

Council Meeting

Minutes

Date: Wednesday 11 October 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 be 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

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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	Robert Barber	Acting Chief Executive Officer
	Courtney Naughton	Acting General Manager Corporate
	Nilesh Singh	Manager Development
	Keith Biglin	Project Manager
	Jess Pendergast	Governance Coordinator

Opening and Acknowledgment of Country

The Chair opened the meeting at 6pm and recited the following Acknowledgement of Country. *We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.*

Statement of Commitment

The Councillors recited the following Statement of Commitment:

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

Governance Matters

The Council Meeting 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 the Council meeting was audio recorded.

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.

No conflicts of interest were disclosed at 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 pending confirmation at the meeting.

Cr O'Brien / Cr Davis:

That the Minutes of the Council Meeting held on Wednesday 6 September 2023 be confirmed as a true and accurate record of the meeting.

Carried



1. Public Question Time

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

No public 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 27 September 2023 were provided to Councillors.

Cr Gunaratne / Cr Davis:

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

Carried



3.2 Assemblies of Councillors, Advisory and External Committees

The record of Assemblies of Councillors since the report presented at the meeting on 6 September 2023 were provided to Councillors.

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

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

Carried

Officer Reports

4.1 Authorisation of Signing and Sealing of Documents

No documents were submitted for signing and sealing.

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

The report provided 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.

Cr Claridge / Cr King:

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*.

Carried

4.3 2023/2024 Major Event Funding Program

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

An application for \$2,000 in funding from the Society of Automotive Engineers – Australasia was determine to be ineligible for assistance as the Formula SAE-A competition will not be held locally at Winton Motor Raceway.

Cr Davis / Cr King:

That a \$2,000 grant from the 2023/2024 Major Event Funding Program be allocated to the Moorngag Community Hall and Recreation Centre.

Carried



4.4 Benalla Street Art Advisory Committee Terms of Reference

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

Cr O'Brien / Cr Gunaratne:

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

Carried

4.5 Mayor and Councillors' attendance at Committees and Civic Functions

The Mayor and Councillors attendance at meetings and events as detailed below for the period from 28 August 2023 to 1 October 2023.

It is noted that:

- Councillor Berine Hearn was in attendance at the opening of the new Seniors Building at St Joseph's Primary School on 11 September 2023.
- Councillor Peter Davis was not in attendance at the Assembly of Councillors briefing on 31 August 2023.

Cr O'Brien / Cr Claridge:

That the report be noted.

Carried

4.6 Council Actions Pending

Council Actions Pending were provided to Councillors.

Cr King / Cr O'Brien:

That the report be noted.

Carried

5. Reports by Councillors

Councillor Punarji Hewa Gunaratne reported on his attendance at:

- Benalla Garden Club 70th Birthday Celebrations on Tuesday 10 October 2023.

Councillor Gail O'Brien reported on her attendance at:

- U3A presentation that occurred during the Assembly of Councillors briefing on Wednesday 30 August 2023.
- Swanpool Bowling Club open day held on Saturday 16 September 2023.

Councillor Danny Claridge reported on his attendance at:

- Benalla Bushwalking Club AGM held on Tuesday 5 September 2023. Cr Claridge addressed the group as a guest speaker on waste and recycling.
- VLGA/LGIU Global Executive Panel on Harmonious Decision Making Workshop held on Thursday 7 September 2023.

Councillor King reported on his attendance at:

- August and September 2023 Benalla Festival Advisory Committee meetings. Benalla Festival Event pocket booklets are now being distributed.
- Alpine Leadership Program meeting in Benalla to address the 2023 program participants on Wednesday 6 September 2023.
- Bet 365 Benalla Gold Cup held at Benalla Racing Club on Friday 29 September 2023.

Councillor Bernie Hearn reported on her attendance at:

- Benalla P-12 College Debutant Balls on Friday 6 October and Saturday 7 October 2023.

Cr King / Cr Davis:

- 1. That the reports be noted.**
- 2. That a letter from the Mayor be sent to the organisers of the Benalla P-12 College debutant balls congratulating them on running a very successful event.**

Carried



6. Notices of Motion

No notices on motion were submitted to the meeting.

7. Notices of Rescission Motion

No notices of rescission motion were submitted to the meeting.

8. Urgent Business

No urgent business was submitted to the meeting.

Confidential Business

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

- 9.1 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

Cr Davis / Cr King:

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

Carried



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10. Reopening of the meeting to the public

Cr Claridge / Cr Davis:

That the meeting be reopened to the public.

Carried

Closure of the meeting

The meeting closed at 7.15pm.

Confirmed this fifteenth day of November 2023.

Signed: _____



Mayor Bernie Hearn