

# Council Meeting

## Minutes

**Date: Wednesday 15 November 2023**

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

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

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

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# Minutes

**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 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.*

## 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 and made available for public access, with the exception of matters identified as confidential items in the agenda.

## Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the Chair.

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## Apologies

No apologies were submitted to the Council Meeting.

## 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](http://www.benalla.vic.gov.au) pending confirmation at this meeting.

**Cr Davis / Cr Hearn:**

**That the Minutes of the Council Meeting held on 11 October 2023 be confirmed as a true and accurate record of the meeting.**

**Carried**

## 1. Public Question Time

No public questions were submitted to the Council Meeting.

## 2. Petitions

No petitions were submitted to the Council Meeting.

## 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 were provided to Councillors.

**Cr Gunaratne / Cr Firth:**

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

**Carried**

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

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

The record of Assemblies of Councillors since the report presented at the meeting on 11 October 2023 were provided to Councillors.

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

**Cr King / Cr Claridge:**

**That the report be noted.**

**Carried**

## Officer Reports

### 4.1 Election of the Mayor and Deputy Mayor

Under the *Local Government Act 2020* (the Act) a Mayor is to be elected at a Council meeting that is open to the public. 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.

#### 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.

**Cr Davis / Cr King:**

**That the term of appointment of the Mayor be for one year.**

**Carried**

#### Election of Mayor

The Chief Executive Officer called for nominations for the position of Mayor.

**Cr Firth / Cr Davis:**

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

**Carried**

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

The Chief Executive Officer vacated the Chair and the Mayor filled the Chair for the balance of the meeting.

Upon being elected, the Mayor made a ceremonial speech (refer **Appendix 1**). The purpose of the Mayoral ceremonial speech is to outline priorities for the year ahead based on the adopted Council Plan.

*Mayoral Ceremonial Speech  
Councillor Danny Claridge*



I am honoured and humbled to be elected to serve as Mayor and I thank my fellow councillors for giving me the opportunity to lead this council through its final year in office.

I would like to thank the outgoing Mayor Cr Hearn for the amazing job she has done for the last two years. She has worked tirelessly to lead us through the challenging post Covid period and has been committed to engaging the community through her many attendances at functions and events, It will be difficult to maintain her busy schedule.

The next year offers many challenges and opportunities.

We are midway through the 2021-2025 council plan with many of the proposed projects completed or underway. Two major projects are still to commence, these are the redevelopment of the Benalla Art Gallery and the Benalla Indoor Recreation Centre, both these major projects are fully funded by the Victorian Government with \$3 million for the Gallery and \$15 million for the Benalla Indoor Recreation Centre.

The council plan has five themes, they are Community, Liveability, Economy, Environment, and leadership and we are currently working through an action plan to ensure that the aspirations in the plan are delivered.

In the budget we have record spending on capital works to deliver better roads especially in the rural areas, new and remedial work on footpaths, kerb channel and drainage and there is also a commitment to spend almost a Million \$ on parks, open spaces, streetscapes and playgrounds.

Waste reduction has always been a priority for me and it will continue to be in the next year.

Benalla was one of the first councils to offer FOGO or the Green Bin and we have continued to be innovative with our waste management, the new transfer station allows a separation of materials to lessen what is landfilled, the container deposit scheme removes many bottles and cans and shortly glass will be collected separately and we continue to work with the Victorian government to ensure the Circular Economy becomes accepted as the way forward.

The Infrastructure Manager and the team at the landfill have been successful in gaining approval from the EPA to build the next landfill cell, while Landfilling is not the ideal option this guarantees a solution until other methods are developed.

As the unprecedented growth in Benalla continues, we have an important leadership role to play in ensuring the best outcomes for our city. New housing development is still strong and the recent sale of Enterprise Park will boost industrial development and add many new jobs.

We have seven dedicated elected members who bring a range of different skills and ideas to the table, while this sometimes leads to robust discussion we all want to finish this term knowing we have left Benalla in a healthier and happier position than when we started.

To do this we need to be a unified team, a team that works together, shares ideas and importantly listens to the community. We have weekly Councillor meetings that allow the elected members to discuss community concerns, their own concerns and request any additional information that they may require. It is important that all councillors attend as this ensures that all councillors have the same information and knowledge required to make informed decisions. Decisions that sometimes may have ramifications in the community for many years to come.

Thank you again for placing your trust in me to be Mayor for the next year.

In closing I would like to Quote Denis Whitley who says...

“Time is an equal employer. Each human being has exactly the same amount of hours and minutes every day. Rich people can't buy more hours. Scientists can't invent new minutes. And you can't save time to spend it on another day. Even so time is amazingly fair and forgiving. No matter how much time you have wasted in the past, you still have an entire tomorrow “





### **Establishing the position of Deputy Mayor**

The Council resolved to establish the position of Deputy Mayor.

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

**That the position of Deputy Mayor be established.**

**Carried**

### **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.

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

**That the term of appointment of the Deputy Mayor be for one year.**

**Carried**

### **Election of the Deputy Mayor**

The Mayor called for nominations for the position of Deputy Mayor.

**Cr Hearn / Cr O'Brien:**

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

**Carried**

The Mayor declared Councillor Justin King elected as Deputy Mayor for the 2023/24 Council Year.

### Statement of Commitment

Following the election of the Mayor and Deputy Mayor 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.*

**Cr King / Cr Davis:**

**That Standing Orders be suspended to allow for discussion.**

**Carried**

Standing Orders were suspended at 6.14pm.

**Cr Davis / Cr King:**

**That Standing Orders resume.**

**Carried**

Standing Orders resumed at 6.27pm.

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

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

**Cr King / Cr Hearn:**

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

**Carried**

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

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

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

<b>Advisory Committees</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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 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

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

<b>External Incorporated</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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

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

<b>External Working Groups</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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

<b>Industry Associations</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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

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<b>Internal Incorporated</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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

<b>Reference &amp; Working Groups</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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	

<b>Regional Associations</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
Goulburn Murray Climate Alliance	Nil Councillor reps elected.	Manager Economic Development and Sustainability	Quarterly 10am-1pm 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

<b>Statutory Committees</b>	<b>2023/24 Nominee/s</b>	<b>Officer</b>	<b>Meetings</b>
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

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

**Cr Hearn / Cr King:**

1. 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.
2. That the Benalla Festival Advisory Committee nominations be excised and considered separately.

**Carried**

**Audit and Risk Committee**

Two councillors (refer table below) were nominated for the committee, only one could be appointed. Convention has seen the Chair of the Finance and Planning Committee automatically appointed to the committee.

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

**Cr King / Cr O'Brien:**

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

**Carried**

### 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. Three councillors (refer table below) were nominated, only two could 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

Councillor Gail O'Brien withdrew her nomination for the Benalla Art Gallery Committee.

**Cr Hearn / Cr King:**

**That Cr Danny Claridge and Cr Punarji Hewa Gunaratne 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. Three councillors (refer table below) were nominated, only two could 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

**Cr Davis / Cr King:**

**That Cr Gail O'Brien and Cr Justin King be appointed to the Churchill Reserve Committee of Management Incorporated.**

**Carried**

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**Benalla Festival Advisory Committee**

Councillor representatives are required to form part of the Benalla Festival Advisory Committee.

<b>Committee</b>	<b>Nominee/s 2023/2024 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Benalla Festival Advisory Committee		Manager Economic Development and Sustainability	Monthly or as required 4pm Wednesday

**Cr King / Cr Firth:**

**That Standing Orders be suspended to allow for discussion.**

**Carried**

Standing Orders were suspended at 6.35pm.

**Cr Davis / Cr King:**

**That Standing Orders resume.**

**Carried**

Standing Orders resumed at 6.37pm.

The chair called for nominations to the Benalla Festival Advisory Committee.

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

**That Cr Bernie Hearn, Cr Justin King and Cr Punarji Hewa Gunaratne be appointed to the Benalla Festival Advisory Committee.**

**Carried**



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

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.

**Cr King / Cr Firth:**

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

**Carried**

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

The Mayor and Councillors attendance at meetings and events for the period from 2 October 2023 to 5 November 2023 were provided to Councillors.

It is noted that:

- Councillor Bernie Hearn was in attendance at the Devenish Remembrance Day Service on Sunday 5 November 2023.
- Councillor Justin King was not in attendance at the Moorngag Music Stage and Hot Air Balloon Night on Sunday 5 November 2023.

**Cr Hearn / Cr King:**

**That the report be noted.**

**Carried**

#### 4.6 Council Actions Pending

Council Actions Pending were provided to Councillors.

**Cr Firth / Cr Davis:**

**That the report be noted.**

**Carried**

## 5. Reports by Councillors

Councillor Justin King reported on his attendance at:

- Benalla Festival events during November 2023. He congratulated the Benalla Festival Advisory Committee, Council Staff and event hosts on their successful events held during the festival.
- The Benalla Local Safety Traffic Liaison Committee meetings with Councillor Hearn. On the 17 October 2023 Committee members met with a TrafficWorks consultant to share concerns regarding the Clarke Street Supermarket entrance and Clarke Street / Waller Street intersection.

Councillor Don Firth reported on his attendance at:

- Benalla Festival events during November 2023 and his participation on the Benalla Festival Advisory Committee leading up to the 2023 Benalla Festival.

Councillor Gail O'Brien reported on her attendance at:

- Benalla Festival events during November 2023.
- Benalla Dog Park opening at Churchill Reserve on Thursday 26 October 2023.
- Benalla Street Art Advisory Committee meetings with Councillor Firth. The Committee has begun planning the 2024 Benalla Street Art Festival.

Councillor Peter Davis reported on his attendance at:

- Benalla Festival events during November 2023 and thanked Council staff and the Benalla Festival Advisory Committee for their efforts in organising the 2023 Benalla Festival.

Councillor Punarji Hewa Gunaratne reported on his attendance at:

- Benalla Festival events during November 2023 and thanked the Benalla Rural City Community for their support in attending events that were held as a part of the 2023 Benalla Festival.
- Benalla Migrants Association Benalla Festival Event 'Diwali @ the Mural'. The event launched the 2023 Benalla Festival with the Benalla Art Gallery illuminated after sunset with colourful Diwali-themed projection art. Diwali is known as the festival of light.

Councillor Danny Claridge reported on his attendance at:

- MAV State Conference dinner and MAV State Council Meeting held in Melbourne on 12 October and 13 October 2023.

**Cr Davis / Cr Hearn:**

**That the reports be noted.**

**Carried**

## 6. Notices of Motion

No notices of motion were submitted to the meeting.

## 7. Notices of Rescission Motion

No notices of rescission motion were submitted to the meeting.

## 8. Urgent Business

No urgent business was submitted to the meeting.

## 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

**Cr Davis / Cr Gunaratne:**

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

**Carried**

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

**Cr Firth / Cr Gunaratne:**

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

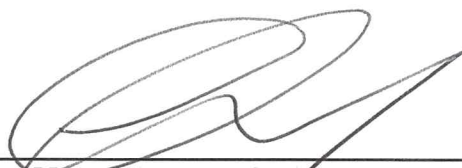
**Carried**

**Closure of the meeting**

The Council Meeting closed at 7.07pm.

**The Minutes were confirmed on the thirteenth day of December 2023.**

**Signed:**

  
\_\_\_\_\_  
**Mayor Danny Claridge**