

Council Meeting

Agenda

Date: Wednesday 15 November 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 Governance Coordinator Jess Pendergast 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

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Contents

Opening and Acknowledgment of Country	3
Disclosures of Conflict of Interest.....	4
Apologies.....	4
Confirmation of the Minutes of the Previous Meeting	4
1. Public Question Time.....	5
2. Petitions	7
Record of Committees.....	7
3.1 Recommendations from Finance and Planning Committee	7
3.2 Assemblies of Councillors, Advisory and External Committees	9
Officer Reports.....	11
4.1 Election of the Mayor and Deputy Mayor	11
4.2 Determining the Meeting Cycle of Council and Committees 2023/24	15
4.3 Appointment of Council Representatives to Advisory Committees, Peak Industry Bodies and Regional and Community Based Committees	17
4.4 Appointment of the Council’s Official Newspaper for 2023/2024	23
4.5 Mayor and Councillor’s Attendance at Committees and Civic Functions	25
4.6 Council Actions Pending	31
5. Reports by Councillors	33
6. Notices of Motion	33
7. Notices of Rescission Motion	33
8. Urgent Business.....	33
9. Confidential Business.....	35
9.1 Confidential Report by Councillors	37
9.2 Confidential Council Actions Pending	37
10. Reopening of the meeting to the public.....	39
Closure of the meeting	39

Agenda

Councillors

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

In attendance

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Jessica Beaton	Governance Coordinator

Opening and Acknowledgment of Country

The Chief Executive Officer 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.

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

Recommendation:

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

Confirmation of the Minutes of the Previous Meeting

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 11 October 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.

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2. Petitions

Record of Committees

3.1 Recommendations from Finance and Planning Committee

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

Recommendation:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 1 November 2023 be adopted.

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Business**1. Financial Report For The Quarter Ended 30 September 2023**

The report presented the financial result compared to budget for the quarter ended 30 September 2023 and presents outcomes from the first quarter budget review.

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

Carried

2. Finance Department Activity Report For The Quarter Ended 30 September 2023

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

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

Carried

3. Building and Planning Approvals – September 2023

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

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

Carried

4. Development Department Activity Report For The Quarter Ended 30 September 2023

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

Cr Firth / Cr Gunaratne:
That the report be noted.

Carried

5. Capital Works Program Update As At 30 September 2023

The report presented an update on the Capital Works Program as at 30 September 2023.

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

Carried

6. Assets and Infrastructure Department Activity Report For The Quarter Ended 30 September 2023

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

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

Carried

7. People and Performance Activity Report For The Quarter Ended 30 September 2023

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

Cr Hearn / Cr Gunaratne:

That the report be noted.

Carried

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

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

Cr Davis / Cr Hearn:

That the report be noted.

Carried

9. 2023/24 Quick Response Grants Program

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

Cr O'Brien / Cr Davis:

That a \$500 grant from the 2023/24 Quick Response Grant program be allocated to the Lima School Community Centre Committee.

Carried

10. Community Department Activity Report For The Quarter Ended 30 September 2023

The report presented activity for the Community Department for the quarter ended 30 September 2023.

Cr Davis / Cr Firth:

That the report be noted.

Carried

11. Facilities and Information Technology Department Activity Report For The Quarter Ended 30 September 2023

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

Cr O'Brien / Cr Gunaratne:

That the report be noted.

Carried

12. Councillors' Expenses For The Quarter Ended 30 September 2023

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

Cr Firth / Cr Davis:

That the report be noted.

Carried

13. CEO Credit Card For The Quarter Ended 30 September 2023

The report detailed expenditure associated with the corporate credit card issued to the Chief Executive Officer for the quarter ended 30 September 2023.

Cr Gunaratne / Cr Firth:
That the report be noted.

Carried

14. Urgent Business

No urgent business was submitted to the meeting.

Closure of Meeting

The meeting closed at 7.36pm.

Recommendations of the Finance and
Planning Committee meeting held on
Wednesday 1 November 2023

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 11 October 2023 are attached as **Appendix 1**.

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

October 2023

3 October 2023	Accessibility Reference Group
4 October 2023	Assembly of Councillors Business Review
6 October 2023	Lakeside Precinct Accessibility Access Working Group
25 October 2023	Benalla Festival Advisory Committee
25 October 2023	Assembly of Councillors – Council Plan Action Plan Workshop

Recommendation:
That the report be noted.

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Record of Assemblies of Councillors, Advisory and External Committees

October 2023

Accessibility Reference Group

10.30am Tuesday 3 October 2023, Benalla Community Care Ray Sweeney Centre (Activity Room 1)
45 Coster Street, Benalla

Chair:	Sheryle Stubbs	Community Representative
Committee:	Councillor Bernie Hearn (Mayor)	Council Representative
	Councillor Don Firth	Council Representative
	Councillor Gail O'Brien	Council Representative
	Fiona Ashcorft	Service Provider Representative
	Michelle Aitken	Community Representative
	Annemarie Broughton	Community Representative
	Amanda Challis	Community Representative
	Stuart Green	Community Representative
	David Horan	Community Representative
	Cheryl-Anne Menere	Community Representative
	Keith Menere	Community Representative
	Denise Meyer	Community Representative
	Naylan McDonell	Service Provider Representative
	Barbara Schedlich	Community Representative
	Faye Squires	Community Representative
	Joan Vance	Community Representative
	Caroline Wallis	Community Representative
In attendance:	Tom Arnold	Community Development Coordinator
	Janine Brooks	Community Development Officer

Apologies: Annemarie Broughton, Stuart Green, Denise Meyer, Joan Vance and Caroline Wallis

Conflicts of Interest disclosed: Nil

Items discussed:

1. Business Arising
2. Draft Terms of Reference
3. Draft Disability Action Plan Update
4. Council and Organisation Update
5. Community Connect – Open Forum Other Business
6. Actions Pending

Assembly of Councillors – Business Review

6pm Wednesday 4 October 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 Robert Barber Acting Chief Executive Officer
Cathy Fitzpatrick Manager Finance
Courtney Naughton Acting General Manager Corporate
Nilesh Singh Manager Development
Catherine Macmillan Business Development Coordinator
Dean Steegstra Open Spaces Coordinator

Apologies: Nil.

Conflicts of Interest disclosed: Nil.

Items discussed:

1. Landscaping Designs For Subdivisions
2. Recovery of Unpaid rates and Charges by Sale of Land
3. 2023 Christmas Decorations in the Benalla Central Business District

Lakeside Precinct Accessibility Access Working Group

3pm Friday 6 October 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair: Councillor Bernie Hearn (Mayor) Council Representative

Committee: Susan Campbell OAM Community Representative
John Hanlon OAM Community Representative
Cheryl-Anne Menere Community Representative
David Moore Community Representative
Sheryle Stubbs Community Representative

In attendance: Robert Barber Acting Chief Executive Officer
Stacey Nolan Acting Manager Assets and Infrastructure
Shannan Cooper Acting Manager Assets and Infrastructure

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Recap of previous meeting
2. General Business

Benalla Festival Advisory Committee

4pm Wednesday 25 October 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
Apologies:	Caroll Bolitho	

Conflicts of Interest disclosed: Nil

Items discussed:

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

Assembly of Councillors – Council Plan Action Plan Workshop

6pm Wednesday 25 October 2023, Civic Centre (Council Meeting Room) 13 Mair 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	Robert Barber	Acting Chief Executive Officer
	Cathy Fitzpatrick	Acting General Manager Corporate
Apologies:	Nil.	

Conflicts of Interest disclosed: Nil.

Items discussed:

1. Council Plan 2021-2025 Action Plan To 30 June 2025 Workshop

Officer Reports

4.1 Election of the Mayor and Deputy Mayor

SF/808-09

Dom Testoni – Chief Executive Officer

INTRODUCTION

Under the *Local Government Act 2020* (the Act) a Mayor is to be elected at a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

Election of Mayor

Section 25 of the Act states:

1. The election of the Mayor must—
 - a. be chaired by the Chief Executive Officer; and
 - b. subject to this section, be conducted in accordance with the Governance Rules.
2. Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
3. If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
4. If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
5. In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Procedures for Election of Mayor

The Returning Officer must invite nominations for the office of Mayor and the following procedures will apply to the conduct of the election:

- 2.2.1. there must first be a determination of the term of appointment of the Mayor
- 2.2.2. voting will be carried out by show of hands
- 2.2.3. any Councillor is eligible for election or re-election to the office of Mayor
- 2.2.4. nominations for the position of Mayor must be moved and seconded
- 2.2.5. any Councillor nominated may refuse nomination

- 2.2.6. where only one nomination is received, the Councillor must be declared elected
- 2.2.7. where two or more nominations are received, the Councillor with an absolute majority of votes must be declared elected except that:
- 2.2.8. the Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- 2.2.9. where in an election for the Mayor:
1. only one candidate has been nominated, that candidate must be declared elected
 2. two candidates have been nominated, a vote must be taken and the candidate who receives an absolute majority of votes must be declared elected.
 3. two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council, a second vote will be conducted.
 4. where, after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day.
 5. more than two candidates have been nominated and no candidate receives the number of votes equal to or greater than half the Councillors of the Council: a. the candidate with the fewest number of votes cast must be eliminated.
 - a. the names of the remaining candidates must be put to the vote again.
 - b. the procedure in a and b above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined above in this sub-rule; and
 - c. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes) the Chief Executive Officer will conduct a vote for one candidate to be defeated.

Term of Appointment of the Mayor

Under Section 26 of the Act, before the election of the Mayor, the Council must determine by resolution whether the Mayor is to be elected for a one-year or a two-year term.

Recommendation:

That the term of appointment of the Mayor be for one/two year(s).

The Chief Executive Officer will call for nominations for the position of Mayor.

Recommendation:

That Councillor be elected as Mayor of Benalla Rural City Council for the 2023/24 Council Year.

The Chief Executive Officer declares Councillor elected as Mayor for the 2023/24 Council Year.

Upon being elected, the Mayor may make a ceremonial speech. The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.

Once the Mayor has been elected, the Chief Executive Officer must vacate the Chair and the Mayor must take the Chair for the balance of the meeting, where the following matters may be dealt with:

- a. Appointment of a Deputy Mayor
- b. Determining the Meeting Cycle for the next 12 months of Council and Committee meetings
- c. Appointment of Council representatives to advisory committees, peak industry bodies and regional and community-based committees
- d. Appointment of the Council’s official newspaper
- e. Any other matter considered necessary by the CEO.

Establish the position of Deputy Mayor

The Council may resolve to establish the position of Deputy Mayor. The procedure for the election of Mayor will apply to the election of the Deputy Mayor with any necessary modifications.

Recommendation:

That the position of Deputy Mayor be established.

Term of Appointment of the Deputy Mayor

Under Section 26 of the act, before the election of the Deputy Mayor, the Council must determine by resolution whether the Deputy Mayor is to be elected for a one-year or a two-year term.

Recommendation:
That the term of appointment of the Deputy Mayor be for one/two year(s).

The Mayor will call for nominations for the position of Deputy Mayor.

Recommendation:
That Councillor be elected as Deputy Mayor of Benalla Rural City Council for the 2023/24 Council Year.

The Mayor declares Councillor elected as Deputy Mayor for the 2023/24 Council Year.

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.*

4.2 Determining the Meeting Cycle of Council and Committees 2023/24

SF/808-09
Dom Testoni – Chief Executive Officer

PURPOSE OF REPORT

The report proposes a schedule of Council Meetings for 2023/24.

BACKGROUND

The *Local Government Act 2020* provides that the conduct of Council Meetings is at the Council's discretion. The *Governance Rules 2020* states that:

The date, time and place of all Meetings for the following Council Year is to be fixed by the Council at a Council Meeting after the election of the Mayor but not later than the last Council Meeting of the calendar year.

The Council may call unscheduled Council Meetings or Delegated Committee Meetings during the year. If an unscheduled meeting is called, the Chief Executive Officer must arrange for a notice of the meeting on the Council's website as soon as practicable after the time and date has been determined.

Council Meetings and Delegated Committee meetings are held on Wednesdays in the Civic Centre, 13 Mair Street, Benalla, unless otherwise advised. Meetings commence at 5.30pm. During daylight savings time meetings commence at 6pm.

Meetings are livestreamed using videoconferencing technology to enable public participation.

DISCUSSION

In accordance with the *Governance Rules 2020*, the Council, by resolution may determine certain meetings be held solely as face-to-face (in-person) meetings.

The proposed schedule of Council and Committee meetings for 2023/24 is attached as **Appendix 1**.

Recommendation:

That the 2023/24 Schedule of Meetings for the Council and the Finance and Planning delegated committee be adopted.

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2024 Meeting Schedule

Appendix 1

Date	Meeting Name	Time	Reports Due
<i>Wednesday, 22 November 2023</i>	<i>No meeting</i>		
Wednesday, 29 November 2023	Assembly of Councillors	6pm	17-Nov-23
Wednesday, 6 December 2023	Finance and Planning Committee Meeting	6pm	24-Nov-23
Wednesday, 13 December 2023	Council Meeting	6pm	1-Dec-23
<i>December 2023 - January 2024</i>	<i>Christmas and New Year's Recess</i>		
<i>Friday, 26 January 2024</i>	<i>Australia Day</i>		
Wednesday, 31 January 2024	Assembly of Councillors	6pm	19-Jan-24
Wednesday, 7 February 2024	Finance and Planning Committee Meeting	6pm	26-Jan-24
Wednesday, 14 February 2024	Assembly of Councillors	7pm	2-Feb-24
Wednesday, 14 February 2024	Council Meeting	6pm	2-Feb-24
<i>Wednesday, 21 February 2024</i>	<i>No meeting</i>		
Wednesday, 28 February 2024	Assembly of Councillors	6pm	16-Feb-24
Wednesday, 6 March 2024	Finance and Planning Committee Meeting	6pm	23-Feb-24
<i>Monday, 11 March 2024</i>	<i>Labour Day</i>		
Wednesday, 13 March 2024	Assembly of Councillors	6pm	1-Mar-24
Wednesday, 20 March 2024	Council Meeting	6pm	8-Mar-24
<i>Wednesday, 27 March 2024</i>	<i>No meeting</i>		
<i>Friday, 29 March 2024</i>	<i>Good Friday</i>		
<i>Monday, 1 April 2024</i>	<i>Easter Monday</i>		
Wednesday, 3 April 2024	Assembly of Councillors	6pm	22-Mar-24
Wednesday, 10 April 2024	Finance and Planning Committee Meeting	5.30pm	29-Mar-24
Wednesday, 17 April 2024	Assembly of Councillors	5.30pm	5-Apr-24
Wednesday, 24 April 2024	Council Meeting	5.30pm	12-Apr-24
<i>Thursday, 25 April 2024</i>	<i>ANZAC Day</i>		
<i>Wednesday, 1 May 2024</i>	<i>No meeting</i>		
Wednesday, 8 May 2024	Assembly of Councillors	5.30pm	26-Apr-24
Wednesday, 15 May 2024	Finance and Planning Committee Meeting	5.30pm	3-May-24
Wednesday, 22 May 2024	Assembly of Councillors	5.30pm	10-May-24
Wednesday, 29 May 2024	Council Meeting	5.30pm	17-May-24
<i>Wednesday, 5 June 2024</i>	<i>No meeting</i>		
<i>Monday, 10 June 2024</i>	<i>Queen's Birthday Holiday</i>		
Monday, 12 June 2023	Assembly of Councillors	5.30pm	31-May-23
Wednesday, 19 June 2024	Finance and Planning Committee Meeting	5.30pm	7-Jun-24
Wednesday, 26 June 2024	Council Meeting	5.30pm	14-Jun-24

Date	Meeting Name	Time	Reports Due
<i>Wednesday, 3 July 2024</i>	<i>No meeting</i>		
<i>Wednesday, 10 July 2024</i>	<i>No meeting</i>		
<i>Wednesday, 17 July 2024</i>	<i>No meeting</i>		
Wednesday, 24 July 2024	Assembly of Councillors	5.30pm	12-Jul-24
Saturday, 31 August 2024	Finance and Planning Committee Meeting	5.30pm	19-Aug-24
Sunday, 7 July 2024	Council Meeting	5.30pm	25-Jun-24
<i>Wednesday, 14 August 2024</i>	<i>No meeting</i>		
Wednesday, 21 August 2024	Assembly of Councillors	5.30pm	9-Aug-24
Wednesday, 28 August 2024	Finance and Planning Committee Meeting	5.30pm	16-Aug-24
Wednesday, 4 September 2024	Assembly of Councillors	5.30pm	23-Aug-24
Wednesday, 11 September 2024	Council Meeting	5.30pm	30-Aug-24
<i>Wednesday, 18 September 2024</i>	<i>No meeting</i>		
Tuesday, 24 September 2024	Council Care Taker Mode Commences (TBC)		
Wednesday, 25 September 2024	Assembly of Councillors	5.30pm	13-Sep-24
<i>Friday, 27 September 2024</i>	<i>Friday Before AFL Grand Final Day</i>		
Wednesday, 2 October 2024	Finance and Planning Committee Meeting	6pm	20-Sep-24
Wednesday, 9 October 2024	Assembly of Councillors	6pm	27-Sep-24
Wednesday, 16 October 2024	Council Meeting	6pm	4-Oct-24
<i>Wednesday, 23 October 2024</i>	<i>No meeting</i>		
Saturday, 26 October 2024	LG 2024 Election Day		
<i>Monday, 30 October 2023</i>	<i>No meeting</i>		
<i>Tuesday, 5 November 2024</i>	<i>Melbourne Cup</i>		
Wednesday, 6 November 2024	Declaration of Voters Poll (TBC)		
Wednesday, 6 November 2024	Informal Meeting for Councillor Elects (TBC)		
Wednesday, 13 November 2024	Council Meeting (Swearing in of 2024 Councillor Elects)	6pm	1-Nov-24
Wednesday, 20 November 2024	Assembly of Councillors - Councillor Inductions	6pm	8-Nov-24
Wednesday, 27 November 2024	Assembly of Councillors	6pm	15-Nov-24
Wednesday, 4 December 2024	Finance and Planning Committee Meeting	6pm	22-Nov-24
Wednesday, 11 December 2024	Council Meeting	6pm	29-Nov-24

4.3 Appointment of Council Representatives to Advisory Committees, Peak Industry Bodies and Regional and Community Based Committees

SF/808-09

Dom Testoni – Chief Executive Officer

Nominations for appointment of Council representatives to various committees, peak industry bodies and regional and community organisations in 2023/24 are detailed in Table 1.

Table 1: 2023/24 Council Representatives to Advisory Committees, Peak Industry Bodies and Regional and Community-Based Committees

Advisory Committees	2023/24 Nominee/s	Officer	Meetings
Australia Day Advisory Committee	Cr Hearn Cr O'Brien	Manager Economic Development and Sustainability	Bi-monthly or as required 10am Friday
Benalla Airport Advisory Committee	Cr Claridge Cr Davis	Manager Facilities and Information Technology	Bi-monthly 4pm Wednesday
Benalla Festival Advisory Committee	Cr Firth Cr King	Manager Economic Development and Sustainability	Monthly or as required 4pm Wednesday
Benalla Street Art Festival Advisory Committee	Cr Firth Cr O'Brien	Manager Economic Development and Sustainability	Fortnightly
Communications Advisory Committee	Cr Claridge Cr Davis Cr Hearn	Chief Executive Officer	Monthly

Boards of Management	2023/24 Nominee/s	Officer	Meetings
North East Victoria Tourism Board Incorporated	Chief Executive Officer	Chief Executive Officer	Bi-monthly Thursday

External Incorporated	2023/24 Nominee/s	Officer	Meetings
Benalla Family Research Group	Cr Claridge	Chief Executive Officer	Monthly 11am Wednesday
Benalla Showgrounds and Recreation Reserve Committee of Management Incorporated	Cr King	Open Spaces Coordinator	After hours
State Gliding Centre Committee of Management Incorporated	Cr Claridge	Manager Facilities and Information Technology	Saturday AM

External Organisations	2023/24 Nominee/s	Officer	Meetings
Benalla Historical Society Incorporated	Cr Claridge	Chief Executive Officer	Monthly 4pm Wednesday

External Working Groups	2023/24 Nominee/s	Officer	Meetings
Benalla Local Safety and Traffic Liaison Committee	Cr Hearn Cr King	Manager Assets and Infrastructure	Monthly 4pm Tuesday
Benalla Youth Service Providers Network	Cr Firth	Community Development Coordinator	Bi-monthly 1pm Thursday
Live4Life Partnership Group	Cr O'Brien	Youth Development Coordinator	Bi-monthly 2pm Wednesday
Early Years Network	Cr King	Manager Community	Monthly 4pm Monday
Health and Wellbeing Partnership Group	Cr O'Brien	Manager Community	Bi-monthly 1.30pm first Monday

Industry Associations	2023/24 Nominee/s	Officer	Meetings
Municipal Association of Victoria	Cr Hearn	Chief Executive Officer	Quarterly 10am Thursday
Rural Councils Victoria Inc	Chief Executive Officer	Chief Executive Officer	Quarterly 10am Thursday

Internal Incorporated	2023/24 Nominee/s	Officer	Meetings
Benalla Gardens Oval Committee of Management Incorporated	Cr Davis	Open Spaces Coordinator	After hours
Benalla Indoor Recreation Centre Committee of Management Incorporated	Cr Firth Cr Hearn	Open Spaces Coordinator	After hours
Benalla Sports and Equestrian Reserve Committee	Committee to be replaced by Community Asset Committee in 2023/24.	Open Spaces Coordinator	After hours
United Friendly Society Reserve Committee of Management Incorporated	Cr Firth Cr Hearn	Open Spaces Coordinator	Bi-monthly Tuesday 6pm

Reference & Working Groups	2023/24 Nominee/s	Officer	Meetings
Accessibility Reference Group	Cr Firth Cr O'Brien Cr Hearn	Community Development Coordinator	Monthly 10.30am Thursday
Lakeside Precinct Accessibility Access Working Group	Working Group dissolved November 2023.	Manager Assets and Infrastructure	

Regional Associations	2023/24 Nominee/s	Officer	Meetings
Goulburn Murray Climate Alliance		Manager Economic Development and Sustainability	Quarterly 10am-5pm Tues/Weds
Hume Region Local Government Network	Mayor	Chief Executive Officer	Quarterly 10am Thursday
Ovens Murray Regional Partnerships	Chief Executive Officer	Chief Executive Officer	Monthly Thursday or Friday

Statutory Committees	2023/24 Nominee/s	Officer	Meetings
Chief Executive Officer Performance Review Committee	All councillors and Independent Advisor	General Manager Corporate	Quarterly
Municipal Emergency Management Committee	Mayor	Manager Development	Quarterly Thursday work hours

Steering Committees	2023/24 Nominee/s	Officer	Meetings
Former Migrant Camp Conservation Management Plan Implementation Steering Committee	Cr Claridge Cr Gunaratne	Manager Facilities and Information Technology	Quarterly

Recommendation:

That the appointment of Council representatives to various committees, peak industry bodies and regional and community organisations for the 2023/24 Council Year as detailed in Table 1 be approved.

Audit and Risk Committee

Established by the Council under section 53 of the *Local Government Act 2020*, the Audit and Risk Committee requires two Councillor Members. Convention has seen the Chair of the Finance and Planning Committee automatically appointed to the committee. As such, while two councillors (refer table below) have been nominated for the committee, only one can be appointed.

If the appointed Councillor Member is subsequently appointed chair of the Finance and Planning Committee, an alternative Councillor member will need to be appointed to the committee.

Committee	2023/24 Nominee/s	Officer	Meetings
Audit and Risk Committee	Chair of Finance and Planning Cr Davis Cr Gunaratne	General Manager Corporate	Four times a year

Recommendation:

That the Chair of the Finance and Planning Committee and Cr..... be appointed to the Audit and Risk Committee.

Benalla Art Gallery Committee

The terms of reference for the Benalla Art Gallery Committee allow for two councillor representatives to form part of the committee. While three councillors (refer table below) have been nominated, only two can be appointed.

Committee	Nominee/s 2023/2024 Representative/s	Officer	Meetings
Benalla Art Gallery Committee	Cr Claridge Cr Gunaratne Cr O'Brien	Manager Economic Development and Sustainability	Bi-monthly 6pm Tuesday

Recommendation:

That Cr..... and Cr..... be appointed to the Benalla Art Gallery Committee.

Churchill Reserve Committee of Management Incorporated

The terms of reference for the Churchill Reserve Committee of Management Incorporated allow for two councillor representatives to form part of the committee. While three councillors (refer table below) have been nominated, only two can be appointed.

Committee	Nominee/s 2023/2024 Representative/s	Officer	Meetings
Churchill Reserve Committee of Management Incorporated	Cr O'Brien Cr Gunaratne Cr King	Open Spaces Coordinator	Bi-monthly 6pm Tuesday

Recommendation:

- 1. That Cr..... and Cr..... be appointed to the Churchill Reserve Committee of Management Incorporated.**

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4.4 Appointment of the Council's Official Newspaper for 2023/2024

SF/808-09

Dom Testoni – Chief Executive Officer

The *Local Government Act 2020* does not specifically require the Council to nominate an official newspaper. Such a nomination was required under the *Local Government Act 1989*.

However, the Council's *Public Transparency Policy* formalises the Council's support for transparency in its decision-making processes and the public awareness of the availability of Council information.

The Council recognises that the local newspaper is a valuable mechanism for informing and engaging the community and sees value in continuing the convention of nominating a local newspaper as the publication where public notices and other advertisements will be placed when required.

Recommendation:

That the Council nominate the *Benalla Ensign* as the official newspaper for the purpose of public notices for the 2023/24 Council Year.

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4.5 Mayor and Councillor’s Attendance at Committees and Civic Functions

SF/808-09

Tracey Beaton - Executive Coordinator

The Mayor and Councillors, listed in alphabetical order, attended meetings and events as detailed below during the period from 2 October 2023 to 5 November 2023.

Councillor Danny Claridge	
4 October	Councillor Only Time
	Assembly of Councillors – Business Review
6 October	Benalla Historical Society Committee Meeting
11 October	Benalla Business Coffee Connections
	Councillor Only Time
	Council Meeting
12 October	MAV Annual Conference and Dinner
13 October	MAV State Council Meeting
19 October	Citizenship Ceremony
25 October	Councillor Only Time
	Assembly of Councillors – Council Plan Action Plan Workshop
26 October	Communications Advisory Committee Meeting
	Churchill Reserve Dog Park Opening
1 November	Councillor Only Time
	Benalla Historical Society Committee Meeting
	Finance and Planning Committee Meeting
2 November	Tomorrow Today’s 2023 Committee Celebration
3 November	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural

Councillor Peter Davis	
4 October	Councillor Only Time
	Assembly of Councillors – Business Review
11 October	Councillor Only Time
	Council Meeting
25 October	Councillor Only Time
	Assembly of Councillors – Council Plan Action Plan Workshop
26 October	Communications Advisory Committee Meeting
	Churchill Reserve Dog Park Opening
1 November	Councillor Only Time
	Finance and Planning Committee Meeting
3 November	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural
5 November	Moorngag Music Stage and Hot Air Balloon Night Glow

Councillor Don Firth	
3 November	Accessibility Reference Group Meeting
4 October	Councillor Only Time
	Assembly of Councillors – Business Review
11 October	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Council Meeting
12 October	MAV Annual Dinner
25 October	Councillor Only Time
	Assembly of Councillors – Council Plan Action Plan Workshop
30 October	Benalla Street Art Advisory Committee Meeting
1 November	Councillor Only Time
	Finance and Planning Committee Meeting
3 November	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural

Councillor Punarji Hewa Gunaratne	
4 October	Assembly of Councillors – Business Review
10 October	Benalla Garden Club 70th Birthday Celebrations
11 October	Council Meeting
19 October	Citizenship Ceremony
21 October	Live Art Benalla - Mural Music 2023
25 October	Assembly of Councillors – Council Plan Action Plan Workshop
26 October	Churchill Reserve Dog Park Opening
1 November	Finance and Planning Committee Meeting
2 November	Tomorrow Today's 2023 Committee Celebration
3 November	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural
5 November	Tatong Market and More
	Moorngag Music Stage and Hot Air Balloon Night Glow

Mayor Councillor Bernie Hearn	
2 October	Benalla Local Safety and Traffic Liaison Committee Meeting
3 October	Accessibility Reference Group Meeting
4 October	Councillor Only Time
	Assembly of Councillors – Business Review
6 October	Rural Councils Victoria Annual General Meeting
	Lakeside Precinct Accessibility Access Working Group Meeting
	Benalla P-12 College Year 11 Debutante Ball
7 October	Benalla P-12 College Year 12 Debutante Ball
11 October	Councillor Only Time
	Council Meeting
12 October	MAV Annual Conference and Dinner
13 October	MAV State Council Meeting
17 October	Meeting with Consultant from TrafficWorks – Traffic Study
19 October	Citizenship Ceremony
25 October	Councillor Only Time
	Benalla Rotary Community Police Awards 2023 Interviews
	Assembly of Councillors – Council Plan Action Plan Workshop
26 October	Communications Advisory Committee Meeting
	Churchill Reserve Dog Park Opening
1 November	Councillor Only Time
	Finance and Planning Committee Meeting
2 November	Tomorrow Today's 2023 Committee Celebration
3 November	Announcement of more housing for Benalla West
	Lakeside Precinct Accessibility Access Working Group meeting
	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural
5 November	Moorngag Music Stage and Hot Air Balloon Night Glow

Councillor Justin King	
2 October	Benalla Local Safety and Traffic Liaison Committee Meeting
4 October	Councillor Only Time
	Assembly of Councillors – Business Review
6 October	Alpine Valleys Community Leadership Program Guest Speaker
11 October	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Council Meeting
12 October	Benalla P-12 College Whole School Assembly
17 October	Meeting with Consultant from TrafficWorks – Traffic Study
25 October	Councillor Only Time
	Assembly of Councillors – Council Plan Action Plan Workshop
26 October	Churchill Reserve Dog Park Opening
1 November	Councillor Only Time
3 November	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural
5 November	Moorngag Music Stage and Hot Air Balloon Night Glow

Councillor Gail O'Brien	
2 October	Benalla Health and Wellbeing Partnership Meeting
3 October	Accessibility Reference Group Meeting
4 October	Councillor Only Time
	Live4Life Partnership Meeting
	Assembly of Councillors – Business Review
11 October	Benalla Business Coffee Connections
	Councillor Only Time
	Council Meeting
12 October	The Future of Benalla & District - Context Analysis Presentation
25 October	Councillor Only Time
	Assembly of Councillors – Council Plan Action Plan Workshop
26 October	Churchill Reserve Dog Park Opening
	Reset and Refresh ALGWA Online Forum
30 October	Benalla Street Art Advisory Committee
1 November	Councillor Only Time
	Finance and Planning Committee Meeting
2 November	Tomorrow Today's 2023 Committee Celebration
3 November	Welcome to Sponsors and Special Guests of the 2023 Benalla Festival
	Official Launch of the Benalla Festival and Diwali@Mural
5 November	Tatong Market and More
	Moorngag Music Stage and Hot Air Balloon Night Glow

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 1-Nov-23	9	2023/24 Quick Response Grants Program That a \$500 grant from the 2023/24 Quick Response Grant program be allocated to the Lima School Community Centre Committee.	MC	Completed
2.	Council Meeting 11-Oct-23	4.4	Benalla Street Art Advisory Committee Terms of Reference That the updated Benalla Street Art Advisory Committee Terms of Reference be adopted.	MEDAS	Completed
3.	Council Meeting 11-Oct-23	4.3	2023/2024 Major Event Funding Program That a \$2,000 grant from the 2023/2024 Major Event Funding Program be allocated to the Moorngag Community Hall and Recreation Centre.	MC	Completed
4.	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. Completed
5.	F&P Committee 23-Aug-23	7	Cessation of Grant Management and Event Project Policy 1. That the <i>Grant Management - Infrastructure and Event Projects Auspiced by Council Policy</i> be ceased. 2. That the <i>Project Proposal Application for Grant Funding</i> form be amended to serve as a guide for community groups and Council staff.	MC	1. Completed 2. In progress

Action No.	Meeting Name	Item	Action	Officer	Status/notes
6.	Council Meeting 28-June-23	4.6	Fawckner Drive Precinct Masterplan That the draft <i>Benalla Fawckner Drive Masterplan</i> be endorsed for public exhibition for a period of at least 28 days.	MC	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	Climate Change Adaptation Action Plan 2013-2025 and the Environment Strategy 2016-2020 Review 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	1. Completed 2. In progress 3. Completed
8.	Council Meeting 15-Mar-23	4.2	Proposed Tesla Carpark Lease 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	1. Completed 2. Completed 3. Completed 4. Negotiations are continuing. Report was expected in August 2023, now expected in early 2024. 5. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
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"> 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>. 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"> Completed In progress
10.	F&O Committee 27-Jul-22	2.	<p>Presentation: Benalla Centrelink Campaign</p> <ol style="list-style-type: none"> That the Council reach out to Centrelink to send a representative to present to the Council. 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"> Completed Completed
11.	F&O Committee 15-Jun-22	9.	<p>Financial Hardship Policy Review</p> <ol style="list-style-type: none"> That the <i>Financial Hardship Policy</i> be adopted. That the <i>Financial Hardship Policy</i> be reviewed once the <i>Local Government legislation Amendment (Rating Reform and Other Matters) Bill 2022</i> becomes legislation. 	MF	<ol style="list-style-type: none"> Completed Legislation has been passed. A report will be presented once further clarification has been received.

5. Reports by Councillors

Recommendation:

That the report(s) be noted.

6. Notices of Motion

7. Notices of Rescission Motion

8. Urgent Business

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

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

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

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

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9. 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 Confidential Reports by Councillors
- 9.2 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