

# Council Meeting

## Minutes

**Date: Wednesday 25 May 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.

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

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



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# Minutes

<b>Chair</b>	Councillor Bernie Hearn (Mayor)	
<b>Councillors</b>	Councillor Danny Claridge	
	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Punarji Hewa Gunaratne	
	Councillor Justin King	
<b>In attendance</b>	Councillor Gail O'Brien	
	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	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 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.*



### 3. Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the meeting.

### 4. Apologies

An apology was received from Councillor Don Firth.

**Cr King / Cr Gunarante:**

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

**Carried**

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

**Cr Davis / Cr Claridge:**

**That the Minutes of the Council Meetings held on Wednesday 27 April 2022 be confirmed as a true and accurate record of the meetings.**

**Carried**



## 6. Public Question Time

It is recorded that Billie-Jo Hayes tabled the below question.

*It was pleasing to see Cr Hearn at the recent Benalla Community Response to Homelessness meeting at Waminda House. Will council commit to support the establishment of a Night Shelter for people who are homeless in Benalla? And as discussed at the meeting, how will council respond to the immediate need to provide storage lockers in Benalla for people experiencing homelessness to store their belongings?*

The Chief Executive Officer answered that the question be taken on notice.

It is recorded that David Blore tabled a question regarding the Visitor Information Centre Redevelopment.

*It has come to my attention that the proposed cinema and cafe forming part of the Visitor Information Centre redevelopment project in Mair Street Benalla is a prohibited use of the land under the planning scheme zone (Public Park and Recreation Zone, clause 36-02.1) applying to the site.*

*Benalla Rural City Council has a statutory duty as the responsible authority under the Planning and Environment Act 1987 to administer, apply and enforce the provisions of the Benalla Planning Scheme. I note that the permit exemption provisions of the Act and planning scheme may only apply in circumstances where a permit is required, and able to be issued.*

*Were this proposal to be proposed by a private developer, Council would have no option but to reject it, and if necessary seek an enforcement order in VCAT under section 120 of the Act against such a use. I note that this option, of seeking an enforcement order from VCAT, is open to any person under section 120, or under section 114 for an interim enforcement order, and is not limited to responsible authorities. Under what legislative authority is the Council pursuing a project which includes an element clearly prohibited by its own planning scheme?*

The Chief Executive Officer answered that the question be taken on notice.

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

**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 11 May 2022 were provided to Councillors.

**Cr Davis / Cr King:**

**That the reports and recommendations of the Finance and Operations Committee meeting held on Wednesday 11 May 2022 be adopted.**

**Carried**

### 8.2 Planning and Development Committee

The reports and recommendations of the Planning and Development Committee held on Wednesday 18 May 2022 were provided to Councillors.

**Cr King / Cr Claridge:**

**That the reports and recommendations of the Planning and Development Committee meeting held on Wednesday 18 May 2022 be adopted.**

**Carried**





### 8.3 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 27 April 2022 was provided to Councillors.

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

#### April 2022

Monday 4 April	Benalla Local Safety and Traffic Liaison Committee
Wednesday 6 April	Assembly of Councillors – GOTAFE Update
Wednesday 6 April	Benalla Festival Advisory Committee
Wednesday 6 April	Assembly of Councillors – Business Review
Wednesday 13 April	Chief Executive Officer Employment and Remuneration Committee
Wednesday 27 April	Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee

**Cr King / Cr Claridge:**  
**That the report be noted.**

**Carried**

### Officer Reports

#### 9.1 Authorisation of Signing and Sealing of Documents

No documents were presented for signing and sealing.



## 9.2 Benalla Central Business District Streetscape Concepts

The report presented for consideration the draft *Benalla Bridge Street Improvements Project*.

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

1. That the draft *Benalla Bridge Street Improvements Project* be endorsed for public exhibition.
2. That the draft *Benalla Bridge Street Improvements Project* be placed on public exhibition for a period of at least 28 days.

**Carried**

## 9.3 Facility Hire Subsidy Program Policy

The report presented for consideration the reviewed and updated *Facility Hire Subsidy Program Policy*.

**Cr King / Cr Gunarante:**

1. That the Benalla Rural City Council *Facility Hire Subsidy Program Policy* be endorsed for public exhibition.
2. That the Benalla Rural City Council *Facility Hire Subsidy Program Policy* be considered for adoption at the Council Meeting on Wednesday 29 June 2022.

**Carried**





#### 9.4 *Commemorative Memorial Guidelines Policy*

The report presented of consideration the reviewed *Commemorative Memorial Guidelines Policy*.

**Cr Gunaratne / Cr O'Brien:**

1. That the Benalla Rural City Council *Commemorative Memorial Guidelines Policy* be endorsed for public exhibition.
2. That the Benalla Rural City Council *Commemorative Memorial Guidelines Policy* be considered for adoption at the Council Meeting on Wednesday 29 June 2022.

**Carried**

#### 9.5 *Roadside Fatality Memorial Guidelines Policy*

The report presents of consideration the reviewed *Roadside Fatality Memorial Guidelines Policy*.

**Cr Davis / Cr Claridge:**

1. That the Benalla Rural City Council *Roadside Fatality Memorial Guidelines Policy* be endorsed for public exhibition.
2. That the Benalla Rural City Council *Roadside Fatality Memorial Guidelines Policy* be considered for adoption at the Council Meeting on Wednesday 29 June 2022.

**Carried**



## 9.6 Environment Protection Authority Victoria Waste Levy Payment Approval

The report sought approval to pay the Environment Protection Authority (EPA) Victoria Waste Levy payment for the period of 1 January 2022 – 31 March 2022.

**Cr Claridge / Cr Gunarante:**

1. That payment of the EPA Victoria Waste Levy for \$316,805.70 (ex. GST) for the period of 1 January 2022 – 31 March 2022 be approved.
2. That the EPA Victoria Waste Levy payment be made before 5 July 2022.

**Carried**

## 9.7 Enterprise Park Industrial Estate – Potential Sale of Land

The report outlined the statutory process for the sale of Council-owned land at Enterprise Drive, Benalla.

**Cr Claridge / Cr Davis:**

**That the Chief Executive Officer be authorised to:**

1. Engage a suitably qualified real estate agent to advise the Council in the potential disposal of Enterprise Park Industrial Estate (Land).
2. Develop a formal expression of interest document and conduct an Expression of Interest process for the sale of the whole or any part of the Land being Lot G on the plan of subdivision PS830933R.
3. Publish on Council's website a notice of Council's intention to sell the Land by means of an expression of interest process pursuant to which purchasers may bid for the whole or any part of the Land; and
4. Obtain a current valuation of the Land.

**Carried**



### 9.8 Mayor and Councillors' Attendance at Committees and Civic Functions

The Mayor and Councillors attendance meetings and events from the period 16 April 2022 to 13 May 2022 were provided to Councillors for consideration.

It is noted that:

- Councillor Claridge did not attend the ANZAC Day Dawn Service on 25 April 2022.
- Councillor Gail O'Brien did not attend the meeting on 6 May 2022 to meet the Federal Liberal Candidate.
- Councillor O'Brien attended the Celebration of new exhibition OCULI: ACTS I-VII at the Benalla Art Gallery on 13 May 2022.
- Councillor Davis attended the ANZAC Day Dawn Service on 25 April 2022.
- Councillor King attended the ANZAC Day Dawn Service, ANZAC DAY March and 11am service on 25 April 2022.

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

**That the report be noted.**

**Carried**

### 9.9 Council Actions Pending

Council Actions Pending were provided to Councillors.

**Cr King / Cr Gunarante:**

**That the report be noted.**

**Carried**

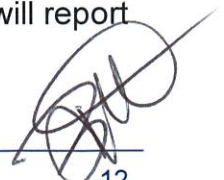




## 10. Reports by Councillors

- Councillor Claridge reported that he attended the Benalla Family Research Group Inc Annual General Meeting on 25 May 2022. All positions within the group were declared vacant and nominations were received to fill all positions. The Benalla Family Research Group are located at 9 Church Street, Benalla. The group raised concerns about their future location, as the Presbyterian Church is subdividing the land in Church Street, Benalla where the Group is currently located.
- Councillor O'Brien reported that she attended a meeting with Deakin University to discuss the 'Respond' project in Benalla on 29 April 2022. The meeting was arranged by Benalla Health and Wellbeing Partnership Group.

The 'Respond' project aims to embed best practice for child health and wellbeing into existing community systems across regional Victoria, to achieve significant long-term impacts on policy, practice, and child health at scale. This includes training people in community health, education and community members to apply methods to prevent childhood obesity and establish a low-cost childhood health and wellbeing monitoring system.
- Councillor O'Brien reported that she attended the Life4Life Crew Launch on 11 May 2022. The program provides Youth Mental Health First Aid training to students in years 8 and 11. Students in years 9 and 10 are provided with the opportunity to join the Live4Life Crew to assist with the running of the program. Youth Mental Health First Aid training for community members, parents and carers is scheduled to be held later in 2022.
- Councillor Hearn and Councillor O'Brien reported that they attended the 2022 Hands On Trades Carer Expo at Winton Motor Raceway on 5 May 2022. The careers expo was created to encourage young people in the North East Victoria to have access to hands on trade career information, engage in industry and become involved in promoting their respective trade industries. One off the main focuses of the 2022 careers expo was 'Women In Trades'.
- Councillor Hearn and Councillor O'Brien reported that they attended the celebration of the new exhibition OCULI: ACTS I-VII at the Benalla Art Gallery on 13 May 2022. A great night was had by all who attended.
- Councillor King reported that nominations for members for the Benalla Festival Advisory Committee have now closed following an expression of interest process. The 2022 Benalla festival program is currently being decided.
- Councillor King acknowledged Winton Motor Raceway for holding the 2022 Winton Supersprint V8 supercars event between May 20-22 and the tourism it brings to the Benalla Rural City community.
- Councillor Gunaratne reported that he attended the 2022 Winton Supersprint V8 supercars event at Winton Motor Raceway on 21 May 2022. A great event enjoyed by all who attended.
- Councillor Gunaratne reported that the Churchill Reserve Committee of Management are endeavouring to arrange a meeting to discuss the petition received by the Council to consider making Churchill Reserve an off leash dog area. Councillor Gunarante will report back to the Council when a meeting has been arranged.



**Cr King / Cr Gunarante:**  
**That the report 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.

### **14. Confidential Business**

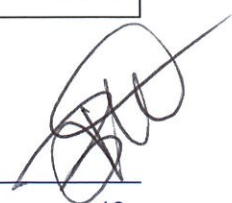
It was proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contain personal information that would result in the unreasonable disclosure of information about a person or their personal affairs if released:

- 14.1 Confidential Reports by Councillors
- 14.2 Confidential Council Actions Pending

**Cr Davis / Cr Claridge:**

**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 Davis / Cr O'Brien:**

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

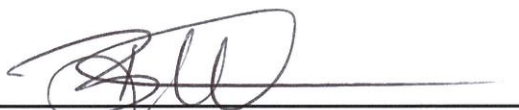
**Carried**

**16. Closure of the meeting**

The meeting closed at 7.01pm.

**Confirmed this twenty ninth day of June 2022.**

**Signed:**



**Chair – Cr Bernie Hearn (Mayor)**

