

Council Meeting

Minutes

Date: Wednesday 14 February 2024

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

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 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

Councillors

- Councillor Danny Claridge (Mayor)
- 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
Jane Archbold	Manager Community
Cathy Fitzpatrick	Manager Finance
Adrian Gasperoni	Manager Assets and Infrastructure
Courtney Naughton	Manager Economic Development and Sustainability
Greg Robertson	Manager Facilities and Information Technology
Nilesh Singh	Manager Development
Tom Arnold	Community Development Coordinator
Joel Ingham	Planning Coordinator
Jessica Beaton	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.

Apologies

No apologies were submitted to the Meeting.

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 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.

Confirmation of the Minutes of the Previous Meeting

The minutes were circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at the meeting.

Cr Davis / Cr King:

That the Minutes of the Council Meetings held on 13 December 2023 and 20 December 2023 be confirmed as true and accurate records of the meetings.

Carried

1. Public Question Time

No 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 7 February 2024 were provided to Councillors.

Cr Davis / Cr King:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 7 February 2024 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 following record of Assemblies of Councillors, Advisory and External Committees were provided to Councillors.

December 2023

4 December 2023	Benalla Local Safety and Traffic Liaison Committee Meeting
5 December 2023	Benalla Airport Advisory Committee Meeting
11 December 2023	Benalla Street Art Advisory Committee Meeting
12 December 2023	Australia Day Advisory Committee Meeting
12 December 2023	Audit and Risk Committee Meeting
13 December 2023	Communications Advisory Committee Meeting

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

Carried

Officer Reports

4.1 Amendment To Planning Permit P0157/17 For The Development Of The Land For A Precast Concrete Manufacturing Facility, The Removal Of Native Vegetation And A Reduction Of Car Parking Spaces At 270 Murray Road, Benalla

The report assessed an amendment to the plans for planning permit P0157/17 for the development of the land for a precast concrete manufacturing facility and the removal of native vegetation at 270 Murray Road, Benalla.

Cr King / Cr Hearn:

That Planning Permit No. P0157/17 be amended as follows:

Replace Condition 22 with the following new conditions:

22.A Traffic Management Plan (TMP) must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority.

The TMP must be prepared by a VicRoads pre-qualified consultant and must address the transport and traffic impacts associated with the proposed development including (but not limited to):

- a. Existing conditions survey of public roads must be undertaken for the following locations:**
 - i. Benalla-Yarrawonga Road south of Murray Road.**
- b. The designation of all vehicle access points to the site from local roads and arterial road intersections. Vehicle access points must be designed and located to ensure safe sight distances, turning movements, and avoid potential through traffic conflicts.**
- c. Engineering Plans and reporting demonstrating whether, and if so, how truck movements to and from the site can be safely accommodated within the road reserve. Mitigation measures are to be developed by the proponent and agreed to by the Head, Transport for Victoria and the Responsible Authority for all hazards including, but not limited to:**
 - i. Oversize and overmass haulage.**
 - ii. Traffic management.**
 - iii. Removal of roadside vegetation.**
 - iv. Alteration to any road furniture or intersections.**
 - v. Emergency management and**
 - vi. Risk management.**
- d. A program of regular inspections to be carried out during the operation of the subject site to identify maintenance works necessary as a result of additional heavy vehicular traffic generated by the development.**

e. Works required by the TMP must be completed at no cost and to the satisfaction of the Head, Transport for Victoria and the Responsible Authority.

23. The traffic management and road upgrade and maintenance works identified in the endorsed TMP must be carried out in accordance with the endorsed TMP to the satisfaction of the Head, Transport for Victoria and the Responsible Authority.
24. The provision of a security bond (or other legal agreement as agreed in writing by the Head, Transport for Victoria) equal to the reasonable estimated costs of the rehabilitation/replacement of any road infrastructure identified as being at risk by the TMP to the satisfaction of The Head, Transport for Victoria and the Responsible Authority. This relates to the area of works required for the Murray Road and Benalla Yarrowonga Road intersection and Benalla Yarrowonga Road south of Murray Road only. A contract between the Developer and The Head, Transport for Victoria must be prepared for the terms of use of the security bond (or other legal agreement) at no cost to, and to the written satisfaction of The Head, Transport for Victoria.
25. Demonstration that all necessary permits have been obtained for the removal of vegetation within the road reserve for the purpose of providing access to the site for material.

Replace Condition 24 of the existing permit with the following conditions:

- Within 12 months of the issue of this amended permit, Murray Road is to be widened from the western boundary of the site to the Benalla-Yarrowonga Road to achieve traffic lane widths of at least 3.1m, together with 1.2m sealed cycle lanes and 1.0m wide gravel shoulders.
- The widening works shall be constructed with a full depth pavement and shall conform to the requirements of the Infrastructure Design Manual. Works shall be undertaken to the satisfaction of the Responsible Authority at the full cost of the applicant.
- The widening works will be addition infrastructure to be maintained by the applicant/developer as outlined in condition 5 of the permit.

Include the following Note:

26. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:
- a. Channelised Right Turn (CHR) Treatment.
 - b. Basic Left Turn (BAL) Treatment.
 - c. Acceleration Lane.
 - d. Street lighting Category V3.
 - e. Any other works required.

Further information regarding VicRoads' consent to work within the road reserve can be found on the VicRoads Website: www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve

Carried

Councillor Don Firth joined the Meeting at 6.21pm.

4.2 Financial Report For the Half Year Ended 31 December 2023

The report presented the financial result compared to budget for the quarter ended 31 December 2023 and presents outcomes from the 2023/24 half-year budget review.

Cr Hearn / Cr Davis:

That the report be noted.

Carried

4.3 Finance Department Activity Report For The Quarter Ended 31 December 2023

The report presented an overview of the functions of the Finance Department for the quarter ended 31 December 2023.

Cr Firth / Cr King:

That the report be noted.

Carried

4.4 Fawckner Drive Masterplan

The report presented the *Benalla Fawckner Drive Masterplan* for adoption.

Cr King / Cr Davis:

- 1. That the *Benalla Fawckner Drive Masterplan* be adopted.**
- 2. That the *Benalla Fawckner Drive Masterplan Strategy Advocacy Document* be drafted.**

Carried

4.5 2023/24 Quick Response Grants Program

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

Cr O'Brien / Cr Firth:

That a \$500 grant from the 2023/2024 Quick Response Grant program be allocated to Benalla and District Junior Football.

Carried

4.6 Facilities and Information Technology Department Activity Report For The Quarter Ended 31 December 2023

The report presented the activities of the Facilities and Information Technology Department for the quarter ended 31 December 2023.

Cr Hearn / Cr Firth:

That the report be noted.

Carried

4.7 Economic Development and Sustainability Department Activity Report For The Quarter Ended 31 December 2023

The report presented the activities of the Economic Development and Sustainability Department for the quarter ending 31 December 2023.

Standing orders were suspended at 7.29pm

Cr Davis / Cr Hearn:

That standing orders be suspended to allow for discussion.

Carried

Standing orders resumed at 7.31pm.

Cr Davis / Cr Hearn:

That standing orders resume.

Carried



Cr King / Cr Firth:

That the report be noted.

Carried

4.8 Community Department Activity Report For The Quarter Ended 31 December 2023

The report presented the activities of the Community Department for the quarter ended 31 December 2023.

Cr Hearn / Cr King:

That the report be noted.

Carried

4.9 Assets and Infrastructure Department Activity Report For The Quarter Ended 31 December 2023

The report presented the activities of the Assets and Infrastructure Department for the quarter ended 31 December 2023.

Cr Hearn / Cr Gunaratne:

That the report be noted.

Carried

4.10 Capital Works Program Update As At 31 December 2023

The report presented an update on the Capital Works Program as at 31 December 2023.

Cr King / Cr Firth:

1. That the report be noted.

2. That \$215,000 be reallocated from the Drainage Strategy budget to the Devenish Drain project.

Carried

4.11 Victorian Auditor General's Office Independent Auditor's Performance Statement Report and Independent Auditor's Financial Report

The report presented the *Victorian Auditor General's Office Independent Auditor's Performance Statement Report and Independent Auditor's Financial Report*.

Cr Davis / Cr King:

That the report be noted.

Carried

4.12 Mayor and Councillors' Attendance at Committees and Civic Functions

The Mayor and Councillors attendance at meetings and events during the period from 11 December 2023 to 4 February 2024 were presented.

Cr Davis / Cr Gunaratne:

That the report be noted.

Carried

4.13 Council Actions Pending

Council Actions Pending were presented to Councillors.

Cr Hearn / Cr King:

That the report be noted.

Carried

5. Reports by Councillors

Councillor Don Firth reported on his attendance at:

- Benalla Street Art Advisory Committee meetings held every two weeks to organise the 2024 Benalla Street Art Festival. The Benalla Street Art Festival will be held in Benalla Rural City on 21 to 28 March 2024.

Councillor Bernie Hearn reported on her attendance at:

- Benalla Australia Day community breakfast presentation and flag raising ceremony held in Mair Street, Benalla on 26 January 2024.
- Benalla Australia Day Awards and Citizenship Ceremony held at Benalla Performing Arts and Convention Centre on 26 January 2024.

Cr O'Brien reported on her attendance at:

- Goorambat and Goomalibee Australia Day community breakfast presentation and flag raising ceremonies on 26 January 2024.
- Benalla Australia Day Awards and Citizenship Ceremony held at Benalla Performing Arts and Convention Centre on 26 January 2024.

Cr Gunaratne reported on his attendance at:

- Thoona Australia Day community breakfast presentation and flag raising ceremony on 26 January 2024.
- a locally hosted Chinese New Year Celebration on 10 February 2024.

Cr Davis reported on his attendance at:

- Warrenbayne and Lima Australia Day community breakfast presentation and flag raising ceremonies on 26 January 2024.
- Benalla Australia Day Awards and Citizenship Ceremony held at Benalla Performing Arts and Convention Centre on 26 January 2024.

Cr King reported on his attendance at:

- Devenish Australia Day community breakfast presentation and flag raising ceremony on 26 January 2024.
- Benalla Australia Day Awards and Citizenship Ceremony held at Benalla Performing Arts and Convention Centre on 26 January 2024.

Cr Claridge reported on his attendance at:

- Baddaginnie Australia Day community breakfast presentation and flag raising ceremony on 26 January 2024.
- Benalla Australia Day Awards and Citizenship Ceremony held at Benalla Performing Arts and Convention Centre on 26 January 2024.

- Benalla Historical Society Committee meeting on Wednesday 7 February 2024. The Historical Society toured the upgraded museum within the Benalla Visitor Information Centre.

Cr Hearn / Cr King:

That the reports be noted.

Carried

6. Notices of Motion

No notices of motion were presented at the meeting.

7. Notices of Rescission Motion

No notices of rescission motion were presented at the meeting.

8. Urgent Business

No urgent business was submitted to the meeting.

9. 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 Confidential Reports by Councillors
- 9.2 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

10. Reopening of the meeting to the public

Cr King / Cr Hearn:

That the meeting be reopened to the public.

Carried

Closure of the meeting

The Council Meeting closed at 8.32pm.

The Minutes were confirmed on the twentieth day of March 2024.

Signed:


Mayor Cr Danny Claridge