

Benalla Rural City Council

Finance and Planning Committee

Minutes

Date: Wednesday 27 August 2025

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

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Minutes

Chair	Councillor Peter Davis
Councillors	Councillor Bernie Hearn (Mayor)
	Councillor Justin King (Deputy Mayor)
	Councillor David Blore
	Councillor Jillian Merkel
	Councillor Nathan Tolliday

Electronic Attendance Councillor Puna Hewa Gunaratne

In attendance	Peter Keane	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	Joel Ingham	Planning Coordinator
	Wayne Rich	Compliance Coordinator
	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.

Governance Matters

The Committee 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 Committee Meeting was livestreamed via the Council's website. 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**



Disclosures of Conflict of Interest

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 King / Cr Tolliday:

That the Minutes of the Finance and Planning Committee meeting held on 23 July 2025 be confirmed as a true and accurate record of the meeting.

Carried

Business

Cr Hearn / Cr King:

That standing orders be suspended to extend our thoughts and prayers to the two police officers who lost their lives yesterday, in the line of duty at Porepunkah.

Carried

Standing orders were suspended at 6.03pm.

The Chair read the following statement:

'We extend our heartfelt thoughts and prayers to the families of the two police officers who tragically lost their lives in the line of duty at Porepunkah yesterday.

Our thoughts are with their loved ones, their colleagues, the Alpine community and all others affected during this incredibly difficult time.

We value and extend our great appreciation for the Victorian Emergency Services who represent us daily.

Benalla Rural City Council and our community are with you during this difficult time.

Thank you.'

Cr Hearn / Cr King:

That standing orders resume.

Carried

Standing orders resumed at 6.05pm.



1. Planning Permit Application For The Use And Development Of The Land For Extractive Industry (Sand Mine) At 223 Cooper Road And 1726 Dookie-Devenish Road, Devenish

The report assessed a planning application received for extractive industry at 223 Cooper Road Devenish and 1726 Dookie-Devenish Road, Devenish.

It is noted that the following persons requested to speak on the item:

- Ken Whiteman spoke in support of the planning permit application.
- Nick Malkin spoke in support of the planning permit application.
- June Howard spoke against the planning permit application.
- Julie Emmanuel spoke against the planning permit application.

Cr Hearn / Cr Tolliday:

That an extension of three minutes be granted to Ken Whiteman.

Carried

Cr Merkel / Cr Blore:

That an extension of three minutes be granted to June Howard.

Carried

Cr King / Cr Blore:

That an extension of three minutes be granted to June Howard.

Carried

Cr King / Cr Tolliday:

That an extension of three minutes be granted to Julie Emmanuel.

Carried

Cr Hearn / Cr King:

That Council having caused notice of Planning Application No. P064-25 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as 223 Cooper Road and 1726 Dookie Devenish Road, Devenish for the use and development of land for extractive industry in accordance with the plans as lodged with the application dated 28 March 2025 and subject to the following grounds:

- 1. The proposal is contrary to purposes of the Rural Living Zone, including:**
 - a. removing the land and surrounding land from potential residential use**
 - b. removing the land from agricultural use**
 - c. failure to protect landscape**
 - d. failing to make provision for sustainable land use practice.**



2. The proposal is inconsistent with and will adversely impact the current and future development of the township of Devenish.
3. The proposal is inadequately setback from existing and future, incompatible uses and development, to the proposed mineral extraction.
4. The noise from the development and use combined with inadequate setbacks is likely to have material adverse impact on nearby residential uses.
5. The dust from the development and use combined with inadequate setback is likely to have material adverse impact on conflicting residential and other uses.
6. The proposal is contrary to the purposes of the Farming Zone and agricultural policy broadly in its inappropriate removal of agricultural land.
7. The proposal represents the likely first in a series of proposals in time for the extraction of the resource on this and adjoining (commonly owned or controlled land) and should be considered in the potential development context. It is inappropriate that the application has been deliberating sized to fall precisely at the maximum level of extraction to avoid the proper assessment and development measures associated with a work authority under the *Mineral Resources (Sustainable Development) Act 1990*.

Carried

2. Planning Application To Construct And Display An Electronic Promotion Sign At 26 Bridge Street, Benalla

The report assessed a planning application received to construct and display an electronic promotion sign at 26 Bridge Street East, Benalla.

It is noted that the Luke Course spoke in support of the planning application.

Cr King / Cr Hearn:

That an extension of three minutes be granted to Luke Course.

Carried

Cr Blore / Cr King:

That Council having caused notice of Planning Application No. P012-25 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse a Permit under the provision of the Benalla Planning Scheme in respect of the land known and described as 26 Bridge Street East, Benalla for the erection and display of an electronic promotion sign subject to the following grounds:

1. The proposed sign does not meet the Municipal Planning Strategy including Clause 02.02-5 of the Benalla Planning Scheme as it will have a detrimental impact upon views from Lake Benalla.
2. The proposed sign does not meet the objective of Clause 11.03-1L of the Benalla Planning Scheme as it will have a detrimental impact upon the nearby landmark building at the intersection of Bridge Street East and Nunn Street Benalla.

3. The proposed sign does not meet the objective of Clause 12.05-2S of the Benalla Planning Scheme as it will have a detrimental impact upon nearby parkland.
4. The proposed sign does not meet the objective of Clause 15.01-1S of the Benalla Planning Scheme as it will have a detrimental impact on amenity, the natural and built environment.
5. The proposed sign does not meet the objective of Clause 15.01.1S of the Benalla Planning Scheme as it does not promote good urban design along the abutting transport corridor.
6. The proposed sign does not meet the objective of Clause 15.01-5S of the Benalla Planning Scheme as it will have a detrimental impact on the character of the Benalla town centre.
7. The proposed sign does not accord with the requirements of the Design and Development Overlay Schedule 6 in the Benalla Planning Scheme as it does not integrate with the architectural style and character of the building and streetscape.
8. The proposed sign does not accord with the requirements of the Design and Development Overlay Schedule 6 in the Benalla Planning Scheme as it will have a marked impact on the adjacent heritage buildings and conservation area in general.
9. The proposed sign does not meet the purpose Clause 52.05 of the Benalla Planning Scheme as it is not compatible with the existing or desired future character and will adversely affect both the natural and built environment.

Carried

A division of the vote was called.

Votes recorded in favour of the motion:

Cr Bernie Hearn (Mayor)
Cr Justin King (Deputy Mayor)
Cr Puna Hewa Gunaratne
Cr David Blore
Cr Jillian Merkel

Votes recorded against the motion:

Cr Nathan Tolliday

The motion was **carried**.



3. Planning Permit Application for Buildings and Works to the Existing Office Building at 18 Bridge Street East, Benalla

The report discussed the planning application received for buildings and works at 26 Bridge Street East, Benalla to replace the door and window and repaint a section of the front façade.

Cr Hearn / Cr Merkel:

- 1. That the report be noted.**
- 2. That a report on Planning Permit Application for Buildings and Works to the Existing Office Building at 18 Bridge Street East, Benalla be presented to the Finance and Planning Committee meeting on Wednesday 10 December 2025.**

Carried

4. Building and Planning Approvals – July 2025

The report detailed planning permit applications and building approvals for July 2025.

Cr King / Cr Blore:

That the report be noted.

Carried

5. Draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029*

The report presented for consideration the draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029*.

Cr Hearn / Cr Merkel:

That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve that the draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029* be endorsed and placed on public exhibition for a period of at least 28 days.

Carried



6. Appointment Of A Council Representative To The *Heritage Advisory Working Group*

The report discussed the appointment of a Council Representative to the *Heritage Advisory Working Group*.

Cr Tolliday / Cr Gunaratne:

That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve that Cr David Blore be appointed as the Council representative on the *Heritage Advisory Working Group* for the balance of the 2024/25 Council Year.

Motion lost

Cr King / Cr Merkel:

That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve that Cr Bernie Hearn be appointed as the Council representative on the *Heritage Advisory Working Group* for the balance of the 2024/25 Council Year.

Carried

A division of the vote was called.

Votes recorded in favour of the motion:

Cr Bernie Hearn (Mayor)

Cr Justin King (Deputy Mayor)

Cr Puna Hewa Gunaratne

Cr David Blore

Cr Jillian Merkel

Cr Peter Davis

Votes recorded against the motion:

Cr Nathan Tolliday

The motion was **carried**.

7. 2025/26 Quick Response Grants Program

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

Cr Blore / Cr Hearn:

That \$750 grants from the 2025/2026 Quick Response Grant program be awarded to the Tatong Market and More Inc and to Benalla and District Preschool Partnership - Bernard Briggs Kindergarten.

Carried



8. Benalla Street Art Festival Advisory Committee Terms of Reference

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

Cr Blore / Cr King:

That the *Benalla Street Art Festival Advisory Committee Terms of Reference – August 2025* be adopted.

Carried

9. Economic Development And Sustainability Department Activity Report For The Quarter Ended 30 June 2025

The report presented the activity of the Economic Development and Sustainability Department for the quarter ending 30 June 2025.

Cr Tolliday / Cr Merkel:

That the report be noted.

Carried

10. Finance Department Activity Report For The Quarter Ended 30 June 2025

The report presented an overview of the functions of the Finance Department for the quarter ended 30 June 2025.

Cr King / Cr Tolliday:

That the report be noted.

Carried

11. Urgent Business

No urgent business was submitted to the meeting.



Closure of Meeting

The meeting closed at 8pm.

The minutes were confirmed on the first day of October 2025.

Signed:  _____
Cr Peter Davis – Chair