices of rescission motion were submitted to the meeting.

**8. Urgent Business**

No urgent business was submitted to the meeting.

**Confidential Business**

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

- 9.1 Kerbside Collection Collaborative Procurement Tender
- 9.2 Confidential Reports by Councillors
- 9.3 Confidential Council Actions Pending

**Cr Davis / Cr Claridge:**

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

**Carried**



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

**Cr Firth / Cr Davis:**

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

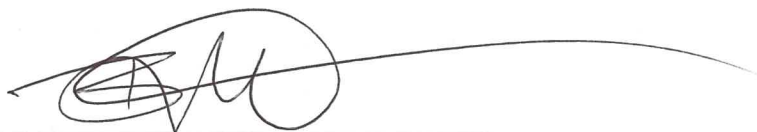
**Carried**

**Closure of the meeting**

The Council Meeting closed at 7.39pm.

**Confirmed this twenty fourth day of May 2023.**

**Signed:**



**Chair – Cr Bernie Hearn (Mayor)**