

Council Meeting

Minutes

Date: Wednesday 23 February 2022

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

The *COVID-19 Omnibus (Emergency Measures) Act 2020* enables councils to hold meetings electronically. This measure is intended to ensure the safety of members of the public, Councillors and Council staff.

The Council Meeting Room had limited capacity for public attendance. Accordingly, members of the public were encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

In accordance with the Governance Rule 6.4 an audio recording was made of the proceedings of the meeting.



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Minutes

Chair Councillor Bernie Hearn (Mayor)

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

In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Adrian Gasperoni	Manager Assets and Infrastructure
	Cathy Fitzpatrick	Manager Finance
	Nilesh Singh	Manager Development
	Wayne Rich	Compliance Coordinator
	Jessica Beaton	Governance Coordinator

1. 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.

2. 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.*

3. Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the meeting.

4. Apologies

No apologies were submitted to the meeting.

5. 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 Claridge:

That the Minutes of the Council Meeting held on Wednesday 15 December 2021 be confirmed as true and accurate record of the meeting.

Carried



6. Public Question Time

It is noted that Mr David Blore tabled two questions.

1. *Despite no public support and no publicly available business case justifying the new cinema/information centre redevelopment, tenders were sought by Council (it is understood) in September last year, over five months ago. Have any tenders been received? If so, what is the status of these tender submissions? Will the project be developed within the available budget?*

The Chief Executive Officer answered that the tender process is confidential and ongoing.

2. *On any map of Victoria showing Electric Vehicle charging stations, Benalla is a glaringly obvious omission, with direct losses for tourism and the local economy as a consequence. What action (if any) is Council taking to redress this situation?*

The Chief Executive Officer answered that the Council was apart of a successful bid with a private enterprise who was looking to provide a charging station in Benalla. Suitable locations are being discussed before the charging station will be announced.

Cr Claridge / Cr King:

That the questions and answers be noted.

Carried

7. Petitions

No petitions were submitted to the meeting.



8. Record of Committees

8.1 Finance and Operations Committee

The reports and recommendations of the Finance and Operations Committee held on Wednesday 16 February 2022 were provided to Councillors.

Cr Davis / Cr King:

That the report and recommendations of the Finance and Operations Committee meeting held on Wednesday 16 February 2022 be adopted.

Carried

8.2 Planning and Development Committee

The reports and recommendations of the Planning and Development Committee held on Wednesday 16 February 2022 were provided to Councillors.

Cr Claridge / Cr Davis:

That the report and recommendations of the Planning and Development Committee meeting held on Wednesday 16 February 2022 be adopted.

Carried

8.3 Assemblies of Councillors, Advisory and External Committees

There were no Assemblies of Councillors, Advisory or External Committee meetings between 1 December 2021 and 31 January 2022.

Cr King / Cr Firth:

That the report be noted.

Carried



9. Reports by Officers

9.1 Authorisation of Signing and Sealing of Documents

Instrument of Delegation from the Council to Council Staff

The report presented the amended Instrument of Delegation – Council to Council Staff.

Cr Firth / Cr King:

In the exercise of the powers conferred by the legislation referred to in the S6 – *Instrument of Delegation* dated 23 February 2022, the Council resolves:

- 1. That the power delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. That the instrument comes into force immediately when the common seal of Council is affixed to the instrument.**
- 3. That on the coming into force of the instrument that all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. That the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Carried

9.2 Financial Report For The Half Year Ended 31 December 2021

The report presented the financial result compared to budget for the quarter ended 31 December 2021 and presents outcomes from the 2021/22 half-year budget review.

Cr Davis / Cr King:

That the report be noted.

Carried



9.3 Benalla Rural City Domestic Animal Management Plan 2021-2025

The report presented for consideration and adoption the *Benalla Rural City Domestic Animal Management Plan 2021-2025*.

It is noted that Mr Max Rankin made a submission on the item and addressed the meeting.

Cr King / Cr Davis:

That an extension of three minutes be grant to Mr Max Rankin.

Carried

Cr King / Cr O'Brien:

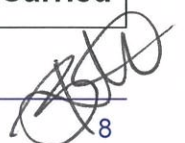
- 1. That the *Benalla Rural City Domestic Animal Management Plan 2021-2025* be adopted.**
- 2. That the *Benalla Rural City Domestic Animal Management Plan 2021-2025* be forwarded to the Secretary of the *Department of Jobs Precincts and Regions*.**
- 3. That a letter of acknowledgement to be sent to public submitters thanking them for their contribution and informing them of the decision made in relation to their submission on the *Benalla Rural City Domestic Animal Management Plan 2021-2025*.**
- 4. That the Council resolve to make an order, as presented, under Section 25 and 26(2) of the *Domestic Animals Act 1994*.**

Lost

Cr Claridge / Cr Firth:

- 1. That the *Benalla Rural City Domestic Animal Management Plan 2021-2025* be adopted.**
- 2. That the *Benalla Rural City Domestic Animal Management Plan 2021-2025* be forwarded to the Secretary of the *Department of Jobs Precincts and Regions*.**
- 3. That a letter of acknowledgement to be sent to public submitters thanking them for their contribution and informing them of the decision made in relation to their submission on the *Benalla Rural City Domestic Animal Management Plan 2021-2025*.**
- 4. That the Council resolve to make an order, as outlined in Appendix 1, under Section 25 and 26(2) of the *Domestic Animals Act 1994*.**

Carried



9.4 *Benalla Rural City Council Road Management Plan 2021-2025*

The report presented for consideration and adoption the *Benalla Rural City Council Road Management Plan 2021–2025*.

Cr Davis / Cr King:

1. That the *Benalla Rural City Council Road Management Plan 2021–2025* be adopted.
2. That a letter of acknowledgement to be sent to public submitters thanking them for their contribution and informing them of the decision made in relation to their submission on the *Benalla Rural City Council Road Management Plan 2021-2025*.

Carried

Cr King / Cr Claridge:

That standing orders be suspended.

Carried

Cr King / Cr Davis:

That standing orders resume.

Carried

9.5 Benalla Rural City Council Community Engagement Policy and Community Engagement Framework and Toolkit

The report presented for consideration and adoption the *Benalla Rural City Council Community Engagement Policy and Community Engagement Framework and Toolkit*.

Cr O'Brien / Cr Firth:

- 1. That the *Benalla Rural City Council Community Engagement Policy and Community Engagement Framework and Toolkit* be adopted.**
- 2. That a letter of acknowledgement to be sent to public submitters thanking them for their contribution and informing them of the decision made in relation to their submission on the *Benalla Rural City Council Community Engagement Policy and Community Engagement Framework and Toolkit*.**

Carried

9.6 Mayor and Councillors' Attendance at Committees and Civic Functions

The Mayor and Councillors attendance at meetings and events for the period from 6 December 2021 to 11 February 2022 were provided to Councillors for consideration.

It was noted that:

- Cr Davis was not in attendance at the Benalla Art Gallery Adrienne Doig Exhibition Launch on 11 February 2022.
- Cr O'Brien attended Nicole Durling's talk at the Benalla Art Gallery on 30 January 2022.
- Cr Hearn was not in attendance at Nicole Durling's talk at the Benalla Art Gallery on 30 January 2022.
- the Councillors Only Forum was not held on 9 February 2022.

Cr Claridge / Cr King:

That the report be noted.

Carried



9.7 Council Actions Pending

Council Actions Pending were provided to Councillors.

Cr King / Cr Claridge:

That the report be noted.

Carried

10. Reports by Councillors

Cr King gave a statement regarding the Council Meeting on 27 October 2021.

Cr King's statement was as follows:

My fellow Councillor, Cr Gunaratne, has raised concerns about points I made regarding the Long Term Financial Plan.

First and foremost, I would like to be clear that when I made my comments, I never intended to make any personal criticisms of Cr Gunaratne in any way. I have the highest regard for what he and my fellow councillors bring to the table to represent our community. I will always encourage robust debate, however, I have now had the opportunity to reflect with Cr Gunaratne and explore his concerns.

Without being specific, I have come to realise that elements of my speech had a negative impact on Cr Gunaratne and possibly others. I would like to take this opportunity to say for those unintended impacts, I am sincerely sorry. I want to be clear that Cr Gunaratne, along with my fellow Councillors, was actively and passionately involved in the development of the Long Term Financial Plan from start to finish.

I want to reinforce that while I may not agree with some of the arguments made on the night, Cr Gunaratne's questions and comments were appropriate advocacy for the final moment before we voted on the topic.

Ultimately that's what we are here to do, advocate passionately for our community and finalise discussions.

Punar and I have otherwise resolved his concerns privately and I thank him for that resolution. Together Punar and I take this moment to confirm our appreciation for the efforts by the staff, CEO and our Council colleagues in achieving the Long Term Financial Plan.

I close by maintaining that I feel very confident that this council will continue to work together and deliver great outcomes to the people of Benalla Rural City.

Cr Gunaratne acknowledged Cr King's statement.



Cr King reported on the Benalla Sporting and Community Group Summit Project. At the Council Meeting on 10 February 2021 the Council passed a motion to host a community and sporting group summit to understand the impacts of COVID-19. Since passing the motion the CEO and Cr King have met with Council staff to continue to develop a framework for the project. The Summit will be conducted via a data type survey collection and community engagement with sporting community groups, clubs, presidents and chairpersons. The CEO has been in communication with Valley Sport who are undertaking a similar project. Community groups and clubs are encouraged to participate in the survey data collection. A detailed report will be developed from the data collected.

Cr Firth reported that he attended the Benalla Youth Services Provides Network (BYSPN) meeting via zoom on 17 February 2022. The Benalla Rural City Council was successful in acquiring a three year grant to help provide youth services to the community. The grant will support the continuation of youth events and services like successful Live4Life program.

Cr Gunaratne reported that he visited a subdivision in Wodonga on 9 February 2022 with Landscape Architect Susan Campbell OAM. Ms Campbell was a Project Manager for the subdivision. The subdivision featured changing terrains, ponds, underground cycling, walking paths and artificial mountains to reduce noise. To acknowledge the successful work of Susan Campbell a reserve located on the hill between Willow rise and the Yarralumla Drive housing estate has been named the Susan Campbell Reserve. He noted that sustainable housing subdivisions have been raised as a concern within the Community Plan Implementation Steering Committee. The Committee believes there is a great opportunity to learn from other sustainable housing subdivisions within the region. Ms Campbell has expressed interest in facilitating sustainable landscaping designs within Benalla Rural City.

Cr Claridge reported that the Friends of BPACC Committee has decided to fund a small theatre season with money raised through fundraisers. On the 11 February 2022 *The Burt Bacharach Songbook* was live at BPACC with Wendy Stapleton. The night was well received by all who attended. *The Traveling Wilburys* (tribute band), *Songs of Bernadette Robinson* and *David Hobson* live music events are scheduled for 8 March 2022, 29 April 2022 and 18 June 2022. A Morning Music Show is being considered for early June with a Tom Jones theme. The Committee are spending approximately \$50,000 on the live music shows. The Friends of BPACC were established in 2005 and have fundraised for BPACC and have supplied ushers and bar staff to help run the facility.

Cr O'Brien / Cr Davis:

That the reports be noted.

Carried



11. Notices of Motion

No notices of motion were submitted to the meeting.

12. Notices of Rescission Motion

No notices of rescission motion were submitted to the meeting.

13. Urgent Business

No urgent business was submitted to the meeting.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be written in a cursive or script font.

14. 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 that would result in the unreasonable disclosure of information about a person or their personal affairs if released:

14.1 Confidential Reports by Councillors

14.2 Confidential Report by Councillors

Cr King / Cr Davis:

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



15. Reopening of the Meeting to the Public

Cr Claridge / Cr King:

That the meeting be reopened to the public.

Carried

16. Closure of the Meeting

The meeting closed at 7.47pm.

Confirmed this twenty third day of March 2022.

Signed: _____



Chair – Cr Bernie Hearn (Mayor)