

Benalla Rural City Council

Council Meeting

Agenda

Date: Wednesday 17 December 2025

Time: 6pm

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

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Agenda

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Justin King (Deputy Mayor)

Councillor David Blore

Councillor Peter Davis

Councillor Puna Hewa Gunaratne

Councillor Jillian Merkel

Councillor Nathan Tolliday

Councillor Elect Vince Branigan

In attendance 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 will open the meeting and recite 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

Recommendation:

That the apology/ies be accepted.

Governance Matters

This Council Meeting is conducted in accordance with the *Local Government Act 2020* and the Benalla Rural City Council *Governance Rules 2020*.

Question Time and Public Submissions

Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning the Governance Coordinator Jess Pendergast on (03) 5760 2600.

Recording of Council Meetings

In accordance with Rule 6.4 of the *Governance Rules 2020* the Council Meeting will be livestreamed via the Council's website and an audio recording will be made of the proceedings and made available for public access, with the exception of matters identified as confidential items in the agenda.

Members of the public can watch the live broadcast of the meeting at www.benalla.vic.gov.au

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.

Confirmation of the Minutes of the Previous Meeting

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Recommendation:

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

1. Public Question Time

The Council's *Governance Rules 2020* provide the opportunity for members of the public to lodge written questions of broad interest to the Council and the community.

Questions of the Council will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the *Local Government Act 2020* (the Act).

A question may be on any matter except if it:

- is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- relates to confidential information as defined under the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

No more than two questions will be accepted from any person at any one meeting. All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

Like questions may be grouped together and a single answer provided. The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.

Recommendation:

That the question(s) and answer(s) be noted.

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 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 10 December 2025 be adopted.

Recommendations of the Finance and Planning Committee meeting held on Wednesday 10 December 2025

1. Planning Permit Application For Building 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 King:

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 25 March 2026.

Carried

2. Building and Planning Approvals – October 2025

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

Cr Gunaratne / Cr Merkel:

That the report be noted.

Carried

3. 2025/2026 Major Events Grant Program

The report presented a funding application for the 2025/26 Major Event Funding Program.

Cr King / Cr Davis:

That the Finance and Planning Committee, acting under its delegated authority of the Council allocates \$2,000 grants from the 2025/26 Major Event Funding program to the Benalla Lawn Tennis and Croquet Club and the Molyullah Recreation and Public Hall Reserve Committee.

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 are attached as **Appendix 1**.

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

November 2025

6 November	Benalla Indoor Recreation Centre Redevelopment Project Steering Committee
10 November	Benalla Street Art Advisory Committee
12 November	Assembly of Councillors – Business Review

Recommendation:

That the report be noted.

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Record of Assemblies of Councillors, Advisory and External Committees

November 2025

Benalla Indoor Recreation Centre (BIRC) Redevelopment Project Steering Committee

Midday Thursday 6 November 2025, Civic Centre (Council Meeting Room), 13 Mair Street, Benalla.

Chair:	Adrian Gasperoni	Manager Assets and Infrastructure
Committee:	Cr Bernie Hearn (Mayor)	Councillor Representative
	Cr Peter Davis	Councillor Representative
	Wally Armstrong	Benalla Basketball Association
	Noel Baumgarten	Community Member
	David Booth	Community Infrastructure and Place, Sport and Recreation Victoria
	David Huxtable	Basketball Victoria
	Tom O'Connor	Basketball Victoria
	Terry Nowland	BIRC Committee of Management
	Simone Sammon	Community Member
	Jenny Sloan	Community Infrastructure and Place, Sport and Recreation Victoria
In attendance:	Peter Keane	Chief Executive Officer
	Tom Arnold	Community Development and Recreation Coordinator
	Dean Steegstra	Open Space Coordinator
	Laura Benson	Browns Project Solutions
	Bree Glass	Administration Officer

Apologies: Peter Muhlebach and David Booth**Conflicts of Interest disclosed:** Nil**Items discussed:**

1. Project Opportunities
2. Project Design and Community Consultation
3. Key decisions and milestones
4. Information Sharing
5. Actions

Benalla Street Art Advisory Committee

5.30pm Monday 10 November 2025, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair	Ian Gonzaga	Community Representative
Committee	Cr Jillian Merkel	Councillor Representative
	Joyce Clarke	Community Representative
	Alex Ross	Community Representative
	Raelene Stratton	Community Representative
In attendance	Courtney Naughton	Manager Economic Development and Sustainability
	Alison Angus	Visitor Economy Coordinator
	Simon Grant	Curator
	Catherine Macmillian	Business Development Coordinator
	Sara Bowie	Administration Officer

Apologies: Cr Jillian Merkel and Raelene Stratton

Conflicts of Interest disclosed: Nil

Items discussed:

1. Curator Presentation
2. Sponsorship and Grant Applications Update
3. Visit Victoria Funding Update
4. Website Update
5. Program Update
6. Social Media and Marketing
7. Event Production Update
8. Mascot Presentation
9. General Business

Assembly of Councillors – Business Review

6pm Wednesday 12 November 2025, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Justin King (Deputy Mayor)

Councillor David Blore

Councillor Peter Davis

Councillor Puna Hewa Gunaratne

Councillor Jillian Merkel

In attendance Peter Keane Chief Executive Officer

Robert Barber General Manager Corporate

Tom Arnold Community Development and Recreation Coordinator

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Presentation: Lightsource bp
2. Fawckner Drive Precinct Project Update

Officer Reports

4.1 Swearing in of a Councillor

Ref: 1138149297-12149
Peter Keane – Chief Executive Officer

REGULATIONS

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 oath or affirmation of office must be administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer, and recorded in the minutes.

1. 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.
2. The oath or affirmation of office must be—
 - a. administered by the Chief Executive Officer; and
 - b. dated and signed before the Chief Executive Officer; and
 - c. recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

It is an offence under section 38 of the Act to act as a Councillor while unqualified to do so.

The office of a Councillor becomes vacant if a person elected to be a Councillor does not take the oath or affirmation of office within three months after the day on which the person was declared elected.

In accordance with section 7 of the *Oaths and Affirmations Act 2018*, a person who is required to take an oath may choose whether to take an oath or to make an affirmation.

TAKING THE OATH/AFFIRMATION OF OFFICE

The following oath of office is to be taken by councillor elect Vince Branigan. No substitute wording is 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."

Following the oath of office all 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 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.

PURPOSE OF REPORT

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

BACKGROUND

An extraordinary vacancy occurred within Benalla Rural City Council due to the resignation of Councillor Nathan Tolliday on Wednesday 29 October 2025.

In accordance with the *Local Government Act 2020* (the Act), as there was more than one unsuccessful candidate from the 2024 general election, the Victorian Electoral Commission (VEC) is required to conduct a countback to fill the extraordinary vacancy.

Councillor vacancies are filled through a countback of the formal ballot papers cast at the last general election in October 2024. Votes are redistributed to candidates who were unsuccessful at that general election, and who remain eligible to participate in the countback, to fill the extraordinary vacancy.

DISCUSSION

The VEC hosted the countback online via webinar from 10.30am on Wednesday 3 December 2025. Interested parties were invited to observe the countback by visiting vec.vic.gov.au

The countback included eight unsuccessful candidates who were still eligible for election.

Vince Branigan was the successful candidate following the VEC countback of votes from the October 2024 general election.

Election manager, Anju Mehta, declared the result at 4pm on Thursday 4 December 2025 with the election results displayed in Table 1 below:

Table 1 – Benalla Rural City Council Countback Result

Vacancy:	29 October 2025
Countback:	3 December 2025
Vacated:	Nathan Tolliday
Elected:	Vince Branigan

FINANCIAL IMPLICATIONS

The VEC charged the Council \$1,535.56, primarily advertising costs, to conduct the Countback.

Recommendation:
That the report be noted.

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4.3 Planning Scheme Amendment C45bena – Benalla Planning Scheme Review

Ref: 171377025-42788

Joel Ingham – Planning Coordinator

Nilesh Singh – Manager Development

PURPOSE OF REPORT

This report addresses 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.

BACKGROUND

Planning Scheme Amendment C45bena implements the findings of the *Benalla Planning Scheme Review Report* completed in 2022.

A report was presented to Council on 19 March 2025 which provided background to the *Benalla Planning Scheme Review Report*, together with the amendments proposed by Planning Scheme Amendment C45bena. Council resolved to:

1. *Request under Section 8A(4) of the Planning and Environment Act 1987 that the Minister for Planning authorise Benalla Rural City Council to prepare Amendment C45bena to the Benalla Planning Scheme.*
2. *Request under Section 20(1) of the Planning and Environment Act 1987 that the Minister for Planning exempt Benalla Rural City Council from the requirements of Section 19 of the Planning and Environment Act 1987 and per the power under Section 20(2) of the Planning and Environment Act 1987, limit notification of the amendment to only prescribed Ministers and referral authorities for a period of 14 days.*
3. *When authorised by the Minister for Planning, exhibit Amendment C45bena to the Benalla Planning Scheme in accordance with the Minister's instructions and conditions.*

The Minister for Planning provided authorisation for C45bena on 29 August 2025, subject to the removal of any amendment changes proposed to the Schedule to Clause 35.03 Rural Living Zone as the Department did not consider the changes to be policy neutral.

Consent was also given on 1 September 2025 to limit notification of the Amendment to only prescribed Ministers, referral authorities and a notice in the Government Gazette, though for a period of 28 days.

These changes were made, and the Amendment was exhibited between the 23 October 2025 and 24 November 2025, in accordance with Section 20 of the *Planning and Environment Act 1987*.

Two submissions prompted changes to the Amendment, which have been implemented. As a result of this there will be no need to refer the amendment to a Planning Panel. The Council can complete its assessment and duties under the *Planning and Environment Act 1987*.

DISCUSSION

Amendments proposed by C45bena

The amendment:

- Clarifies and improves the style, format, language and grammatical form of local policy to ensure it aligns with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes*.

- Adjusts the structure of local content to ensure it aligns with the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Updates department names, document references, terminology and statistical data.
- Updates the Municipal Planning Strategy (MPS) at Clause 02.01 to include appropriate recognition of the Traditional Owners of the land in which the Benalla Rural City Council sits and updates demographic information with the latest ABS data.
- Updates the MPS at Clause 02.02 to include reference to the most recently adopted Council Plan.
- Introduces factual content from the *Benalla Environment Strategy 2016 – 2020* to provide context to Clause 02.03-2 and Clause 02.03-3.
- Introduces factual content from the *Yorta Yorta Whole-of-Country Plan 2021-2030* and *Taungurung Country Plan 2016* to provide context to Clause 02.03-5.
- Removes or updates references to outdated content.
- Updates the Zone and Overlays schedules to Clauses 37.01, 42.01, 42.02, 42.03 and 43.02 to update language and content of *A Practitioner's Guide to Victorian Planning Schemes* and *Ministerial Direction on the Form and Content of Planning Schemes*.
- Updates the schedule to Clause 72.08 to update the table containing background documents to include policy documents that have been considered as part of the Planning Scheme Review and used to update the scheme.
- Updates the schedule to Clause 74.02 Further Strategic Work to prioritise council's strategic work program based on the findings of the Review.

Specific Amendment details are included in the C45bena Explanatory Report attached as **Appendix 1**.

It does not include the rezoning of any land, or the application of any new overlays, or material changes to planning policies.

Exhibition of Amendment

In accordance with the Minister's exemption, notice of the Amendment was sent via email to the following Prescribed Ministers and Referral Authorities.

Prescribed Ministers:

- Minister for Environment
- Minister for Water
- Minister for Energy and Resources
- Minister for Agriculture
- Minister for Outdoor Recreation

Referral Authorities:

- CFA/Fire Safety Referrals
- Department of Transport and Planning
- Environment Protection Authority (EPA) Victoria
- Goulburn Broken Catchment Management Authority
- VicTrack

- Heritage Victoria
- APA Group
- Department of Energy, Environment and Climate Action (DEECA)
- Earth and Energy Resources
- Goulburn Murray Water
- North East Water
- AusNet
- Agriculture Victoria

A notice was also placed in the Government Gazette on 23 October 2025.

Submissions Received

Nine submissions were received and are displayed in Table 1.

Table 1 – Submissions Received

No.	Submitter	Date Received	Submission
1.	Environment Protection Authority (EPA) Victoria	28/10/2025	As Council have confirmed that Ministerial Direction 19 is not triggered by C45bena, EPA Development Advisory Unit will not be providing a response.
2.	Head Transport for Victoria	11/11/2025	The Benalla Central Business Areas Car Parking Precinct Plan (2011) should be reviewed prior to inclusion as a background document. The document was completed in 2011 and the relevance of the content needs to be considered, including: a) The growing focus on active transport, and how this can impact on parking requirements. b) A more comprehensive discussion of activity in the city centre as well as parking demand to develop a space allocation forward plan.
3.	Head Transport for Victoria	24/11/2025	If the reference to the Benalla CBA Car Parking Precinct Plan (2011) is removed from proposed Planning Scheme Amendment C45bena, the Head, Transport for Victoria would have no objection to the Planning Scheme Amendment C45bena.
4.	The Department of Energy, Environment and Climate Action (DEECA)	24/11/2025	DEECA wishes to advise that it supports the proposed amendments, however DEECA suggests the following: In document Benalla C45bena 43.02_Bena schedule 5 Design and Development Overlay track changes Exhibition Gazetted, 6.0 Decision guidelines, it still refers to the Department of Environment, Land, Water and Planning (DELWP). This should be updated to refer to the Department of Energy, Environment and Climate Action, as done in Benalla C45bena 42.03_bena Schedule 1 Significant Landscape Overlay track changes Exhibition Gazetted at 3.0 Permit requirement where it refers to the Department of Natural Resources and Environment (NRE). Both DELWP and NRE being predecessors of DEECA.

No.	Submitter	Date Received	Submission
5.	North East Water (NEW)	24/11/2025	NEW supports the proposed policy changes that update and streamline the current Planning Scheme policy wording.
6.	Goulburn Murray Water (GMW)	26/11/2025	GMW have no objection to Planning Scheme Amendment C45bena.
7.	Australian Gas Network	20/11/2025	Australian Gas Networks has no objection to the proposed C45bena to the Benalla Planning Scheme. The changes identified in the amendment application are satisfactory and do not hinder gas pipeline operation and supply to the region.
8.	Goulburn Broken Catchment Management Authority	24/11/2025	The Goulburn Broken Catchment Management Authority raise no objections to the proposed planning scheme amendment.
9.	APA Group Victorian Transmission System (VTS)	14/11/2025	APA VTS does not object to the proposed amendment.

Consideration of Submissions

The following sections of the *Planning and Environment Act 1987* guide Council's considerations of the submissions received:

- **Section 21:** Any person may make a submission to the planning authority about an amendment if notice of that amendment has been given. A submission may support, oppose or seek changes to an amendment. A submission must not request a change to the terms of any state standard provision to be included in a planning scheme by the amendment. A submission can, however, request that a state standard provision be included in or deleted from the scheme.
- **Section 21(2):** The planning authority must make a copy of every submission available in accordance with the public availability requirements for two months after the amendment comes into operation or lapses.
- **Section 22(2):** It is important that submissions be lodged within the public exhibition period, however a planning authority may consider a submission received after the period stated in the notice. If the authority has not advanced very far in its considerations and a submission is received shortly after the closing date, the submission should normally be considered.
- **Section 21(5), 22-23, 23A(2):** A planning authority must consider each submission but must not consider a submission that requests a change to the terms of a state standard provision or a submission that requests a change to any:
 - land credit amount or land equalisation amount specified in an infrastructure contributions plan that is to be incorporated into a planning scheme by the amendment; or
 - estimate of the value of public purpose land on which the amounts referred to in the first dot point are based.

It can, however, consider a submission that requests that a state standard provision be included in or deleted from the scheme.

- **Section 23(1):** After considering a submission that requests a change to an amendment, the planning authority must:
 - change the amendment in the manner requested; or
 - refer the submission to a panel; or
 - abandon the amendment or part of the amendment.

Several submissions provided useful background information that Council should consider in its next Planning Scheme Review and other strategic planning projects.

Continuing to build ongoing relationships with these authorities will assist with projects longer term.

The submissions received from Head, Transport for Victoria and Department of Energy, Environment and Climate Action (DEECA) requested changes to the amendment. These are considered below.

Table 2 – Consideration of Submissions

Authority	Submission	Consideration	Action
Head, Transport for Victoria	<p>The Benalla Central Business Area Car Parking Precinct Plan (2011) should be reviewed prior to inclusion as a background document. The document was completed in 2011, and the relevance of the content needs to be considered, including:</p> <ul style="list-style-type: none"> a) The growing focus on active transport, and how this can impact on parking requirements. b) A more comprehensive discussion of activity in the city centre as well as parking demand to develop a space allocation forward plan. 	<p>The Benalla Central Business Area Car Parking Precinct Plan (2011) is a dated document and should be removed from the Amendment.</p> <p>It was proposed as a Background Document to the Planning Scheme at Clause 72.08, and therefore has limited statutory weight.</p> <p>It would be more appropriate to remove this reference and include the issue in the next Planning Scheme Review for further consideration.</p>	Remove the Benalla Central Business Area Car Parking Precinct Plan (2011) from Clause 72.08.
Department of Energy, Environment and Climate Action (DEECA)	<p>In document Benalla C45bena 43.02_Bena schedule 5 Design and Development Overlay track changes Exhibition Gazetted, 6.0 Decision guidelines, it still refers to the Department of Environment, Land, Water and Planning (DELWP). This should be updated to refer to the Department of Energy, Environment and Climate Action, as done in Benalla C45bena 42.03_bena Schedule 1 Significant Landscape Overlay track changes Exhibition Gazetted at 3.0 Permit requirement where it refers to the Department of Natural Resources and Environment (NRE). Both DELWP and NRE being predecessors of DEECA.</p>	<p>The reference to DELWP in Clause 43.02 Schedule 5 is an oversight and should be amended to DEECA as requested and as otherwise adopted through C45bena.</p>	Update reference in Clause 43.02 Schedule 5.

C45bena has been updated in accordance with these two actions.

In accordance with Sections 22 and 23 of the *Planning and Environment Act 1987* therefore, all submissions that sought a change to the Amendment have been accepted by the planning authority, and there are no submissions to refer to an independent panel appointed by the Minister.

Adoption of Amendment

In accordance with Section 29 of the *Planning and Environment Act 1987*, a planning authority can adopt an amendment, or part of it, with or without changes.

Changes may be made as a result of the authority's initial consideration of submissions, the panel's recommendations or for other reasons considered relevant. The changes recommended and included in C45bena are noted in the table above.

In accordance with Ministerial Direction 15 'The Planning Scheme Amendment Process', if no submissions are referred to a Panel, a planning authority must make a decision to adopt an amendment under section 29 of the Act within 60 business days of the closing date for submissions (e.g. 20 February 2026).

Adoption of an amendment cannot be delegated to officers. It must be by resolution of the planning authority and recorded in its minutes or reports. A copy of the resolution, or evidence of it, should be attached to the adopted amendment.

Once the planning authority has adopted the amendment, it must be submitted to the Minister for Planning for approval. A planning authority does not have the capacity to change its mind once it has adopted the amendment. It must submit the amendment as adopted to the Minister.

Ministerial Direction 15 requires an amendment to be submitted to the Minister within 10 business days of when the amendment was adopted.

The adopted amendment must be submitted to the Minister with supporting information, a copy of the planning authority resolution to adopt the amendment, and the prescribed fee (\$546.30).

***COUNCIL PLAN 2025-2029* IMPLICATIONS**

Community

- *A connected, involved and inclusive community.*

Economy

- *Sustainable growth.*

Liveability

- *Vibrant public spaces and places.*
- *Connected and accessible roads, footpaths, transport and parking.*

Leadership

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

The Minister exempted the Amendment from needing to be publicly exhibited given on the basis that it implements the recommendations of the Benalla Planning Scheme Review that are administrative in nature.

Notice of the amendment was given to Prescribed Ministers and referral authorities.

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none">▪ Report presented at a Council Meeting▪ Report published on the Council's website.

FINANCIAL IMPLICATIONS

The amendment is not anticipated to have any significant impact upon the Council resources given Regional Planning Hub have prepared the majority of the amendment documentation required. Staff time has been expended to date and further work from here will be limited.

The prescribed fee of \$546.30 must be paid to the Minister for its consideration of a request to approve the amendment in accordance with section 35 of the Act, and for the giving notice of approval of the amendment in accordance with section 36(1) of the Act.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006*, *Gender Equality Act 2020* and the duties required of a planning authority under the *Planning and Environment Act 1987*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

Amendment C45bena has been exhibited and all recommendations requiring changes made by the submitters will be incorporated into the amendment. The proposed changes by the submitters are considered to be minor and policy neutral.

As such a planning panel will not be required to hear submissions and it is recommended that the Council adopt the amendment which will then be submitted to the Minister for Planning for approval.

Recommendation:

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.**

Planning and Environment Act 1987

Benalla Planning Scheme

Amendment C45bena

Explanatory Report

Overview

The amendment implements the findings and recommendations of the *Benalla Planning Scheme Review* (2023). This review was completed by Benalla Rural City Council and forwarded to the Minister for Planning in March 2023. The review was prepared to meet the requirements of Section 12B of the *Planning and Environment Act 1987*.

The resulting review makes a number of recommendations to improve the overall performance of the Benalla Planning Scheme. The amendment implements those recommendations of the review that are administrative in nature and where the intended effect of the respective clause is not changed.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following place:

- Benalla Rural City Customer Service Centre, 1 Bridge Street East Benalla

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by **Monday 17 November 2025**.

A submission must be sent to:

Benalla Rural City Council

Via email: council@benalla.vic.gov.au

Subject line: Submission to Planning Scheme Amendment C45bena

Or

Via mail:

Strategic Planning – Planning Scheme Amendment C45bena

Benalla Rural City Council

PO Box 227, Benalla VIC 3671

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: week of 2 February 2026.
- Panel hearing: week of 9 March 2026.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Benalla Rural City Council who is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to all land in the Benalla Rural City.

What the amendment does

The amendment implements the findings and recommendations of the *Benalla Planning Scheme Review* (2023). The review, prepared to meet the requirements of Section 12B of the *Planning and Environment Act 1987* (the Act), was completed by Council and forwarded to the Minister for Planning in March 2023.

The amendment:

- Clarifies and improves the style, format, language and grammatical form of local policy to ensure it aligns with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes*.
- Adjusts the structure of local content to ensure it aligns with the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Updates department names, document references, terminology and statistical data.
- Updates the Municipal Planning Strategy (MPS) at Clause 02.01 to include appropriate recognition of the Traditional Owners of the land in which the Benalla Rural City Council sits and updates demographic information with the latest ABS data.
- Updates the MPS at Clause 02.02 to include reference to the most recently adopted Council Plan.
- Introduces factual content from the *Benalla Environment Strategy 2016 – 2020* to provide context to Clause 02.03-2 and Clause 02.03-3.

- Introduces factual content from the *Yorta Yorta Whole-of-Country Plan 2021-2030* and *Taungurung Country Plan, 2016* to provide context to Clause 02.03-5.
- Removes or updates references to outdated content.
- Updates the Zone and Overlays schedules to Clauses 37.01, 42.01, 42.02, 42.03 and 43.02 to update language and content of *A Practitioner's Guide to Victorian Planning Schemes* and *Ministerial Direction on the Form and Content of Planning Schemes*.
- Updates the schedule to Clause 72.08 to update the table containing background documents to include policy documents that have been considered as part of the Planning Scheme Review, and used to update the scheme.
- Updates the schedule to Clause 74.02 Further Strategic Work to prioritise council's strategic work program based on the findings of the Review.

Specifically, the amendment proposes to make changes to the following local sections of the Benalla Planning Scheme (BPS):

Benalla Planning Scheme	Description of change
Purpose and Vision	
Clause 02.01	Amends Clause 02.01 to update the context to appropriately recognise the Traditional Owners of the land in which Benalla Rural City Council sits, and to update the context with the most recent population and demographic data from the Australian Bureau of Statistics.
Clause 02.02	Amends Clause 02.02 to update the vision to reflect the most recently adopted Council Plan.
Clause 02.03	<p>Amends Clause 02.03-1 <i>Settlement</i> to update factual text such as 2021 Census data.</p> <p>Amends Clause 02.03-2 Environmental and landscape values to insert factual context from the Benalla Environment Strategy 2016 – 2020.</p> <p>Amends Clause 02.03-3 Environmental risks and amenity to introduce a strategic direction from the Benalla Environment Strategy 2016 – 2020.</p> <p>Amends Clause 02.03-4 Natural resource management to remove repetitive content to improve clarity.</p> <p>Amends Clause 02.03-5 <i>Built environment and heritage</i> to introduce factual context from <i>Yorta Yorta Whole-of-Country Plan 2021-2030</i> and <i>Taungurung Country Plan, 2016</i>.</p> <p>Amends 02.03-7 <i>Economic development</i> to introduce a strategic direction from the <i>Benalla Environment Strategy 2016 – 2020</i> and remove repetitive content to improve clarity.</p> <p>Amends 02.03-9 <i>Infrastructure</i> to improve content clarity.</p>

Planning Policy Framework	
Settlement	
Clause 11.03-1L	<p>Amends Clause 11.03-1L <i>Benalla Central Business District</i> to:</p> <ul style="list-style-type: none"> • Update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. • Introduce strategic directions from <i>Benalla Rural City Community Plan 2016 – 2036</i>.
Environmental and Landscape Values	
Clause 12.03-1L	<p>Amends Clause 12.03-1L <i>Lake Benalla Environs</i> to update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Environmental Risks and Amenity	
Clause 13.04-2L	<p>Amends Clause 13.04-2L <i>Soil degradation</i> to update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Natural Resource Management	
Clause 14.01-1L	<p>Amends Clause 14.01-1L <i>Rural dwellings and subdivision policy</i> to update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Clause 14.02-1L	<p>Amends Clause 14.02-1L <i>Catchment planning and management</i> to:</p> <ul style="list-style-type: none"> • Update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. • Update expression of strategic direction in accordance with <i>A Practitioner's Guide to Victorian Planning Schemes</i>.
Built Environment and Heritage	
Clause 15.01-6L	<p>Amends Clause 15.01-6L <i>Rural design</i> to update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Economic Development	
Clause 17.03-2L	<p>Amends Clause 17.03-2L <i>Sustainable industry siting</i> to:</p> <ul style="list-style-type: none"> • Update Clause title in accordance <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. • Update expression of strategic direction in accordance with <i>A Practitioner's Guide to Victorian Planning Schemes</i>.
Transport	
Clause 18.01-1L	<p>Inserts new Clause at 18.01-1L <i>Land use and transport integration – Benalla</i> relocated from 18.01-2L.</p>

Clause 18.01-2L	<p>Amends Clause 18.01-2L <i>Transport system</i> to:</p> <ul style="list-style-type: none"> • Update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. • Relocate three strategic directions to new Clause at 18.01-1L. • Insert strategic directions from <i>Benalla Rural City Community Plan 2016 – 2036</i>.
Clause 18.02-7L	<p>Amends Clause at 18.02-7L <i>Benalla Aerodrome</i> to update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Infrastructure	
Clause 19.02-6L	<p>Inserts new Clause at 19.02-6L <i>Public spaces and places – Benalla</i> to introduce an objective and two strategic directions from the Council Plan.</p>
Clause 19.03-2L	<p>Amends Clause 19.03-2L <i>Infrastructure design and provision</i> to update Clause title in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Zones	
Clause 37.01 (SUZ)	<p>Amends Schedule 1 to Clause 37.01 to:</p> <ul style="list-style-type: none"> • Update the purpose to remove duplication, consolidate content in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. • Update content in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. <p>Amends Schedule 3 to Clause 37.01 to:</p> <ul style="list-style-type: none"> • Update the purpose to remove duplication, consolidate content in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>. • Update content in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.
Overlays	
Clause 42.01 (ESO)	<p>Amends Schedule 1 to Clause 42.01 to redraft objectives to be in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p> <p>Amends Schedule 3 to Clause 42.01 to update language with the principles set out in <i>A Practitioner's Guide to Victorian Planning Schemes</i>.</p> <p>Amends Schedule 4 to Clause 42.01 to improve permit requirement clarity in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
Clause 42.02 (VPO)	<p>Amends Schedule 2 to Clause 42.02 to make factual correction and update and application requirements in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p> <p>Amends Schedule 3 to Clause 42.02 to update application requirements</p>

	in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i> .
Clause 42.03 (SLO)	Amends Schedule 1 to Clause 42.03 to make factual correction and improve permit requirement clarity in accordance with <i>Ministerial Direction - Form and Content of Planning</i> .
Clause 43.02 (DDO)	Amends Schedule 1 to Clause 43.02 in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i> . Amends Schedule 4 to Clause 43.02 in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i> . Amends Schedule 5 to Clause 43.02 in accordance with <i>Ministerial Direction on the Form and Content of Planning Schemes</i> .
Operational Provisions	
Clause 72.08 (Background Documents)	Amends Schedule to Clause 72.08 <i>Background documents</i> to update table containing background documents to include policy documents that have been considered as part of the Planning Scheme Review and used to update the scheme.
Clause 74.02 (Further Strategic Work)	Amends the Schedule to Clause 74.02 to update and rationalise the future strategic work program based on work that has been identified as a priority in the recently adopted Council Plan and Planning Scheme Review.

Strategic assessment of the amendment

Why is the amendment required?

Section 12B of the Act requires a planning authority to carry out regular reviews of its planning scheme to enhance that scheme's effectiveness and efficiency in achieving the objectives of planning in Victoria and the objectives of the planning framework established by the Act.

At Council's request, the Department of Transport and Planning (DTP) through the Regional Planning Hub program undertook the review of the Benalla Planning Scheme. The Regional Planning Hub program has been funded to assist rural and regional municipalities with surplus planning work.

The *Benalla Planning Scheme Review Report (2023)* makes a number of recommendations to improve the overall performance of the Benalla Planning Scheme. This amendment implements the recommendations of that review, which are administrative in nature.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria as outlined in section 4 (1) of the Act:

- a) To provide for the fair, orderly, economic and sustainable use, and development of land*
- b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*
- g) To balance the present and future interests of all Victorians.*

The amendment implements the above objectives to provide certainty to users of the Benalla Planning Scheme by providing clear strategic direction for future land use and development in Benalla Shire. The amendment ensures that local policy and controls have been drafted appropriately to encourage land use planning and development to occur in a manner that is consistent with the objectives set out in section 4 of the Act.

How does the amendment address any environmental, social and economic effects?

The amendment is expected to deliver positive environmental, social and economic outcomes by updating, simplifying and clarifying local policies and local schedules in the Benalla Planning Scheme.

This will provide more certainty to users of the planning system and will ensure that land use and development outcomes are consistent with the environmental, social and economic land use objectives of planning in Benalla Rura City and Victoria.

Specifically, the amendment proposes to:

- Improve the clarity of local policy content in the Municipal Planning Strategy, Planning Policy Framework and local schedules to provide greater certainty for users of the planning system.
- Reduce unnecessary costs to applicants and councils from unclear planning requirements.
- Improve planning outcomes by removing errors or inconsistencies in local schedules.

Does the amendment address climate change?

The amendment is not required to consider Ministerial Direction 22. The amendment is policy neutral with regards to climate change.

Does the amendment address relevant bushfire risk?

The amendment is not expected to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

The amendment does not alter any existing planning controls or policies that relate to the management of bushfire risk and does not seek to introduce any new controls or policies that would pose or create any new bushfire risk.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment considers relevant, and complies with, the following Minister's Directions:

Ministerial Direction: The Form and Content of Planning Schemes

The amendment has been prepared having regard to the *Ministerial Direction – The Form and Content of Planning Schemes* under Section 7(5) of the Act. The ordinance changes seek to ensure that the Benalla Planning Scheme reflects the requirements of this Ministerial Direction.

Ministerial Direction No. 11: Strategic Assessment of Amendments

Ministerial Direction No. 11 will help to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. A strategic assessment of the amendment has been undertaken in accordance with this Ministerial Direction within this Explanatory Report and is supported by the Planning Scheme Review report.

Ministerial Direction No. 15: The Planning Scheme Amendment Process

The amendment is consistent with Ministerial Direction No. 15 The Planning Scheme Amendment Process under Section 12 of the Act.

No other Ministerial Directions are relevant to this amendment.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment seeks to reinforce the alignment between state and local policy in the Planning Policy Framework by ensuring that the directions for environmental and landscape values, environmental risks and amenity, natural resource management, built environment and heritage, housing, economic development, transport and infrastructure are consistently written and appropriately placed within the Benalla Planning Scheme.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment implements the findings of the 2023 Planning Scheme Review and is policy neutral with regards to the Council's housing targets.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment will support the Municipal Planning Strategy by ensuring that its content is up-to-date and clearly articulates the Council's overarching vision for sustainably managing land use and development in the municipality.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by utilising schedules that are appropriate to local circumstances and updating their content to ensure consistency with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* and the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes*.

In particular the amendment updates the Schedule to Clause 74.02 Further Strategic Work to prioritise the work that council intends to undertake before the next planning scheme review. The updated Schedule to Clause 74.02 Further Strategic Work reflects the Council endorsed list of further strategic work items prepared as part of the *Benalla Planning Scheme Review (2023)*.

The amendment is consistent with the following relevant Planning Practice Notes (PPN) that provide guidance for the proper use of the VPPs:

- PPN32 – *Review of Planning Schemes*

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought during the amendment exhibition process

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The requirements of the *Transport Integration Act 2010* apply where a planning scheme amendment is likely to have a significant impact on the transport system.

The amendment will not have a significant impact on the transport system as defined by the *Transport Integration Act 2010*.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will not impose additional resource or administrative costs on the responsible authority.

The amendment proposes to make improvements to the Benalla Planning Scheme to support the operation of planning processes, policy and provisions. This will ultimately reduce the resource and administrative costs of the responsible authority.

4.4 2025/2026 Quick Response Grant Program

Ref: 1536132109-1057

Jane Archbold – Manager Community

Tom Arnold – Community Development and Recreation Coordinator

PURPOSE OF REPORT

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

BACKGROUND

The Quick Response grant program enables local community groups, clubs and organisations to seek funding to increase their capacity to work in partnership with the Council and others to address local needs and enhance the local community.

The program distributes grants up to \$750 allowing local clubs, groups and organisations the opportunity to seek funds when the need arises.

DISCUSSION

Applications for consideration under the 2025/26 Quick Response Grant program are detailed in the table below.

Applicant	Details	Amount Requested	Proposed Assistance
Goorambat Public Hall Reserve Committee of Management	<p>The Goorambat Public Hall Reserve Committee of Management is seeking \$600 in funding to support its annual end-of-year Community Christmas Get Together. This long-standing local tradition strengthens community connection and provides an inclusive opportunity for residents to celebrate the year. Grant funds will be used for catering, decorations, hall hire, and essential setup materials.</p> <p>The event is open to all residents, with invitations distributed across the district to ensure it is welcoming and accessible to the whole community.</p> <p><i>(The event was held on Friday 7 December and was a great success, with 54 attendees enjoying a shared meal, festive atmosphere and a variety of raffle prizes.)</i></p>	\$600	\$600
Total		\$600	\$600

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A healthy, Safe and resilient community.*
- *A connected, involved and inclusive community.*

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none">▪ Promotion of program via media, website and social media.▪ Program presented in public reports to the Council.▪ Outcomes advised directly to applicants.▪ Outcomes detailed in Annual Report.

FINANCIAL IMPLICATIONS

The *2025/26 Budget* allocates \$15,000 to the Quick Response Grant program. To date \$8,600 in Quick Response Grant funds have been awarded, leaving \$6,400 in the funding pool.

Recipients of support throughout the financial year are detailed in the Annual Report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

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

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

Ref: 514036328-633

Robert Barber – General Manager Corporate
Jess Pendergast – Governance Coordinator

PURPOSE OF REPORT

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

BACKGROUND

The Council is a legal entity composed of its members (i.e. the Councillors). Because it is not a 'natural' person, it can act in only one of two ways:

- by resolution; or
- through others acting on its behalf.

The power of a Council to act by resolution is set out in s 59 of the *Local Government Act 2020*:

- (1) *Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.*

Alternatively, a Council can act through others by delegating its powers via written 'instruments of delegation'.

The *Local Government Act 2020* and other acts make express provision for the appointment of delegates to act on behalf of the Council.

The *S6 - Instrument of Delegation from Council to Council Staff* delegates certain powers directly from the Council to Council staff due to various Acts and Regulations containing specific powers of delegation.

If the delegation is to any member of staff other than the Chief Executive Officer, there is no power of sub-delegation.

Other powers that may not be delegated to staff are:

- the power to declare a rate or charge
- the power to borrow money
- the power to approve any expenditure not contained in a budget approved by the Council
- any prescribed power.

The powers, duties and functions of the Council must be made carefully and reviewed regularly to enable staff to act lawfully on behalf of the Council. In particular:

- Accountability and responsibility for decisions is possible only if decision-makers are identified.
- In delegating responsibility the Council can set conditions, limitations and guidelines for decision-makers, including reporting requirements.
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

DISCUSSION

Authorisations should be reviewed regularly. Accountability and responsibility for decisions is possible only if decision-makers are identified. This calls for precision about what decision was made, who made it and when it was made.

The Council subscribes to the Maddocks Lawyers Delegations and Authorisations Service to assist in incorporating legislative and other changes into its delegations and authorisations instruments.

The Council uses RelianSys to create and maintain delegation registers.

The *S6 - Instrument of Delegation from Council to Council Staff* was previously adopted by the Council in February 2022.

RelianSys has issued an update to this instrument template to reflect six legislative changes as follows:

- the commencement of some changes to the *Planning and Environment Act 1987*.
- the commencement of some changes to the *Road Management Act 2024*.

A review of the Municipal Building Surveyor delegations was also conducted following the appointment of a new Municipal Building Surveyor.

The revised *S6 - Instrument of Delegation from Council to Council Staff* has been provided to Councillors via MS Teams and is available for download from the Council's website.

COUNCIL PLAN 2025-2029 IMPLICATIONS

Leadership

- Good governance
- High performance culture

FINANCIAL IMPLICATIONS

The implementation of the *S6 - Instrument of Delegation from Council to Council Staff* will be accommodated within the existing budget.

An allocation is made each year in the governance program budget for the Council subscription to Maddocks Lawyers Delegations and Authorisations Service. In 2025/26 the cost will be \$4,400 (ex. GST).

LEGISLATIVE AND STATUTORY IMPLICATIONS

This review and update will ensure that council's practices remain transparent and that high standards of integrity and accountability are maintained.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

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.**

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4.6 Mayor and Councillors' Attendance At Conferences and Events

Ref: 36167913-9824

Tracey Beaton – Executive Coordinator

The Mayor and Councillors attended meetings and events as detailed below during the period from 10 November 2025 to 7 December 2025.

Mayor Councillor Bernie Hearn	
10 November	Meeting with Helen Haines MP
11 November	Benalla RSL Remembrance Day Ceremony
12 November	Councillor Only Time
	Assembly of Councillors - Business Review
14 November	'Reconfigured' Pop-Up Benalla Art Gallery Celebration
18 November	Interview with ABC Radio
19 November	Councillor Only Time
	Communications Advisory Committee Meeting
	Council Meeting
25 November	An Evening with Jelena Dokic – 16 Days of Activism
28 November	Meeting with CEO of VicGrid
1 December	Meeting with Regional Development Victoria
2 December	Australia Day Advisory Committee Meeting
3 December	Benalla Rural City Council Victorian Electoral Commission Countback
4 December	MAV 2025 Mayors and Deputy Mayors Mandatory Training Program
5 December	Meeting with Gliding Club of Victoria President

Deputy Mayor Councillor Justin King	
11 November	Benalla RSL Remembrance Day Ceremony
12 November	Councillor Only Time
	Assembly of Councillors - Business Review
19 November	Councillor Only Time
	Council Meeting
25 November	Benalla Festival Advisory Committee Meeting
	An Evening with Jelena Dokic – 16 Days of Activism
30 November	Tyler Brodie's Movember Shave Off
2 December	Australia Day Advisory Committee Meeting
3 December	Benalla Rural City Council Victorian Electoral Commission Countback
	Assembly of Councillors – Business Review
4 December	MAV 2025 Mayors and Deputy Mayors Mandatory Training Program

Councillor David Blore	
11 November	Benalla RSL Remembrance Day Ceremony
12 November	Benalla Business Coffee Connections
	Councillor Only Time
	Glenrowan BESS Community Drop-in
	Assembly of Councillors - Business Review
13 November	Goulburn Murray Climate Alliance - Climate Governance and Communications Workshop
14 November	'Reconfigured' Pop-Up Benalla Art Gallery Celebration
19 November	Councillor Only Time
	Communications Advisory Committee Meeting
	Council Meeting
20 November	Goulburn Murray Climate Alliance Quarterly Board Meeting
21 November	Rural Councils Victoria - Maddocks Planning Session

Councillor Peter Davis	
11 November	Benalla RSL Remembrance Day Ceremony
12 November	Councillor Only Time
	Assembly of Councillors - Business Review
14 November	'Reconfigured' Pop-Up Benalla Art Gallery Celebration
19 November	Councillor Only Time
	Communications Advisory Committee Meeting
	Council Meeting
25 November	Tatong Hall Triannual General Meeting
27 November	Rotary Club of Benalla - Inspiring Evening
29 November	State Gliding Centre Committee of Management Inc Annual General Meeting
3 December	Assembly of Councillors – Business Review

Councillor Puna Hewa Gunaratne	
10 November	MAV information session - Planning Amendment Bill
12 November	Councillor Only Time
	Assembly of Councillors - Business Review
14 November	'Reconfigured' Pop-Up Benalla Art Gallery Celebration
19 November	Councillor Only Time
	Council Meeting
25 November	An Evening with Jelena Dokic – 16 Days of Activism
27 November	MAV Masterclass: Speaking with Impact
28 November	Benalla Rotary Club Say No to domestic and Family Violence and Yes to Respectful Relationships Awareness Walk and BBQ
3 December	Assembly of Councillors – Business Review
4 December	Community Leadership Program - Connect and Explore
5 December	Thoona CWA Carols and Community BBQ

Councillor Jillian Merkel	
10 November	Benalla Street Art Advisory Committee Meeting
12 November	Assembly of Councillors - Business Review
14 November	'Reconfigured' Pop-Up Benalla Art Gallery Celebration
19 November	Council Meeting
25 November	Benalla Festival Advisory Committee Meeting
	An Evening with Jelena Dokic – 16 Days of Activism
2 December	Churchill Reserve Committee of Management Meeting
3 December	Assembly of Councillors – Business Review

Recommendation:

That the report be noted.

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4.7 Council Actions Pending

Council Actions Pending are detailed in **Appendix 1**.

Recommendation:

That the report be noted.

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Council Actions Pending

Action No.	Meeting Name	Item	Action	Officer	Status/notes
1.	F&P Committee 10-Dec-25	2	2025/2026 Major Events Grant Program That the Council allocates \$2,000 grants from the 2025/26 Major Event Funding program to the Benalla Lawn Tennis and Croquet Club and the Molyullah Recreation and Public Hall Reserve Committee.	MEDAS	Completed
2.	F&P Committee 10-Dec-25	1	Planning Permit Application For Building And Works To The Existing Office Building At 18 Bridge Street East, Benalla 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 25 March 2026.	MD	1. Completed 2. In progress
3.	Council Meeting 19-Nov-25	2.1	Reopen the reserve located to the south of Willis Little Drive, Benalla 1. That the petition be received. 2. That a report be presented to the February 2026 Finance and Planning Committee.	MAI	1. Completed 2. In progress
4.	Council Meeting 19-Nov-25	4.2	2025/26 Meeting Cycle for Council and Delegated Committee Meetings That the meeting schedule for Council Meetings and Finance and Planning Delegated Committee meetings for the 2025/26 Council Year be adopted.	CEO	Completed
5.	Council Meeting 19-Nov-25	4.3	Appointment of Council Representatives to Advisory Committees, Peak Industry Bodies and Regional and Community-Based Committees 1. That the appointment of Council representatives to various committees, peak industry bodies, regional and community organisations for the 2025/26 Council Year as detailed in Table 1 be approved. 2. That the appointment of Council representatives to various committees, peak industry bodies, regional and community organisations for the 2025/26 Council Year be reviewed in February 2026.	CEO	1. Completed 2. In progress
6.	Council Meeting 19-Nov-25	4.4	Benalla Rural City Council Domestic Animal Management Plan 2026-2029 1. That the <i>Benalla Rural City Domestic Animal Management Plan 2026-2029</i> be adopted. 2. That the <i>Benalla Rural City Domestic Animal Management Plan 2026-2029</i> be forwarded to the Secretary of the Department of Jobs, Skills, Industry and Regions. 3. That a letter of acknowledgement to be sent to public submitters outlining the result of their submission and thanking them for their contribution into the <i>Benalla Rural City Domestic Animal Management Plan 2026-2029</i> .	MD	1. Completed 2. Completed 3. In progress

7.	Council Meeting 19-Nov-25	4.5	Financial Report For The Quarter Ended 30 September 2025 <ol style="list-style-type: none"> 1. That the report be noted. 2. That the Council authorise a \$50,000 transfer from the Resort and Recreation Reserve as the Council's cash contribution toward the \$225,000 Saleyards Road Dog Park, Benalla project. 	MF	Completed
8.	Additional Council Meeting 29-Oct-2025	4.	Benalla Rural City Council Road Management Plan 2025-2029 <ol style="list-style-type: none"> 1. That the <i>Benalla Rural City Council Road Management Plan 2025-2029</i>, including the <i>Benalla Rural City Council Road Register</i>, be adopted. 2. That all submitters be written to and advised of the outcome. 	MAI	Completed
9.	Additional Council Meeting 29-Oct-2025	3.	Benalla Rural City Council Asset Plan 2025-2029 <ol style="list-style-type: none"> 1. That the <i>Benalla Rural City Council Asset Plan 2025-2029</i> be adopted. 2. That all submitters be written to and advised of the outcome. 	MAI	Completed
10.	F&P Committee 27-Aug-25	3.	Planning Permit Application for Buildings and Works to the Existing Office Building at 18 Bridge Street East, Benalla <ol style="list-style-type: none"> 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. 	MD	Completed
11.	Council Meeting 13-Dec-23	4.4	Benalla Sports and Equestrian Reserve Committee That the debate on this matter be deferred until the Council Meeting on 14 February 2024 to allow the <i>Benalla Sports and Equestrian Reserve</i> user groups to endorse their representative on the <i>Benalla Sports and Equestrian Reserve Committee</i> and the <i>Instrument of Sub-Delegation from the Chief Executive Officer to Community Asset Committees</i> be updated.	CEO	Report to be presented to Assembly of Councillors briefing on 25 February 2026.

5. Reports by Councillors

Recommendation:

That the report(s) be noted.

6. Notices of Motion

7. Notices of Rescission Motion

8. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

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

Recommendation:

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.

10. Reopening of the meeting to the public

Recommendation:

That the meeting be reopened to the public.

Closure of the meeting