

Council Meeting

Minutes

Date: Wednesday 20 March 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 was livestreamed via the Council's website and an audio recording was made of the proceedings.

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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
Janine McMaster	Manager People and Performance
Greg Robertson	Manager Facilities and Information Technology
Tom Arnold	Community Development Coordinator
Nathan Gasperoni	Environmental Sustainability Officer
Jess Pendergast	Governance Coordinator

Opening and Acknowledgment of Country

The Chair opened the meeting at 6.06pm 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 clause 6.4 of the *Governance Rules 2020* the Council Meeting was livestreamed and made available for public access, with the exception of matters identified as confidential items in the agenda.

Disclosures of Conflict of Interest

See item 4.4.

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 Firth / Cr Davis:

That the Minutes of the Council Meetings held on 14 February 2024 be confirmed as a true and accurate record of the meeting.

Carried

1. Public Question Time

It is recorded that Jane Grimwade tabled the below question.

Last week's Ensign article noted development of 168 houses transported to site at 35 Gunn Rd, with 1,2 and 3-bedroom options, and featured Cr Don Firth and the developer. This site is within the Farming Zone, in which a residential village is not permitted. Numerous VCAT cases have clearly defined proposals such as this as "residential villages". A previous permit for a caravan and camping park was issued in 2021 and may have expired. In any case, the current development cannot be classified as a caravan and camping park. Council is the Responsible Authority charged with administering and enforcing the Benalla Planning Scheme. What actions are being taken to address this breach of the Planning Scheme?

The Chief Executive Officer answered that a breach of the planning scheme has not occurred.

The Planning Permit (No. P0111/21) was issued on 17 January 2022 to use and develop the land for a camping and caravan park. The planning permit was issued subject to conditions that the owner/developer must comply with. The planning permit was extended on 31 October 2023. The planning permit will now expire if development has not commenced by 17 January 2026.

It is recorded that Susan Campbell tabled the below question.

The recent evaluation of Churchill Reserve for the BIRC project failed to mention its former use as a tip for Benalla. The site will be subject to contamination, probably including but not limited to asbestos, pesticides, old engine oil and other contaminants. EPA requirements for managing contaminated land where a change in use is proposed (as in this case) indicate that an environmental audit is required. Has such an audit, conducted by a suitably qualified person, been undertaken? Will the community be informed of the results?

The Chief Executive Officer answered that the Council is aware that some areas of Churchill Recreation Reserve functioned as a waste tip that ceased operation in the early 1970s. Council monitors the Churchill Reserve area per the EPA regulations including providing reports to the EPA.

A recent analysis was conducted by an EPA accredited engineer. This information has been provided to the EPA as part of Councils regular reporting.

Audit results will assist in the development of the proposed *Churchill Reserve Masterplan*.

It is recorded that Dean Hurlston tabled the below questions.

What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents?

The Chief Executive Officer answered that no costs have been included.

What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?

The Chief Executive Officer answered that no revenue has been included.

It is recorded that David Blore tabled the below questions.

Regardless of the site finally chosen for the BIRC, what consideration is being given to the installation of a battery and solar panels as part of the project (as has happened elsewhere), with obvious benefits to the running costs of the sporting clubs as well as providing power for emergency situations when the site would provide an important focus for the community?

The Chief Executive Officer answered that the installation of solar and battery technology is being considered as part of the design.

Cr King / Cr Gunaratne:

That the questions and answers be noted.

Carried

2. Petitions

No petitions were submitted to the meeting.

Record of Committees

3.1 Recommendations from Finance and Planning Committee

It is noted that Finance and Planning Committee meeting scheduled for Wednesday 6 March 2024 was cancelled. As a result, there are no recommendations to present.

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, Advisory and External Committees were provided to Councillors.

January 2024

29 January 2024	Benalla Street Art Advisory Committee
31 January 2024	Assembly of Councillors briefing

February 2024

7 February 2024	Communications Advisory Committee Meeting
12 February 2024	Benalla Street Art Advisory Committee Meeting
19 February 2024	Australia Day Advisory Committee Meeting
20 February 2024	Audit and Risk Committee Meeting
28 February 2024	Assembly of Councillors briefing

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

Carried

Officer Reports

4.1 Cancellation of Finance and Planning Committee Meeting

The report provided an explanation for the cancellation of the Finance and Planning Committee meeting originally scheduled for Wednesday 6 March 2024.

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

Carried

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4.2 Building and Planning Approvals – January 2024

The report detailed planning permit applications and building approvals for January 2024.

Cr King / Cr Davis:

That the report be noted.

Carried

4.3 2023/24 Major Event Funding

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

Cr Gunaratne / Cr Davis

That the 2023/24 Major Event Funding program \$2000 grant application from Benalla Bowls Club be excised.

Carried

Cr King / Cr Davis:

That \$2,000 grants from the 2023/24 Major Event Funding program be allocated to the Cake Decorators Association of Victoria - Benalla Branch and Molyullah Recreation and Public Hall Reserve Committee.

Carried

Cr King / Cr Davis:

That the debate on the 2023/24 Major Event Funding program grant application from the Benalla Bowls Club be deferred to the Finance and Planning Committee meeting scheduled for Wednesday 10 April 2024.

Carried

Cr Gail O'Brien declared a conflict of interest in the following item.

4.4 2023/24 Quick Response Grants Program

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

Cr O'Brien / Cr King

That the 2023/2024 Quick Response Grant application from the Benalla Branch of the Commonwealth Clydesdale be excised.

Carried

Cr Gunaratne / Cr Davis:

That a \$500 grant from the 2023/2024 Quick Response Grant program be allocated to Benalla Branch of the Commonwealth Clydesdale Society.

Carried

Cr Gail O'Brien left the meeting at 6.39pm.

Cr King / Cr Firth:

That a \$500 grant from the 2023/2024 Quick Response Grant program be allocated to Benalla & District Memorial Hospital Auxiliary.

Carried

Cr Gail O'Brien returned to the meeting at 6.41pm.

4.5 Victorian Energy Collaboration (VECO) Power Purchase Agreement

The report presented the option to join the Victorian Energy Collaboration (VECO) and combine all of Councils electricity accounts on to a single renewable energy contract.

It was proposed that the Council enter into an agreement with VECO to join the collaborative power purchase agreement which will enable the Council to have 100 percent renewable power for all Council facilities.

Cr King / Cr Gunaratne:

That the Council:

- 1. enter into a contract agreement with Victorian Energy Collaboration from 1 July 2024 to 31 December 2030.**
- 2. authorise the Chief Executive Officer to execute the contract documentation.**

Carried

4.6 *Information Privacy Policy*

The report presented the revised *Information Privacy Policy* for consideration.

Cr Firth / Cr Davis:

1. That the *Information Privacy Policy* be adopted.
2. That the *Information Privacy Policy* be reviewed in December 2027.

Carried

4.7 **Mayor and Councillors' Attendance at Committees and Civic Functions**

The Mayor and Councillors attendance at meetings and events for the period from 5 February 2024 to 3 March 2024 were presented.

Cr O'Brien / Cr King:

That the report be noted.

Carried

4.8 **Council Actions Pending**

Council Actions Pending were presented.

Cr Hearn / Cr Gunaratne:

That the report be noted.

Carried

5. Reports by Councillors

Cr Don Firth reported on:

- the Benalla Street Art Festival commencing Thursday 21 March 2024. The festival is running from Thursday 21 March 2024 to Thursday 28 March 2024.

Cr Gail O'Brien reported on:

- Benalla Street Art Festival Volunteers cleaning up shop fronts in the CBD for the commencement of the Benalla Street Art Festival on Thursday 21 March 2024.
- her attendance at the MAV training course on chairing meetings held in Melbourne on Friday 15 March 2024.

Cr Justin King reported on:

- his attendance at the Swanpool Motor Festival held on Sunday 10 March 2024 at the Swanpool Albert Heaney Oval.
- the good work from Council Staff, Benalla Street Art Committee and Volunteers on the lead up to the commencement of the Benalla Street Art Festival.

Cr Punarji Hewa Gunaratne reported on his attendance at:

- MAV training course on chairing meetings held in Melbourne on Friday 15 March 2024.

Cr Peter Davis reported on his attendance at:

- Winton Community Catch Up event and Swanpool Community Sprit BBQ event on Friday 15 March 2024.

Cr Danny Claridge reported on his attendance at:

- Winton Community Catch Up event and Swanpool Community Sprit BBQ event on Friday 15 March 2024.

Cr King / Cr Davis:

That the reports be noted.

Carried

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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.

Confidential Business

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

- 9.1 Tender for Collaborative Digital Innovation (CODI) Enterprise Resource Planning Solution
- 9.2 Chief Executive Officer Employment and Remuneration Committee
- 9.3 Confidential Reports by Councillors
- 9.4 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 Davis:

That the meeting be reopened to the public.

Carried

Closure of the meeting

The meeting closed at 7.45pm.

The Minutes were confirmed on the twenty fourth day of April 2024.

Signed: _____



Mayor Cr Danny Claridge