

Council Meeting

Agenda

Date: Wednesday 11 October 2023

Time: 6pm

**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 Robert Barber Acting Chief Executive Officer
Courtney Naughton Acting General Manager Corporate
Rebecca Mudd Acting Manager Community
Nilesh Singh Manager Development
Keith Biglin Project Manager
Catherine Macmillan Business Development Coordinator
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 Meeting held on Wednesday 6 September 2023 be confirmed as a true and accurate record of the meeting.

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.

Recommendation:

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

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 27 September 2023 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 27 September 2023 be adopted.

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Business

1. Planning Application P0095/22 – To Use And Develop Land For A Dwelling And Native Vegetation Removal – Depot Road/Eversley Street Crown Allotments 66, 66A, 67,67A Baddaginnie Township And Lot 1 TP109143, Baddaginnie

This report assessed a planning application received for the use and development of land for the purpose of a dwelling at Depot Road in Baddaginnie.

It is noted that the following persons addressed the meeting:

- Ian Tavare spoke against the planning application.
- Rodney Cook spoke against the planning application.
- Criag Hamilton spoke in support of the planning application.

Cr O'Brien / Cr Davis:

That an additional three minutes be given to Rodney Cook.

Carried

Cr Hearn/ Cr Gunaratne:

That an additional three minutes be given to Rodney Cook.

Carried

Cr Firth / Cr King:

That council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Depot Road/Eversley Street, CA66, CA66A, CA67, CA67A and Lot 1 TP109143, Baddaginnie for the use and development of land for a dwelling and the removal of native vegetation in accordance with the endorsed plans, submitted with the application on 30 May 2022, subject to the following conditions:

- 1. Prior to buildings and works commencing, plans 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 three (3) copies must be provided. The plans must show:

 - a) A schedule of materials, including external cladding, roofing and colours.****
- 2. The layout of the development as shown on the endorsed plan(s) must not be altered or modified (for any reason) unless it is to the satisfaction of the Responsible Authority.**

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the dwelling hereby approved, titles CA66, CA66A, CA67, CA67A, Township of Baddaginnie and Lot 1, TP109143 must be consolidated under the *Subdivision Act 1988*.

Land Management Plan

5. Before the occupancy of the dwelling starts, a land management plan for the management and operation of the land must be approved and endorsed by the responsible authority. The land management plan must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) be prepared by a suitably qualified person
 - c) include the following details:
 - i. overall environmental objectives for management of the land and techniques to achieve these objectives
 - ii. techniques to protect and enhance the biodiversity of the land, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
 - iii. methods for the control and eradication of weeds
 - iv. methods for the control of pest animals
 - v. improving the condition of waterway frontages with vegetation
 - vi. preventing stock access to waterways
 - vii. maintaining onsite wastewater treatment systems such as septic tanks
 - viii. preventing soil erosion
 - ix. using and managing nutrients wisely
 - x. practices and procedures to ensure that no significant adverse environmental impacts occur as a result of the use
 - xi. practices and procedures to ensure no significant proliferation of structures, rubbish or other man made waste as a result of the use

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

External materials

6. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.

Native vegetation

7. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements and approvals.
8. Access must be constructed at ground level without excavation. Gravel should be placed on the existing dirt track so the tree roots are not damaged.
9. The trees along the proposed access are to be protected during construction as per prescribed measures in AS 4970 – 2009 Protection of trees on development

sites (Australian Standard, 2009), via the erection of temporary fencing and other measures as required.

10. Lopping or pruning native vegetation for maintenance only may be permitted, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.

Offset requirement

11. To offset the removal of 0.84 hectares of native vegetation, as identified in Native Vegetation Removal Report VLQ-921, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

General offset

A general offset of 0.028 general habitat units:

- a) located within the Goulburn Broken Catchment Management Authority boundary
 - b) with a minimum strategic biodiversity score of at least 0.672
12. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- a) credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or
 - b) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

Environmental Health condition

13. All sewage and sullage waste water from the proposed development must be discharged into a new onsite septic tank system which is approved by the Environment Protection Authority and retains all wastes within the boundaries of the land, and is located to the satisfaction of the Responsible Authority. A Land Capability Assessment (LCA) must be accompanied with a permit to install a wastewater system on the land.

Engineering conditions

14. Prior to the commencement of the development allowed under this permit, the owner of the land must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act to provide:
- a) The owners acknowledge that only 20 metres of Smith Lane is maintained by Benalla Rural City Council and the balance of the road reserve is not maintained in accordance with the Benalla Rural City Council Road Management Plan;
 - b) The future maintenance past the 20 metres as stated in the Benalla Rural City Council Road Management Plan of Smith Lane is the responsibility of adjoining owner/s and not Benalla Rural City Council;

- c) **Smith Lane must be maintained at all times as an all-weather standard capable of servicing emergency vehicles, to the satisfaction of the responsible authority.**

This agreement must be registered on title with all costs associated with the preparation and registration of the agreement to be borne by the owner/s of the land.

- 15. Prior to the development commencing appropriate plans must be provided in accordance with the Infrastructure Design Manual to show;**
- a) **the legal point of discharge;**
 - b) **designed ingress/egress for the site;**
 - c) **all drawings must be provided to show the design of the access road meeting the requirements to provide all-weather road with dimensions to accommodate emergency vehicles.**
 - d) **any table drains required for the access road are to be connected to a legal point of discharge without impacting on the adjoining land or without impeding on the flow path across the property.**
- 16. Prior to the commencement of buildings and works associated with the dwelling, an all weather two wheel drive access capable of servicing emergency vehicles and construction vehicles must be constructed to the dwelling site to the satisfaction of the Responsible Authority.**
- 17. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the Responsible Authority.**
- 18. Before the use begins and the building is occupied all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.**
- 19. Before the use begins and the building is occupied all stormwater and surface water discharging from the site, buildings and works must be retained on site or conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.**
- 20. The approved works must not cut off natural drainage from adjacent properties.**
- 21. No earthworks shall be permitted to restrict the flow of water entering or leaving the depression and low lying land indicated on the plan.**
- 22. Any damage to Council assets (i.e. roads, table drains etc) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.**
- 23. No additional vehicle crossing may be constructed apart from those endorsed on the approved plan.**
- Conditions 24 and 25 required by Goulburn Broken Catchment Management Authority**
- 24. The finished floor level the proposed dwelling must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint.**

25. A Works on Waterway Permit is required from the Goulburn Broken CMA for the access crossing over Folly Creek. The approaches and the top of deck of the access crossing must be set no lower than 187.5 metres AHD.

Conditions 26 to 28 required by Goulburn Murray Water

26. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

27. All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

28. The wastewater disposal area must be located at least: 60m from any waterways (including dams on a waterway), 40m from any drainage lines, 60m from any dams, and 20m from any bores.

Permit Expiry

29. This permit will expire if one of the following circumstances applies:

- The development is not started within two years of the date of this permit.
- The use is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

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.

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. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
3. A road opening/crossing permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.
4. The design and installation of any waste water disposal system for any building on the land must comply with the *Septic Tanks Code of Practice*, (On-site Domestic Wastewater Management), March, 1996, (Publication No. 451) published by the Environment Protection Authority, State Government of Victoria.
5. This permit does not authorise the removal of any native vegetation on the road reserve. The applicant must apply for and obtain necessary permits if any removal is required.

Carried

It is noted that Councillor Don Firth and Councillor Justin King moved the motion to allow for debate on the recommendation.

Cr Hearn / Cr Davis

That standing orders be suspended to allow for further discussion on the item.

Carried

Sanding orders were suspended at 6.40pm.

Cr Davis / Cr King:

That standing orders resume.

Carried

Standing orders resumed at 6.44pm.

A division of the vote was called.

Votes recorded in favor of the motion:

Councillor Danny Claridge

Councillor Don Firth

Councillor Bernie Hearn

Councillor Punarji Hewa Gunaratne

Votes recorded against the motion:

Cr Davis

Cr King

Cr O'Brien

The motion was **carried**.

2. Building and Planning Approvals – August 2023

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

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

Carried

3. Draft Fawckner Drive Precinct Masterplan – Consideration of Submissions

The report considered submissions received on the draft *Fawckner Drive Precinct Masterplan*.

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

Carried

4. 2023/2024 Quick Response Grants

The report presented funding applications for 2023/24 Quick Response Grants.

Cr Firth / Cr O'Brien:
That a \$400 grant from the 2023/2024 Quick Response Grant program be allocated to Tatong Market & More.

Carried

5. Assets and Infrastructure Department Activity Report For The Quarter Ended 30 June 2023

The report presented the activities of the Assets and Infrastructure Department for the quarter ended 30 June 2023.

Cr Hearn / Cr King:
That the report be noted.

Carried

6. 2023 Local Government Community Stratification Survey

The report presented results from the *2023 Local Government Community Satisfaction* surveys.

The Community Satisfaction Survey offers a cost-effective mechanism for gaining insights into community perceptions of performance and ensures the Council's compliance with the *Local Government (Planning and Reporting) Regulations 2020*.

In 2024 interviews for Local Government Community Satisfaction Survey will be conducted quarterly to ensure single issues at a particular time do not dominate survey results.

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

Carried

7. Urgent Business

No urgent business was submitted to the meeting.

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 6 September 2023 are attached as **Appendix 1**.

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

August 2023

15 August 2023	Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee Meeting
16 August 2023	Communications Advisory Committee Meeting
16 August 2023	Assembly of Councillors Business Review
25 August 2023	Australia Day Advisory Committee Meeting
28 August 2023	Benalla Street Art Advisory Committee Meeting
29 August 2023	Benalla Art Gallery Committee Meeting
30 August 2023	Assembly of Councillors Business Review
30 August 2023	Benalla Festival Advisory Committee Meeting
31 August 2023	Assembly of Councillors – New Benalla Police Station Briefing

September 2023

11 September 2023	Benalla Street Art Advisory Committee Meeting
13 September 2023	Benalla Festival Advisory Committee Meeting
20 September 2023	Assembly of Councillors – Fawckner Drive Precinct Walk Through Briefing
20 September 2023	Assembly of Councillors Business Review
25 September 2023	Benalla Street Art Advisory Committee Meeting

Recommendation:

That the report be noted.

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Record of Assemblies of Councillors, Advisory and External Committees

August and September 2023

Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee

3pm Tuesday 15 August 2023, Civic Centre (Council Meeting Room), 13 Mair Street, Benalla.

Chair:	Councillor Danny Claridge	Council Representative
Committee:	Councillor Don Firth	Council Representative
	Councillor Punarji Gunaratne	Council Representative
	Greg Robertson	Manager Facilities and Information Technology
	Nilesh Singh	Manager Development
	Joni Jones	Balloon Association of Victoria
	Jim Tullberg	Benalla Theatre Company Inc.
	Bruce Cowan	Gliding Club of Victoria Inc.
	Michael Hedderman	Community Representative
In attendance:	Elise Wood	Senior Facilities Officer
	Georgia Spencer	Administration Officer
Apologies:	Councillor Don Firth, Joni Jones, James Tullberg. Councillor Punarji Hewa Gunaratne was not in attendance.	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Business arising from previous meeting
2. Living Heritage Grant
3. Manager Facilities and Information Technology Report
4. General Business

Communications Advisory Committee

1.30pm Wednesday 16 August 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Danny Claridge

Councillor Peter Davis

In attendance Dom Testoni Chief Executive Officer

Courtney Naughton Manager Economic Development and Sustainability

Grant Banks Communications and Engagement Coordinator

Tracey Beaton Executive Coordinator

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Review of actions from meeting held 19 July 2023
2. Media Highlights for the past month
3. Update on new communications initiatives
4. Community Engagement activity for the past month
5. General Business

Assembly of Councillors – Business Review

5.30pm Wednesday 16 August 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
Adrian Gasperoni	Manager Assets and Infrastructure
Courtney Naughton	Manager Economic Development and Sustainability
Greg Robertson	Manager Facilities and Information Technology
Nilesh Singh	Manager Development
Joel Ingham	Planning Coordinator
Catherine Macmillan	Business Development Coordinator

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Benalla Art Gallery Redevelopment Update
2. Proposal for a Mobile Tower at Goorambat Recreation Reserve
3. Planning Application – 18-20 Bridget Street West, Benalla – The Use And Development Of The Land For A Service Station And Food And Drink Premises, To Display Signage And Alternation To An Access To A Transport Zone 2
4. Planning Application – Bridge Street East Road Reserve, Benalla – Removal of Tree in Heritage Overlay

Australia Day Advisory Committee

10am Friday 25 August 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair:	Councillor Bernie Hearn (Mayor)	Council Representative
Committee:	Councillor Gail O'Brien	Council Representative
	Amanda Challis	Community Representative
	Robyn Goudie	Community Representative
	Jade Kirk	Community Representative
	Rex Nankervis	Community Representative
	Vicki Sheriff	Community Representative
	Christine Werner	Community Representative
	Diane Young	Community Representative
In attendance:	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer
Apologies:	Cr Bernie Hearn, Amanda Challis, Christine Werner, Jade Kirk.	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Australia Day Program
2. Australia Day Awards
3. General Business

Benalla Street Art Advisory Committee

5.30pm Monday 28 August 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla

Chair:	Raelene Stratton	
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
	Courtney Naughton	Manager Economic Development and Sustainability
	Eric Nash	Benalla Art Gallery Director
In attendance:	Catherine Macmillan	Business Development Coordinator
	Alison Angus	Tourism Coordinator
	Sharon Geer	Events Coordinator
	Charlie Vincent	Tourism North East Victoria

Apologies: Eric Nash

Conflicts of Interest disclosed: Nil

Items discussed:

1. Election of Chair
2. Overview of Terms of Reference
3. Story Towns App
4. Visit Victoria Grant Application Update
5. Event Curation EOI Update
6. Domain Name for the Street Art Festival
7. Festival Planning
8. Agenda Items for Next Meeting

Benalla Art Gallery Committee

6pm Tuesday 29 August 2023, Civic Centre (Council Meeting Room), 13 Mair Street Benalla.

Chair:	Barbara Alexander AO	Community Representative
Committee:	Councillor Danny Claridge	Council Representative
	Councillor Punarji Hewa Gunaratne	Council Representative
	Tim Abdallah	General Member
	Jane Grimwade	Friends of Benalla Art Gallery Representative
	Winsome McCaughey AO	General Member
	Bess Nolan-Cook	CEO Tourism North East Victoria
	Anna Parle	General Member
	Fiona Stephens	General Member
	Alice Tallis	General Member
In attendance:	Elizabeth Costello	Tourism North East Victoria
	Courtney Naughton	Manager Economic Development and Sustainability
	Catherine Macmillan	Acting Benalla Art Gallery Director

Apologies: Anna Parle, Fiona Stephens and Bess Nolan-Cook.

Conflicts of Interest disclosed: Nil

Items discussed:

1. Benalla Art Gallery Director's Report – August 2023
2. Exhibition Schedule 2023
3. Acquisition Proposal: Allan Mitelman
4. Acquisition Proposal: Bill Henson
5. Acquisition Proposal: Eamon O'Toole
6. Acquisition Proposal: Mike Nicholls
7. Acquisition Proposal: Harold B. Herbert
8. Cultural Gifts Program Report
9. Collections Policy Discussion Paper
10. Terms of Reference Discussion Paper
11. Operational and Educational Funding Update
12. Growing Regions Program Report
13. Stage 1 Redevelopment Update
14. Friends of Benalla Art Gallery Report – August 2023
15. Benalla Art Gallery Foundation Report – August 2023

Assembly of Councillors – Business Review

11.30am Wednesday 30 August 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

Apologies: Nil.

Conflicts of Interest disclosed: Nil.

Items discussed:

1. Benalla U3A Presentation

Benalla Festival Advisory Committee

4pm Wednesday 30 August 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
Kate Simpson Blank Vault Productions
Lee Rosser Blank Vault Productions

Apologies: Cr Don Firth and Di Harper.

Conflicts of Interest disclosed: Nil

Items discussed:

1. Planning for the 2023 Benalla Festival
2. 2023 Sponsorship Opportunities
3. Logistics
4. Benalla by the Lake (Saturday 11 November 2023)
5. General Business

Assembly of Councillors – Benalla Police Station Briefing

1pm Wednesday 31 August 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

Apologies: Councillor Justin King.

Conflicts of Interest disclosed: Nil.

Items discussed:

1. Benalla Police Station Presentation

Benalla Street Art Advisory Committee

5.30pm Monday 11 September 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla

Chair: Raelene Stratton Community Representative

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
Courtney Naughton Manager Economic Development and Sustainability
Eric Nash Benalla Art Gallery Director

In attendance: Charlie Vincent Tourism North East Victoria
Eddie Zammit Curator
Catherine Macmillan Business Development Coordinator
Alison Angus Tourism Coordinator
Sharon Geer Events Coordinator
Kirsten Hein Administration Officer

Apologies: Eric Nash and Charlie Vincent

Conflicts of Interest disclosed: Nil

Items discussed:

1. Welcome and Introductions
2. Visit Victoria Grant Application Update
3. Draft Expression of Interest for Wall Owners
4. Festival Timelines
5. Agenda items for next meeting

Benalla Festival Advisory Committee

4pm Wednesday 13 September 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
	Lee Rosser	Blank Vault Productions
	Kate Simpson	Blank Vault Productions
Apologies:	Cr Justin King, Di Harper and Vince Branigan	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Planning for the 2023 Benalla Festival
2. 2023 Sponsorship Opportunities
3. Logistics
4. General Business

Assembly of Councillors – Fawckner Drive Precinct Walk Through Briefing

11.15am Wednesday 20 September 2023, Sir Edward 'Weary' Dunlop Learning Centre (Library Carpark) 2 Fawckner Drive, 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
	Tom Arnold	Acting Manager Community
	Stephanine Brack	Acting Community Development Coordinator
Apologies:	Councillor Bernie Hearn and Councillor Peter Davis.	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Benalla Fawckner Drive Precinct Masterplan

Assembly of Councillors – Business Review

5.30pm Wednesday 20 September 2023, North Eastern Hotel (Conference Room)
1 Nunn Street, Benalla.

Councillors

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

In attendance

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Tom Arnold	Acting Manager Community
Cathy Fitzpatrick	Manager Finance
Adrian Gasperoni	Manager Assets and Infrastructure
Janine McMaster	Manager People and Performance
Courtney Naughton	Manager Economic Development and Sustainability
Greg Robertson	Manager Facilities and Information Technology
Nilesh Singh	Manager Development
Stephanine Brack	Acting Community Development Coordinator
Matt Currie	Economic Diversification Plan Project Coordinator
Joel Ingham	Planning Coordinator

Apologies: Nil.

Conflicts of Interest disclosed: Nil.

Items discussed:

1. Council Plan 2021-2025 Action Plan To 30 June 2025 Workshop
2. Planning Application P0095/22 – To Use And Develop Land For A Dwelling And Native Vegetation Removal – Depot Road/ Eversley Street Crown Allotments 66, 66A, 67,67A Baddaginnie Township And Lot 1 TP109143, Baddaginnie
3. Fawckner Drive Precinct Masterplan – Consideration of Submissions
4. Future of Benalla and District Project Regional Context Analysis

Benalla Street Art Advisory Committee

5.30pm Monday 25 September 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla

Chair:	Raelene Stratton	Community Representative
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
	Courtney Naughton	Manager Economic Development and Sustainability
	Eric Nash	Benalla Art Gallery Director
In attendance:	Eddie Zammit	Curator
	Charlie Vincent	Tourism North East Victoria
	Catherine Macmillan	Business Development Coordinator
	Alison Angus	Tourism Coordinator
	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer

Apologies: Cr Gail O'Brien, Sharon Geer and Eric Nash.

Conflicts of Interest disclosed: Nil

Items discussed:

1. Naming of the Benalla Street Art Festival
2. Benalla Street Art Festival 2024 Date
3. Marketing Plan
4. General Business

Officer Reports

4.1 Authorisation of Signing and Sealing of Documents

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4.2 Planning Application For The Use and Development of Land For an Extractive Industry Sand Quarry – 1726 Dookie-Devenish Road, Devenish

DA7395

Joel Ingham – Planning Coordinator

Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report provides additional grounds for refusal to be relied upon during the VCAT Hearing P574/2023, in relation to a planning application for the use and development of land for an extractive industry (sand quarry) at 1726 Dookie Devenish Road, Devenish.

BACKGROUND

Site Address	1726 Dookie-Devenish Road, Devenish.
Existing Use	The land is currently vacant and used for grazing purposes.
Proposal	Use and development of the land for extractive industry (sand quarry)
Applicant	Bradley Allender on behalf of BCA Asset Management Group Pty Ltd
Zone	Farming Zone (FZ)
Overlays	None
Referrals	<ul style="list-style-type: none"> ▪ Heritage Victoria ▪ Vic Track (S.52) ▪ Earth Resources

PROPOSAL

The proposal seeks approval to use and develop the land for a sand quarry. Specifically, the proposal will:

- Occupy a land area of five hectares with a depth not exceeding five metres.
- Operating hours:
 - Monday to Friday 7am to 7pm
 - Saturday 7am to 1pm
 - Sunday Closed
- Maximum of two staff on site at any given time.
- A water truck (40,000 Litre capacity) will be on site during operating hours to mitigate dust. Water for the truck will be accessed on land owned by the applicant directly to the south-west of the site. Goulburn Murray Water has approved a licence to extract water from this site.
- No blasting or clearing of vegetation is required as part of the operation.
- Access to be provided via a new crossing off Dookie-Devenish Road, Devenish.

A plan of the proposal is attached in **Appendix 1**.

The application was put to Council's Finance and Planning Committee on 5 April 2023. Council officer's had recommended approval of the application subject to conditions to be placed on any planning permit issued.

Council subsequently resolved to refuse the application on the following ground:

The proposal will have unreasonable amenity impact to adjoining properties:

- *With regards to noise and dust emissions.*
- *Traffic impact to the surround road network.*

The applicant appealed the decision with the Victorian Civil and Administrative Tribunal (VCAT). At a Compulsory Conference on 3 August 2023, Council indicated their intention to provide an additional Statement for Grounds of Refusal.

These Grounds require the support of the Council to be accepted by VCAT.

There has been no changes to the proposal or relevant planning provisions since the application was made.

Site and Surrounds

An inspection of the site and the surrounding area has been undertaken.

The land is located on the south of Dookie-Devenish Road, Devenish and is an irregular shape, with a frontage of 384.4 metres to the Road. The site has a total area of 29.16 hectares.

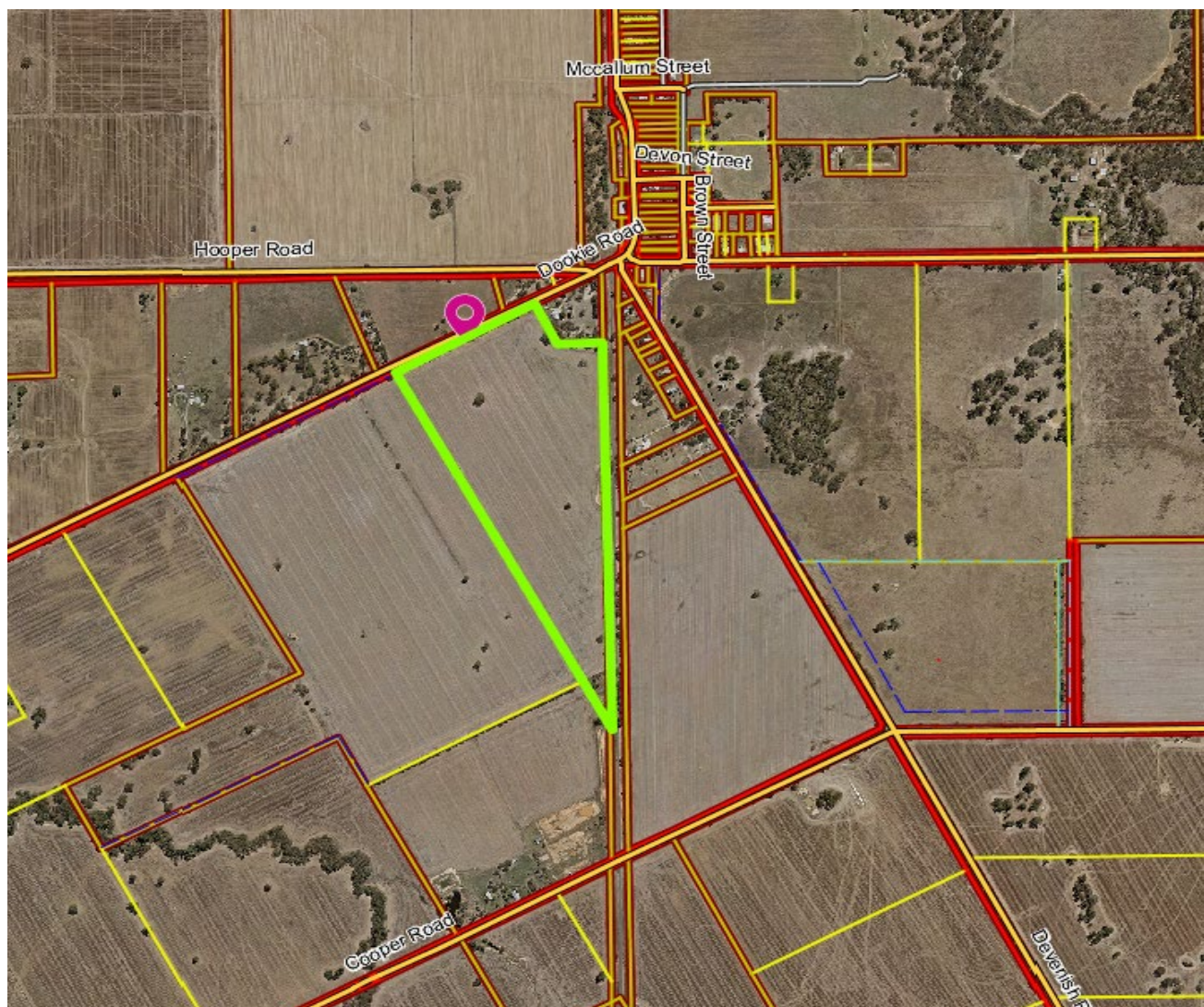
The site is part of a larger land holding of three lots to the south and west. The land is generally cleared of vegetation and used for grazing purposes.

The adjacent lots to the west contain a derelict dwelling and associated outbuildings. The site abuts the Benalla-Oaklands Railway along the eastern boundary, with a small portion of the north east of the site abutting land at 1748 Dookie-Devenish Road, Devenish used for a dwelling.

The further surrounding land is generally farming in nature, with associated dwellings and infrastructure scattered throughout, while north east of the site the land forms part of Devenish township, with smaller residential lots.

Planning Permit No P0112/10 was issued on 5 November 2010 for the use and development of the land for the purpose of mining (Sand Mine). This permit related to land to the west and south which is associated with the ownership of the subject site. The planning permit was cancelled on 12 October 2021 at the direction of the Victorian Civil and Administrative Tribunal due to the ownership of land changing hands.

LOCALITY MAP



Planning Scheme Provisions

Municipal Planning Strategy

Clause 02.03-1 Settlement identifies Devenish as servicing its rural hinterland and providing affordable rural living opportunities. Population stability is important to ensure existing facilities are maintained.

Clause 02.03-4 Natural resource management seeks to protect agricultural land. In protecting agricultural areas Council seeks to support proposals for non-agricultural uses in rural areas only where they are compatible with surrounding agricultural use and can be justified in terms of broader community benefit.

Planning Policy Framework (PPF)

Clause 11.01-1L (Local settlements - Devenish) provides a structure plan for the township of Devenish. The structure plan includes the area as rural living and provides no guidance in relation to non-residential uses.

Clause 13.05 – 1S Noise management seeks to assist in the management of noise effects on sensitive land uses.

The clause includes the following strategies:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.06-1S Air quality management seeks to assist the protect and improvement of air quality.

The clause includes the following strategies:

- *Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:*
 - *Integrating transport and land use planning to improve transport accessibility and connections.*
 - *Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.*
 - *Providing infrastructure for walking, cycling and public transport.*
- *Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).*
- *Minimise air pollutant exposure to occupants of sensitive land uses near the transport system through suitable siting, layout and design responses.*

Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

The following strategies apply:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 14.01-1S Protection of agricultural land seeks to protect the state's agricultural base by preserving productive farmland.

The following strategies apply:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use. Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*

Clause 14.03-1S Resource exploration and extraction encourages exploration and extraction of natural resources in accordance with acceptable environmental standards.

The following strategies apply:

- *Provide for the long-term protection of natural resources in Victoria.*
- *Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.*
- *Recognise the possible need to provide infrastructure, including transport networks, for the exploration and extraction of natural resources.*
- *Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.*
- *Develop and maintain buffers around mining and extractive industry activities.*
- *Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.*

- *Determine buffer areas between extractive activities and sensitive land uses on the following considerations:*
 - *Appropriate limits on effects can be met at the sensitive locations using practical and available technology.*
 - *Whether a change of land use in the vicinity of the extractive industry is proposed.*
 - *Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.*
 - *Performance standards identified under the relevant legislation.*
 - *Types of activities within land zoned for public use.*
- *Identify and protect extractive industry resources within Strategic Extractive Resource Areas, based on their current or potential contribution to state supply, access to supporting transport networks and proximity to demand markets.*

Clause 14.03-1R Resource exploration and extraction – Hume Strategy supports the availability of construction materials locally and consider measures to facilitate and manage their extraction.

Clause 17.04-1S Facilitating tourism encourages tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

The following strategies apply:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Zones

Clause 35.03 Rural Living Zone (RLZ)

The majority of the proposal is located within the Rural Living Zone, to the north of the site. The purpose of the Rural Living Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A planning permit is not required for the use of the land for extractive industry where the conditions of Clause 62.01 (Uses not requiring a permit) are met.

Clause 62.01 exempts the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.

Clause 52.08-1 exempts the use of the land of an extractive industry for needing a permit if it complies with Section 77T of the *Mineral Resources (Sustainable Development) Act 1990*.

Section 77T of the Act states that a planning permit is not required to carry out an extractive industry where an Environment Effects Statement has been prepared and assessed by the Minister for Planning and a work authority granted.

The proposal does not have an EES or approved work authority and therefore a planning permit is required under Clause 52.08 and Clause 35.03-1.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

Agricultural issues

- *The capacity of the site to sustain the agricultural use.*
- *Any integrated land management plan prepared for the site.*
- *The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.*

Environmental issues

- *The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*

- *The impact of the use or development on the flora, fauna and landscape features of the locality.*
- *The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use or development will require traffic management measures.*
- *The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*
- *A permit is required to subdivide land within the General Residential zone. An application for subdivision must be assessed in accordance with Clause 56 of the Benalla Planning Scheme.*

Clause 35.07-1 Farming Zone (FZ)

A small area of the proposal is located within the Farming Zone (to the south). The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Particular Provisions

Clause 52.06 Car parking provides parameters around the provision of car parking in relation to use and development.

The use of the land for extractive industry is not a specified use in Table 1 at Clause 52.06-1, and therefore Council must determine a satisfactory response to the provision of car parking on site.

The application proposes six car parking spaces on site.

Clause 52.08 of the Benalla Planning Scheme relates to Earth and energy resources industry. The purpose of this provision is as follows:

- *To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.*
- *To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.*
- *To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.*

A planning permit is required to use and develop the land for extractive industry unless it has been the subject of an Environment Effects Statement assessment and approval and a works authority has been granted.

ASSESSMENT

The additional Grounds of Refusal can be summarised as follows:

- Contrary to the purpose of the Rural Living and Farming Zone
- Inconsistent with current and preferred development for Devenish
- Siting
- Inadequacy of information to support the proposal
- Amenity impacts
- Proposal seeks to avoid proper assessment process under a work authority

The site is located within two zones, the majority of the proposal will be sited in the Rural Living Zone, with a small portion in the Farming Zone. The site is within close proximity to Devenish Township, with the Rural Living Area providing a transition to the surrounding agricultural land.

The proposal will impact the use of Devenish Township for residential purposes, while simultaneously removing land from agricultural use and impacting surrounding agricultural activities.

The site is currently used as farming land (grazing), as is land to the north, south and west. The introduction of a sand quarry will remove this land from agricultural use, with little information to indicate the longevity of the use proposed and any rehabilitation works following the cessation of the quarry.

The operation of the sand quarry is likely to cause detriment to the surrounding residential properties and Devenish Township, with residential uses located within 500m of the site. The application includes little information in relation to how adverse emissions from dust, noise, traffic and runoff might be managed to avoid conflict. It is considered the inclusion of a bund, hours of operation or limited landscaping fails to adequately address amenity concerns.

The applicant is relying on the construction of a bund and siting of the quarry to suitably mitigate noise emissions related to the operation of the quarry and noise emissions associated with truck and vehicle movements within and outside of the site.

There is no noise assessment to support this proposal as an effective means of mitigation.

The applicant is relying on the use of a water truck on site to suitably minimize the generation of dust. The application did not include a dust or air quality assessment to support this proposal as an effective means of mitigation.

The proposal fails to satisfactorily address potential environmental impacts caused by the use and development. The site is relatively flat, grazing land, with limited vegetation along the road reserve. The proposal fails to satisfactorily assess the impact of the operational methods for extraction and processing/ storage of materials, including on water and soil quality on the site and surrounds.

The proposal includes limited detail in relation to the progressive or end of life rehabilitation of the site, stating that fill currently stored on site will form the basis of end of like rehabilitation. In addition, the proposal fails to provide sufficient detail about landscaping or land management methods to be used during the operation of the quarry or after, in order to mitigate the impact of the proposal on the landscape and surrounding uses.

The proposal is of a size that does not require additional support and assessment via a work authority process, however it is located on an identified sand stream. It is acknowledged that further proposals may arise from this general area, leading to a prevalence of non agricultural use and associated conflicts with the surrounding area.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Livability

- *Vibrant public spaces and places.*
- *Connected and accessible roads, footpaths, transport and parking.*

Economy

- *Thriving business and industry.*
- *Flourishing tourism.*

Environment

- *Healthy and protected natural environment.*
- *Sustainable practices.*

LEGISLATIVE AND STATUTORY IMPLICATIONS

A decision by the Council to refuse the application has been appealed at VCAT by the applicant.

The report details additional grounds of refusal to better articulate Council's position on the matter.

FINANCIAL IMPLICATIONS

The Council, as the responsible authority under the *Planning and Environment Act 1987*, determined the permit application.

The applicant has appealed the decision to VCAT. Council is a party to the appeal, informing and assisting VCAT. Council has legal representation to assist with the Hearing.

OFFICER DECLARATION OF CONFLICT OF INTEREST

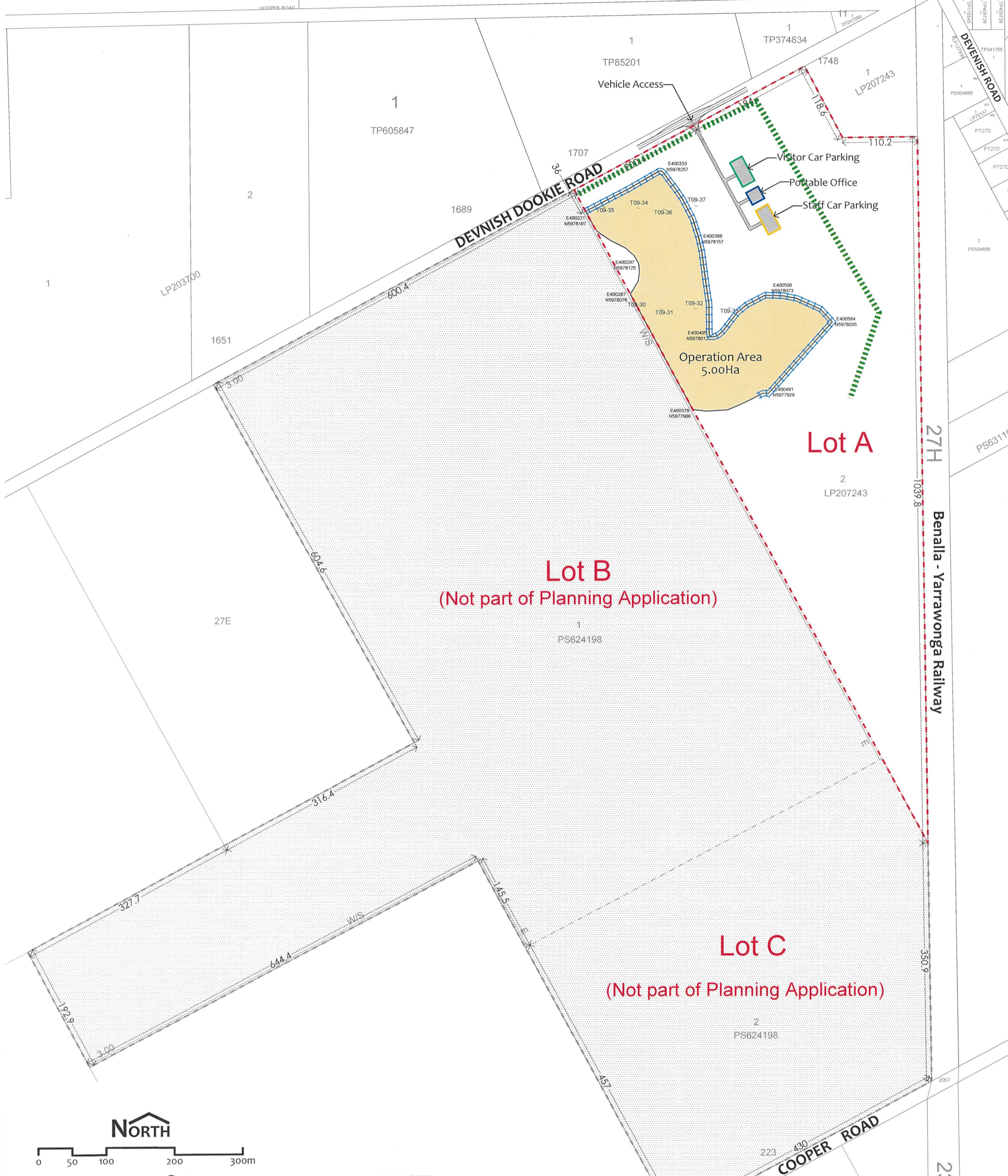
No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That Council having caused notice of Planning Application No. P0005/20 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 refuse to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Lot 2 Plan of Subdivision 207243L, 223 Cooper Road, Devenish for the use and development of the land for extractive industry (sand quarry) in accordance with the endorsed plans, with the application dated 15 June 2022 on the following grounds:

- 1. The proposal will have unreasonable amenity impact to adjoining properties:**
 - **With regards to noise and dust emissions.**
 - **Traffic impact to the surround road network.**
- 2. The proposal is contrary to purposes of the Rural Living Zone, including:**
 - a) removing the land and surrounding land from potential residential use;**
 - b) removing the land from agricultural use;**
 - c) failure to protect landscape;**
 - d) failing to make provision for sustainable land use practice.**

- 3. The proposal is inconsistent with and will adversely impact the current and future development of the township of Devenish.**
- 4. The proposal is inadequately setback from existing and future, incompatible uses and development, to the proposed mineral extraction.**
- 5. The noise from the development and use combined with inadequate setbacks is likely to have material adverse impact on `nearby residential uses.**
- 6. The dust from the development and use combined with inadequate setback is likely to have material adverse impact on conflicting residential and other uses.**
- 7. The application and further information provided with the application is significantly deficient such that it should be refused as it cannot be adequately assessed, including:**
 - a) no noise assessment;**
 - b) no dust or air quality assessment;**
 - c) no adequate detail of the staging (if any) of the works;**
 - d) no adequate detail of proposed excavation methods, storage of material, loading or other operational guidance;**
 - e) no environment management (or like) plans of any kind;**
 - f) no assessment of drainage impact on site or beyond.**
- 8. The proposal is contrary to the purposes of the Farming Zone and agricultural policy broadly in its inappropriate removal of agricultural land.**
- 9. The proposal represents the likely first in a series of proposals in time for the extraction of the resource on this and adjoining (commonly owned or controlled land) and should be considered in the full development context. It is inappropriate that the application has been deliberating sized by design to fall precisely at the maximum level of extraction to avoid the proper assessment and development measures associated with a work authority under *the Mineral Resources (Sustainable Development) Act 1990*.**



SCALE 1 : 5000 @ A3

SITE PLAN

Job Ref. 1065_UD_SP1_V2 Date: 1/06/2022

**223 COOPER ROAD
DEVENISH**

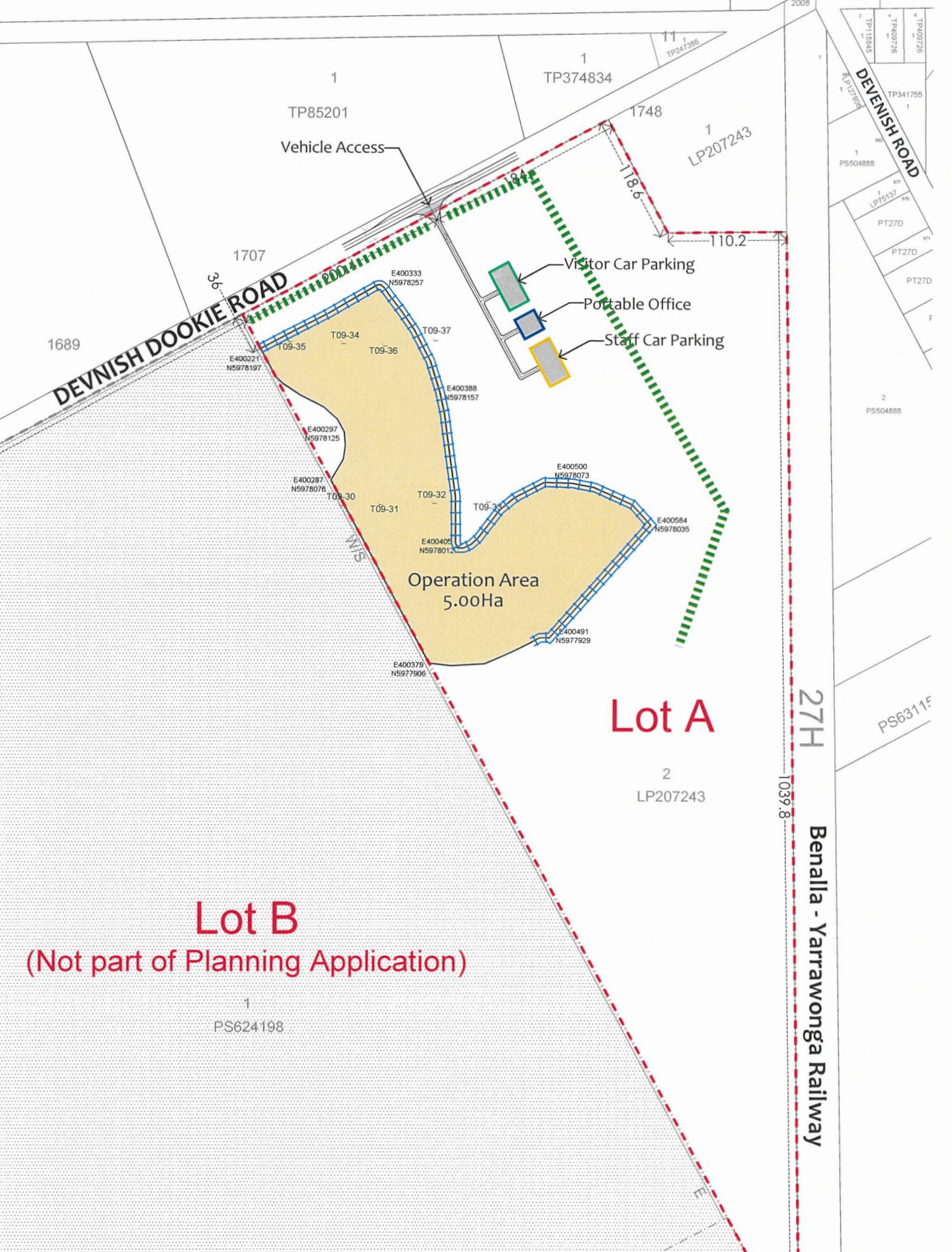
Urban Paradigm
 www.urbanparadigm.com.au
 info@urbanparadigm.com.au
 PO Box 1156, Greytown, VIC 3104
 +61 450 200 812

LEGEND & LAND BUDGET

- Site Area (29.16Ha) - - - - -
- Mining Operation Area (5.00Ha)
- Visitor Parking (Not in position & scale)
- Portable Office (Not in position & scale)
- Staff Parking (Not in position & scale)
- Bunding
- Screen planting (conifer or similar) - - - - -

NOTES

- Proposed lot boundaries and areas shown are subject to final site survey.
- This plan is produced for site analysis purposes only and is subject to approval by the responsible authorities.



Lot B
(Not part of Planning Application)

Lot A

Operation Area
5.00Ha

- Visitor Car Parking
- Portable Office
- Staff Car Parking

Vehicle Access

DEVNISH DOOKIE ROAD

27H

Benalla - Yarrowonga Railway

DEVNISH ROAD

LP207243

PS624198

TP374834

TP85201

LP207243

TP400726
TP402726
TP115846
TP341785
PS504888
LP15137
PT27D
PT27D
PT27D
PS504888

PS6311F

1689

1707

1748

110.2

8.4

118.6

1038.8

96

W/S

T09-35

T09-34

T09-36

T09-37

T09-30

T09-31

T09-32

T09-33

4.3 2023/2024 Major Event Funding Program

SF/2857

Courtney Naughton – Acting General Manager Corporate
Sharon Geer – Events Coordinator

PURPOSE OF REPORT

The report presents funding applications for the 2023/24 Major Event Funding Program.

BACKGROUND

The Council’s Major Event Funding Program enables local community groups, clubs, organisations and external event groups to seek up to \$2,000 in funding to assist in the staging of events that will provide measurable economic benefit and enhance the image and liveability of Benalla Rural City.

DISCUSSION

Major Event Funding

Applications for consideration under the 2023/24 Major Event Funding program are detailed in the table below.

Table 2 – Major Event Funding Grant Applications 2021/2022

Applicant	Details	Amount Requested	Proposed Assistance
Society of Automotive Engineers – Australasia.	<p>Formula SAE-A competition provides a real-world environment for students to apply their theoretical knowledge and gain practical experience in designing and building autonomous vehicles.</p> <p>There are numerous social and economic benefits to holding Formula SAE-A in Benalla. Firstly, the event can bring a significant economic boost to the local economy, as it attracts a large number of visitors, participants, and vendors, who spend money on accommodation, food, transport, and other local services.</p> <p>It is anticipated that the event will attract more than 1000 participants and spectators.</p>	\$2,000	\$2,000

Applicant	Details	Amount Requested	Proposed Assistance
Moorngag Hall and Community Recreation Centre	<p>The Moorngag Music Stage and Hot Air Balloon Night Glow will form part of the Benalla Festival program on Sunday 5 November. The live music stage will feature music from local talented musicians and the Balloon Association of Victoria will transform the night skies with a hot air balloon night glow. Children’s activities, food and beverage will operate.</p> <p>The Moorngag Mower Mania event has previously run at this time. The Australian Ride on Lawn Mower Association has now moved the November event on its calendar to Wagga Wagga.</p> <p>As this larger scale rural event is being held over the weekend before the Melbourne Cup it is anticipated that it will assist to attract visitors to the area providing economic and social benefits to the local economy.</p> <p>It is anticipated that the event will attract over 1000 participants and spectators.</p>	\$2,000	\$2,000
Total		\$4,000	\$4,000

COMMUNITY ENGAGEMENT

In accordance with the Council’s *Community Engagement Policy* community engagement will be undertaken at the ‘Inform’ level due to the administration nature of the program under the International Association for Public Participation’s IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to the used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Promotion of program via media, website and social media. ▪ Program presented in public reports to the Council. ▪ Outcomes advised directly to applicants. ▪ Grant presentation ceremony. ▪ Outcomes detailed in Annual Report. ▪ Media release.

COUNCIL PLAN 2021-2025 IMPLICATIONS**Community**

- *A healthy, Safe and resilient community.*
- *A connected, involved and inclusive community.*

Leadership

- *Engaged and informed community.*

FINANCIAL IMPLICATIONS

The *2023/24 Budget* allocates \$12,000 to the Major Event Funding program. These are the first two applications received for the current financial year.

In previous years Major Event Funding had allocated grants of up to \$1,500. For this funding round the amount has increased to \$2,000 to reflect increased costs associated with event delivery.

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 \$2,000 grants from the 2023/2024 Major Event Funding Program be allocated to the Moorngag Community Hall and Recreation Centre and the Society of Automotive Engineers – Australasia.

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4.4 Benalla Street Art Advisory Committee Terms of Reference

SF/1893

Courtney Naughton – Acting General Manager Corporate

PURPOSE OF REPORT

The report presents the updated and reviewed *Benalla Street Art Advisory Committee Terms of Reference*.

BACKGROUND

The Benalla Art Gallery Committee, as defined by the *Benalla Street Art Advisory Committee Terms of Reference* is comprised of:

- *Up to two Councillor representatives.*
- *Up to two Councillor officer nominated by the Chief Executive Officer.*
- *Community representatives with skills in festivals, events, creative arts, community engagement, marketing, fundraising and governance.*
- *Representatives from key stakeholder groups.*

DISCUSSION

The revised *Benalla Street Art Advisory Committee Terms of Reference* is attached as **Appendix 1**.

The *Benalla Street Art Advisory Committee* (Terms of Reference) have been reviewed and updated by the *Benalla Street Art Advisory Committee* (the Committee).

The Terms of Reference have been updated to include a Deputy Chairperson to act in the absence of the elected Chair.

The amended change to the Committee's Terms of Reference is under section 5 *Committee Membership*, as follows:

- 5.1. *The Committee will comprise of up to nine members:*
 - *Up to two Councillor representatives.*
 - *Up to two Councillor officer nominated by the Chief Executive Officer.*
 - *Community representatives with skills in festivals, events, creative arts, community engagement, marketing, fundraising and governance.*
 - *Representatives from key stakeholder groups.*
- 5.2. *The Council will appoint Councillors and community and key stakeholder representatives.*
- 5.3. *The members of the Benalla Street Art Advisory Committee are appointed for the term of the project (2024-2027).*

- 5.4. *The Committee will elect a chairperson and a deputy chairperson.*
- 5.5. *The committee may seek the involvement of additional members with interests and expertise relevant to the task at hand.*
- 5.6. *A member of the Benalla Street Art Advisory Committee may resign from their position at any time.*
- 5.7. *Members are encouraged to attend all meetings of the Benalla Street Art Advisory Committee. If a member fails to attend three consecutive meetings of the Committee without obtaining a leave of absence that member shall be deemed to have resigned from the Committee.*

COUNCIL PLAN 2021-2025 IMPLICATIONS

Economy

- *Thriving business and industry*
- *Flourishing tourism*

Livability

- *Vibrant public spaces and places*

Leadership

- *Good governance*
- *High performance culture*
- *Engaged and informed community*
- *Effective and responsive advocacy*

COMMUNITY ENGAGEMENT

In accordance with the Council’s *Community Engagement Policy*, it is proposed that due to administrative nature of the Terms of Reference, community engagement be undertaken at the ‘Inform’ level under the International Association for Public Participation’s IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Terms of Reference presented in a public report to the Council. ▪ Terms of Reference to be published on the Council’s website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the Committee’s Terms of Reference.

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 the updated *Benalla Street Art Advisory Committee Terms of Reference* be adopted.

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Terms of Reference

Benalla Street Art Advisory Committee

OCTOBER 2023

Document Control

Draft terms of reference created:	May 2023
Terms of reference adopted by Council:	11 October 2023
Version number:	V2

1. Title

The advisory committee will be known as the Benalla Street Art Advisory Committee (the Committee).

2. Purpose

The purpose of the Committee is to facilitate and deliver the Benalla Street Art Festival 2024-2027.

3. Duties and Functions

The Committee has the following duties and functions:

- 3.1. Organise and deliver the Benalla Street Art Festival 2024 to 2027 (BSAF).
- 3.2. Develop a *Benalla Street Art Reactivation Strategy* to determine the scope and cost of a similar sized Festival as held in 2019.
- 3.3. Facilitate a BSAF of international standard to establish Benalla Rural City as a world leader in public art.
- 3.4. Deliver a BSAF aimed at attracting increased visitation and generate increased economic benefit to Benalla Rural City.
- 3.5. Engage members of the community to assist in the delivery and promotion of the BSAF.
- 3.6. Ensure the successful engagement of the community and other stakeholders.
- 3.7. Support and facilitate ongoing communication between the Council and local community.
- 3.8. Assist with consultation and evaluation activities as they arise.
- 3.9. Assist with securing funding for the BSAF.
- 3.10. The Committee is an Advisory Committee of Council. It has no delegated power from the Council.

4. Delegations

- 4.1. The Committee has no delegated power to act on behalf of the Council or commit the Council to any expenditure.

5. Membership

- 5.1. The Committee will comprise of up to nine members:
 - Up to two Councillor representatives.
 - Up to two Councillor officer nominated by the Chief Executive Officer.
 - Community representatives with skills in festivals, events, creative arts, community engagement, marketing, fundraising and governance.
 - Representatives from key stakeholder groups.
- 5.2. The Council will appoint Councillors and community and key stakeholder representatives.
- 5.3. The members of the Benalla Street Art Advisory Committee are appointed for the term of the project (2024-2027).
- 5.4. The Committee will elect a chairperson and a deputy chairperson.
- 5.5. The committee may seek the involvement of additional members with interests and expertise relevant to the task at hand.
- 5.6. A member of the Benalla Street Art Advisory Committee may resign from their position at any time.
- 5.7. Members are encouraged to attend all meetings of the Benalla Street Art Advisory Committee. If a member fails to attend three consecutive meetings of the Committee without obtaining a leave of absence that member shall be deemed to have resigned from the Committee.

6. Frequency of Meetings

- 6.1. The frequency of meetings will be determined by the Committee.

7. Quorum

- 7.1. The quorum of the Committee will be no less than a majority of the members appointed to the Committee.

8. Reporting

- 8.1. The business of the Committee shall be recorded in proper minutes.
- 8.2. Agendas and notes of each meeting will be distributed to all members.
- 8.3. The Committee will provide reports on its activities as required.
- 8.4. The Council will be responsible for providing administration support to the Committee.
- 8.5. In accordance with *Local Government Act 2020*, committee members must not improperly direct or influence a member of council staff in the exercise of any power or in the performance of any duty or function.

9. Review of Terms of Reference

- 9.1. The Committee’s terms of reference will be reviewed in 2027 following the delivery of the 2027 Benalla Street Art Festival.
- 9.2. The Committee’s terms of reference may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.
- 9.3. The Council shall consult with the Committee prior to amending the Committees terms of reference.

4.5 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 28 August 2023 to 1 October 2023.

Councillor Danny Claridge	
28 August	Meeting with Benalla Health CEO Jackie Kelly
29 August	Benalla Art Gallery Committee Meeting
30 August	Assembly of Councillors – U3A Presentation
	Councillor Only Time
31 August	Assembly of Councillors – Presentation on the New Benalla Police Station
3 September	Chat with a Councillor - Devenish Market
5 September	Guest Speaker for the Benalla Bushwalking Club
6 September	Councillor Only Time
	Council Meeting
7 September	VLGA/LGIU Global Executive Panel - Harmonious Decision Making
13 September	Benalla Business Coffee Connections
14 September	RUOK Day - BBQ Breakfast
	Official Opening of the new Benalla P-12 College STEAM building (Science, Technology, Engineering, Arts and Mathematics)
	Official Opening of the Benalla Visitor Information Centre
19 September	Benalla Family Research Group Committee Meeting
20 September	Assembly of Councillors – Walk through the Fawckner Drive Precinct
	Councillor Only Time
	Assembly of Councillors – Business Review
23 September	Benalla Terry White Chemmart Grant Opening
26 September	Airport Advisory Committee Meeting
27 September	Councillor Only Time
	Finance and Planning Committee Meeting

Councillor Peter Davis	
30 August	Assembly of Councillors – U3A Presentation
	Councillor Only Time
31 August	Assembly of Councillors – Presentation on the New Benalla Police Station
4 September	Molyullah Tatong Landcare Group AGM Meeting
6 September	Councillor Only Time
	Council Meeting
14 September	RUOK Day - BBQ Breakfast
20 September	Councillor Only Time
	Assembly of Councillors – Business Review
26 September	Airport Advisory Committee Meeting
27 September	Councillor Only Time
	Finance and Planning Committee Meeting

Councillor Don Firth	
28 August	Benalla Street Art Advisory Committee Meeting
	Benalla Indoor Recreation Centre Committee Meeting
30 August	Assembly of Councillors – U3A Presentation
	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
31 August	Assembly of Councillors – Presentation on the New Benalla Police Station
6 September	Councillor Only Time
	Council Meeting
11 September	Benalla Street Art Advisory Committee Meeting
13 September	Benalla Festival Advisory Committee Meeting
14 September	RUOK Day - BBQ Breakfast
	Official Opening of the new Benalla P-12 College STEAM building (Science, Technology, Engineering, Arts and Mathematics)
	Official Opening of the Benalla Visitor Information Centre
20 September	Assembly of Councillors – Walk through the Fawckner Drive Precinct
	Councillor Only Time
	Assembly of Councillors – Business Review
25 September	Benalla Street Art Advisory Committee Meeting
27 September	Councillor Only Time
	Finance and Planning Committee Meeting
29 September	Benalla Racing Club 2023 bet365 Benalla Gold Cup

Councillor Punarji Hewa Gunaratne	
30 August	Assembly of Councillors – U3A Presentation
31 August	Assembly of Councillors – Presentation on the New Benalla Police Station
3 September	Chat with a Councillor - Devenish Market
6 September	Council Meeting
20 September	Assembly of Councillors – Walk through the Fawckner Drive Precinct
	Assembly of Councillors – Business Review
27 September	Finance and Planning Committee Meeting
29 September	Benalla Racing Club 2023 bet365 Benalla Gold Cup

Mayor Councillor Bernie Hearn	
28 August	Meeting with Benalla Health CEO Jackie Kelly
	Benalla Indoor Recreation Centre Committee Meeting
29 August	Victorian Local Government Grants Commission - Information Session
30 August	Assembly of Councillors – U3A Presentation
	Councillor Only Time
	Municipal Emergency Management Planning Committee Meeting
31 August	Assembly of Councillors – Presentation on the New Benalla Police Station
3 September	Chat with a Councillor - Devenish Market
5 September	Visit to the Benalla P-12 College to Discuss the Benalla Rural City Australia Day Awards Young Citizen Category
6 September	Councillor Only Time
	Council Meeting
7 September	Visit to the Australian Christian College to Discuss the Benalla Rural City Australia Day Awards Young Citizen Category
7 September	Visit to FCJ College to Discuss the Benalla Rural City Australia Day Awards Young Citizen Category
	VLGA/LGIU Global Executive Panel - Harmonious Decision Making
14 September	RUOK Day - BBQ Breakfast
	Official Opening of the new Benalla P-12 College STEAM building (Science, Technology, Engineering, Arts and Mathematics)
	Official Opening of the Benalla Visitor Information Centre
19 September	Meeting with Parliamentary Secretary for Mental Health and Suicide Prevention - Tim Richardson
20 September	Assembly of Councillors – Business Review
27 September	Councillor Only Time
	Finance and Planning Committee Meeting
28 September	Hume Region Local Government Network Meeting
29 September	Benalla Racing Club 2023 bet365 Benalla Gold Cup

Councillor Justin King	
30 August	Assembly of Councillors – U3A Presentation
	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
6 September	Councillor Only Time
	Council Meeting
13 September	Benalla Festival Advisory Committee Meeting
14 September	RUOK Day - BBQ Breakfast
	Official Opening of the new Benalla P-12 College STEAM building (Science, Technology, Engineering, Arts and Mathematics)
	Official Opening of the Benalla Visitor Information Centre
20 September	Assembly of Councillors – Walk through the Fawckner Drive Precinct
	Councillor Only Time
	Assembly of Councillors – Business Review
26 September	Family Services Teams Morning Tea Celebration
27 September	Councillor Only Time
	Finance and Planning Committee Meeting
29 September	Benalla Racing Club 2023 bet365 Benalla Gold Cup

Councillor Gail O’Brien	
28 August	Meeting with Benalla Health CEO Jackie Kelly
	Benalla Street Art Advisory Committee Meeting
30 August	Assembly of Councillors – U3A Presentation
	Councillor Only Time
31 August	Assembly of Councillors – Presentation on the New Benalla Police Station
3 September	Chat with a Councillor - Devenish Market
4 September	Local Learning Employment Network (LLEN) Committee Meeting
	Long Walk in Benalla by Michael Long
5 September	Benalla for Pat Farmer “Run For The Voice”
6 September	Councillor Only Time
	Council Meeting
11 September	Opening on the new Seniors Building at St Joseph’s Primary School
	Benalla Street Advisory Committee Meeting
12 September	Benalla Art Gallery AGM
13 September	Benalla Business Coffee Connections
14 September	RUOK Day - BBQ Breakfast
	Official Opening of the new Benalla P-12 College STEAM building (Science, Technology, Engineering, Arts and Mathematics)
	Official Opening of the Benalla Visitor Information Centre
15 September	Launch of the Simpson Gallery Exhibition - Taro Iiyama: INTO
16 September	Swanpool Bowling Club Opening Day
20 September	Assembly of Councillors – Walk through the Fawckner Drive Precinct
	Councillor Only Time
	Assembly of Councillors – Business Review
21 September	ALGWA - Hands Up for Mayor and Deputy Mayor Forum
25 September	Benalla Street Art Advisory Committee
27 September	Councillor Only Time
	Finance and Planning Committee Meeting

Recommendation:
That the report be noted.

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4.6 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 27-Sept-23	4	2023/2024 Quick Response Grants That a \$400 grant from the 2023/2024 Quick Response Grant program be allocated to Tatong Market & More.	MC	Completed
2.	Council Meeting 6-Sept-23	4.6	Appointment of Acting Chief Executive Officer That General Manager Corporate Robert Barber be appointed as acting Chief Executive Officer for the period 28 September 2023 to 29 October 2023.	CEO	Completed
3.	Council Meeting 6-Sept-23	4.5	Sale of Land at Enterprise Park, Benalla 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.	CEO	1. Completed 2. In progress
4.	Council Meeting 6-Sept-23	4.1	Authorisation of Signing and Sealing of Documents – High Country Library Network Shared Services Agreement 2023-2026 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.	MPP	1. Completed 2. Completed 3. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
5.	F&P Committee 23-Aug-23	7	<p>Cessation of Grant Management and Event Project Policy</p> <ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 1. Completed 2. In progress
6.	Council Meeting 28-June-23	4.6	<p>Fawckner Drive Precinct Masterplan</p> <p>That the draft <i>Benalla Fawckner Drive Masterplan</i> be endorsed for public exhibition for a period of at least 28 days.</p>	MC	Submissions were considered at the F&P Committee on 27 September 2023. A report will be presented to the Council at a future meeting.
7.	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

Action No.	Meeting Name	Item	Action	Officer	Status/notes
8.	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
9.	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
10.	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.

Action No.	Meeting Name	Item	Action	Officer	Status/notes
11.	F&O Committee 15-Jun-22	9.	<p><i>Financial Hardship Policy Review</i></p> <p>1. That the <i>Financial Hardship Policy</i> be adopted.</p> <p>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.</p>	MF	<p>1. Completed</p> <p>2. Legislation has been passed. A report will be presented once further clarification has been received.</p>

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 CM23.032 – Benalla Indoor Recreation Centre (BIRC) Architectural Services Contract
- 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