

Benalla Rural City Council

# Council Meeting

## Minutes

Date: Wednesday 17 December 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 Puna Hewa Gunaratne	
	Councillor Jillian Merkel	
<b>Councillor Elect</b>	Vince Branigan	
<b>In attendance</b>	Peter Keane	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Jane Archbold	Manager Community
	Adrian Gasperoni	Manager Assets and Infrastructure
	Nilesh Singh	Manager Development
	Shannan Cooper	Resource and Recovery Coordinator
	Joel Ingham	Planning Coordinator
	Jess Pendergast	Governance Coordinator

## Opening and Acknowledgement of Country

The Chair opened the meeting 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.

## 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

No conflicts of interest were disclosed.

## 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 this meeting.

### **Cr Blore / Cr Davis:**

**That the Minutes of the Council Meeting held on Wednesday 19 November 2025 be confirmed as a true and accurate record of the meeting.**

**Carried**

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

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

**Carried**

Standing orders were suspended at 6.03pm.

The Mayor read aloud the following statement.

On behalf of Benalla Rural City Council, I want to express our deep shock and sorrow at the tragic events that unfolded at Bondi on 14 December 2025. This senseless act of violence has caused unimaginable pain and loss.

We extend our heartfelt condolences to all those affected, including the victims and their families, NSW police and first responders and Waverley Council.

We are also sending our love and thoughts to the Jewish community who will be profoundly impacted by this horrific event.

As a community, we stand united against hatred and violence in all its forms. Benalla is a place that values compassion, respect, and inclusion, and we reaffirm our commitment to ensuring that everyone can live and celebrate their faith without fear.

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

**That standing orders resume.**

**Carried**

Standing orders resumed at 6.04pm.



## 1. Public Question Time

It is recorded that Paul O'Brien tabled two questions regarding the Benalla Indoor Recreation Centre Redevelopment.

*The Contract for the Benalla Indoor Recreation Centre Redevelopment Architectural Services states under Sec 5, Expected Outcomes, that if the development is to be realised on another site (to Ackerly Ave) then similar outcomes/requirements will need to be incorporated. Why then are only 2 basketball courts and none of the other 'Expected Outcomes', as per the 2019 Ackerly Avenue Master Plan which the contract was based on, now not being realised at Churchill Reserve.*

The Chief Executive Officer answered that State election commitments were made to deliver a two-court only indoor recreation facility, with grant funding. Any further scope enhancements may only be considered once project final cost estimates are assessed against available budget.

*The Contract for the Benalla Indoor Recreation Centre Redevelopment Architectural Services under Sec 4, Project Scope, requires the successful applicant to have well-planned and managed engagement with all stakeholders and in particular facilitation and presentations with the broader community, highlighting detail of the alignment with the Masterplan. Furthermore it must be considerate of the information contained in the Benalla Indoor Recreation Centre Masterplan November 2019. Why has Brand Architects not fulfilled its requirements and if it has, where has it been documented?*

The Chief Executive Officer answered that Brand Architects has delivered stakeholder and community engagement consistent with Section 4 of the project scope in the *Benalla Indoor Recreation Centre Architectural Services Contract*, including public site selection consultation, feasibility reporting, and inputs to the *Benalla Indoor Recreation Centre Steering Committee*. Documentation of these activities is available on Council's website.

It is recorded that Andrea Wymond tabled two questions.

*Simon Leisure Consulting company has been conducting interviews in relation to masterplans for Benalla's four major sporting precincts. Who authorised their engagement? Will their report impact the Benalla Indoor Recreation Centre Redevelopment project?*

The Chief Executive Officer answered that Simon Leisure Consulting was engaged through Council's standard procurement processes. Its report may influence the *Benalla Indoor Recreation Centre Redevelopment project* as it includes a Masterplan for Churchill Recreation Reserve.

**Cr King / Cr Merkel:**

**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

The recommendations of the Finance and Planning Committee meeting held on Wednesday 10 December 2025 were presented.

**Cr Davis / Cr Gunaratne:**

**That the recommendations of the Finance and Planning Committee meeting held on Wednesday 10 December 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 for November 2025 were presented.

**Cr Blore / Cr King:**

**That the report be noted.**

**Carried**

## Officer Reports

### 4.1 Swearing in of a Councillor

Under Section 30 of the *Local Government Act 2020* (the Act), a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.

The following oath of office was taken by councillor elect Vince Branigan. No substitute wording was permitted:

*"I Vincent Michael Branigan swear by Almighty God that:*

*I will undertake the duties of the office of Councillor in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement."*

The oath of office was administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer, and recorded in the minutes.

Following the oath of office all 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.*

**Cr King / Cr Davis:**

**That standing orders be suspended to allow for discussion on item 4.1 Swearing in of a Councillor.**

**Carried**

Standing orders were suspended at 6.12pm.

**Cr King / Cr Davis:**

**That standing orders resume.**

**Carried**

Standing orders resumed at 6.15pm.



# Benalla Rural City Council

## Oath of Office

17 December 2025

I, Vince Branigan, swear by Almighty God that: / solemnly and sincerely affirm that:

I will undertake the duties of the office of Councillor in the best interests of the municipal community.

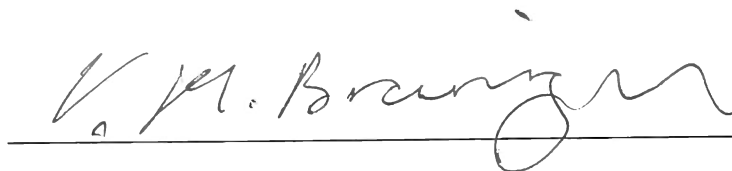
I will abide by the *Model Councillor Code of Conduct* and uphold the standards of conduct set out in the *Model Councillor Code of Conduct*.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

**Councillor:**

Vince Branigan

**Councillor Signature:**



**Date:**

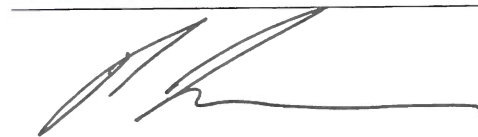
17 December 2025

I, Peter Keane, Chief Executive Officer of Benalla Rural City Council, confirm that I have witnessed the making of this declaration.

**CEO:**

Peter Keane

**CEO Signature:**



**Date:**

17 December 2025

## 4.2 Benalla Rural City Council Countback Results

The report presented the results of the Benalla Rural City Council Countback held on Wednesday 3 December 2025 to fill an extraordinary vacancy following the resignation of Cr Nathan Tolliday.

**Cr Merkel / Cr Blore:**

**That the report be noted.**

**Carried**

## 4.3 Planning Scheme Amendment C45bena – Benalla Planning Scheme Review

The report addressed submissions received to Amendment C45bena which seeks to implement the recommendations of the Benalla Planning Scheme Review adopted by the Council on 29 August 2025.

**Cr Blore / Cr King:**

**That the Council:**

1. In accordance with Section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C45bena with modifications to Clause 72.08 for the removal of the Benalla Business Area Car Parking Precinct Plan (2011) and Clause 43.02 Schedule 5 with the replacement of references to Department of Environment, Land, Water and Planning (DELWP) with Department of Energy, Environment and Climate Action (DECCA) .
2. In accordance with Section 31 of the *Planning and Environment Act 1987* submit Planning Scheme Amendment C45bena to the Minister for approval.

**Carried**

## 4.4 2025/2026 Quick Response Grant Program

The report presented funding applications for 2025/26 Quick Response Grants.

**Cr Davis / Cr Gunaratne:**

**That a \$600 grant from the 2025/2026 Quick Response Grant program be awarded to the Goorambat Public Hall Reserve Committee.**

**Carried**



#### **4.5 Authorisation of Signing and Sealing of Documents – Instrument of Delegation from the Council to Council Staff**

The report presented the amended *S6 Instrument of Delegation from the Council to Council Staff*.

**Cr Gunaratne / Cr King:**

**In the exercise of the powers conferred by the legislation referred to in the *S6 – Instrument of Delegation* dated 17 December 2025, 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**

#### **4.6 Mayor and Councillors' Attendance At Conferences and Events**

The Mayor and Councillors attendance at meetings and events during the period from 10 November 2025 to 7 December 2025 were presented.

It is noted that Cr King was not in attendance at the Benalla RSL Remembrance Day Ceremony on Thursday 11 November 2025.

**Cr Blore / Cr Merkel:**

**That the report be noted.**

**Carried**

#### **4.7 Council Actions Pending**

Council Actions Pending were presented.

**Cr Blore / Cr Gunaratne:**

**That the report be noted.**

**Carried**



## 5. Reports by Councillors

Mayor Cr Bernie Hearn reported on her attendance at:

- A meeting with Gliding Club of Victoria President regarding the JoeyGlide 2026 Australian Junior Nationals competition to be held in Benalla on 18-25 January 2026.

Deputy Mayor Cr Justin King reported on his attendance at:

- Tyler Brodie's Movember Shave Off on Sunday 30 November 2025.
- Benalla Rural City Council Community Christmas party held at the Benalla Splash Park on Friday 12 December 2025.
- Devenish Christmas BBQ and Carols event on Friday 17 December 2025.
- Mayor and Deputy Mayor MAV Mandatory Training Program held on Thursday 4 December 2025.

Cr David Blore reported on his attendance at:

- Benalla Rural City Council Community Christmas party held at the Benalla Splash Park on Friday 12 December 2025.
- 'Reconfigured' Pop-Up Benalla Art Gallery Celebration held at 75 Bridge Street East, Benalla on Friday 14 November 2025.

Cr Peter Davis reported on his attendance at:

- Tatong Christmas BBQ held on Sunday 14 December 2025.

Cr Puna Hewa Gunaratne reported on his attendance at:

- MAV Masterclass: Speaking with Impact held on Thursday 27 November 2025.
- An Evening with Jelena Dokic – 16 Days of Activism event held on Tuesday 25 November 2025.
- Benalla Rotary Club Say No to domestic and Family Violence and Yes to Respectful Relationships Awareness Walk and BBQ held on Friday 28 November 2025.
- Thoona CWA Carols and Community BBQ held on Friday 5 December 2025.

Cr Jillian Merkel reported on her attendance at:

- An Evening with Jelena Dokic – 16 Days of Activism event held on Tuesday 25 November 2025.

**Cr King / Cr Davis:**

**That the reports be noted.**



**6. Notices of Motion**

No notices of motion were submitted to the meeting.

**7. Notices of Rescission Motion**

No notices of rescission motions were submitted to the meeting.

**8. Urgent Business**

No urgent business was submitted to the meeting.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

## 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 and private commercial information that would result in the unreasonable disclosure of information about a person, their personal affairs and expose the business, commercial or financial undertaking if released:

- 9.1 Proposed Tender Variation Report for Contract CM26.025 Shoulder Re-construction and Sealing Works on Various Roads Within Benalla Rural City Program 2025/26
- 9.2 Tender Report For Contract CM26.022 Benalla Landfill Cell 3 Stage 3B Construction Works
- 9.3 Tender Report For Contract CM26.036 Benalla Art Gallery Redevelopment
- 9.4 Confidential Reports by Councillors
- 9.5 Confidential Council Actions Pending

**Cr King / Cr Blore:**

**That the meeting be closed to the public in accordance with Sections 3(1) and Section 66(2)(a) of the *Local Government Act 2020* for the following items:**

- 9.1 Proposed Tender Variation report for Contract CM26.025 Shoulder Re-construction and Sealing Works on Various Roads Within Benalla Rural City Program 2025/26

Item 9.1 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

- 9.2 Tender Report For Contract CM26.022 Benalla Landfill Cell 3 Stage 3B Construction Works

Item 9.2 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

- 9.3 Tender Report For Contract CM26.036 Benalla Art Gallery Redevelopment

Item 9.3 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

- 9.4 Confidential Reports by Councillors

Item 9.4 is confidential under the *Local Government Act 2020* as it contains information relating to council business information, being information that council prejudice Council's position.

- 9.5 Confidential Council Actions Pending

Item 9.5 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

**Carried**

The meeting was closed to the public at 6.36pm.



### **9.1 Proposed Tender Variation Report for Contract CM26.025 Shoulder Re-construction and Sealing Works on Various Roads Within Benalla Rural City Program 2025/26**

The report provided details of a proposed variation to Contract *CM26.025 Shoulder Re-construction and Sealing Works on Various Roads within Benalla Rural City, DRFA Program 2025/26*.

**Cr Blore / Cr Davis:**

The motion for item 9.1 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

**Carried**

### **9.2 Tender Report For Contract CM26.022 Benalla Landfill Cell 3 Stage 3B Construction Works**

The report considered tenders submitted for contact *CM26.022 Benalla Landfill Cell 3 Stage 3B Construction Works*.

**Cr Blore / Cr King:**

The motion for item 9.2 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

**Carried**

### **9.3 Tender Report For Contract CM26.036 Benalla Art Gallery Redevelopment Works**

The report presented a summary of the evaluation of tenders received for Contract *CM26.036 Benalla Art Gallery Redevelopment Works*.

**Cr King / Cr Blore:**

The motion for item 9.3 is confidential under the *Local Government Act 2020* as it contains information relating to private commercial information.

**Carried**

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

No confidential reports were presented from Councillors.

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

Confidential Council Actions Pending were presented.

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

**Carried**

## 10. Reopening of the meeting to the public

**Cr Gunaratne / Cr Davis:**

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

**Carried**


The meeting was reopened to the public at 7.59pm.

## Closure of the meeting

The meeting closed at 7.59pm.

The minutes were confirmed on the fourth day of March 2026.

Signed: \_\_\_\_\_



**Mayor Cr Bernie Hearn**