

Benalla Rural City Council

# Council Meeting

## Minutes

Date: Wednesday 28 May 2025

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

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# Minutes

<b>Chair</b>	Councillor Bernie Hearn (Mayor)	
<b>Councillors</b>	Councillor Justin King (Deputy Mayor)	
	Councillor David Blore	
	Councillor Peter Davis	
	Councillor Jillian Merkel	
	Councillor Nathan Tolliday	
<b>Online attendance</b>	Councillor Puna Hewa Gunaratne	
<b>In attendance</b>	Peter Keane	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Jane Archbold	Manager Community
	Adrian Gasperoni	Manager Assets and Infrastructure
	Janine McMaster	Manager People and Performance
	Stephen Dowe	Senior Projects and Technical Services Engineer
	Jess Pendergast	Governance Coordinator

## Opening and Acknowledgement 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 Model 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 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.

Members of the public can watch the recorded broadcast of the meeting at **[www.benalla.vic.gov.au](http://www.benalla.vic.gov.au)**

## Disclosures of Conflict of Interest

See item 4.5 and 9.2.

## 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 Blore:**

**That the Minutes of the Council Meeting held on Wednesday 23 April 2025 and Wednesday 30 April 2025 be confirmed as true and accurate records of the meetings.**

**Carried**

## 1. Public Question Time

No questions were submitted to the meeting.

## 2. Petitions

No petitions were submitted to the meeting.

## Record of Committees

### 3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 14 May 2025 were presented.

**Cr King / Cr Tolliday:**

**That the recommendations of the Finance and Planning Committee meeting held on Wednesday 14 May 2025 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 record of Assemblies of Councillors, Advisory and External Committees were presented.

<b>2 April 2025</b>	Communications Advisory Committee
<b>2 April 2025</b>	Assembly of Councillors – Business Review
<b>8 April 2025</b>	Accessibility Reference Group
<b>16 April 2025</b>	Assembly of Councillors – Business Review
<b>23 April 2025</b>	Assembly of Councillors – Business Review
<b>29 April 2025</b>	Local Safety and Traffic Liaison Committee

**Cr Blore / Cr Tolliday:**

**That the report be noted.**

**Carried**

## Officer Reports

### 4.1 Benalla Festival Advisory Committee Terms of Reference

The report presented the updated and reviewed *Benalla Festival Advisory Committee Terms of Reference*.

**Cr King / Cr Davis:**

**That the *Benalla Festival Advisory Committee Terms of Reference*, as amended, be adopted.**

**Carried**

### 4.2 Draft *Benalla Rural City Council Plan 2025-2029* Development Update

The report presented a progress report on the development of the draft *Benalla Rural City Council Plan 2025-2029*.

**Cr Blore / Cr Merkel:**

**That the report be noted.**

**Carried**

### 4.3 Draft *Councillor Internal Resolution Policy*

The report presented for consideration the *Councillor Internal Resolution Policy*.

**Cr King / Cr Merkel:**

- 1. That *Councillor Internal Resolution Policy* be adopted.**
- 2. That *Councillor Internal Resolution Policy* be reviewed in May 2029.**

**Carried**

### 4.4 Mayor and Councillors' Attendance At Conferences and Events

The Mayor and Councillors attendance at meetings and events during the period from 14 April 2025 to 18 May 2025 were presented.

**Cr Tolliday / Cr King:**

**That the report be noted.**

**Carried**

#### 4.5 Council Actions Pending

It is noted that Cr Justin King declared a material conflict of interest in relation to the *Benalla Indoor Recreation Centre Redevelopment Project*. Cr Justin King left the meeting at 6.15pm.

Council Actions Pending were presented.

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

**Carried**

Cr Justin King returned to the meeting at 6.17pm.

#### 5. Reports by Councillors

Mayor Councillor Bernie Hearn reported on her attendance at:

- Benalla Rural City Council Careers Expo on Thursday 1 May 2025.
- Municipal Association Victoria State Council Meeting on Friday 16 May 2025.

Deputy Mayor Councillor Justin King reported on his attendance at:

- Baddaginnie wine and cheese night on Friday 9 May 2025.
- Benalla Saints Sports Club President and Sponsors lunch on Saturday 10 May 2025.

Councillor David Blore reported on his attendance at:

- Tatong Autumn Vibes event on Friday 16 May 2025.
- *Goulburn Murray Climate Alliance* (GMCA) Quarterly Board Meeting on Thursday 16 May 2025. GMCA are planning to offer a drought webinar in the coming weeks.

Councillor Peter Davis reported on his attendance at:

- Benalla RSL ANZAC Day Dawn Service on Friday 25 April 2025.
- Benalla Clydesdale and Heavy Horse Driving Day on Saturday 3 May 2025.

Councillor Puna Hewa Gunaratne on his attendance at:

- Baddaginnie wine and cheese night on Friday 9 May 2025.
- Municipal Association Victoria State Council Meeting on Friday 16 May 2025.
- Vesak Lantern and Light Festival held by North East Sri Lankans Association on Saturday 24 May 2025.

Councillor Jillian Merkel on her attendance at:

- Benalla P-12 College ANAZC Day Assembly on Thursday 24 April 2025.

Councillor Nathan Tolliday on his attendance at:

- Benalla RSL ANZAC Day Dawn Service and ANAZC Day March and 11am Service on Friday 25 April 2025.

**Cr King / Cr Tolliday:**  
**That the reports be noted.**

**Carried**

## 6. Notices of Motion

No notices of motion were received.

## 7. Notices of Rescission Motion

No notices of rescission motion were received.

## 8. Urgent Business

No urgent business was submitted to the meeting.

## 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 Tender for Contract CM25.082 Provision of Insurance Broking and Risk Management Services for 2026-2028
- 9.2 Tender for Contract CM25.062 Shared Use Path Construction – Midland Highway, Benalla
- 9.3 Tender Variation for Contract CM25.020 Benalla Indoor Recreation Centre Roof Renewal – Design and Construct
- 9.4 Confidential Reports by Councillors
- 9.5 Confidential Council Actions Pending

**Cr Davis / Cr Tolliday:**

**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**

The meeting was closed to the public at 6.28pm.



## **9.1 Tender for Contract CM25.082 Provision of Insurance Broking and Risk Management Services for 2026-2028**

The report considered tenders received for contract No. CM25.082 Provision of Insurance Broking and Risk Management Services 2026–2028.

Peter Sellwood from Procurement Australia presented an overview of the tender process.

### **Cr Blore / Cr Merkel:**

- 1. That the tender of JLT Risk Solutions Pty Ltd for Contract CM25.082 Insurance Broking and Risk Management Services 2026–2028 for a contract term of 24 months from 1 July 2025 to 30 June 2028 with an optional 12-month period extension at the discretion of the Council be accepted.**
- 2. That 2025/26 insurance policy premiums (\$219,060) and a Risk Advisor fee (\$20,000) totaling \$239,060 (ex. GST and statutory charges) under Contract CM25.082 Insurance Broking and Risk Management Services be accepted.**

**Carried**

## **9.2 Tender for Contract CM25.062 Shared Use Path Construction – Midland Highway, Benalla**

It is noted that Cr Justin King declared general conflict of interest regarding the *North Benalla Shared Pathway*. Cr Justin King left the meeting at 6.45pm.

The report considered tenders received for contract *CM25.062 Shared Use Path Construction – Midland Highway, Benalla*.

### **Cr Davis / Cr Merkel:**

- 1. That the tender from Nexus Civil Pty Ltd for contract CM25.062 Shared Use Path Construction – Midland Highway, Benalla for a lump sum price of \$363,824.27 (ex. GST) be accepted.**
- 2. That unallocated funding of \$122,000 in the 2024/25 Capital Works Program Bridges-Capital be reallocated to Footpaths-Capital to cover the funding shortfall in the *North Benalla Shared Path Project*.**
- 3. That the Chief Executive Officer be authorised to execute contract documentation on behalf of the Council.**
- 4. That all respondents be advised of the outcome of the procurement process.**

Cr David Blore proposed an amendment to the motion. That the following points be added to the motion:

5. That within six months of completion of the shared use path, Council undertakes a count of usage of the path, at its midpoint or appropriate location, to establish typical usage patterns and volumes, including during normal weekdays and days when a significant event at the Racecourse is occurring.
6. That a report be presented within six months of the end of the financial year to identify additional funding opportunities for new footpaths within the established residential area of Benalla and other areas, with potential projects identified and ranked.

**Cr Gunaratne / Cr Tolliday:**

**That standing orders be suspended to allow for discussion.**

**Carried**

Standing orders were suspended at 6.56pm.

**Cr Gunaratne / Cr Tolliday:**

**That standing orders resume.**

**Carried**

Standing orders resumed at 7.03pm.

The original mover and seconder of the Motion did not indicate their agreement with the amendment.

**Cr Blore / Cr Gunaratne:**

1. That the tender from Nexus Civil Pty Ltd for contract CM25.062 Shared Use Path Construction – Midland Highway, Benalla for a lump sum price of \$363,824.27 (ex. GST) be accepted.
2. That unallocated funding of \$122,000 in the 2024/25 Capital Works Program Bridges-Capital be reallocated to Footpaths-Capital to cover the funding shortfall in the *North Benalla Shared Path Project*.
3. That the Chief Executive Officer be authorised to execute contract documentation on behalf of the Council.
4. That all respondents be advised of the outcome of the procurement process.
5. That within six months of completion of the shared use path, Council undertakes a count of usage of the path, at its midpoint or appropriate location, to establish typical usage patterns and volumes, including during normal weekdays and days when a significant event at the Racecourse is occurring.
6. That a report be presented within six months of the end of the financial year to identify additional funding opportunities for new footpaths within the established residential area of Benalla and other areas, with potential projects identified and ranked.

**Motion lost**

**Cr Davis / Cr Merkel:**

1. That the tender from Nexus Civil Pty Ltd for contract CM25.062 Shared Use Path Construction – Midland Highway, Benalla for a lump sum price of \$363,824.27 (ex. GST) be accepted.
2. That unallocated funding of \$122,000 in the 2024/25 Capital Works Program Bridges-Capital be reallocated to Footpaths-Capital to cover the funding shortfall in the *North Benalla Shared Path Project*.
3. That the Chief Executive Officer be authorised to execute contract documentation on behalf of the Council.
4. That all respondents be advised of the outcome of the procurement process.

**Carried**

Cr Justin King returned to the meeting at 7.16pm.

### **9.3 Tender Variation for Contract CM25.020 Benalla Indoor Recreation Centre Roof Renewal – Design and Construct**

This report considered a variation to contract *CM25.020 Benalla Indoor Recreation Centre Roof Renewal – Design and Construct*.

**Cr Blore / Cr Davis:**

1. That the quotation from Midson Construction Group Victoria Pty Ltd for a variation to contract *CM25.020 Benalla Indoor Recreation Centre Roof Renewal – Design and Construct* to the value of \$25,070 (ex. GST) be accepted.
2. That the Chief Executive Officer be authorised to execute contract documentation on behalf of the Council.

**Carried**

### **9.4 Confidential Reports by Councillors**

No confidential reports were presented by Councillors.

### **9.5 Confidential Council Actions Pending**

Confidential Council Actions Pending were presented.

**Cr Davis / Cr Tolliday:**

**That the report be noted.**

**Carried**

## **10. Reopening of the meeting to the public**

**Cr Blore / Cr King:**

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

**Carried**

The meeting was reopened to the public at 7.25pm.

## **Closure of the meeting**

The Council Meeting closed at 7.25pm.

**The minutes were confirmed on the twenty fifth day of June 2025.**

**Signed:** \_\_\_\_\_  
**Mayor Cr Bernie Hearn**