

# Council Meeting

## Minutes

**Date:** Wednesday 6 September 2023

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

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

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)



PO Box 227  
1 Bridge Street East  
Benalla Victoria 3671  
Tel: 03 5760 2600  
[council@benalla.vic.gov.au](mailto:council@benalla.vic.gov.au)  
[www.benalla.vic.gov.au](http://www.benalla.vic.gov.au)

## Contents

Opening and Acknowledgment of Country .....	3
Statement of Commitment .....	3
Disclosures of Conflict of Interest.....	4
Apologies and Leave of Absences .....	4
1. Public Question Time.....	5
2. Petitions .....	5
Record of Committees.....	5
3.1 Recommendations from Finance and Planning Committee.....	5
3.2 Assemblies of Councillors, Advisory and External Committees.....	5
Officer Reports.....	6
4.1 Authorisation of Signing and Sealing of Documents – High Country Library Network Shared Services Agreement 2023-2026 .....	6
4.2 Finance Department Activity Report For The Quarter Ended 30 June 2023 .....	6
4.3 Facilities and Information Technology Department Activity Report For The Quarter Ended 30 June 2023.....	7
4.4 Council Plan 2021-2025 Action Plan Update.....	7
4.5 Sale of Land at Enterprise Park, Benalla.....	7
4.6 Appointment of Acting Chief Executive Officer.....	8
4.7 Councillors Expenses Report For The Quarter Ended 30 June 2023.....	8
4.8 Mayor and Councillors’ attendance at Committees and Civic Functions .....	8
4.9 Council Actions Pending.....	8
5. Reports by Councillors .....	9
6. Notices of Motion .....	10
7. Notices of Rescission Motion .....	10
8. Urgent Business.....	10
Confidential Business .....	10
9.1 Tender for Contract CM23.027 – Spray Sealing Works On Various Council Roads 2023/24 .....	11
9.2 Confidential Report by Councillors .....	11
9.3 Confidential Council Actions Pending.....	11
10. Reopening of the meeting to the public .....	13
Closure of the meeting .....	13

# Minutes

**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 opened the meeting at 5.30pm 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 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

The Council Meeting was 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.

## Disclosures of Conflict of Interest

No conflicts of interest were disclosed during the meeting.

## Apologies and Leave of Absences

No apologies were submitted to the meeting.

## Confirmation of the previous Meeting Minutes

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

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

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

**Carried**



## 1. Public Question Time

No questions were submitted to the meeting.

## 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 23 August 2023 were presented.

**Cr Claridge / Cr King:**

**That the recommendations of the Finance and Planning Committee meeting held on Wednesday 23 August 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.

#### 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

**Cr O'Brien / Cr Gunaratne:**

**That the report be noted.**

**Carried**



## Officer Reports

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

The report presented the *High Country Library Network Shared Services Agreement 2023-2026* for signing.

**Cr Davis / Cr Claridge:**

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.

**Carried**

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

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

**Cr King / Cr Claridge:**

**That the report be noted.**

**Carried**



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

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

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

Carried

#### 4.4 Council Plan 2021-2025 Action Plan Update

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

**Cr Gunaratne / Cr Firth:**  
That a report be noted.

Carried

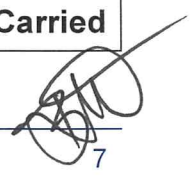
#### 4.5 Sale of Land at Enterprise Park, Benalla

The report was presented to 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.

**Cr Firth / Cr Claridge:**  
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.

Carried



#### 4.6 Appointment of Acting Chief Executive Officer

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

**Cr Davis / Cr King:**

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

**Carried**

#### 4.7 Councillors Expenses Report For The Quarter Ended 30 June 2023

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

**Cr Claridge / Cr King:**

**That the report be noted.**

**Carried**

#### 4.8 Mayor and Councillors' attendance at Committees and Civic Functions

The Mayor and Councillors attendance at meetings and events as during the period from 24 July 2023 to 27 August 2023.

**Cr King / Cr Claridge:**

**That the report be noted.**

**Carried**

#### 4.9 Council Actions Pending

Council Actions Pending were presented.

**Cr Firth / Cr King:**

**That the report be noted.**

**Carried**



## 5. Reports by Councillors

Councillor Firth reported on his attendance at the:

- Benalla Street Art Advisory Committee meeting on 24 July 2023.

Councillor O'Brien reported on her attendance at the:

- Benalla Australia Day Advisory Committee meeting on 25 August 2023.
- Minster for Indigenous Australians Linda Burney Community Forum in Wodonga on 25 July 2023
- Benalla Art Gallery 'Always and Altered' launch on 3 August 2023.

Councillor Claridge reported on his attendance at the:

- Hands on Trades Career Expo at Winton Motor Raceway on 10 August 2023.
- RSL's Annual Vietnam Day Memorial Service on 18 August 2023.
- 150 Years since the first Stream Training arrived in Benalla celebration at Benalla Railway Station on 18 August 2023.

Councillor King reported on his attendance at the:

- Hands on Trades Career Expo at Winton Motor Raceway on 10 August 2023.
- Online MAV Housing Summit forum on 28 July 2023.

Councillor Davis reported on his attendance at the:

- Benalla Gardens Oval Committee of Management meeting where Heritage Victoria approved installation of the new white picket fence around the oval.

Councillor Hearn reported on her attendance at the:

- Australian Christian College Tour at the Samria Road Campus on 14 August 2023.
- Benalla Gardens Club 70<sup>th</sup> Birthday Celebration and Plaque Unveiling on 24 August 2023.

Councillor Gunaratne reported on his attendance at the:

- Teej Nepal community celebration at JC Island on 31 August 2023.

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

**Carried**



**6. Notices of Motion**

No notices of motion were received.

**7. Notices of Rescission Motion**

No notices of rescission motion were received.

**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 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

**Cr Claridge / Cr Davis:**

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

**Carried**



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

**Cr Firth / Cr Gunaratne:**

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

**Carried**

**Closure of the meeting**

The meeting closed at 6.52pm.

**Confirmed this eleventh day of October 2023.**

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



**Mayor Bernie Hearn**

