

# Council Meeting

## Minutes

**Date:** Wednesday 16 November 2022

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

Council Meetings are live streamed and recorded. 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)

In accordance with Rule 6.4 of the *Governance Rules 2020* an audio recording was made of the proceedings of the meeting.

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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
Cathy Fitzpatrick	Manager Finance
Adrian Gasperoni	Manager Assets and Infrastructure
Greg Robertson	Manager Facilities and Information Technology
Jessica Beaton	Governance Coordinator

**The Council meeting commenced at 6pm.**

## Opening and Acknowledgment of Country

The Chief Executive Officer opened the meeting and the Councillors 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.*

## Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the council meeting.





## Apologies

No apologies were submitted to the meeting.

## 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 Claridge / Cr Davis:**

**That the Minutes of the Council Meetings held on 12 October 2022 and 26 October 2022 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 Delegated Committees

The recommendations of the Finance and Operations Committee meeting and the recommendations of the Planning and Development Committee meeting held on Wednesday 9 November 2022 were provided to Councillors.

**Cr Davis / Cr Hearn:**

- 1. That the recommendations of the Finance and Operations Committee meeting held on Wednesday 9 November 2022 be adopted.**
- 2. That the recommendations of the Planning and Development Committee meeting held on Wednesday 9 November 2022 be adopted.**

**Carried**



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

The record of Assemblies of Councillors since the report presented at the meeting on 12 October 2022 was presented.

#### September 2022

1 September 2022	Assembly of Councillors – Benalla Art Gallery Redevelopment Update
7 September 2022	Benalla Airport Advisory Committee Meeting
12 September 2022	Assembly of Councillors – Thales Site Visit
14 September 2022	Assembly of Councillors – The Voice Project Briefing
14 September 2022	Benalla Festival Advisory Committee Meeting
20 September 2022	Assembly of Councillors – Aged Friendly Reference Group Update
21 September 2022	Assembly of Councillors – Business Review

#### October 2022

3 October 2022	Benalla Local Safety and Traffic Liaison Committee
5 October 2022	Communications Advisory Committee
11 October 2022	Accessibility Reference Group Meeting
12 October 2022	Benalla Festival Advisory Committee Meeting
18 October 2022	Audit and Risk Committee Meeting
26 October 2022	Communications Advisory Committee Meeting
26 October 2022	Assembly of Councillors – Business Review

**Cr O'Brien / Cr Hearn:**  
**That the report be noted.**

**Carried**



#### 4.1 Election of the Mayor and Deputy Mayor

Under the *Local Government Act 2020* a Mayor is to be elected at a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

##### 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 1 year or a 2 year term.

**Cr Davis / Cr Claridge:**

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

**Carried**

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

**Cr Firth / Cr Claridge:**

**That Councillor Bernie Hearn be elected as Mayor of Benalla Rural City Council for the 2022/23 Council Year.**

**Carried**

The Chief Executive Officer declared Councillor Bernie Hearn elected as Mayor for the 2022/23 Council Year.

##### Establish the position of Deputy Mayor

The Council may resolve to establish the position of Deputy Mayor. The procedure for the election of Mayor will apply to the election of the Deputy Mayor with any necessary modifications.

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

**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 1 year or a 2 year term.

**Cr Davis / Cr King:**

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

**Carried**

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

Nominations were received for Councillor Justin King and Councillor Don Firth.

A vote was undertaken.

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

**That Councillor Justin King be elected as Deputy Mayor of Benalla Rural City Council for the 2022/23 Council Year.**

**Carried**

The Chief Executive Officer declared Councillor Justin King elected as Deputy Mayor for the 2022/23 Council Year.

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

The Mayor made a ceremonial speech (refer **Appendix 1**).

**Cr King / Cr Claridge:**

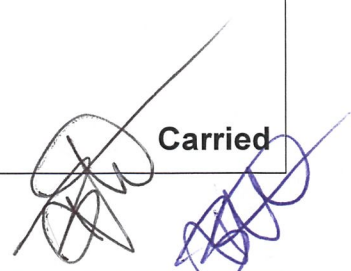
**That standing orders be suspended.**

**Carried**

**Cr Davis / Cr King:**

**That standing orders be resumed.**

**Carried**





### Statement of Commitment

The Councillors recited the following Statement of Commitment following the election of the Mayor and Deputy Mayor of Benalla Rural City Council:

*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.*

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.

### Mayoral Acceptance Speech

I would like to personally thank my fellow Councillor's for placing their trust in me again, to represent them, the Council and importantly the Benalla community in this important role as Mayor of the Benalla Rural City.

A very special thanks to Deputy Mayor Don Firth for his support, friendship, and guidance he has given me over the last 12 month and more.

I wanted to start this address by saying, how lucky our community is to have an inspirational team of Councillors who are committed leaders and grassroots advocates, from a diverse background of community connections.

Building Benalla is a strong commitment made by us all.

This team of Councillors, every day, works collaboratively to ensure that our town keeps growing, developing and is passionately advocated for by all of us here tonight. I thank my colleagues for all they have done, and will continue to do.

This year we may have come out of the COVID-19 Pandemic, only to then face some of the worst floods in years.

But as we do, we have come out of this stronger, more resilient and assured that no one is alone, we come together as a team, better, than ever before looking out for each other and helping wherever we can. Our communities are the key to our success and the future of our Benalla Rural City.

This year we have seen one of the largest capital works project investments in Benalla's history, and as Mayor, I am proud that this council taken onboard the needs of the community and invested record money into roads, drains, footpaths, and infrastructure. Approximately \$15 million of Capital works

- \$2.4mil in roads
- \$800,000 in drainage
- over \$600,000 in footpaths; and
- \$100,000 for a designated dog park

We have reduce employee costs and did not borrowed any extra money this financial year.

This has left us in a good financial position.

Further, we are seeing many key projects in Benalla coming to the forefront with a number of exciting announcements made in recent weeks, this including:

- Benalla Indoor Recreation Centre
- Benalla Art Gallery
- Benalla Migrant Camp



To name a few, this is a testament to this council having a vision, a vision to see Benalla grow and its facilities be brought into the 20<sup>th</sup> century.

I am proud of the work done and I, along with the CEO will continue to work closely with Federal and State Governments to advocate for Benalla

Over the next 12 month, I with my fellow councillors, we will work tirelessly for the Benalla community, championing development and growth for our town as we plan forward to support local business and provide more opportunities for business development and entrepreneurship.

I would like to thank my family Russell, Nick, Brad & Emma for their support of what I do and the encouragement and love they give.

I take this opportunity on with good faith, good will and a fierce determination to ensure that we work in the best interests for all residents and in all areas of local government.

Thank You,

Cr Bernie Hearn (Mayor)

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be the name 'Bernie Hearn'.



#### 4.2 Establishment of the Finance and Planning Committee

The report presented the Instrument of Delegation for the establishment of the Finance and Planning Committee as a Delegated Committee under the *Local Government Act 2020*.

**Cr Davis / Cr King:**

1. In exercise of the powers conferred by s 63 of the *Local Government Act 2020* (the Act), the Council resolves that:
2. From the date of this resolution, the Finance and Planning Review Committee be established as a Delegated Committee.
3. The purposes of the Delegated Committee are those set out in the *Instrument of Delegation for Delegated Committees of Council*.
4. The members of the Delegated Committee are all the elected members of the Council.
5. The Chair of the Finance and Planning Review Committee is to be appointed by the Mayor.
6. A quorum for the Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Delegated Committee.
7. All members of the Delegated Committee have voting rights on the Delegated Committee.
8. The members of the Delegated Committee be delegated the powers, duties and functions set out in the *Instrument of Delegation for Delegated Committees of Council*.
9. The *Instrument of Delegation for Delegated Committees of Council*:
  - a. comes into force immediately when the common seal of Council is affixed to the Instrument; and
  - b. remains in force until the Council determines to vary or revoke it.
10. The powers, duties and functions conferred on the members of the Delegated Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
11. The instrument be sealed.
12. That the purposes and powers of the Finance and Planning Committee be reviewed in 6 months.

Carried



#### 4.3 Determining the Meeting Cycle of Council and Committees 2022/23

The report proposed a schedule of Council Meetings for 2022/23.

**Cr King / Cr Claridge:**

**That the 2022/23 Schedule of Meetings for the Council and the Finance and Planning delegated committee be adopted.**

**Carried**

#### 4.4 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 are detailed in Table 1.

**Table 1: 2022/23 Council Representatives to Advisory Committees, Peak Industry Bodies and Regional and Community-Based Committees**

<b>Advisory Committees</b>	<b>Nominated 2022/23 Representative/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 Festival Advisory Committee	Cr Firth Cr King	Manager Economic Development and Sustainability	Monthly or as required 4pm Wednesday
Benalla Sports and Equestrian Reserve Advisory Committee	Committee to be dissolved in 2023 and replaced with a community asset committee.	Open Spaces Coordinator	Bi-monthly 4pm Monday
Chief Executive Officer Performance Review Advisory Committee	All Councillors and an independent advisor	General Manager Corporate	Quarterly
Communications Advisory Committee	Cr Claridge Cr Davis Cr Hearn	Chief Executive Officer	Monthly

<b>Steering Committees</b>	<b>Nominated 2022/23 Representative/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
<b>Reference &amp; Working Groups</b>	<b>Nominated 2022/23 Representative/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	Cr Hearn	Manager Assets and Infrastructure	
<b>Statutory Committees</b>	<b>Nominated 2022/23 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Municipal Emergency Management Committee	Cr Hearn	Manager Development	Quarterly Thursday work hours
<b>External Working Groups</b>	<b>Nominated 2022/23 Representative/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 Thursday 1pm – 3pm
Live4Life Partnership Group	Cr O'Brien	Youth Development Coordinator	Bi-monthly Wednesday 2pm – 3pm
<b>Regional Associations</b>	<b>Nominated 2022/23 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Goulburn Murray Climate Alliance	Cr Gunarante	Environmental Sustainability Coordinator	Quarterly 10am-5pm Tues/Weds
Hume Region Local Government Network	Cr Hearn	Chief Executive Officer	Quarterly 10am Thursday
Ovens Murray Regional Partnerships	Chief Executive Officer	Chief Executive Officer	Monthly Thursday or Friday



<b>Industry Associations</b>	<b>Nominated 2022/23 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Municipal Association of Victoria	Cr Claridge	Chief Executive Officer	Quarterly 10am Thursday
Rural Councils Victoria Inc	Chief Executive Officer	Chief Executive Officer	Quarterly 10am Thursday
<b>Boards of Management</b>	<b>Nominated 2022/23 Representative/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 Organisations</b>	<b>Nominated 2022/23 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Benalla P-12 College School Council	Cr Gunaratne	Chief Executive Officer	After hours
Benalla Historical Society Incorporated	Cr Claridge	Chief Executive Officer	Monthly 4pm Wednesday
<b>Incorporated</b>	<b>Nominated 2022/23 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Benalla Family Research Group	Cr Claridge	Chief Executive Officer	Monthly 11am Wednesday
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 Showgrounds and Recreation Reserve Committee of Management Incorporated	Cr King	Open Spaces Coordinator	After hours
Churchill Reserve Committee of Management Incorporated	Cr Gunaratne Cr King	Open Spaces Coordinator	Bi-monthly 6pm Tuesday
Early Years Network	Cr King	Manager Community	Monthly 4pm Monday

<b>Incorporated</b>	<b>Nominated 2022/23 Representative/s</b>	<b>Officer</b>	<b>Meetings</b>
Health and Wellbeing Partnership Group	Cr O'Brien	Manager Community	Bi-monthly 1.30pm first Monday
State Gliding Centre Committee of Management Incorporated	Cr Claridge	Manager Facilities and Information Technology	Saturday AM
United Friendly Society Reserve Committee of Management Incorporated	Cr Firth Cr Hearn	Open Spaces Coordinator	Bi-monthly Tuesday 6pm

### **Audit and Risk and Benalla Art Gallery Committees**

The terms of reference for the Audit and Risk Committee and the Benalla Art Gallery Committee allow for two councillor representatives to form part of the committees. As three councillors (refer table below) were nominated for each committee, a vote was required to elect two councillor representatives to these committees.

<b>Committee</b>	<b>Nominated 2022/23 Representatives</b>	<b>Officer</b>	<b>Meetings</b>
Audit and Risk	Chair of the F&P Committee Cr Davis	General Manager Corporate	Four times a year
Benalla Art Gallery	Cr Claridge Cr Gunaratne	Manager Economic Development and Sustainability	Bi-monthly 6pm Tuesday

#### **Cr King / Cr Davis:**

- 1. That the appointment of Council representatives to various committees, peak industry bodies and regional and community organisations for the 2022/23 Council Year as detailed in Table 1 be approved.**
- 2. That that Cr Davis be appointed to the Audit and Risk Committee**
- 3. That Cr Claridge and Cr Gunarante be appointed to the Benalla Art Gallery Committee.**

**Carried**

#### 4.5 Appointment of the Council's Official Newspaper for 2022/2023

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.

The Council recognises that the local newspaper is a valuable mechanism for informing and engaging the community and sees value in continuing the convention of nominating a local newspaper as the publication where public notices and other advertisements will be placed when required.

**Cr Davis / Cr King:**

**That the Council nominate the *Benalla Ensign* as the official newspaper for the purpose of public notices for the 2022/23 Council Year.**

**Carried**

#### 4.6 Emergency Flood Works

The report sought the Council's authorisation for the Chief Executive Officer to approve all emergency work requisitions and invoice payments associated with the October 2022 flood event.

**Cr Davis / Cr King:**

- 1. That the Chief Executive Officer be authorised to approve all emergency works requisitions and invoice payments associated with the October 2022 flood event.**
- 2. That a report on October 2022 flood event emergency works expenditure be presented to the Ordinary Meeting of Council on 14 December 2022.**

**Carried**





#### 4.7 Financial Report For The Quarter Ended 30 September 2022

The report presented the financial result compared to budget for first quarter ended 30 September 2022 and presents forecast outcomes to 30 June 2023.

**Cr Gunarante / Cr O'Brien:**  
**That the report be noted.**

**Carried**

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

The Mayor and Councillors attendance at meetings and events from the period 3 October 2022 to 6 November 2022 were presented.

It is noted that:

- Councillor King was not in attendance at the Benalla Festival Advisory Committee meeting on 2 November 2022.
- Councillor King attended the Benalla By the Lake: Food and Wine Festival on 5 November 2022.
- Councillor Firth was not in attendance at the Benalla Short Film Festival on 6 November 2022.

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

**Carried**

#### 4.9 Council Actions Pending

Council actions pending were provided to councillors.

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

**Carried**

## Councillor Reports

### 5.1 Councillor Service Awards

The Mayor presented Councillor Peter Davis with his Municipal Association of Victoria (MAV) 15 Year Councillor Service Award.

### 5.2 Reports by Councillors

Councillor Claridge reported on his attendance at the:

- Municipal Association of Victoria (MAV) Annual Conference Dinner and ministerial address in Melbourne on 13 October 2022.
- Online MAV North East Regional Conference on 16 November 2022.
- Annual General Meeting of the Friends of Benalla Performing Arts and Convention Centre on 15 November 2022.

Councillor Firth reported on the:

- 2022 Benalla Festival events held on Saturday 5 November and Sunday 6 November 2022.

Councillor King reported on:

- Benalla Festival Committee's activities the week prior to the 2022 Benalla Festival events.
- attendance at the announcement delivered by the Hon. Jaclyn Symes MP regarding the new GOTAFE Benalla Location on 27 October 2022.

Councillor Gunarante reported on his attendance at the:

- Benalla by the Lake: Food and Wine Festival on 5 November 2022. He acknowledged the efforts of the Benalla Festival Committee.
- Benalla Migrant Camp Open Day on 6 November 2022.

Councillor Davis reported on:

- The 2022 Benalla Festival. He acknowledged Cr Firth, Cr King, Festival Advisory Committee and Council Staff for their efforts in organising and running the 2022 Benalla Festival events.

**Cr Davis / Cr King:**

**That the reports be noted.**

**Carried**

## 6. Notices of Motion

No notices of motion were submitted to the Council Meeting.

## 7. Notices of Rescission Motion

No notices of rescission motion were submitted to the Council Meeting.

## 8. Urgent Business

No urgent business was presented to the Council Meeting.

## Confidential Business

It was proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contained 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 CM22.032 Public Building and Amenities Cleaning Services 2022-24
- 9.2 Chief Executive Officer Contract of Employment and Key Performance Indicators
- 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**



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

**Cr Claridge / Cr Gunarante:**

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

**Carried**

**Closure of the meeting**

The Council Meeting closed at 7.45pm.

**Confirmed this fourteenth day of December 2022.**

**Signed:**



**Chair – Cr Bernie Hearn (Mayor)**