

Finance and Planning Committee

Agenda

Date: Wednesday 23 August 2023

Time: 5.30pm

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

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

In accordance with Rule 6.4 of the *Governance Rules 2020* the Committee meeting will be lived streamed via the Council's website and an audio recording will be made of the proceedings of the meeting.

Members of the public are encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

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Agenda

Chair Cr Danny Claridge

Councillors Councillor Peter Davis
Councillor Don Firth
Councillor Bernie Hearn (Mayor)
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Jane Archbold	Manager Community
Janine McMaster	Manager People and Performance
Courtney Naughton	Manager Economic Development and Sustainability
Nilesh Singh	Manager Development
Tom Arnold	Community Development Coordinator
Joel Ingham	Planning Coordinator
Jess Pendergast	Governance Coordinator

Opening and Acknowledgment 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 Committee Meeting is 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 the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

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 previous Meeting Minutes

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 Finance and Planning Committee Meeting held on Wednesday 19 July 2023 be confirmed as a true and accurate record of the meeting.

Business

1. Sale of Land at Enterprise Park – Hearing of Submissions

SF/5181

Dom Testoni – Chief Executive Officer

PURPOSE OF REPORT

The report discusses the outcome of the public notice of intention to sell council owned land at Enterprise Park, Benalla.

BACKGROUND

Benalla Rural City Council gave notice on 12 July 2023 under section 114 of the *Local Government Act 2020* (the Act) of its intention to sell land at Enterprise Park, Benalla (the Land) in the *Benalla Ensign* (refer **Appendix 1**).

The proposal was that the Land be sold by private treaty to BT CON Pty Ltd and/or nominee for market value as determined by Council.

The Land, which is the subject of the proposal is the land referred to as lot G on plan of subdivision no. PS830933R and the whole of the land contained in certificate of title volume 12296 folio 506, and is known as Enterprise Park, Enterprise Drive Benalla, Victoria 3672.

Feedback was also sought via the Council's website and promoted on social media.

The submission period closed 5pm Thursday 10 August 2023.

DISCUSSION

At the close of the submission period no submissions were received.

To comply with its statutory obligations pursuant to section 114 of the Act, the Council gave public notice of the proposed sale of the property.

The Council may now determine whether to sell the property after receiving no submissions.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Economy

- Thriving business and industry.

Environment

- Healthy and protected natural environment.
- High quality efficient and sustainable waste management.
- Sustainable practices.

LEGAL OR STATUTORY IMPLICATIONS

It is considered that the report is consistent with section 114 of the *Local Government Act 2020*.

FINANCIAL IMPLICATIONS

Costs associated with undertaking the notice of intention to sell council owned land process will be met from existing budget allocations.

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


A report to finalise the sale of Enterprise Park will be presented to the Council meeting on Wednesday 6 September 2023.

Recommendation:

That the report be noted.

BENALLA


RURAL CITY COUNCIL



Notice of Intention to Sell Council Owned Land

Benalla Rural City Council (**Council**) gives notice under section 114 of the *Local Government Act 2020 (Vic)* of its intention to sell its land described below (**Proposal**)

The land which is the subject of the Proposal is the land shown outlined by the thick black line and marked "G" on the plan below, being lot G on plan of subdivision no. PS830933R and the whole of the land contained in certificate of title volume 12296 folio 506, and known as Enterprise Park, Enterprise Drive Benalla, Victoria 3672 (**Land**).



The Proposal is that the Land be sold by private treaty to BT CON Pty Ltd and/or nominee for market value as determined by Council.

In accordance with Council's Community Engagement Policy, any person may make a submission on the Proposal.

Any person proposing to make a submission must do so by **5pm Thursday 10 August 2023**.

Written submissions are to be addressed to the Chief Executive Officer, and may be:

- emailed to council@benalla.vic.gov.au
- hand delivered to Council's Customer Service Centre at 1 Bridge Street East, Benalla
- posted to PO Box 227, BENALLA VIC 3671.

Any person making a submission may request to be heard in support of their submission. Any person requesting to be heard is entitled to appear in person or by a person acting on their behalf before a meeting of Council (or a committee established by Council for this purpose). After considering all submissions, Council will decide whether to proceed with the Proposal.

Further information regarding this proposal may be obtained from General Manager Corporate Robert Barber, email council@benalla.vic.gov.au or telephone 5760 2600.

Dom Testoni
Chief Executive Officer
Benalla Rural City Council

88873

www.benalla.vic.gov.au

2. Draft Fawckner Drive Precinct Masterplan – Hearing of Submissions

SF/1506

Tom Arnold – Community Development Coordinator
Dean Steegstra – Open Spaces Coordinator

PURPOSE OF REPORT

The report presents submissions received on the draft *Benalla Fawckner Drive Masterplan*.

BACKGROUND

The Council at its meeting on Wednesday 28 June 2023 resolved:

That the draft Benalla Fawckner Drive Masterplan be endorsed for public exhibition for a period of at least 28 days.

To promote and encourage community input the following consultation activities were delivered:

- Public notice of the draft *Benalla Fawckner Drive Masterplan* was given on the Council's website on 29 June 2023.
- The project was featured twice in the Benalla Ensign during July 2023 (including a full-page advertisement).
- Council staff presented the draft plan to members of Benalla U3A and Senior Citizens Club on Wednesday 19 July 2023.
- Council officers attended the Benalla Market on Saturday 22 July 2023.
- Three large signs were erected in key locations within the precinct and an additional sign located in the window of Council's Customer Service Centre.
- Promotion on Council's social media channels and targeted to young people through Council's youth networks.

The submission period closed 5pm Friday 11 August 2023.

DISCUSSION

At the close of the submission period 31 submissions were received from the community. The submissions are attached in **Appendix 1**.

In accordance with the Council's *Governance Rules 2020*, submitters have been invited to address the Finance and Planning Committee in support of their submissions.

COUNCIL PLAN 2021-2025 IMPLICATIONS**Community**

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

Livability

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

Economy

- *Thriving business and industry.*
- *Flourishing tourism.*

Environment

- *Healthy and protected natural environment.*

Leadership

- *Engaged and informed community.*

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

Submissions will be considered at the Finance and Operations Committee on 27 September 2023.

The draft *Benalla Fawckner Drive Masterplan* will be considered for adoption at the Council meeting on 11 October 2023.

Recommendation:

That submissions be received.

No.	Name:	Submission:
1	Anonymous	<p>Disappointing to not see Mountain bikes catered for. MTB Mountain biking is still one of the fastest growing recreational activities. A pump track is not a BMX track. Pump tracks are designed for dirt jump style bikes. Most bikes seen around town ridden by all age groups are Mountain bikes.</p> <p>I have spoken to Wangaratta riders and visited the pump track there, it doesn't get used by bike riders as kids on scooters are always on it.</p> <p>Look it places similar to:</p> <ul style="list-style-type: none"> ▪ The Railyard Arkansa USA. ▪ Spring Gully skills park Bendigo. ▪ Red Hill South, Vic MTB skills park. ▪ Fox Creek South Australia. ▪ Small skills park at Beechworth.
2	Anonymous	Looks great, but are there public toilets?
3	Catherine	I would love to see tracks and bike riding opportunities for young children to be able to ride their bikes. Due to the lack of footpath areas in the community we are having to have 3yo-6yo on roads to learn how to ride. A traffic school set up would be a great opportunity and would attract younger families to the area.
4	Loki Finnigan	<p>I do feel that a lockable "shed" or smth along those lines should be implemented, stocked with, a couple brooms and dustpan & brush. To be used when the park is covered in debris from storms, general public use or mistreatment or the park, an example being the bowl used as a bin for beer bottles, i personally have spent money purchasing a broom more then once to clean up the park, and left it there hoping that ppl would understand it's purpose. Sadly they don't and by the next week the broom is gone. An example I've had on my mind is having the key/shed being put somewhere in/on the senior citizen building and users of the park can just ask for the brooms and then put them back when finished.</p>
5	Josh	Pump track
6	Kelly	<p>We love the bmx pump track. Please keep the track user-friendly for all ages. Our young boys would be disappointed if it was made for teenagers/adults only. Seating around the track would be helpful for parents.</p> <p>Don't reduce parking - if anything increase it!!!</p> <p>I love the idea of the flying fox.</p>

No.	Name:	Submission:
7	Andrew Hick	<p>Can I ask for some concrete/stone chess tables as part of this design?</p> <p>There are plenty of designs online, and anyone who has travelled to American or European cities is likely to have seen them.</p>
8	Debbie Higgins	<p>Love the plan, I like the multi layer use of the space. My suggestion would be to put a 'kinder kids' bike path loop for them to practice their bike skills, ie a loop around the basket ball court with bike lanes and possibly 2 'four square' courts if possible near the multiple purpose sports court.</p>
9	Coral Challenger	<p>These are great ideas and I think they will be utilised by majority of the older age group.</p> <p>But what about the younger ones.</p> <p>They need somewhere to play when going there as a whole family without the older kids possibly scaring them or injuries. I think a little traffic school set up with signs and a smooth road etc would be so good for the younger ones learning how to ride. I know as a Mum of 3 I always try to make sure wherever we go there is something for all 3 of them to play on and do.</p> <p>I think if there's nothing for the younger ones it won't be utilised as families will not be able to cater or enjoy it as a whole family or go as a whole family.</p> <p>We need this to be able to enjoy but also you need to make sure all age groups are thought of.</p>
10	Anthony Jenkins	<p>Hello I would like to suggest a skateboard bowl and a calisthenics workout area.</p> <p>I have during this school holidays been skateboarding with my son at the skate park. He is 7 and I am 50. He's learning I used to skateboard. A bowl with a shallow and deep end would bridge the gap between beginner and experienced.</p> <p>Skateboarding in a bowl is quite fluid and one naturally moves from beginner to advanced. I also believe it's safer than the big metal ramps. (which are great fun, but can be daunting for new board riders). (I tried to upload pictures but file to large for a screen shot).</p> <p>I would also like to suggest a calisthenics style work out section. This I believe will attract young 20-40 year olds that are really into their fitness. It would also be good to have more ppl working out around the young skateboarders for safety. I believe both would attract ppl from town and surrounding areas.</p> <p>And I know skateboarders will travel a long way to ride a good bowl. I also noticed the mountain bike riders using the large quarter pipes to jump off.</p> <p>I bet they would love a trail winding thru the trees with jumps and all that sort of stuff (not my area) but I know mountain biking and bike riding in general is huge on north east Vic so we could attract the ppl riding in the highlands to stay or camp in town.</p>

No.	Name:	Submission:
11	Lisa Hind	<p>1) terrible location for stage. When the stage is here during the festival it destroys the view of Lake Benalla. Having the stage positioned closer to Fawkner Drive or Library and leave the lake view beautiful</p> <p>2) so disappointed to see the new basketball courts will be wasted -poor planning. Surely activating the space will increase the use of the already existing asset.</p> <p>3 & 6) switch location- have a chill out / hammock space in the vicinity of the library and terrace seating (space to rest will visiting the market) move the climbing wall to the activity space near the skate park and pump track</p> <p>5 & 10) did the community feedback support a table tennis/ ping pong table and another fitness station???</p> <p>11) move to position 10.</p> <p>15) not required</p> <p>18) very much required</p>
12	David Blore	<p>I am pleased t see this much-improved version of plans for the Fawkner Drive Precinct. There are two areas on which I would like to make specific comments, as follows.</p> <p>1. Changes to parking immediately adjacent to the Library: This change seems to be simply to generate some grassed area. Several questions arise:-</p> <ul style="list-style-type: none"> - What assessment was made of utilisation of the existing parking spaces? - Who was consulted about this change? <p>My perception (confirmed with a number of other residents) from frequently passing this area and past personal usage patterns is that the parking outside the library is one of the most heavily utilised areas in the CBD. I fail to see any significant advantage to be gained which could offset the loss of these parking spaces and consequent inconvenience to library and other users.</p> <p>2. A Significant Gap in the Masterplan: Despite the data on age profiles and the fact of Benalla being a town with a significant older age profile than many other municipalities, no mention is made of the potential future development of the Senior Citizens facility to cater for current needs and this increased cohort into the future. Whilst it is accepted that there is a specific focus on greening (and the lack of tree removal, with additional planting proposed, is applauded), there are numerous other infrastructure projects included. The need for such an upgrade of the building now, let alone into the future, was part of submissions to the proposal, so should have been included.</p> <p>A final comment: The proposal to formalise the parking behind the CFA building is supported, but there should be vehicle access (as at present) from the southward extension of Carrier Street for this parking space rather than relying on all parking traffic passing the Senior Citizens building on the existing narrow access. The proposal for a proper pathway between the lake walking track and Carrier Street (Item 18) is however strongly supported.</p>

No.	Name:	Submission:
13	Millicent Lang	<p>It's an absurd adult playground. More "fluff" as someone described it. Firstly it will be flooded. Secondly it consists of various eyesores. Thirdly it will require ongoing maintenance at a cost. Fourthly the lakeshore should be left as a lakeside. Fifthly how much more can they jam in? Sixthly people don't always need to be 'entertained' - enjoy the natural environment. Seventhly the measure of a Council is not how much fluff it can build during their tenure. Anyone can spend money.</p>
14	Tom Yates	<p>The proposed pathway (18) is adjacent to a substantial quiet natural waterway , and bird nesting area .</p> <p>A wide path in this locality would significantly alter this naturally attractive area , as would the sealing and upgrading of the existing bmx track (9)</p> <p>A new pathway , and a sealed pump track , is an over development of this area , and would further detract from the natural appeal that this area offers.</p> <p>There is no demonstrated need for an additional wide path from Carrier St as access is already good . The current gravel bike track is situated between large river gums and has minimal environmental impact in its current form .</p> <p>This bike track could be relocated to a more suitable position , and the area maintained as a buffer zone to the natural waterway and bird nesting area.</p> <p>This area provides a natural link to the Casey island waterways , which should be maintained. It contributes to the existing natural appeal that the Casey island precinct offers.</p> <p>Over development of this area, and Casey Island itself, threatens the very appeal that the area offers .</p>
15	Anonymous	<p>I wish not to have my name printed or identified in the public record.</p> <p>My husband and I have looked at the proposal. It looks great. Minor suggestions would be a fenced off play section for toddlers or young children. The skate park to have beginner friendly options. That play areas have appropriate shading for summer. Overall the proposal is very exciting!</p>
16	Anonymous	<p>Do not delete any of the old skatepark especially the half pipe I've done this for 20+ years and that is by far the best half pipe I've ever seen</p> <p>It is the craziest skatepark.</p> <p>Before you make a call go ask some professional bmx's skateboarders and scooter riders that not hard to find and ask them about there opinion your upgrade will never match what's already there.</p>

No.	Name:	Submission:
17	Anonymous	<p>RE reduced car parking- Library car park No 15.</p> <p>As a regular user of the Library, I have concerns about reducing the number of car parking spaces and converting it to additional lawn space.</p> <p>Reducing car space will disadvantage an ageing population that requires close parking.</p> <p>Parents taking children to the library will be disadvantaged if they cannot park close to the library. It could become a safety issue for young children who do not have good traffic awareness or common sense near cars. Families should be encouraged to use the library without any unnecessary obstacles.</p> <p>Parking is already an issue on busy days and especially on market days and for any events that are held in Benalla on the foreshore area.</p> <p>I believe that there is ample lawn space on the lakeside of the library for activities.</p>
18	Max Richards	<p>I have had the opportunity to peruse the Benalla Fawkner Drive Master Plan Report.</p> <p>As a resident of Benalla for 36 years, concerned with the previous additions to the lakeside amenity, I bring to attention the following issues for consideration.</p> <p>In Item 15 of the Concept it is proposed to remove car parking and provide a lawn area in front of the Library. The parking area is well used. in addition providing good close access for the disabled.</p> <p>Removal of this good access would be a retrograde step!</p> <p>The area adjoining the Senior Citizens building. This building has extensive windows overlooking the natural bush land to the South. This outlook is enjoyed by the users of this Community Centre and is a vital element for enjoyment of those using it. Every effort should be made to retain outlook as much as possible. Consideration should be given to muted colours and landscape screening of existing and proposed installations. It should also be noted that skateboard activities seem to be a fading fad and that the area receives only limited use. The earthen bike track does not appear to be used at all.</p> <p>Whilst probably outside the scope of the project no consideration has been given to attempting to improve the eyesore of the rear of businesses facing Fawkner Drive This area sorely needs landscaping along Fawkner Drive including nature strip planting etc. Business owners should be encouraged to improve their "back door"</p> <p>In summary it is critical that every effort be made to preserve the natural beauty of this area along the banks of the Broken River.</p> <p>The Masterplan has been prepared to guide development of the Broken River Fawkner Drive Precinct. The action in preparing the Masterplan will hopefully avoid ad-hoc poorly considered proposals in such an important precinct.</p>

No.	Name:	Submission:
		<p>This area is of prime importance to Benalla. Located in the flood plain in the centre of Benalla it not only forms part of the flood plain but also allows the natural river plain to extend into the heart of the City. Past Councils have recognised the importance of the precinct and have sited important civic structures, the Library {former Council Offices} and the Senior Citizens buildings to take maximum advantage of the site. It is imperative that the function and surrounds of these buildings are not compromised!! Both the Library and the Senior Citizens benefit from the natural riverine landscape. This statement especially applies to the Senior Citizens where the outlook forms an important part of the buildings function.</p> <p>The precinct is already overdeveloped and progressively new ad hoc elements have been added. The skate park can be seen as an attraction when used by skilful participants. However bins, shelters, tables and other unsightly furniture have been added resulting in a “dogs breakfast”.</p> <p>Thus the advantages of the outlook of the Senior Citizens building have been compromised. It is critical that any proposed new installations be considered recognising the landscape values of the site, and if necessary incorporating appropriate landscaping.</p> <p>What is required?</p> <p>1 A Landscape Plan, aimed at restoring the riverine plain values, be prepared for the area to provide guidance should any future furniture be considered.</p> <p>2 Existing furniture should also receive landscape treatment to mitigate harsh conflicting elements. [The landscaping of the children’s garden adjacent to the Benalla Gardens show what can be achieved].</p> <p>3 The old earthen BMX track is no longer used and can be returned to natural bush land [with appropriate landscaping].</p> <p>4. Colours of any new paintwork should camouflage any furniture. [Unless high visibility is required e.g. rubbish bin]</p> <p>5 Proposals for <u>ANY</u> new development be carefully considered to ensure existing uses are not compromised.</p> <p>Other Matters</p> <p><u>Library Car Park</u></p> <p>The plan shows the park significantly reduced in area. This is a retrograde step as often the existing park is well occupied and any unwarranted proposal to make life more difficult for the disabled is ridiculous.</p> <p>Access Roads and Paths Layout</p> <p>The orderly layout arrangements are considered highly desirable.</p>

No.	Name:	Submission:
19	Michele Lee	Maybe a Frisbee golf course/game we played on one while travelling in Charleville and it was great fun. I took a photo but it's too large to upload 🙄
20	Rosie Moulday	All looks exciting but for heavens sake do not take away the parking at the library. Foolish move Parking is so hard at any rate in this town We enjoy the library so dont take the parking away.
21	Craig Robinson	My concerns are that we are building another amenity in a flood zone, Hoe is this going to be mitigated? What coatings are in place to repair the facility after being flooded. Total agree that it's needed as our youth need amenities and it will bring families to Benalla at a minimum as a stop over but at what cost .
22	Briana	I feel this area would be a great spot to put a track for the younger kids, something similar to the traffic school in Wangaratta. I am aware that many of the kindergardens in Benalla take their students to Wangaratta to the Traffic School to teach them basic road rules. How good would it be for them to not have to leave the town to do so! Also allows families with different ages of children to all be able to participate riding their bikes/scooters etc in the one area. Kids could progress from a traffic school style track then on to a pump track or the bmx track once they have gained the confidence.
23	Damian	As a long time benalla citizen and growing up using the skatepark facilities I highly recommend a more bmx/scooter focused skate park rather than mainly skateboard features. Benalla has always had more bmx/scooter riders than skateboard. Of course there needs to be some skateboard features incorporated but the council should be looking to improve the park for the majority of user's. As for the pump track I believe we should be following in the footsteps of Wangaratta, thus having multiple levels of difficulty in the course or having a few different sections. This will help the development and growth of our youth and also every member wanting to use the facilities. The idea of having one track at an intermediate difficulty will soon become outdated like the current bmx track.
24	Robert Bird	Congratulations on proposing a plan. Some thoughts. A walk in covered water feature like the one in the Parliament Gardens in Melbourne called Cole's fountain or the Mildura Water Play park. Some car parks and the multiple sports courts and skate park need to be covered and solar panels placed on top. The staged events place covered with solar panels and excellent place for a summer outdoor film/theatre. Car charges in car parks. More imaginative play areas than just swings and slides like Royal Park in Parkville or Bollygum Park in Kinglake. The plans need to embrace climate change and it's effects.

No.	Name:	Submission:
25	Peter Reid	<p>There are a number of issues re this proposal</p> <ol style="list-style-type: none"> 1. There appears to be no RV site in the proposal. Has the RV site been deleted or relocated? We stopped at Jugiong NSW one night and about 100 vans also at their RV site. The economic boost to Jugiong was clear to see at the cafe and hotel. Does the road access to Jaycee Island and the car park there remain. There are issues associated with the proposed plan eg the proposed BBQ no. 11 has no car parking associated with it. 2. The removal of the b/ball goals and replaced with a fitness station/s flies in the face of current trends for youth participation. The b/ball goals are used on a regular basis. 3. no. 18 the link path is a good idea however the solution to the sewerage smell /leak at the end of Carrier St should be the priority before the path is constructed. The reed ponds established do not solve the issue. 4. I am of the view that a number of activities would be better at the splash park site eg. flying fox, single point swing and rebound climbing wall. 5. no. 02 the multi purpose crt may be located where the current b/ball goals are currently. 6. the current BBQ facilities near the library and car park are not mentioned. Have they been removed. 7. I am bemused by the proposal and I would ask for answers to some questions <ul style="list-style-type: none"> a) What is the overriding goal of this proposal? b) What is the budget for the overall plan? c) Was the consultant made aware of the projected demographics 2030 for Benalla. This proposal does not reflect the projected demographics nor does it reflect the activity trends or participation in outdoor activities for youth in Australia
26	Anonymous	<p>It's good to see planning for improved facilities for Benalla's young people. However, there seems to be a lot packed into the area, making it feel very crowded. I hope the final plan will allow clear pedestrian access through the area and ensure safety for those using the flying fox. I am concerned that development shouldn't spill out beyond the path immediately south of item 8. Items 11 and 14 are moving into the riverine parkland area, impinging on the lake surrounds. The seating areas (14) are particularly problematic. As a regular lake walker, I think the area of native phragmites at the lakes edge provides a lovely vista that will be spoiled by this kind of development. The Benalla Riverine Trail and Waterway Management Plan prepared in around 2001 is still very worthy of consideration in planning future improvements.</p>
27	Lisa Linke	<p>Hi. I would like to propose a 10 Mt long x 1.5 Mt high concrete wall somewhere at the Fawcner Drive precinct. It would specifically be a "graffiti wall" for the people of the town who feel the need to tag everything in sight. If we had a purpose built wall for them to display their "art" it may help to discourage them to put it elsewhere. When the wall is full, it could just be respected white and they could start over. Of course profanities would be unacceptable but it may help to curb the problem with graffiti in the town.</p>

No.	Name:	Submission:
28	Kerryn Amery	<p>Thank you for the opportunity to comment on the revised plan. I'm pleased to see that space has been left available for the future expansion of the Elderly Citizens' Centre. It is a mistake to reduce the parking at the Library and replace it with lawn. Library staff are opposed to this proposal. The carpark is conveniently located for the many patrons carrying resources (books, toys, DVDs, etc) to and from the library. These patrons include parents with prams and small children, older patrons, mobility reduced patrons and other community members. The stairs down to the carpark are difficult to safely negotiate when carrying library resources. I returned a large bag of books this morning and appreciated being able to find a park close to the library. The current carpark has adequate parking to meet patrons' needs. I continue to disagree with the centralisation of the proposed sporting and fitness resources at Fawkner Drive. These resources should be located where Benalla is growing and where most families reside, on the west side of Benalla. I agree with the expansion of the skate park but the fitness station (there is one on Jaycee Island), flying fox, multipurpose court, climbing wall, table tennis table, pump track, etc, should be located closer to new housing estates and those areas of Benalla where the bulk of our families and younger people live. Churchill Park would be a great location or the large empty park off Ackerly Street. I am opposed to the pump track in the Fawkner precinct. It destroys a valuable green space. Landscape this space instead and plant more trees to encourage the return of the echnidnas that once grazed on the grass behind the library. Council needs to value and improve our green spaces. Churchill Park is a better location for the pump track. I encourage Council to put this project on hold. I urge Council to carefully study Benalla's demographics and select a more suitable location for these initiatives, close to where people live.</p>
29	Judy Amery	<p>I fail to understand why the council wants to reduce the car park at the library to provide more lawn. There is enough lawn around the library without adding more. Reducing the number of car parks particularly close to the library discriminates against the elderly, disabled and parents with young children who have to park further away and also removes the ability to drop off people such as the disabled or elderly at the front of the library. If any of these groups have to park in the big car park then the council will have to put a ramp between the car park and the library as the existing steps are too steep. What happens to the ramp? Where does it then go? What happens to the beautiful Library sign? Talk about looks over requirements. I wonder why the council is concentrating everything in this area. There are so many new estates opening and there are no facilities or parks in any of them. Why can't we have two skate parks? One over the other side of town where it is more accessible to local youth. Why can't elements of this plan be spread around Benalla so that they can easily be enjoyed by all the residents instead of making kids ride to this area or force parents to have to drop them off and pick them up again.</p>

No.	Name:	Submission:
30	Elizabeth Lang	<p>The Benalla lake and surrounding environment is what makes Benalla special. Slowly it is being eroded by unnecessary structures, lighting and paths. It's gradually becoming a fun park rather than a beautiful natural environment with open space. The community does not want any additional development. If the council feels the need to spend grant money it could focus on enhancing the natural environment by managing the weeds including angled weed, oxalis and Chilean needle grass. Or further developing other areas away from the lake such as the Mackella st playground. The community needs basic services that are not being provided such as meals on wheels and childcare. Paths are also absent in many streets and would improve public safety if provided. Please save our beautiful lakeside precinct from further development.</p>
31	Louisa Marston	<p>It is great to see Benalla Council taking an active long term planning role in key community connecting areas in town. This area will play an incredible role in engaging youth.</p> <ul style="list-style-type: none"> - Love there is another bouldering wall! - Move the fitness station a little further away from the skatepark, people in their late 20's, 30's and more can get intimidated by lots of youth (so supportive of them, but they can be intimidating). - Possibility to include an area to roller skating, outdoor dance etc? Roller skating is increasing in popularity. - The Table tennis tables seem to be in an awkward position. A little too close to the carpark. - For no. 18 the walking track needs to use the current worn in track. I am a garden designer, and a key rule is always using tracks people have already made. This is formalising natural flow. - This plan needs a place of last resort/resilience hub/safe place for emergencies (heat waves, floods, power outages) and day to day for people in need, especially youth. A kitchen could provide meals through volunteer programs to people in need during emergencies and daily as homelessness and DV increases. The building could have free hot showers & toilets for people in need daily and during emergencies. Charging points for people to charge their devices. Indoor social hang out areas for days over 35 degrees and colder days when people cannot afford heating/cooling. The senior citizens hall is in such a prime location for this. This building could be refit to provide a key community service that is missing from this town. Thank you for coordinating.

3. Planning Application – 18-20 Bridge Street West, Benalla – The use and development of the land for a service station and food and drink premises, to display signage and alteration to an access to a Transport Zone 2

DA5485

Joel Ingham – Planning Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

This report assesses a planning application received for the use and development of the land for a service station and food and drink premises at 18-20 Bridge Street West, Benalla.

BACKGROUND

Site Address	Lot 1 on TP511913Q 18-20 Bridge Street West, Benalla.
Existing Use	The land currently contains an unoccupied building that was previously used as Goodyear Tyre and Auto Centre.
Proposal	Use and development of the land for a service station, food and drink premises, signage and alteration of access to road in a Transport Zone 2.
Applicant	Urbis
Zone	General Residential Zone
Overlays	Nil
Referrals	<ul style="list-style-type: none"> ▪ Department of Transport ▪ Environmental Protection Authority ▪ Engineering Unit

PROPOSAL

The proposal seeks approval to use and develop the land for a service station and food and drink premises. Specifically, the proposal allows for the existing building to be demolished and a new purpose-built structure erected to include:

Service Station

- Occupied by Mobil and 7-Eleven.
- One hundred and eighty-four square metres of floor area within the fuel shop located along the eastern boundary of the site.
- Fuel canopy with three fuel bowsers.
- Two underground fuel tanks to the west of the site.
- Underground SPEL tank.

Food and drink premises

- Eighty-two square metres of floor area (no tenant at present).
- North of the service station on site.

Signage

- Business identification sign (internally illuminated pylon) 10 metres height on southwest corner.
- Direction sign (internally illuminated) 1.55 metres height (located at three crossovers).
- Two business identification signs (internally illuminated) at the western and southern elevation of shop (1.82 metres x 1.82 metres).
- Five business identification signs on fuel canopy (2.5 metres x 1 metre and 1 metre x 1 metre).
- Business identification sign on fuel shop building fascia (1 metre x 1 metre).
- Window decal business identification signage.
- Internal wall striping.
- Business identification sign (internally illuminated logo) food and drink premises (3.6 metres above ground 0.75 metres x 3 metres).

Additional

- Operating hours, 7 days a week 24hrs.
- Sixteen car parking spaces to the north of the site and in front of the building.
- Services located in the northeast corner of the site.
- Acoustic fencing along the northern boundary (varying from 2.2 metre to 3.2 metre in height).
- Signage associated with the tenancies.
- Modest landscaping is proposed to the boundaries of the site.
- Access via the two existing crossovers from Bridge Street West, Benalla (modified) and an additional crossover from Goomalibee Street, Benalla.
- The crossover from Bridge Street will be one way and 6.2 metre and 6 metre width, access from Goomalibee will be two way and 7.945 metre width.

A plan of the proposal is attached in **Appendix 1**.

Site and Surrounds

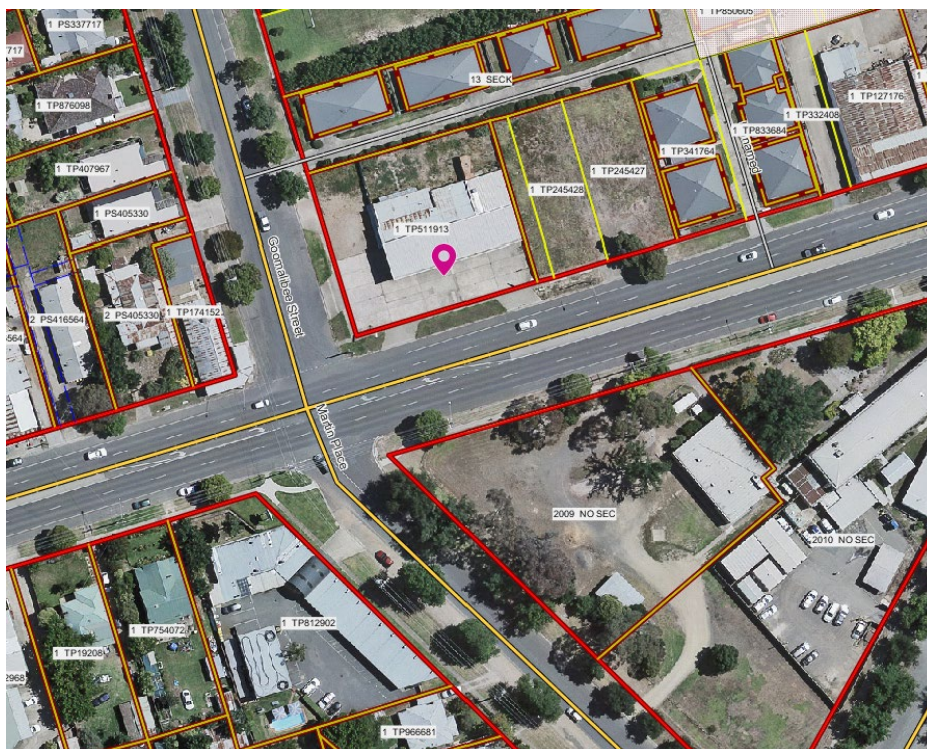
An inspection of the site and the surrounding area has been undertaken.

The land is located on the northeast side of the intersection with Bridge Street West, Benalla and Goomalibee Street, Benalla. The land is rectangular in shape and has an area of 1,869 square metres. The site currently contains a vacant building with existing access via crossovers from Goomalibee and Bridge Street West, Benalla.

The subject site is located within a *General Residential Zone*, with residential dwellings on the land directly to the north. The land to the east is vacant. Land to the west, opposite Goomalibee Street, Benalla contains a commercial building and residential properties.

Land opposite the site to the south, south of Bridge Street West, Benalla contains the Benalla Police Station and Law Courts precinct.

LOCALITY MAP



Public Notification

The planning application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* and Council’s policy by way of the following:

- placing a sign on Goomalibee Street and Bridge Street West, Benalla frontage of the site.
- sending notices to all adjoining and opposite landowners and occupiers.

Fifty-three objections were received to the proposal. Forty-three of these were pro forma letters. The objections can be summarised as follows:

- Contrary to neighbourhood character of the area.
- Contrary to the purpose of the GRZ.
- Proliferation service stations.
- Noise and light pollution.
- Traffic congestion and safety impacts (particularly in relation to schools).
- Pedestrian safety issues onto Goomalibee Street, Benalla.

The objections were forwarded to the applicant who provided a response dated 9 February 2023. No objections have been withdrawn to date.

Planning Scheme Provisions

Municipal Planning Strategy

Clause 02.03-1 Settlement identifies Benalla as the major urban centre of the municipality, with Enterprise Park providing the bulk of the industrial opportunities.

Clause 02.03-3 Land use conflicts states that in seeking to minimize the potential for land use conflicts, Council seeks to:

- Discourage residential development or other sensitive uses if it will lead to land use conflict with an agricultural or industrial use, or service utility.
- Locate new industrial development to reduce the risk of adverse amenity impacts.

Planning Policy Framework (PPF)

Clause 13.05 – 1S Noise management seeks to assist in the management of noise effects on sensitive land uses.

The clause includes the following strategies:

- Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.
- Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

The following strategies apply:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 15.01-1S Urban design seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

The following strategies apply:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

Clause 15.01-2S Building design seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

The following strategies apply:

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.

- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

Zones

Clause 32.08 General Residential Zone (GRZ)

- The purpose of the General Residential Zone is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.08-2 a planning permit is required for the use of the land for a service station and food and drink premises.

Land used for a service station must either:

- Adjoin a commercial zone or industrial zone.
- Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

The site must not exceed either:

- Three thousand square metres.
- Three thousand six hundred square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.

The site adjoins Bridge Street West, Benalla a Transport Zone 2 Road and is less than 3,000 square metres in accordance with the above conditions.

Pursuant to Clause 32.08-9 a planning permit is required for buildings and works for a use in Section 2.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Dwellings and residential buildings

For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Particular Provisions

Clause 52.06 Car parking

The proposal includes 16 car parking spaces. While a service station is not listed at Clause 52.06, the use of the land for food and drink premises requires 4 car parking spaces to each 100 square metres. The food and drink premises has a floor area of 82 square metres, therefore four car parking spaces are required. The proposal includes sufficient car parking to support both uses.

52.05 Signage

The proposal includes a number of signs on site.

The purpose of the particular provision is to:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The Zone is in Category 3 – High amenity areas for signage. The purpose of the Category is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Pursuant to Clause 52.05-13 a planning permit is required for the following signage on site:

- Business identification sign (internally illuminated pylon) ten metres height on southwest corner.
- Direction sign (internally illuminated) 1.55 metres height (located at three crossovers).
- Two business identification signs (internally illuminated) at the western and southern elevation of shop (1.82 metres x 1.82 metres).
- Five business identification signs on fuel canopy (2.5 metres x 1 metre and 1 metre x 1 metre).
- Business identification sign on fuel shop building fascia (1 metre x 1 metre).
- Window decal business identification signage.
- Internal wall striping.
- Business identification sign (internally illuminated logo) food and drink premises (3.6 metres above ground 0.75 metres x 3 metres).

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All signs

The character of the area including:

- The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

Impacts on views and vistas:

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

The relationship to the streetscape, setting or landscape:

- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

The impact of structures associated with the sign:

- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

The impact of any illumination:

- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

The impact of any logo box associated with the sign:

- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
- The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a safety hazard if the sign:

- Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver's view of a traffic control device or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.

- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

The site has a history of commercial use, most recently as a Goodyear Tyre and Auto Service Centre, with an associated history of corporate signage displayed. There are other commercial business along Bridge Street West, Benalla with similar signage as is proposed on site, largely in the form of corporate branding along canopies, building frontages and external walls and windows.

The proposed signage is appropriate to the site and will be located in a manner consistent with other signage in the street. Further, landscaping around the perimeter of the site will introduce natural elements to break up the display in the streetscape.

The proposal has been referred to Transport for Victoria who have provided conditions in relation to signage along the major road which will ensure illumination and siting is in accordance with safety regulations.

Clause 52.29 Land adjacent to the principal road network

Pursuant to Clause 52.29-2 a permit is required to alter access to a road in a Transport Zone 2.

The application was referred to Department of Transport who advised they have no objections to the proposal subject to conditions to be placed on any planning permit issued regarding access, detailed design and signage.

Referrals

External Referrals and Notices required by the Planning Scheme:

Clause 55

Department	Action
Department of Transport and Planning	No objections subject to conditions in relation to access and signage.
Engineering	No objections subject to conditions relating to access, drainage, car parking, waste collection and drainage.
Environment Protection Authority	No objection.

Objectors Concerns

Amenity issues

- Noise impacts from 24 hour operation of business.
- Vapour and odour hazards.
- Built form outside of building envelope.
- Privacy (overlooking by shedding and staff members).
- Adverse impact caused by noise (operation of machinery) and dust and light emissions.

Traffic issues

- Inappropriate increase in vehicle movements caused by the business.
- Safety and congestion caused by increased traffic and conflict with school traffic.
- Vehicle and machinery movement within and to and from the site causing detriment to surrounding residents.

Contrary to policy

- Industrial business in a residential area.
- Not in keeping with character of the area.
- Contrary to the purpose of the General Residential Zone.

Operational issues

- 24 hour operation of the business not appropriate in residential location.
- Deliveries and waste to be stored in close proximity to residential properties.

Other

- The proposal will attract children to the site (anti-social behaviour).
- The proposal sets a precedent for further non-residential uses.

ASSESSMENT

Amenity issues

Objectors were concerned that the operation of the food and drink premises, in addition to operating 24 hours a day seven days a week will attract children to the site who will engage in anti-social behaviour. There is no evidence that the proposed use will encourage inappropriate behaviour. The presence of the fuel bowsers will allow for passive surveillance of the site via customers and there are no areas provided to encourage the congregation of persons.

Light

The application includes lighting plans with a report in relation to light spill and illuminance from the site. The location and concentration of lighting on the site is to the south and west, largely illuminating the site internally. The built form and fencing on the site will mitigate any light spill to the north and east, however conditions can be placed on any planning permit issued ensuring appropriate measures to control light spill.

Property values

The impact of a proposal on property value is not a valid planning consideration.

Noise

Matters in relation to noise include noise emissions from vehicles using the site, deliveries to the site and the 24-hour use of the site (human noise).

The application includes a large acoustic fence along the northern boundary and some of the eastern boundary, with heights of between 2.2 and 3.2 metres.

The acoustic report submitted in support of the application by Clarity Acoustics made a number of recommendations to further mitigate noise emissions from the site. These include:

- Scheduling waste collection and fuel deliveries to occur between 7am and 10pm, 7 days a week.
- Acoustic fencing as described above.
- All mechanical plant requirement to be sited and selected to meet Noise Protocol.

It is considered appropriate to include conditions relating to the above on any planning permit issued.

Odour

The proposal will include fuel pumps and a small area for waste storage and collection.

Waste is proposed to be collected and stored in skip bins for weekly collection, with limited impact on the surrounding properties. A Waste Management Plan will be required as part of any planning permit issued.

The application was referred to the Environment Protection Authority (EPA) who advise that they do not have any specific concerns with the proposal. From EPA's perspective service stations, convenience stores have risks associated with them. The planning permit application indicates that the proponent has assessed these risks and is taking steps to minimise them, particularly with regard to noise.

Contrary to policy

The site is located within General Residential Zone. The purpose of the Zone is to allow a limited range of non-residential uses to serve local community needs in appropriate locations.

The proposal is setback 1.5 metres of the eastern boundary and 5.6 metres from the northern boundary. The application does not provide shadow diagrams, however, it is noted that the dwellings on the adjoining property to the north are 8 metres from the property boundary and the land to the east is vacant. It is considered the proposal will not cause unacceptable overshadowing from the building or proposed fence.

The site is a corner lot with frontage to a major road and existing infrastructure that requires limited modification to accommodate the proposed use and development. In addition, it has previously been used for a commercial type use.

Most recently the site was used for motor vehicle repairs, while the site has previously accommodated a service station.

There is a pattern of non-residential use along the major road, particularly on larger, prominent sites such as the subject site, including the corner of Margaret Street and Bridge Street West, Benalla to the south.

The service station will be single storey, with a maximum overall height of 5.5 metres to the canopy above the fuel bowsers, central to the site. The built form and layout is not inconsistent with building form and height along the street.

The proposal incorporates corporate branding and signage within the site, however this also similar to existing businesses along Bridge Street West, Benalla and given the site faces out towards the open streets on the corner lot it is not expected to impact on adjoining residential uses to the north and east.

Modest landscaping proposed on the site will reduce the impact of the built form in the streetscape.

Traffic

There is no requirement for the provision of bicycle parking within the Benalla Planning Scheme and therefore none has been provided on site. It is considered that the site is located on a pedestrian thoroughfare between the schools along Goomalibee Street, Benalla and adjacent residential area and it is appropriate to seek bicycle parking in this instance.

This can be sought as a condition on any planning permit issued.

The Traffic report submitted with the application from Stantac, dated 11 October 2022, identifies the majority of site generated traffic will be passer-by traffic that already exists on the road network. The report found that the proposed access and site layout for the site is appropriate in relation to the expected traffic generated by the use.

The application was referred to Council's Engineer who reviewed the information and found the proposal generally acceptable in line with Department of Transport review and proposed conditions, subject to conditions to be placed on any planning permit issued to manage, drainage, car parking, waste management and access.

Council's assessment of the traffic conditions on Goomalibee Street, Benalla indicate there are safety and congestion concerns arising from vehicle movements, particularly in relation to school traffic. Council therefore consider it appropriate to require a Road Safety Audit within 6 months of the commencement of operation. Any recommendations from the Road Safety Audit would then need to be implemented within three months of the completion of the report.

Sufficient car parking has been provided on site, as discussed earlier.

COUNCIL PLAN 2021-2025 IMPLICATIONS**Community**

- *A connected, involved and inclusive community.*

Livability

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

Economy

- *Thriving business and industry.*
- *Flourishing tourism.*

Environment

- *Healthy and protected natural environment.*
- *Sustainable practices.*

LEGISLATIVE AND STATUTORY IMPLICATIONS

A decision by the Council to determine that a permit should be granted for the proposal may be appealed to VCAT by the objectors and/or the applicant against conditions of the permit;

In the instance that the Council decides to refuse to grant a permit the applicant also has a right of appeal to VCAT.

FINANCIAL IMPLICATIONS

The Council, as the responsible authority under the *Planning and Environment Act 1987*, must determine the permit application.

If the Council decision is appealed by any party to VCAT, the Council has a statutory role in being a party to the appeal and informing and assisting VCAT.

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 Council having caused notice of Planning Application No. P0156/22 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 issue a Notice of Decision to Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Lot 1 on TP511913Q, 18-20 Bridge Street West, Benalla for the use and development of the land for a service station and food and drink premises, alteration of access to a road in a Transport Zone 2 and signage in accordance with the endorsed plans, with the application dated 25 October 2022 and subject to the following conditions:

Plans for Endorsement – changes required.

1. Before the development commences, amended plans must be submitted for approval and endorsement by the responsible authority. The plans must show:
 - a) A schedule of colours, materials and finishes for all buildings on the land.
2. The development and/or use permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

General amenity provision

4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods, or commodities to or from the land
 - b) appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil to the satisfaction of the responsible authority.

Regulation of delivery times

5. Waste Collection and Fuel Delivery to and from the site must only take place between the times of 7am to 10pm, 7 days a week. The responsible authority may consent in writing to vary these requirements.

Loading/unloading.

6. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) as shown on the endorsed plans and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

Waste storage

7. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained, and screened from public view to the satisfaction of the responsible authority.

Waste management plan

8. Before the development as appropriate commences, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must:
- a) be prepared to the satisfaction of the responsible authority.
 - b) be submitted in electronic form.
 - c) include the following:
 - i. anticipated volumes of waste and recycling that will be generated and how they are determined.
 - ii. the type and size of trucks required for waste collection.
 - iii. a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins.
 - iv. frequency of waste collection

Detailed construction plans – Carparking and Accessway Surfacing

9. Before any works associated with the development start, detailed construction plans must be approved and endorsed by the responsible authority. The construction plans must:
- a) be prepared to the satisfaction of the responsible authority
 - b) be drawn to scale with dimensions and submitted electronically.
 - c) Include the following:
 - i. fully sealed pavement with kerb and channel
 - ii. concrete footpaths
 - iii. underground drainage (Refer to Drainage Discharge Plan Condition)
 - iv. vehicular crossings as shown on endorsed plans
 - v. Removal of redundant crossings and replacement of kerb & channel
 - vi. Centre Median along Goomalibee Street from Bridge Street West to Northern Boundary of site
 - vii. Bulk Earthworks
 - viii. Any earthworks retaining and/or fencing as required
 - ix. Landscaping and planting detail
 - x. Line marking and pavement marking
 - xi. Geotechnical testing and reporting to determine pavement design recommendation
 - d) Any modifications to the detailed construction plans agreed to by the responsible authority must be shown on an amended plan that is endorsed by the responsible authority.

Drainage Discharge Plan

10. Before any of the development starts a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. The information submitted must show the details listed in the council’s Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) details of how the works on the land are to be drained and/or retarded.**
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority**
- c) underground pipe drains conveying stormwater to the legal point of discharge.**
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;**
- e) a max discharge rate from the site is to be determined by computation to the satisfaction of Council or 37L/s/ha.**
- f) documentation demonstrating approval from the relevant authority for the legal point of discharge.**
- g) the provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council’s stormwater drainage system.**
- h) the details of the incorporation of water sensitive urban design designed in accordance either “Urban Stormwater Best Practice Environmental Management Guidelines” 1999.**
- i) maintenance schedules for treatment elements.**

Before the use begins all works constructed or carried out must be in accordance with those plans, to the satisfaction of the Responsible Authority.

Car park construction

11. Before the development commences, the area(s) set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:

- a) constructed**
- b) properly formed to such levels that they can be used in accordance with the plans**
- c) surfaced with an all-weather wearing surface per geotechnical specification**

- d) drained and properly retarded in accordance with council and IDM specifications**
- e) line marked to indicate each car space and all accessways**
- f) clearly marked to show the direction of traffic along accessways and driveways to the satisfaction of the responsible authority.**

At all times car spaces, accessways and driveways must be kept available for these purposes.

Vehicle manoeuvring

- 12. All car parking spaces must be designed to allow all vehicles to drive forwards when entering and leaving the property.**

Number of car spaces required

- 13. No fewer than 16 car spaces must be provided on the land.**

Cycle parking

- 14. Provision for at least 5 bicycle parking spaces must be provided on the land.**

Car parking for disabled persons

- 15. A minimum 2 car space(s) must be provided for the exclusive use of disabled persons.**

The car space(s) must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons to the satisfaction of the responsible authority.

The dimensions and layout of the car space(s) must be in accordance with Australian Standard AS2890.6-2009 (Accessible (Disabled) Car Parking Requirements) and the Building Code of Australia.

New vehicular crossings

- 16. Before the use commences, any new vehicular crossing(s) must be constructed to the satisfaction of the responsible authority.**

Vehicle crossing removal

- 17. Before the use commences, all existing disused or redundant vehicle crossings must be removed and the nature strip and kerb and channel reinstated to the satisfaction of the Responsible Authority at the cost of the owner.**

Traffic Requirements

- 18. Before the use begins and/or the building(s) is/are occupied or before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must construct any traffic management works identified in Traffic Impact Assessment Report by Stantec (dated 11/10/2022, Ref: 300303963), excluding any such conditions of this permit which oppose these recommendations, to the satisfaction of Council. The cost of such works shall be fully met (or specify other cost sharing arrangement as required) by the applicant.**

19. Within 6 months of the occupation of the development and use commencing, a road safety assessment of the development must be undertaken to determine if the development and use triggers the need for any further traffic safety works related to Goomalibee Street and Bridge Street West vehicular and pedestrian movements.

20. All works recommended within the Road Safety Assessment must be funded by the permit holder and completed within three months of the report to the satisfaction of the responsible authority.

Noise Control

21. The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with *Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended.

22. Not more than six months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken at the permit holders expense to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not being achieved with NIRV additional noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.

23. In the event of unreasonable noise being generated by activities conducted from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then further noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

24. Audible security alarms must not be used on the site for security purposes to the satisfaction of the Responsible Authority.

25. Loudspeakers on the site must not be used between the hours of 7pm to 7am to the satisfaction of the Responsible Authority.

Carpark interface with Landscape/Fencing

26. Before the use commences, protective kerbs to prevent damage to fences or landscaped areas must be provided to the satisfaction of the responsible authority.

Completion of landscaping

27. Before the use commences, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

Landscaping maintenance

28. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Oil and Silt Trap

29. Before the use begins and/or the building(s) is/are occupied, an oil and silt interceptor trap shall be installed to receive all drainage from paved areas on the site including any car wash areas to the satisfaction of the Responsible Authority.

Construction Management Plan - Construction

30. Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the Responsible Authority. The plan must show:
- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
 - b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
 - c) locations of any construction wastes, equipment, machinery and/or earth storage/stockpiling during construction;
 - d) where access to the site for construction vehicle traffic will occur;
 - e) tree protection zones;
 - f) the location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - g) the location of trenching works, boring, and pits associated with the provision of services;
 - h) the location of any temporary buildings or yards; and
 - i) other as specified by the Responsible Authority.

Environmental management plan - Construction

31. Before the development or any site works (including demolition and excavation) start, an environmental management plan must be approved and endorsed by the responsible authority. The environmental management plan must:
- a) be prepared to the satisfaction of the responsible authority
 - b) be prepared in accordance with the Civil construction building and demolition guide, Publication 1834 (EPA, 2020)
 - c) adopt the form of the EMP template included in the EPA guide and must address the following risks:
 - i. noise and vibration

- ii. erosion, sediment and dust
 - iii. contaminated land and groundwater
 - iv. chemicals
 - v. waste
- d) include a traffic management plan showing:
- i. access routes for construction vehicles
 - ii. swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction
 - iii. proposed parking locations for construction vehicles and construction workers' vehicles
 - iv. any impacts upon adjacent roads, pedestrian walkways and provision for adequate movement and
 - v. circulation of vehicles and pedestrians adjacent to the land during the construction phase

The responsible authority may consent in writing to vary any details in the environmental management plan.

As Constructed Plans

32. Prior to the issue of Statement of Compliance, the applicant or developer shall submit to the satisfaction of the relevant authority the following:
- a) 'as - constructed' information for the entire works area as per approved civil construction plans in each development stage detailing information as listed in the council's Infrastructure Design Manual;
 - b) a certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.
 - c) certified as-constructed information presented as being true and correct; and
 - d) information to be presented in pdf., dwg., D, and R SPEC formats, or unless otherwise agreed in writing by the Authority.

Existing Council's Assets

33. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

Prior to Commencement of Construction

34. Before any road/drainage works associated with the subdivision start, the following items must be satisfied;

a) Approval of the Detailed Construction Plans

An on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction.

Works Prior to Commencement of Use

35. The use must not start until:

a) The parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the Responsible Authority; and

b) The carparking parking and roadway/paving area(s) has been line-marked to the satisfaction of the Responsible Authority, and

c) The garden and landscape area(s) shown on the endorsed plan(s) have been planted to the requirements and satisfaction the Responsible Authority

Nature Strip

36. Prior to commencement of use, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover. Alternative finishes may be approved by written agreement.

Expiry of Construction Approval

37. All construction plan approvals will lapse at the time of a request to extend this Planning Permit.

Signage

38. Signs must not display any flashing or scrolling messages

39. All signage must be located within the boundaries of the site

40. All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

41. All signs must not obstruct a driver's line of sight at an intersection, curve or point of egress from an adjacent property.

42. All signs must not dazzle or distract drivers due to their size, design or colouring, or it being illuminated, reflective, animated or flashing.

Head, Transport for Victoria Conditions

43. Only two accesses will be permitted from the subject land to Bridge Street West. The proposed western access must be left-in only and the proposed eastern access must be left-out only.

44. All access to the subject land must be limited to a vehicle no greater than a semi-trailer.
45. Prior to commencement of the buildings and/or works:
- a) A Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with Stantec drawing number 300303963-01 but modified to show a physical treatment at the centre of Bridge Street West to prevent any right turn access to/from Bridge Street.
 - b) A functional layout stage road safety audit must be submitted to and approved by the Head, Transport for Victoria. The road safety audit must be undertaken by a suitably qualified road safety auditor.
46. Prior to commencement of the use, following roadworks must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
- i. Physical treatment at the centre of Bridge Street West to prevent any right turn access to/from Bridge Street treatment.
 - ii. Any works identified in the road safety audit.
 - iii. Any other works required.
47. Prior to commencement of the use, both the accesses from subject land to Bridge Street must be constructed to the satisfaction of Responsible Authority and at no cost to Head, Transport for Victoria.

Signage Conditions

48. During the operation of the sign, the maximum average luminance and threshold increment values as specified in below must not be exceeded:
- Maximum average luminance:
 - Full sun on face of signage: No limit
 - Daytime luminance: 4000 cd/m²
 - Morning and evening twilight and overcast weather: 400 cd/m²
 - Night time: 200 cd/m²
 - Threshold increment max percentage:
 - Night time: 15 percent
 - Adaptation luminance:
 - Night time: 5
49. The signs must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria
50. Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.

51. **Electronic signage must have an Upward Light Ratio (ULR) of less than 50 percent and the design must include facilities (such as integral baffles) to mitigate upward waste light.**
52. **No sign content must be displayed other than fuel pricing.**
53. **The transition from one fuel price to another must be instantaneous.**
54. **The sign must not display content, images or text:**
 - i. **Giving the illusion of continuous movement.**
 - ii. **Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.**
 - iii. **Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.**
 - iv. **With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.**
 - v. **Containing any animation.**
 - vi. **Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.**
 - vii. **Consisting of present time or other contemporary update information relating to news, weather or time.**
 - viii. **Containing video, movie or television broadcasts.**
55. **The sign and any displayed advertisement must not include any ancillary extension, embellishment or accessorisation within or outside the permitted advertising area unless the Head, Transport for Victoria has agreed to in writing prior to its installation.**
56. **The use of sound or motion to activate the sign is not permitted.**
57. **The use of sound to interact with road users is not permitted.**
58. **The sign must not dazzle or distract road users due to its colouring.**
59. **In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign must shut down and cease any form of visual output until the malfunction is repaired.**
60. **This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.**

Permit Expiry

61. **This permit will expire if one of the following circumstances applies:**
 - a) **the use or development is not commenced within two years after the issue of the permit;**

b) the development is not completed within four years after the issue of the permit.

c) the use is discontinued for a period of two years.

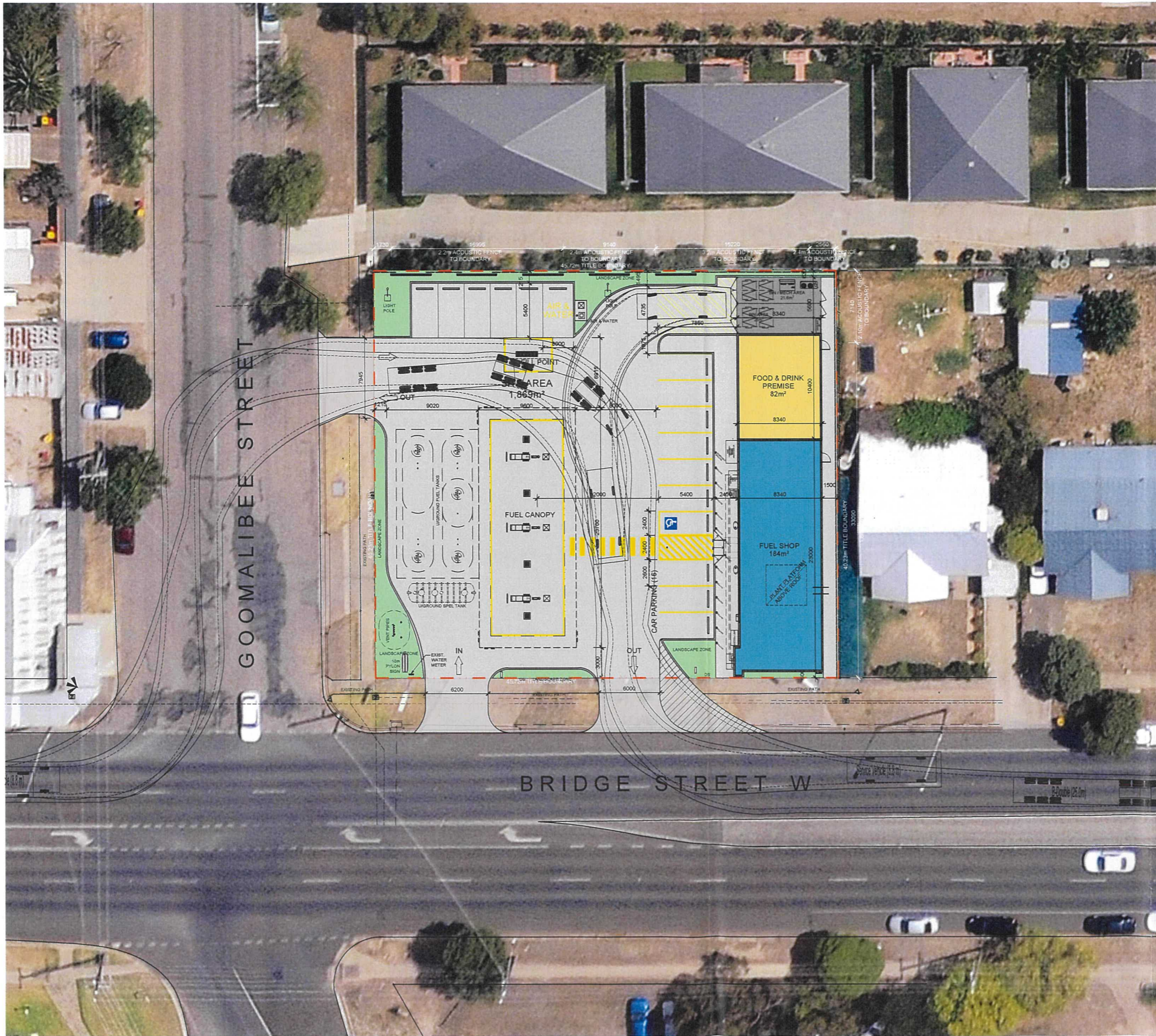
The Responsible Authority may extend the commencement date if a request is made in writing by the owner or the occupier of the land to which the permit applies before the permit expires or within 6 months afterwards.

The Responsible Authority may extend the time within which the development is to be completed if the development has commenced and a request in writing is made by the owner or the occupier of the land to which it applies within 12 months after the permit expires.

General Notes

- **The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**
- **An asset protection permit is required prior to the commencement of any works on site.**
- **Before undertaking any works that cross onto public land or roads, the permit holder must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**
- **This permit does not authorise the commencement of any demolition works. Before any such development may commence, the applicant must apply for and obtain appropriate building permit approval.**

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AREA SCHEDULE:	
TOTAL SITE AREA	1,839m ²
TENANCY AREAS :	
FUEL SHOP	184m ²
FOOD & DRINK PREMISE	82m ²
TOTAL AREA	264m ²
CAR SPACES	16 cars

ALL SITE AREA AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY

P8	LIGHT POLE ADDED	AB	11-10-22
P7	ACOUSTIC FENCE AMENDED, PLANT DECK ADDED TO SERVICE STATION	JL	06-10-22
P6	ACOUSTIC FENCE ADJUSTED	AB	30-09-22
P5	CROSSOVERS AMENDED, ACOUSTIC FENCE ADJUSTED	AB	26-09-22
P4	SUB STATION REMOVED & REVERT TO PREVIOUS LAYOUT	JL	30-08-22
P3	SUB STATION MOVED TO 3M OFFSET FROM BOUNDARY	BP	17-08-22
P2	ADDED SITE SURVEY AND AMENDED SITE BOUNDARY TO SUIT	BP	16-08-22
P1	TOWN PLANNING ISSUE	DR	02-08-22
REV	AMENDMENT DETAILS	BY	DATE



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PROJECT
PROPOSED MIXED USE
DEVELOPMENT

PROJECT ADDRESS
18 - 20 BRIDGE ST W

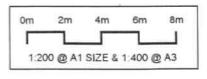
BENALLA
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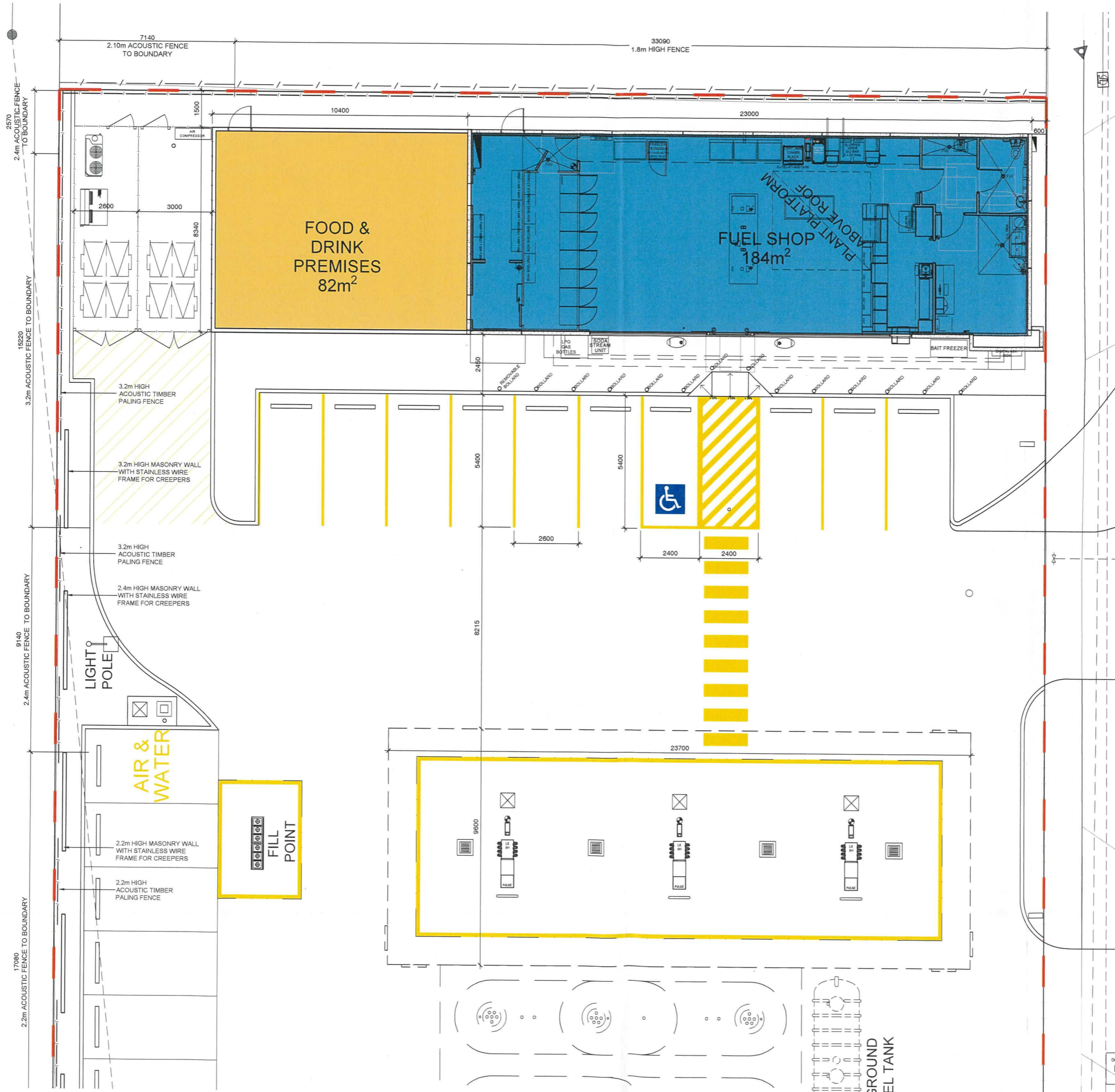
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PROPOSED SITE PLAN

CLIENT
SPECTRUM RETAIL GROUP

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DR	AB	
ISSUE	TOWN PLANNING	
PROJECT No.	DRAWING No.	REVISION No.
21572	TP03	P8
		SHEET
		03 of 07

Town Planning
Not for construction





AREA SCHEDULE:	
TOTAL SITE AREA	1,839m ²
TENANCY AREAS :	
FUEL SHOP	184m ²
FOOD & DRINK PREMISE	82m ²
TOTAL AREA	264m ²
CAR SPACES	16 cars

ALL SITE AREA AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY

P4	LIGHT POLE ADJUSTED	AB	11-10-22
P3	PLANT DECK ADDED TO SERVICE STATION. ACOUSTIC FENCE AMENDED. LIGHT POLE MOVED	JL	01-10-22
P2	ACOUSTIC FENCE AMENDED	AB	30-09-22
P1	TOWN PLANNING ISSUE	AB	26-09-22
REV	AMENDMENT DETAILS	BY	DATE



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PROJECT
PROPOSED MIXED USE DEVELOPMENT

PROJECT ADDRESS
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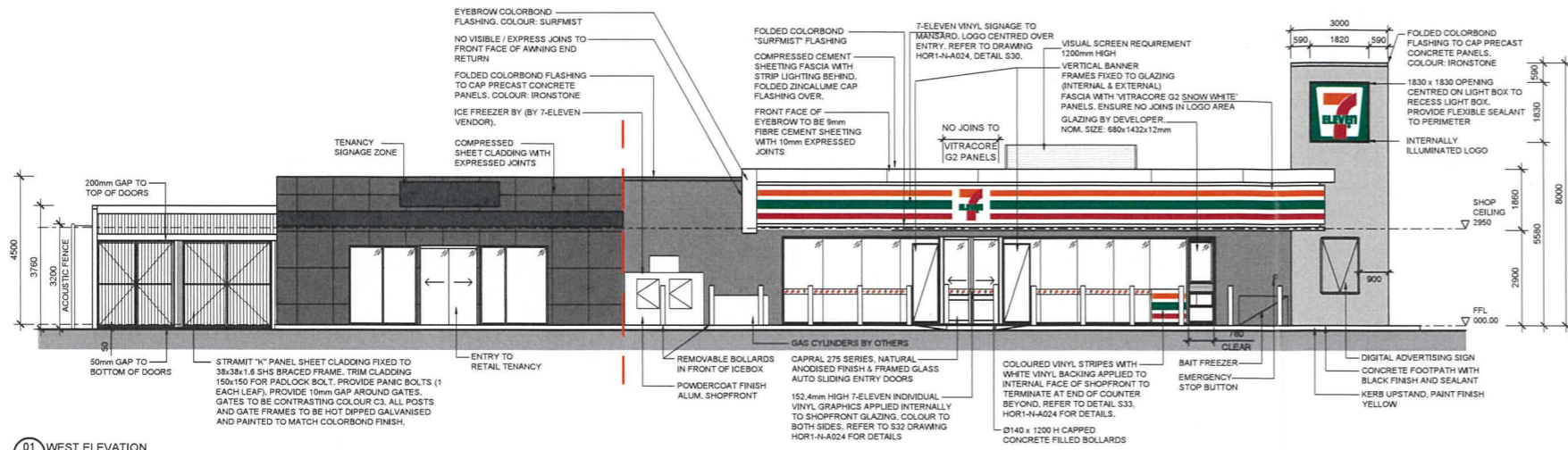
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PROPOSED FLOOR PLAN

CLIENT
SPECTRUM RETAIL GROUP

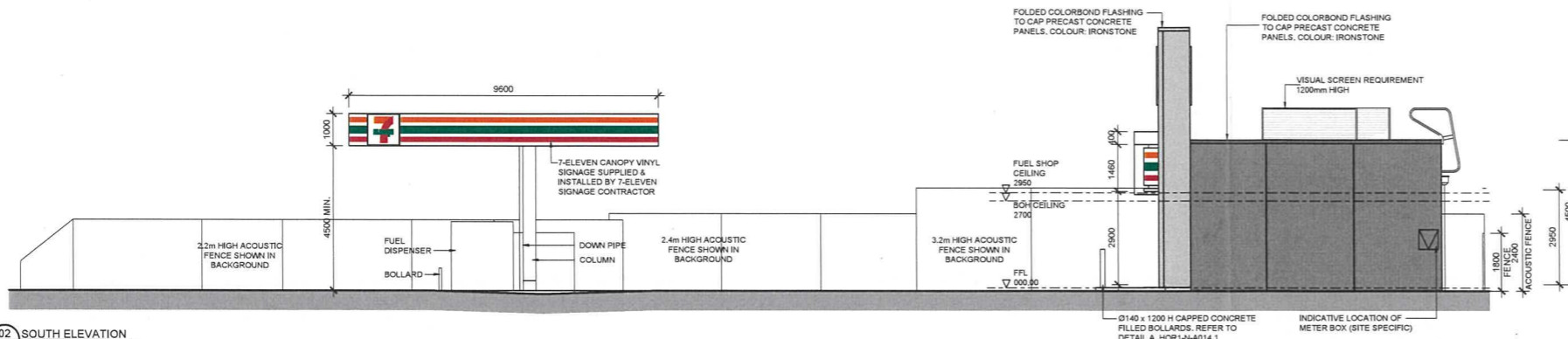
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PROJECT No. 21572	DRAWING No. TP04	REVISION No. P4	SHEET 04 of 07

Town Planning
Not for construction

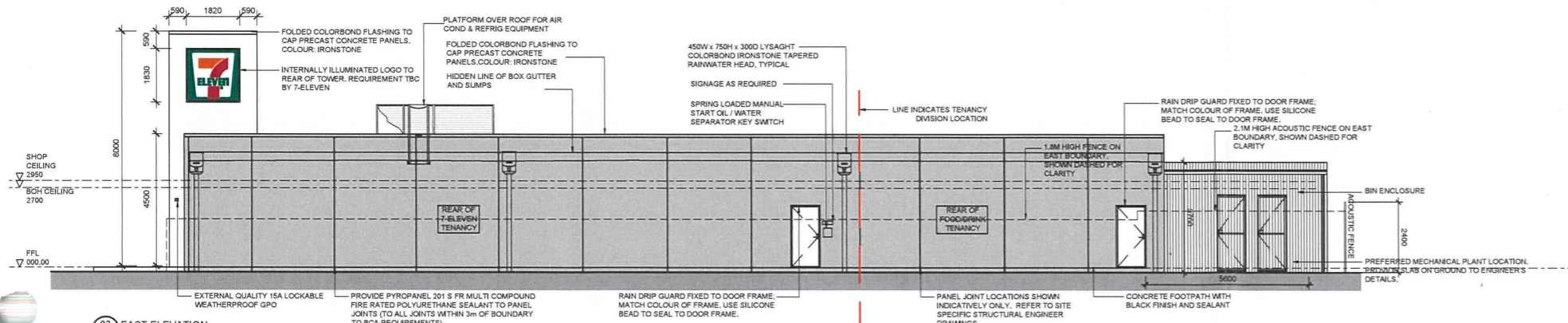
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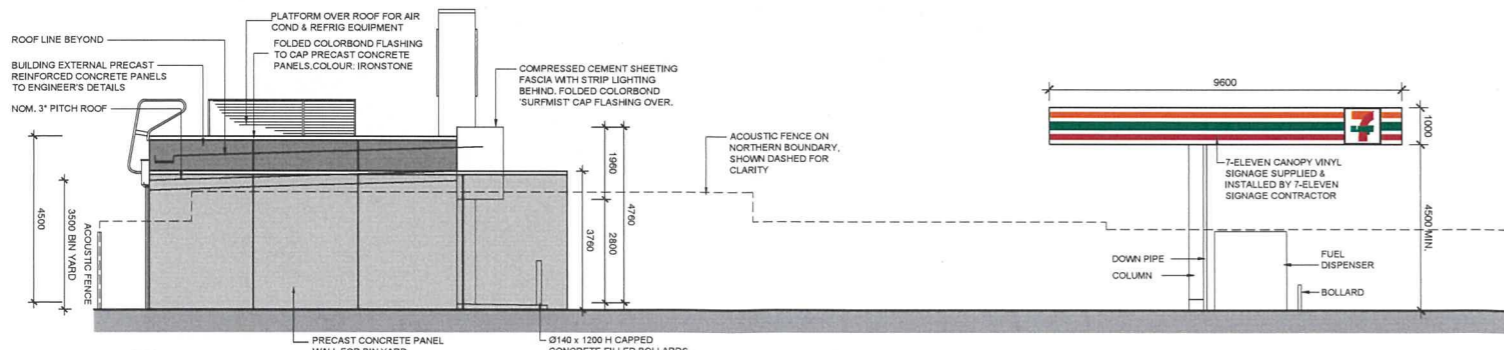
01 WEST ELEVATION
SCALE 1:100



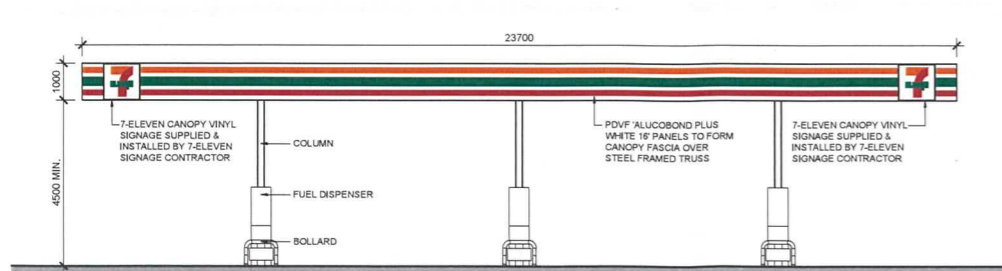
02 SOUTH ELEVATION
SCALE 1:100



03 EAST ELEVATION
SCALE 1:100



04 NORTH ELEVATION
SCALE 1:100



05 WEST ELEVATION - FUEL CANOPY
SCALE 1:100

REV	AMENDMENT DETAILS	BY	DATE
P6	DOORS ON EAST ELEVATIONS AMENDED	AB	11-10-22
P5	ACQUSTIC FENCE AMENDED, EAST ELEVATION UPDATED, PLANT DECK ADDED TO SERVICE STATION	J	06-10-22
P4	ACQUSTIC FENCE HEIGHTS AMENDED	AB	30-09-22
P3	NORTHERN BOUNDARY FENCE ADDED	AB	29-09-22
P2	ADDED EAST CANOPY ELEVATION + PRECAST WALL TO BIN YARD	BP	26-09-22
P1	PRELIMINARY ISSUE	BP	05-08-22



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PROJECT
PROPOSED MIXED USE
DEVELOPMENT

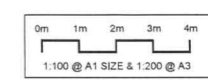
PROJECT ADDRESS
18 - 20 BRIDGE STREET

BENALLA
VIC 3672

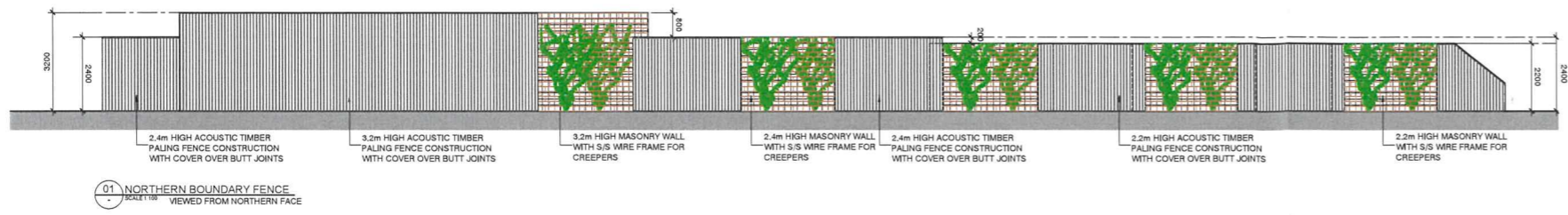
DRAWING TITLE
PROPOSED ELEVATIONS

CLIENT
SPECTRUM RETAIL GROUP

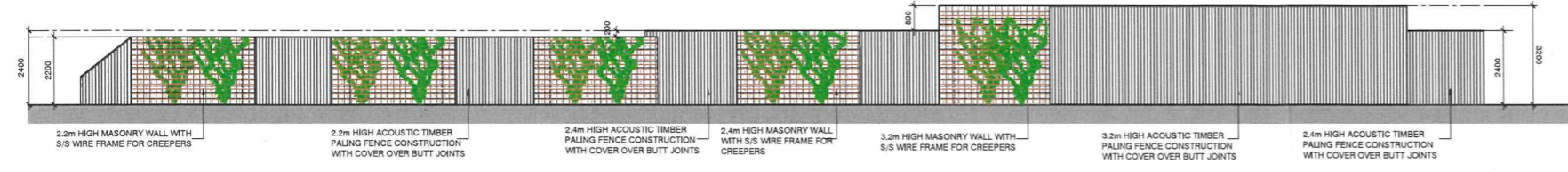
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AUG '22	1:100		
DRAWN	CHECKED		
BP	AB		
ISSUE TOWN PLANNING			
PROJECT No.	DRAWING No.	REVISION No.	SHEET
21572	TP05	P6	05 of 07



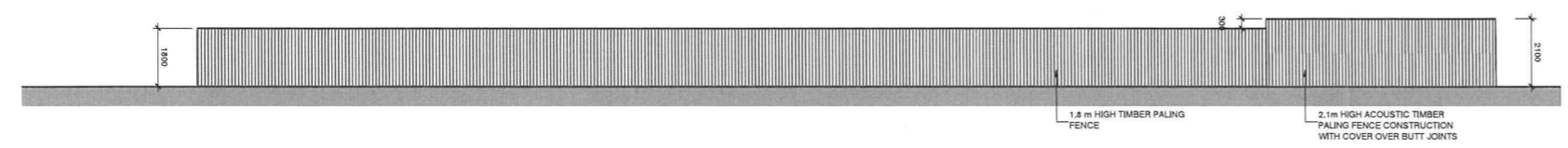
Town Planning
Not for construction



01 NORTHERN BOUNDARY FENCE
SCALE 1:100
VIEWED FROM NORTHERN FACE



02 NORTHERN BOUNDARY FENCE
SCALE 1:100
VIEWED FROM SITE FACE



03 EAST BOUNDARY FENCE
SCALE 1:100
VIEWED FROM EAST FACE

P1	PRELIMINARY ISSUE	JL	06-10-22
REV	AMENDMENT DETAILS	BY	DATE



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design + interiors +
project management

Level 3, Suite 37, 799 Springvale Road,
Mulgrave, Victoria 3170 Australia
T: +61 3 9542 9300 F: +61 3 9542 9310
www.trg-aus.com
The Retail Group Pty Ltd ABN 85 050 134 686
RBP No. DP-AD1689

BUILDER / CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO PRODUCING SHOP DRAWINGS. ORDERING MATERIALS OR COMMENCING WORK ON SITE. USE FIGURED DIMENSIONS ONLY. DO NOT SCALE DRAWINGS & INFORM TRG OF ANY CONFLICT OR DISCREPANCY BETWEEN SITE CONDITIONS AND DOCUMENTS. DRAWINGS SHALL BE READ IN CONJUNCTION WITH RELEVANT CONSULTANTS DRAWINGS, REGULATORY CODES AND STANDARDS. © COPYRIGHT 2022 BY

PROJECT
PROPOSED MIXED USE
DEVELOPMENT

PROJECT ADDRESS
18 - 20 BRIDGE STREET

BENALLA
VIC 3672

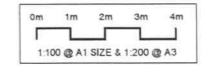
DRAWING TITLE
PROPOSED FENCE ELEVATIONS

CLIENT
SPECTRUM RETAIL GROUP

DATE AUG '22	SCALE @ A1 1:100	NORTH
DRAWN BP	CHECKED AB	

ISSUE TOWN PLANNING			
PROJECT No. 21572	DRAWING No. TP06	REVISION No. P1	SHEET 06 of 07

Town Planning
Not for construction



AREA SCHEDULE:	
TOTAL SITE AREA	1,839m ²
TENANCY AREAS :	
FUEL SHOP	184m ²
FOOD & DRINK PREMISE	82m ²
TOTAL AREA	264m ²
CAR SPACES	16 cars
ALL SITE AREA AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY	

REV	AMENDMENT DETAILS	BY	DATE
P5	PYLON SIGN AMENDED	AB	11-10-22
P4	SITE PLAN AMENDED	JL	06-10-22
P3	FENCE AMENDED	AB	30-09-22
P2	PYLON SIGN UPDATED	AB	28-09-22
P1	PRELIMINARY ISSUE	BP	26-09-22



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PROJECT
PROPOSED FUEL FILLING DEVELOPMENT

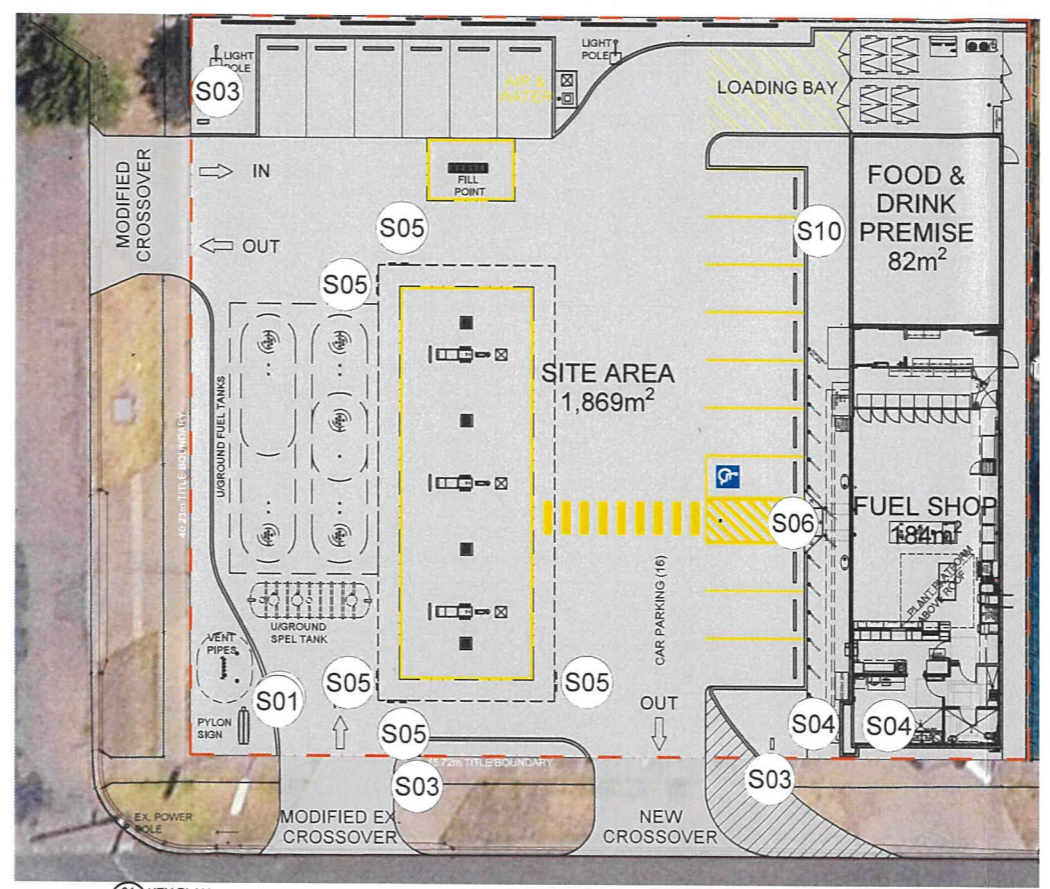
PROJECT ADDRESS
18 - 20 BRIDGE ST W

BENALLA VIC 3672

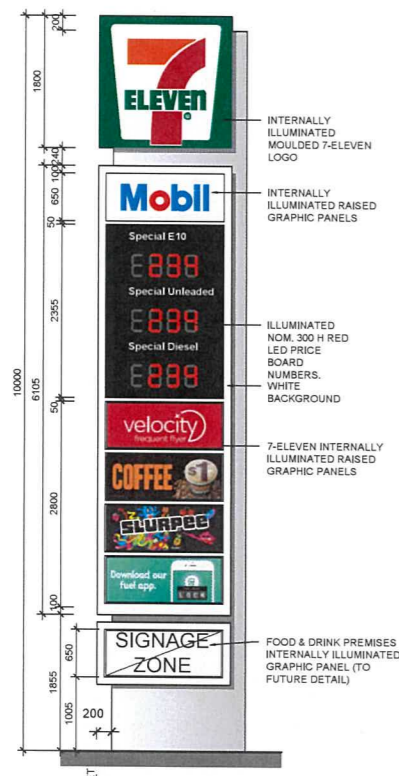
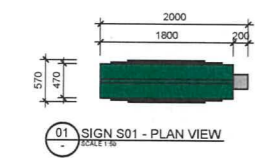
DRAWING TITLE
SIGNAGE PLAN

CLIENT
SPECTRUM RETAIL GROUP

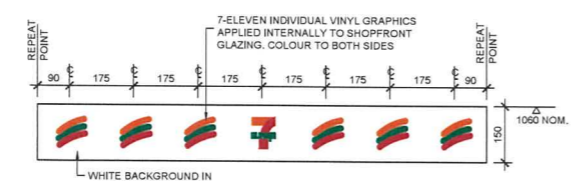
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AUG '22	1:50		
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ISSUE TOWN PLANNING			
PROJECT No. 21572	DRAWING No. TP07	REVISION No. P5	SHEET 07 of 07



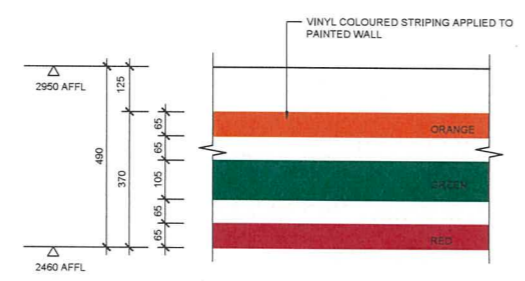
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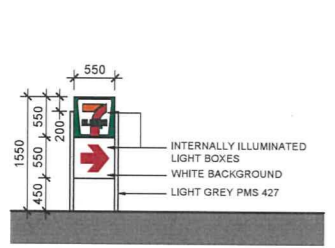
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ILLUMINATED 10m PRIMARY PYLON SIGN



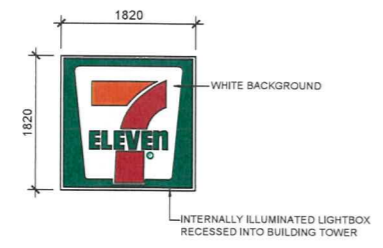
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WINDOW DECAL SIGN



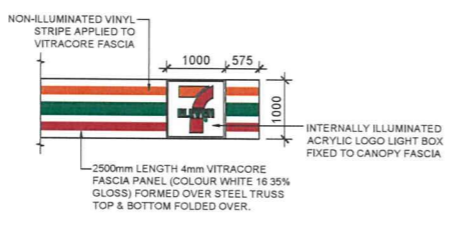
09 SIGN S09
TYPICAL INTERNAL WALL STRIPING



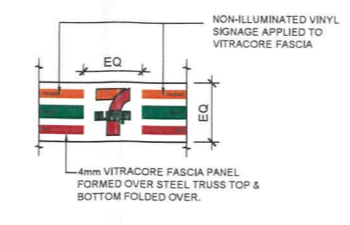
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ILLUMINATED DIRECTIONAL SIGN



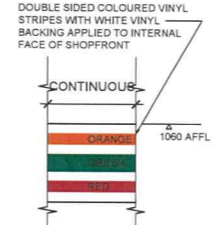
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ILLUMINATED TOWER LOGO



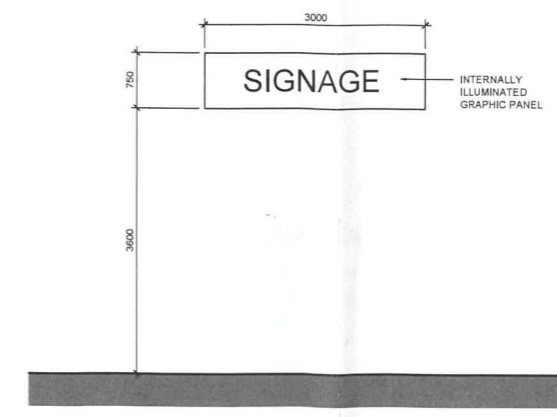
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TYPICAL FUEL CANOPY FASCIA DETAIL



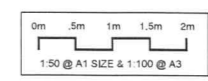
06 SIGN S06
TYPICAL BUILDING / AWNING FASCIA DETAIL



07 SIGN S07
TYPICAL WINDOW FILM DETAIL



10 SIGN S10
INTERNAL ILLUMINATED LOGO



Town Planning
Not for construction

4. Planning Application – Bridge Street East Road Reserve, Benalla – Tree Removal in a Heritage Overlay

DA6739

Joel Ingham – Planning Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

This report assesses a planning application received for the removal of a street tree (Cut-leaf Plane Tree) on the Bridge Street East Road Reserve, Benalla due to the roots causing damage to the gutter, footpath and building.

BACKGROUND

Site Address	Bridge Street East Road Reserve, Benalla (outside of 13 Bridge Street East, Benalla)
Existing Use	Council footpath
Proposal	Removal of Cut-leaf Plane Tree
Applicant	Dean Steegstra (Benalla Rural City Council)
Zone	Transport Zone 2
Overlays	<ul style="list-style-type: none"> ▪ Heritage Overlay (HO26) ▪ Land Subject to Inundation Overlay ▪ Design and Development Overlay – Schedule 1
Referrals	Heritage Consultant

PROPOSAL

The proposal seeks approval to remove a mature plane street from the road reserve outside 13 Bridge Street East, Benalla that is causing damage to infrastructure including the gutter, footpath and building.

A plan of the proposal is attached in **Appendix 1**.

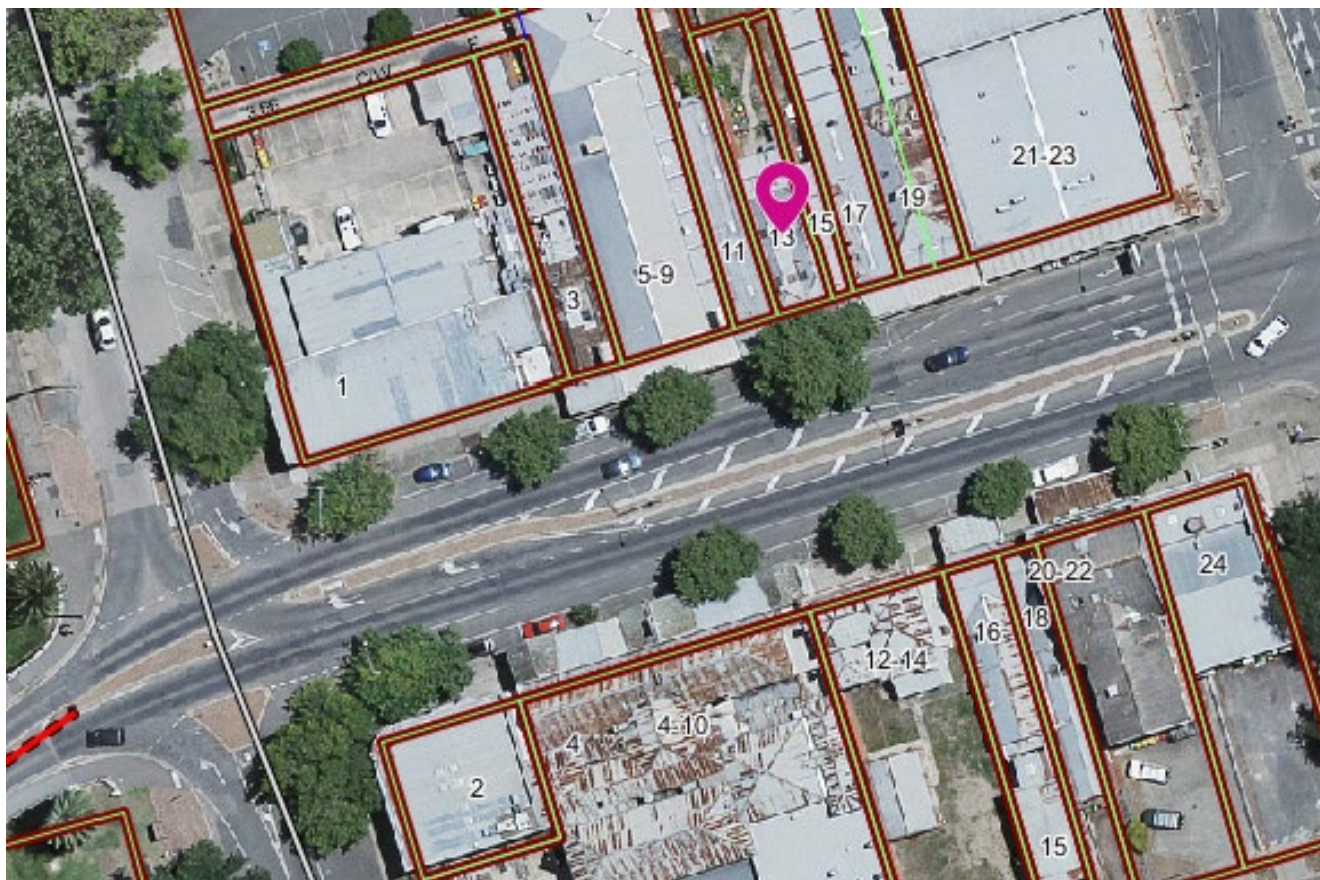
Site and Surrounds

An inspection of the site and the surrounding area has been undertaken.

The subject site is the road reserve (footpath) outside 13 Bridge Street East, Benalla. The area comprises shops, a footpath and car parking either side of the tree. The tree is the last tree in the row along the north side of the street, prior to the corner with Nunn Street, Benalla.

The trees form part of an avenue of planting along both sides of the Street in the vicinity.

LOCALITY MAP



Public Notification

The planning application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* and Council’s policy by way of the following:

- placing a sign on Bridge Street East, Benalla in front of the tree.
- sending notices to all adjoining and opposite landowners and occupiers.
- placing notice in the *Benalla Ensign*.

Ten objections have been received.

The main issues raised in the objections can be summarised as follows:

- Impacts on the character of the street.
- Other options for tree management have not been pursued.
- The removal will remove a shady tree contributing to urban cooling.
- No information on future planting following its removal.

Planning Scheme Provisions

Planning Policy Framework (PPF)

Clause 15.03-1S Heritage conservation seeks to ensure the conservation of places of heritage significance.

The proposal is to remove a tree from within an area of heritage conservation. The tree is not individually listed as a significant tree and while it contributes to the aesthetic significance of the area it is causing damage to the primary significant built form and should therefore be removed.

Zone

Clause 36.04 Transport Zone 2 (TRZ2)

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for an integrated and sustainable transport system.
- To identify transport land use and land required for transport services and facilities.
- To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.
- To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.

A permit is not required to remove the tree under the Zone.

Overlays

Clause 43.01 Heritage Overlay (HO26) Benalla Central Urban Conservation Area

The purpose of the overlay is to:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The site is within HO26 Benalla Central Urban Conservation Area. A planning permit is required to remove trees in the area.

Before deciding on an application for tree removal, in addition to the decision guidelines in Clause 65, the responsible authority must consider the following, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

Clause 43.02 Design and Development Overlay

The purpose of the overlay is:

- To identify areas which are affected by specific requirements relating to the design and built form of new development.

A planning permit is not required to remove the tree under the overlay.

Clause 44.04 Land Subject to Inundation Overlay

The purpose of the overlay is to:

- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the *Water Act 1989*.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

A permit is not required to remove the tree under this overlay.

Referrals

The application was referred to Council's Heritage Consultant who advised the tree is impacting on the structural integrity of adjacent buildings and its removal is appropriate. The Consultant noted that while the tree lies in the Conservation Area and contributes to the aesthetic significance of the area, it is damaging the primary significant built fabric and therefore its removal is supported.

It is suggested that a replacement tree that will have less impact on the structure of buildings and will eventually contribute to the aesthetics of the area again and is a good outcome.

Consideration of Objection

Ten objections have been received.

The main issues raised in the objections can be summarised as follows:

- Impacts on the character of the street.
- Other options for tree management have not been pursued.
- The removal will remove a shady tree contributing to urban cooling.
- No information on future planting following its removal.

Impacts on the character of the street and the removal will remove a shady tree contributing to urban cooling

The mature tree currently provides a significant contribution to the leafy character of the street and the aesthetic significance of the Benalla Central Urban Conservation Area. The tree also currently provides shade opportunities along the footpath. The application to remove the tree has occurred as it is damaging infrastructure and building fabric of heritage significance.

On balance, the damage to property and a building of heritage significance outweighs the contribution of this specific tree to the streetscape. The tree has no individual heritage significance.

A condition will be placed on any planning permit issued to replace the tree with a suitable canopy tree, capable of contributing to the canopy in time.

Other options for tree management have not been pursued

In response to objectors' concerns that alternate root management options could resolve the damage and allow the tree to be retained, the Council's asset team provided additional advice regarding the merits of these options. The advice was formed with support by the Council's arborist after an assessment of the 'ENSPEC' root radar report.

It is considered the installation of root barriers would not adequately resolve the issue and could lead to further damage to the footpath, gutter and adjacent buildings in the future. Further, the design and layout of any root management options present design challenges that are cost prohibitive and potentially lead to poor outcomes in terms of use and appearance of the footpath area.

In addition, there is a gas main pipe that enters the building at 13 Bridge Street East, Benalla and a high chance of re-occurrence of roots growing at this point due to any barrier being cut to accommodate the pipe during installation.

No information on future planting following its removal

Council's Tree Assessment and Maintenance Plan provides guidance for the management of trees on public land throughout the municipality and supports replacement planting where it is not practicable to retain existing street trees.

Replacement planting will be required to ensure the aesthetic importance of the streetscape is maintained into the future.

Assessment

The removal of the tree is considered to comply with the Planning Policy Framework, as well as the requirements of the Heritage Overlay of the Benalla Planning Scheme. The proposal limits the damage to existing infrastructure and a primary significant heritage building and increase safety for footpath uses.

Replacement planting will be required to ensure an ongoing contribution to the aesthetic significance of the conservation area.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Livability

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

Economy

- *Thriving business and industry.*
- *Flourishing tourism.*
- *Population growth.*

Environment

- *Healthy and protected natural environment.*
- *High quality efficient and sustainable waste management.*
- *Sustainable practices.*

LEGISLATIVE AND STATUTORY IMPLICATIONS

A decision by the Council to determine that a permit should be granted for the proposal may be appealed to VCAT by the objector and/or the applicant against conditions of the permit;

In the instance that the Council decides to refuse to grant a permit the applicant also has a right of appeal to VCAT.

FINANCIAL IMPLICATIONS

The Council, as the responsible authority under the *Planning and Environment Act 1987*, must determine the permit application.

If the Council decision is appealed by any party to VCAT, the Council has a statutory role in being a party to the appeal and informing and assisting VCAT.

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 Council having caused notice of Planning Application No. P0148/22 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 issue a Notice of Decision to Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described Bridge Street East Road Reserve Benalla, for the removal of a tree within a heritage overlay, in accordance with the endorsed plans submitted with the application dated 11 October 2022 and subject to the following conditions:

Endorsed Plans

1. Only the Cut-Leaf Plane Tree (*Planatus oreintalis*) as shown on the endorsed plan is permitted to be removed.

Notification of permit conditions

2. Before the vegetation removal starts, the permit holder must advise all persons undertaking the vegetation removal, development or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Avoiding damage during vegetation removal

3. Vegetation removal and disposal must not cause damage to other vegetation to be retained or to drainage lines to the satisfaction of the responsible authority.

Replacement Planting

4. Within six months of the tree removal, one mature street tree (2-3m high) must be planted in the general location. The location and species must be selected and approved by a qualified horticulturist/arborist and approved by the responsible authority.

Permit Expiry

5. This permit will expire if the tree removal does not occur within two years of the date of the planning permit.

The Responsible Authority may extend the time for the completion of the tree removal if a request is made in writing before the permit expires or within six months afterwards.

General Notes

1. The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.
2. An asset protection permit is required prior to the commencement of any works on site.
3. Before undertaking any works that cross onto public land or roads, the permit holder must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.

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5. Building and Planning Approvals – July 2023

SF/255

Sarah Ford – Building Coordinator
 Joel Ingham – Planning Coordinator
 Nilesch Singh – Manager Development

PURPOSE OF REPORT

The report details planning permit applications and building approvals for July 2023.

Planning Permit Applications Determined under Officer Delegation

File No	Description	Property Address	Decision
1 DA5989	Use and development of a dwelling	204 Swanpool Road, Swanpool	Approved
2 DA4765	Use and development of land for a dwelling	Kelleher Road, Goomalibee	Approved
3 DA3943	Construction of a garage	6 Coster Street, Benalla	Approved
4 DA3868	Construction of a dwelling	41 William Street North, Benalla	Approved
5 DA7277	Extension to the existing building (disabled toilet)	34 Main Street, Devenish	Approved
6 DA7531	Alterations and additions to the existing dwelling	18 Riverview Road, Benalla	Approved
7 DA7405	Construction of a shed	361 Goorambat-Thoona Road, Goorambat	Approved
8 DA7420	Use of land to store construction materials and work vehicles	221 Samaria Road, Benalla	Approved
9 DA4439	Five lot subdivision	68 Bridge Street West, Benalla	Approved
10 DA4157	Removal of vegetation	36 Eleven Mile Creek Road, Glenrowan West	Approved
11 DA7376	Construction of an alfresco-patio area	34 Garden Street, Benalla	Approved
12 DA7453	Construction of a dwelling	25 Mt Joy Road, Tatong	Approved

Planning Permit Amendments Determined Under Officer Delegation

There were no Planning Permit Amendments determined under officer delegation during the month of July 2023.

Planning Permits Issued Under VicSmart

File No	Description	Property Address
1 DA7405	Construction of a shed	361 Goorambat-Thoona Road, Goorambat

Planning Permit Applications Determined by the Council

There were no planning permit applications determined by Council during July 2023.

Planning Permit Amendments Determined by the Council

There were no planning permit amendments determined by Council during July 2023.

Planning Permit Applications Withdrawn or Lapsed

File No	Description	Property Address	Status
1 DA6873	198 lot subdivision and the removal of native vegetation	52 Hairs Lane, Benalla	Withdrawn

Notices of Decision

There were no Notice of Decisions issued during the month of July 2023.

A Notice of Decision (NOD) is issued when Council has decided to grant a planning permit when objection(s) are received regarding the application.

An objector may appeal to Victorian Civil and Administrative Tribunal (VCAT) against the decision to grant the permit within 21 days of a Notice of Decision being issued. After 28 days if no appeal has been lodged Council will issue the Planning Permit.

Planning Permit Applications Determined by VCAT

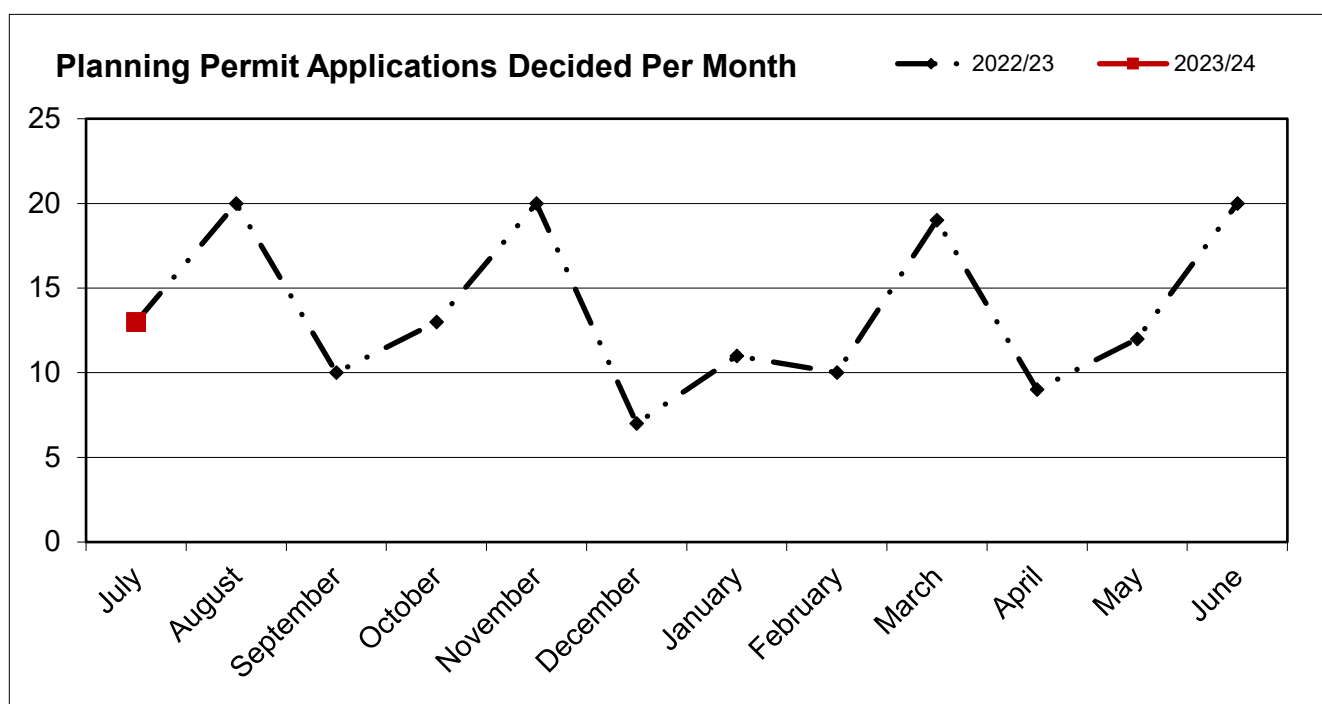
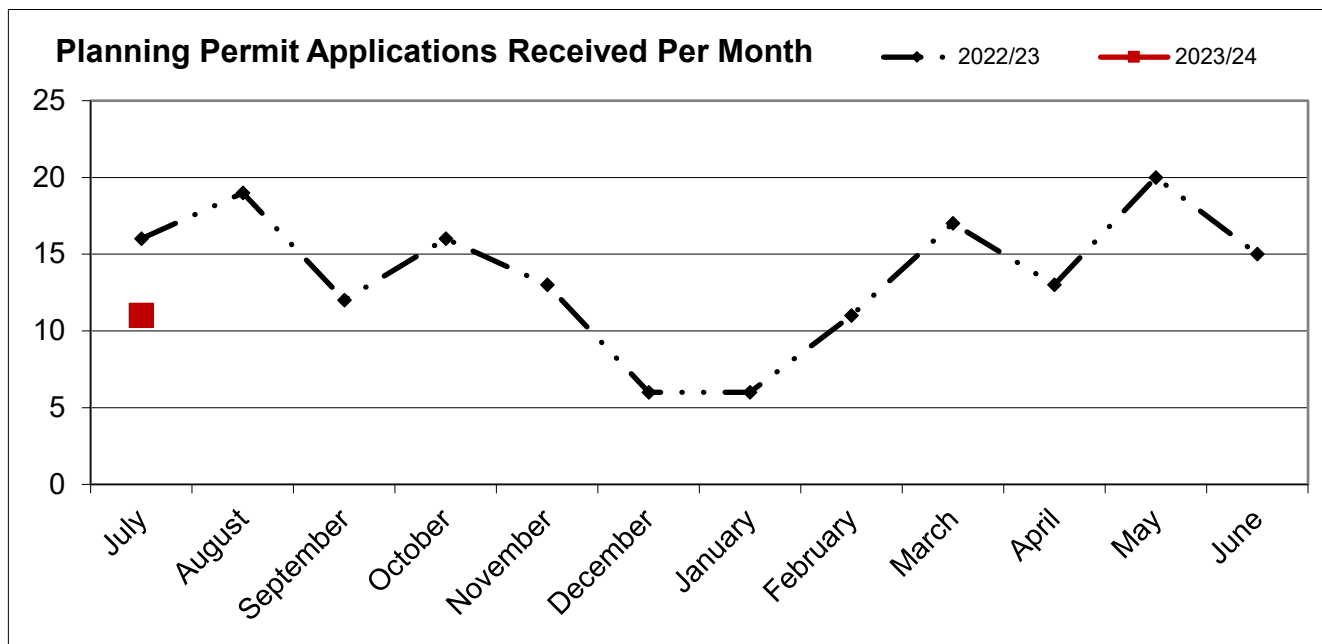
There were no planning permit applications determined by VCAT during July 2023.

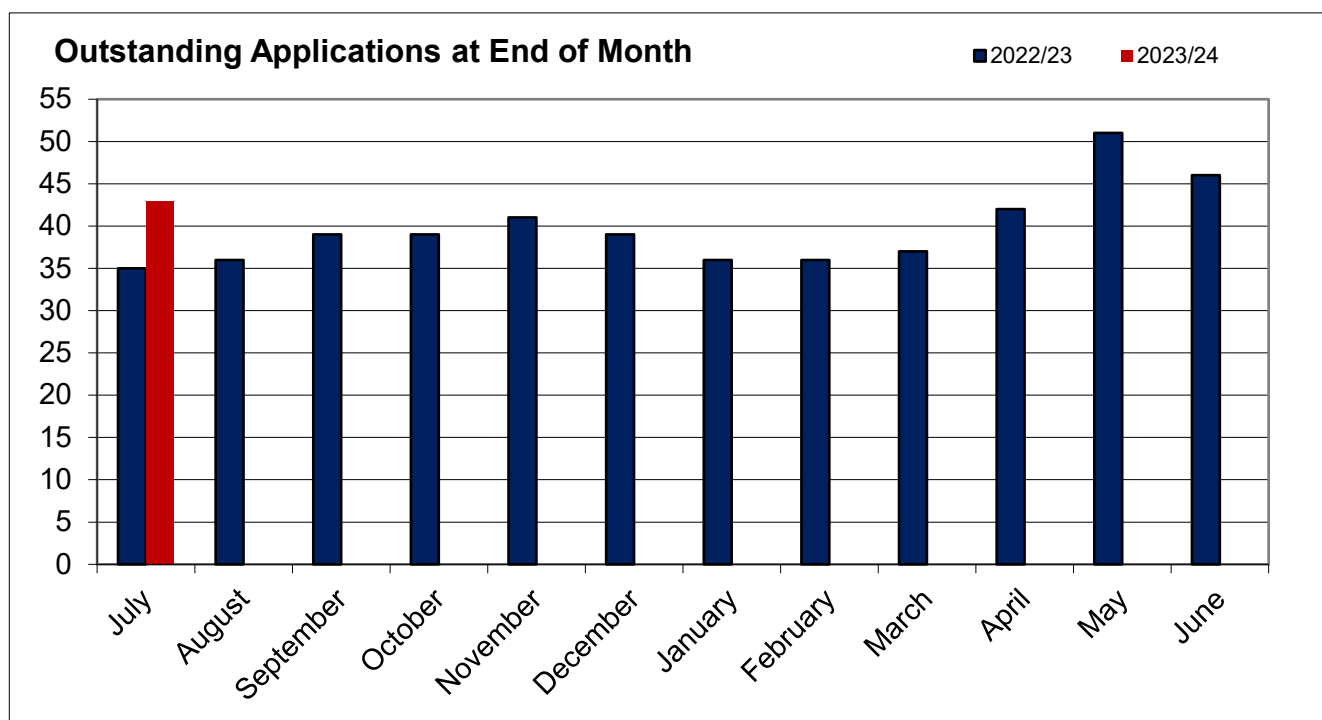
Matters Before VCAT

DA7055	Use and development of land for a second dwelling at 888 Tatong Tolmie Road, Tatong
Status	<p>At a Planning and Development Committee meeting on 18 May 2022 it was resolved that the Council refuse to grant a permit for a second dwelling on the land. The refusal was based on grounds of objection received from the Country Fire Authority (CFA). The applicant has lodged an appeal to VCAT.</p> <p>The appeal was heard on 24 and 26 August 2023. At the hearing a form of mediation occurred where the applicant agreed to amend the location of the dwelling from the south of the dam and waterway to the north. This site was agreed to by both the CFA and Council representative subject to further assessment.</p> <p>On 26 July 2023 the Tribunal ordered that the matter be remitted back to Council for reconsideration taking into account the following:</p> <ul style="list-style-type: none"> ▪ The amended location of the dwelling. ▪ An amended Bushfire Management Statement to accompany the amended location of the dwelling. ▪ Revised referral comments from the CFA. <p>Once comments have been received from the CFA by Council the matter must be reconsidered at the first available meeting of Councillors.</p> <p>A copy of the order is attached as Appendix 1.</p>

DA7395	Use and development of land for extractive industry (Sand quarry) at 1726 Dookie Devenish Road, Devenish
Status	<p>At a Council meeting on 19 April 2023 it was resolved that the Council refuse to grant a permit for the use and development of the land for extractive (sand quarry). The applicant has lodged an appeal to VCAT. A VCAT order dated 8 May 2023 details that a compulsory conference (mediation) will be held on the 3 August 2023 and the main hearing will be held on 23, 24 and 25 October 2023.</p> <p>At the compulsory conference the matter was not mediated. At the hearing Council’s representative did outline that Council would seek to amend the grounds of refusal to include more grounds. The order from the Tribunal dated 3 August 2023 extended the main hearing date from 23 to 26 October 2023 and gave Council until the 14 August 2023 to submit revised grounds of refusal.</p>

Planning Permit Applications



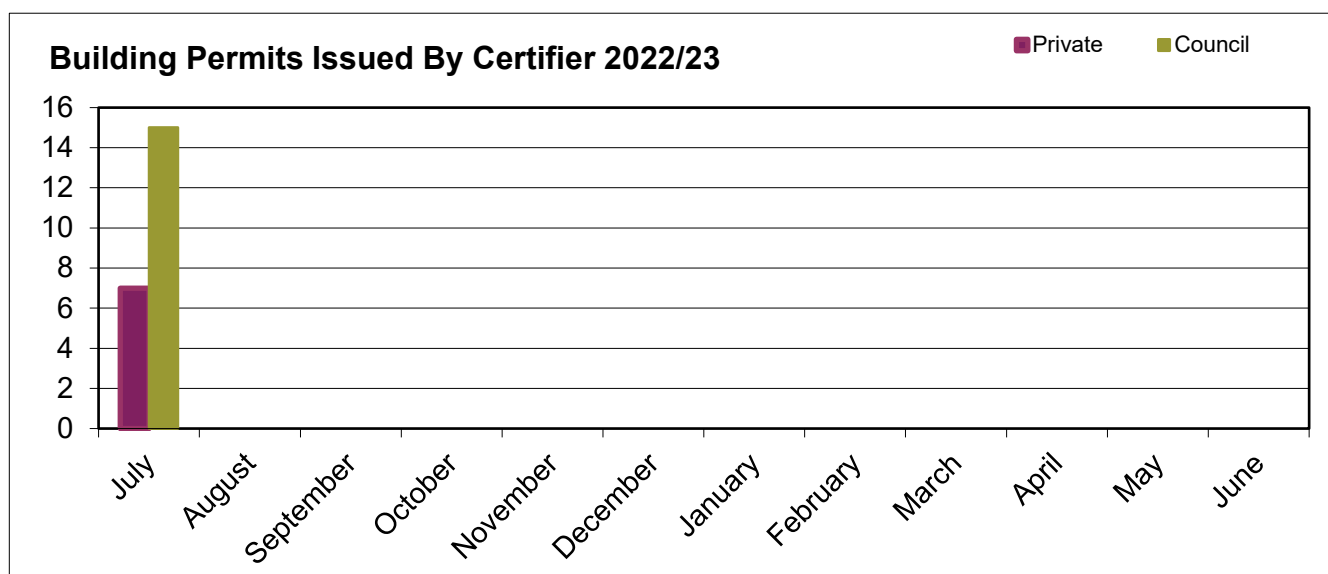
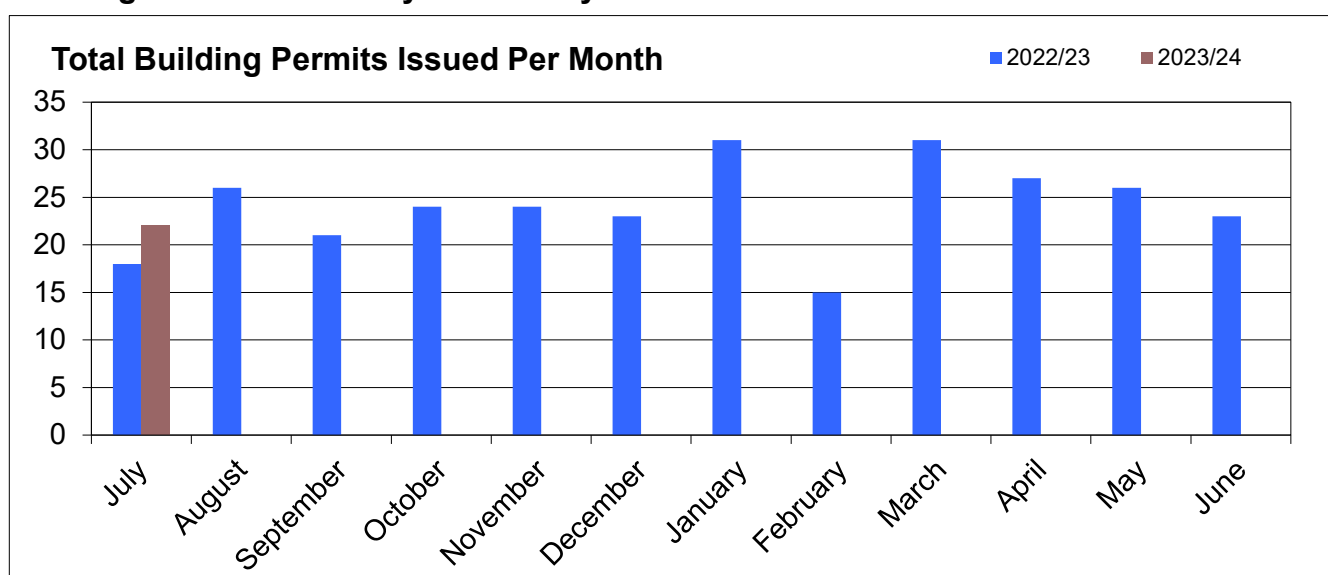


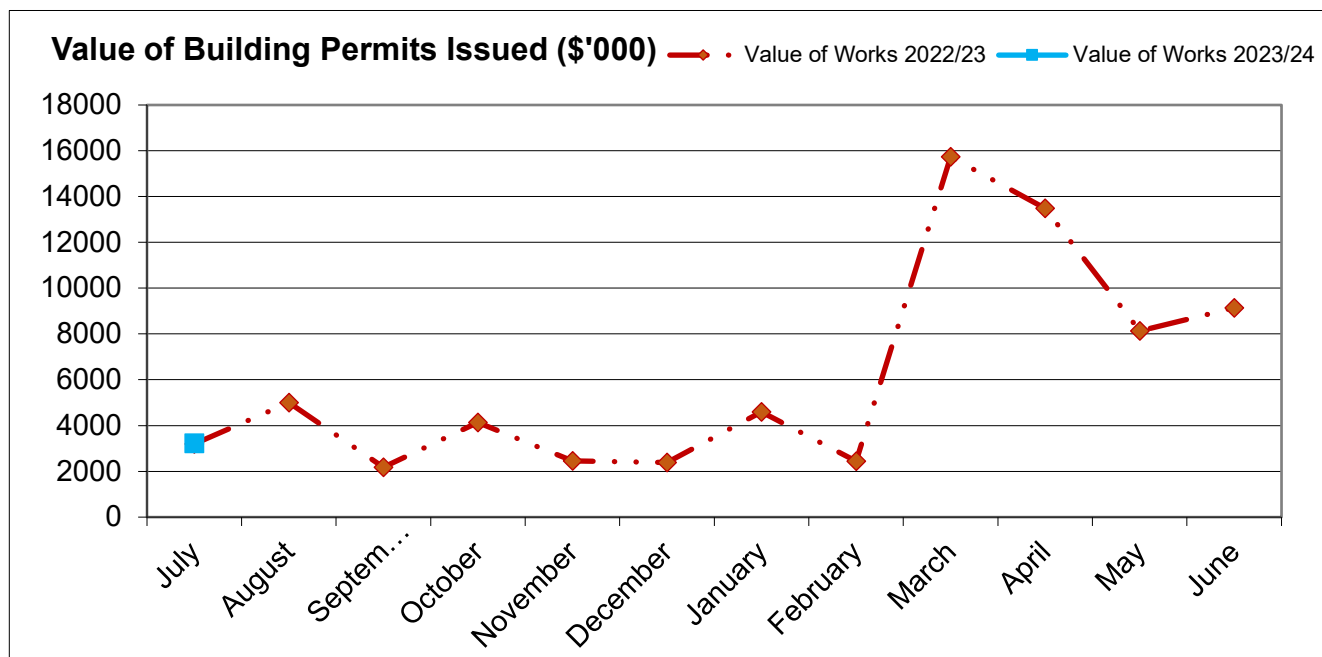
Building Approvals Issued by Council and Private Practitioners

File No	Description	Property Address	Value	
1	DA6940	Construction of a carport	15 Purcell Street, Benalla	\$30,000
2	DA7422	Construction of a shed	21 Inglis Road, Benalla	\$71,269
3	DA4790	Construction of a shed	7 Egmont Street, Benalla	\$12,494
4	DA7424	Construction of a shed	147 Cleary Road, Goorambat	\$62,000
5	DA4457	Construction of a front fence	36 Barkly Street, Benalla	\$9,000
6	DA2173/2	Construction of ambulant and disabled toilets	93-11 Waller Street, Benalla	\$10,000
7	DA3774	Construction of a dwelling alteration	8a Mitchell Street, Benalla	\$328,350
8	DA7301	Construction of a shed	57 Lakeside Drive, Chesney Vale	\$21,820
9	DA7083	Construction of a hay shed	509 Whites Road, Warrenbayne	\$33,500
10	DA7200	Construction of a deck	37 Hall Drive, Benalla	\$9,800
11	DA7475	Construction of a shed	51 Riverview Road, Benalla	\$28,000
12	DA7208	Construction of a farm shed	11 Silva Drive, Benalla	\$50,000
13	DA6728	Construction of a dwelling extension	154 Kealy Road, Benalla	\$140,624
14	DA5580/1	Change of use from a shed to a dwelling	144 Bowcher Road, Chesney Vale	\$1,200

File No	Description	Property Address	Value	
15	DA7523	Construction of a shed	29 Aquila Rise, Samaria	\$25,000
16	DA6593	Alterations to existing church	40 Arundel Street, Benalla	\$1,399,160
17	DA6730	Construction of a replacement shed	948 Upper Taminick Road, Taminick	\$31,305
18	DA1638/7	Construction of three shade sails	49-55 Smythe Street, Benalla	\$289,100
19	DA6953	Construction of a shed	22 Hall Drive, Benalla	\$98,000
20	DA4077	Construction of a farm shed	119 Molyullah Road, Molyullah	\$59,840
21	DA7228	Part underpinning of a dwelling	36 Byrne Street, Benalla	\$148,934
22	DA5593	Construction of sanitary facilities	18 Gillies Street, Benalla	\$369,923
Total			\$3,229,319	

Building Permits Issued by Certifier by Month





COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Livability

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

Economy

- Population growth.

Environment

- Healthy and protected natural environment.

Leadership

- Good governance.

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 the report be noted.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P791/2022
PERMIT APPLICATION NO. P0035/21

APPLICANT	Darren Hargreaves
RESPONSIBLE AUTHORITY	Benalla Rural City Council
REFERRAL AUTHORITIES	Country Fire Authority Head, Transport for Victoria
SUBJECT LAND	888 Tatong-Tolmie Road, Tatong
HEARING TYPE	Hearing
DATE OF HEARING	24 & 26 July 2023
DATE OF ORDER	26 July 2023

ORDER

- 1 In application P1720/2020 the decision of the responsible authority is set aside.
- 2 Pursuant to section 51(2) of the Victorian Civil and Administrative Tribunal Act 1998, planning permit application P0035/21 is remitted for reconsideration by the Benalla Rural Shire Council in accordance with the following directions:
 - (a) By 20 September 2023, the Applicant must submit to the Responsible Authority an application to amend the permit application under s57A of the *Planning and Environment Act 1987*, that includes the following:
 - i amended architectural plans which are generally in accordance with the plans prepared by POP Design Studios (dated 12 April 2023) but modified to show:
 - (1) The relocation of the proposed second dwelling to the site depicted on Drawing No. A1-1 and A1-2 prepared by POP Design Studios (dated 25 July 2023)
 - (2) The dimensions of the defendable space for the new location of the proposed second dwelling as depicted on Drawing No. A1-1 and A1-2 prepared by POP Design Studios (dated 25 July 2023).
 - (3) The deletion of Proposed Access #1 to Tatong-Tolmie Road, the vehicle crossing detail, and the associated driveway along the subject site's southern boundary.



- ii an amended bushfire management statement for the relocation of the proposed second dwelling to the site depicted on Drawing No. A1-1 and A1-2 prepared by POP Design Studios (dated 25 July 2023). The amended bushfire management statement must be to the satisfaction of the Country Fire Authority.
 - (b) By 25 September 2023, the Country Fire Authority as a recommending referral authority under the Clause 66.03 of the Benalla Planning Scheme must consider the permit application and tell the Responsible Authority in writing whether:
 - i it does not object to the granting of the permit; or
 - ii it does not object if the permit is subject to the conditions specified by the referral authority; or
 - iii it objects to the granting of the permit on any specified ground.
 - (c) Subject to receipt of the Country Fire Authority's written response to the permit application, and the fulfilling of the requirements for processing an amendment to a planning permit application under the *Planning and Environment Act 1987*, the Responsible Authority must reconsider the permit application at the first available meeting of councillors.
- 3 The hearing scheduled at 10:00am on 31 July & 1 August 2023 is vacated. No attendance is required.
- 4 There is no order as to costs.

Michael Deidun

Member



APPEARANCES

For applicant	Nicholas Andreou, Barrister instructed by Jonathon Moloney, Solicitor of McMahon Fearnley Lawyers Pty Ltd.
For responsible authority	Matthew Beazley, Solicitor of Russell Kennedy
For referral authority	Glenn Cockram, Fire Safety Co-ordinator of Country Fire Authority Mayank Gupta, Team Leader Statutory Planning – Hume of the Department of Transport and Planning, appeared for the Head, Transport for Victoria on day 1 of the hearing



INFORMATION

Description of proposal	The use and development of the land for a second dwelling
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Benalla Planning Scheme
Zone and overlays	Farming Zone Bushfire Management Overlay
Permit requirements	Clause 35.07-1 to use land within the Farming Zone for a Dwelling where the Dwelling is not the only one on the lot Clause 35.07-4 to construct or carry out a building or works associated with a Section 2 use, and to construct a building within 100 metres of a waterway, on land within the Farming Zone Clause 44.06-2 to construct a building and construct or carry out works associated with the use of the land for Accommodation, on land to which the Bushfire Management Overlay applies Clause 52.29-2 to create or alter an access to a road in a Transport Zone 2
Relevant scheme policies and provisions	Clauses 02, 11, 13, 14, 15, 16, 35.07, 44.06, 52.06, 52.29, 53.02, 55, 65 and 71.02.
Land description	The land comprises two titles which together cover an area of 132.7 hectares, and has a frontage of around 245 metres to Tatong-Tolmie Road. The land comprises undulating grazing land and patches of native vegetation, as well as one existing dwelling and a range of agricultural outbuildings.



REMARKS

- 1 Darren Hargreaves (the ‘applicant’) seeks to review the decision of the Benalla Rural City Council (the ‘Council’) to refuse to grant a planning permit for the use and development of a second dwelling on land at 888 Tatong-Tolmie Road, Tatong (the ‘review site’). The Council’s grounds of refusal are set out below.

Grounds of Refusal Nos. 1 - 4 Required by the Country Fire Authority

- The proposal does not direct development away from highest areas of risk.
 - The proposal does not mitigate the bushfire risk to an acceptable level.
 - The proposal does not prioritise the protection of human life over development of the land.
 - The proposal does not ensure development is only permitted where there is risk to life and property from bushfire which can be reduced to an acceptable level.
- 2 As is evident from these grounds, the sole concern of Council is that related to bushfire risk, and the grounds are derived from a referral from the Country Fire Authority (CFA).
 - 3 After discussions at day 1 of the hearing, and during the originally scheduled day 2 of the hearing, the parties reached a consent position, where they requested that the matter be remitted to Council, to allow the Council to process and consider a varied application.
 - 4 This order is made at the request of the parties and with their consent.
 - 5 Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

Michael Deidun

Member



6. Development Department Activity Report For The Quarter Ended 30 June 2023

SF/255

Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report presents the activities of the Development department for the quarter ended 30 June 2023.

Strategic Planning

- In September 2019, the Council resolved to send Amendment C43 to the Minister for Planning for authorisation and then exhibit the amendment after authorisation. The amendment involves rezoning land at 167 Sydney Road, Benalla from Special Use Zone Schedule 3 to the Industrial 1 Zone. The amendment was submitted to the Minister for Planning for authorisation on 18 December 2020. Authorisation was given on 29 January 2021. Exhibition of the amendment has taken place with two objecting submissions received from a private land owner and North East Water. The proponent has been made aware of these submissions for further comment or discussion with the submitters.
- At a Planning and Development Committee Meeting on 5 October 2022 it was resolved to adopt the engagement plan for the Heritage Study. The engagement plan will now be implemented to obtain as much information as possible to inform the Heritage Study.

In the meantime the Regional Planning Hub has provided Council with the remaining allocated funds to complete the study works (Stage 2). Procurement will be undertaken to engage a heritage consultant to complete the heritage study. The Regional Planning Hub has advised Council that they will still undertake the project management of any future works required with the exception of community consultation.

Work is currently being undertaken by Heritage consultants to undertake the heritage study in consultation with key stakeholder groups as outlined in the engagement plan (Stage 1). The Heritage Committee will be commencing its meeting within the following quarter.

Statutory Planning

- 48 applications received during the quarter.
- 40 applications decided during the quarter.
- 67.5 per cent of applications were decided within statutory timeframes.
- 348 phone calls received.

Building Surveying

- 192 building inspections
- 104 building certificates
- 32 building permits issued
- 42 private building permits issued
- 428 phone calls

Public Health

- The transition across from Streatrader to Foodtrader has commenced statewide for the tracking and approval of mobile food premises operators. Unfortunately it is taking quite some time before it gets extended to all fixed premises and other Environmental Health responsibilities.

Compliance

- The compliance team impounded 98 domestic animals.
- Responded to 125 domestic animal related requests.
- 37 dogs and cats were returned to their homes.

Emergency Management

- The long awaited Emergency (Flood and Fire) pump was collected by BRCC staff last month.
- The Municipal Emergency Animal Welfare Plan (MEAWP) has been completed with specialist assistance from BRCC Compliance Unit (with thanks, DL).
- The Winton Scoping Flood Study is overdue (time extension granted) and should be completed by next week.
- A new round of Emergency Grants is now open. Council will apply for Flood scoping study grants for Devenish and Baddaginnie.

Manager Development**Septic Tanks**

- 18 'Permit to Install' issued.
- 24 'Certificate to Use' issued.
- 146 septic inspections conducted.

Engineering Referrals for Planning Permit

- 33 applications referred to Manager Development for engineering comments for planning proposals.
- 12 Certification of a Plan of Subdivision issued.
- 10 Statement of Compliance of a Subdivision issued.
- 52 Legal Point of Discharge applications processed.

Wastewater Referrals for Planning Permit

- 31 applications referred for planning comments to Manager Development for engineering comments for planning proposals.

Fee Dispensation

The Council supports community groups and not-for-profit organisations through fee dispensation or reduction and responding to other circumstances as warranted.

For the quarter ended 30 June 2023, 7 applications to the value of \$3,186 in fee dispensations were approved:

Community Events	0
Fundraising	2
Food premises Late Registrations	0
Planning Matters	2
Building Matters	1
Other	2

Applications Received:

Applicant	Permit Type	Value
Benalla Historical Society	Building Permit	\$568.00
Benalla Lions Club	Fundraising Permit	\$62.00
Benalla Golf Club	Permit to Burn	\$62.00
Benalla Cemetery Trust	Permit to Burn	\$62.00
Benalla Hospital Auxiliary	Fundraising Permit	\$62.00
Regent Honeyeater Project	Planning Permit	\$1,185.00
Regent Honeyeater Project	Planning Permit	\$1,185.00
Total		\$3,186.00

COUNCIL PLAN 2021-2025 ACTION PLAN

Community

A healthy, safe and resilient community		
Strategy	Action	June Quarter Update
Work closely with community and key stakeholders to plan for emergencies and build community resilience.	Develop a new <i>Municipal Emergency Management Plan (MEMP)</i> .	Developed and adopted by the Municipal Emergency Planning Committee.

A connected, involved and inclusive community		
Strategy	Action	June Quarter Update
Support and promote opportunities for the community to participate in a range of social, recreational, and arts and cultural programs, activities and events.	Investigate development of an Off-Leash Dog Park.	Handed to Asset and Infrastructure Department for Construction.

Livability

Vibrant public spaces and places		
Strategy	Action	June Quarter Update
Advocate for and act on opportunities to protect, maintain and preserve heritage assets.	Develop <i>Benalla Rural City Heritage Study</i> .	Consultant have completed stage one of the project which is the significance of areas and objects. Stage 2 of the project out for procurement. Completion of significance report pending consultant appointment.

Recommendation:
That the report be noted.

7. Cessation of Grant Management and Event Project Policy

SF/2857

Tom Arnold – Community Development Coordinator

PURPOSE OF REPORT

The briefing discusses review of the *Grant Management - Infrastructure and Event Projects Auspiced by Council Policy*.

BACKGROUND

The objective of the *Grant Management - Infrastructure and Event Projects Auspiced by Council Policy* (the Policy) is to ensure responsible fiscal management and to protect Council from risks associated with clubs and organisations seeking grant funding or financial and administrative support from Council.

The Policy (refer **Appendix 1**) relates to Council submitting a grant application on behalf of an external organisation and the auspicing and reporting arrangements for the delivery of a successful project by both parties.

The Policy details 16 steps that Council should undertake when approached to auspice a grant funded project, the completion of the *Project Proposal Application for Grant Funding* form (**Appendix 2**), and the establishment of a Project Control Group.

DISCUSSION

The Policy has been reviewed in accordance with Council's Administration Policy *Management Guidelines Policy*.

The review identified the opportunity to simplify the grant auspicing process through the cessation of the Policy. The cessation would reduce administrative requirements, providing greater flexibility and would enable more efficient and effective utilisation of Council resources for the benefit of the community.

Due to the often-informal nature of discussions with community groups when Council is approached at the project conception stage, the 16 steps have proven difficult to implement and not conducive to open discussion and collaboration. The policy also ties-up a considerable amount of Council time and resources in the early stages prior to entering an auspicing agreement.

The review identified a duplication in processes between the Policy and the *Project Proposal Application for Grant Funding* form. The form addresses many of the steps within the policy and captures the key information that would contribute to Council making a considered decision as to whether it will enter an auspicing arrangement with the applicant.

With some minor alterations, the form can be provided to applicants in the very early stages, potentially even prior to meeting with Council, and be available on Council’s website. By making the form available externally, applicants will be more prepared and progressed in their grant process and have greater clarity regarding Council’s expectations and requirements.

The Policy was endorsed by the Council’s Leadership Team for cessation at its meeting on 7 July 2023.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Leadership

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

COMMUNITY ENGAGEMENT

In accordance with the Council’s *Community Engagement Policy*, it is proposed that, due to administration nature of the Policy, 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"> ▪ Policy presented in a public report to the Council. ▪ Amended <i>Project Proposal Application for Grant Funding</i> form to be published on Councils website.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

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

Based on the review and staff feedback, cessation of the *Grant Management - Infrastructure and Event Projects Auspiced by Council Policy* is recommended. Following the cessation, the *Project Proposal Application for Grant Funding* form should be amended to enable it to function as both a staff and community resource.

Recommendation:

- 1. That the *Grant Management - Infrastructure and Event Projects Auspiced by Council Policy* be ceased.**
- 2. That the *Project Proposal Application for Grant Funding* form be amended to serve as a guide for community groups and Council staff.**

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CP 14 Grant Management Infrastructure and Event Projects Auspiced by Council

Responsible Officer:	Chief Executive Officer
Document type:	Council Policy
Reference:	CP 14
Approved by Council:	23 June 2021
Date of next review:	May 2023

Policy Objective

To ensure responsible fiscal management and to protect the Council from risks associated with clubs and organisations that seek grant funding or financial and administrative support from the Council. This policy relates to the Council submitting a grant application on behalf of an external organisation and the auspicing and reporting arrangements for the delivery of a successful project by both parties.

The Council receives requests from clubs and organisations seeking governance and reporting support to auspice grant funding as part of a community infrastructure project or event.

Unscheduled requests from Community Groups seeking financial assistance outside the annual budget process are sought from time to time due to the effects associated with inadequately scoped and or/managed projects.

The Council will not assist a community group/organisation financially with any over expenditure of funds on the nominated project.

Procedure

The Benalla Rural City Council has implemented the following procedure for all community based Council auspiced projects. The procedure has been established to ensure that any community based infrastructure or event project seeking support from the Council to auspice and apply for grant funding adhere to the following processes:

The Council will require that all General Managers/Managers working with community based groups implement the following process to ensure a consistent approach to project development, management, implementation and acquittal.

1. Project Champion (BRCC General Manager) approached to discuss community project.
2. Project Champion establishes a Project Control Group from project inception which will include representatives from BRCC and community group (not just to apply and manage grant funding).
3. Project Champion appoints Project Manager to work in partnership with Project Control Group to develop, oversee and confirm project scope and budget to ensure project reflects fiscal viability and responsibility and aligns with the Council Plan and Strategies.
4. Council will require that clubs/groups forward any nominated project co-cash contribution to Council upon notification of success of the grant application prior to any commencement of works associated with the project.
5. A project Agreement or Memorandum of Understanding (MOU) be developed and signed by the CEO, Benalla Rural City Council and the President of the Community group/organisation setting out all roles and responsibilities of each party and key deliverables.
6. To maximise project and grant funding outcomes, project details should include confirmation of ownership of land, consent of land owner, confirmation and evidence of stakeholder engagement and broader community support; identification of relevant permits required, identification of project on asset management plan, development of infrastructure plans/designs, development of ongoing facility management plan (infrastructure projects), confirmation of scope and costs including quotes or quantity surveyor costings; confirmation of co-funding contribution in writing, verification of in kind (if applicable) together with letters of support.
7. The Project Manager should ensure that all project information including (but not limited to) costings/quotes, plans etc. are current and dated within 2 months of the grant application.
8. All auspiced projects supported by the Council to apply for external grant funding must complete a Benalla Rural City Council Expression of Interest – Community Facilities Funding form (infrastructure projects) or a Project Proposal form (for events) and be signed by an authorised representative (President) of the club/group.
9. All Council auspiced projects seeking external grant funding will require the Project Champion/Manager to complete a Project Proposal form for Leadership team endorsement and approval prior to the grant application being submitted.
10. An appropriate contingency sum (i.e. 4 - 5 % of total project cost) is to be included within the total project budget to allow for price fluctuations on construction costs.

11. All Council and community budget income to be confirmed in writing prior to a grant submission being submitted or MOU being signed (this includes a letter from each partner agency confirming their financial contribution. Financial support letters to be dated within 2 months of the grant application to ensure that each organisation is supportive of the co-funding contribution).
12. All purchases for project materials are to be managed through the delegated Council Project Manager overseeing the project, ensuring all income and expenditure is accounted for and managed within budget.
13. If applicable, project expenditure to be managed through “Authority to Spend” process via Councils Finance Department whereby all invoices are emailed directly to Council for processing and payment.
14. To assist with grant acquittals the Club/Group to provide documentation as required to complete grant milestones and final reports eg: evidence of “in kind”.
15. The Club/Group will provide an evaluation report within eight weeks of the completion of the project to the nominated Council Manager for inclusion in the Council’s Annual Report.

Project Proposal Application for Grant Funding Form

Project Title:	
What do you want to do? Short summary: <i>(Please provide 1 – 2 sentences describing the project including details of project/ group or infrastructure to be upgraded etc)</i>	
Funding Program Source – State, Federal, other: <i>Include sub-program where applicable.</i>	
Project Location (town)	
Project Contact	

Project Description

Grant Amount Requested:	\$
Project Description: <i>Include key details of project type e.g. feasibility study, economic development traineeship, event, skills development, marketing promotion, infrastructure, halls, streetscape etc. Note if a staged project.</i>	
How will the project be implemented? [HOW] <i>Working group, Contractors, consultant, Project Control Group, who will project manage within Council?</i>	
Expected Outcomes [WHY] <i>Key benefits include jobs, increased skills, new and improved infrastructure or facilities, economic benefits, regional and community growth. Other?</i>	
Partnerships - [WHO] <i>Key stakeholders, who will be involved?</i>	
Project Type:	Capital <input type="checkbox"/> Operational <input type="checkbox"/> Community/ Cultural <input type="checkbox"/> Other <input type="checkbox"/>
Owner/Tenure of land (if applicable):	<input type="checkbox"/> Council <input type="checkbox"/> Crown <input type="checkbox"/> Reserve <input type="checkbox"/> Road Additional Participants – <i>please specify:</i>

Identified Risk Areas:	Brief summary of risk
Time Frames – Commencement/ Completion Date: <i>If the project is an event please include the date the event will be taking place</i>	Anticipated Start Date: Anticipated Completion Date: Or Event Date:

Financial Information

Project Income	\$	Project Expenditure	\$
Council Funds			
State Government Funds			
Federal Government Funds			
Others			
In kind			
Total Project Income	\$	Total Project Cost	\$

Consultation

Consultation [WHO] <i>Include details of consultation with project stakeholders, other Gov agencies, community groups etc.</i>	
Additional Comments <i>Include additional information e.g. specific community need, links to local strategies/projects and regional plan priority.</i>	

Assessment Checklist details

Does this project affect a Council Asset? Yes No

Are BRC funds budgeted for this project? Yes No

Infrastructure projects– Have you discussed your project with Council’s Asset Management Coordinator? Yes No

Infrastructure projects- Is this project identified in your Service Plan? Yes No

Infrastructure - Will this project require ongoing funding? Yes No

(If yes to above, is this included in BRC operational/ management plan?) Yes No

Is statutory approval required? Yes No

Has all planning been completed and relevant permits been obtained? Yes No

Infrastructure projects- Is the project All Abilities Friendly? Yes No

Infrastructure project s- Does your project include Universal design principles? Yes No

General Manager Checklist	<input type="checkbox"/> Council Budget available <input type="checkbox"/> Fits with Council Plan <input type="checkbox"/> Checklist complete Project to Proceed to Full application <input type="checkbox"/> Yes <input type="checkbox"/> No
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8. Economic Development and Sustainability Department Activity Report For The Quarter Ended 30 June 2023

SF/1893

Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The report presents the activity of the Economic Development and Sustainability Department for the quarter ending 30 June 2023.

ECONOMIC DEVELOPMENT

Economic Diversification Plan (Future of Benalla and District Project)

- Formal proactive interview period will end mid-July 2023. Currently 60 interviews have been conducted. A media release has gone out seeking final interest from the community to be part of the interview process.
- Project Coordinator presented at the *Partnerships for Regional Innovation Conference* in May 2023. The presentation highlighted what the project team have learnt about the Benalla region, and what has been learnt about the Local Development Strategy process. Approximately 50 people attended the conference from RMIT, Latrobe Valley Authority, various State government departments, and the Forestry Local Development Strategy teams.
- Benalla data exploration day will be held at RMIT City campus on July 19 2023. All *REMPPLAN* and interview data will be interrogated, and assets and opportunities for further exploration will be identified. Any gaps in the data will be identified for the project team to fix.
- Project Coordinator is currently completing Regional Context Analysis report draft to be complete mid to late August 2023.
- Project Coordinator has met with Regional Development Victoria and GOTAFE to discuss the creation of the Benalla Innovation Network. The idea is that GOTAFE would lead the project with support from Council's Economic Development and Sustainability team. Other Funding Pursuing avenues are being sought through Small Business VIC and the Victorian Forestry Program.

Business Seminars and Events

Thirty two upskilling options were offered for local businesses in the June quarter. The majority of these were online and presented by organisations such as Small Business Victoria, Tourism North East, ATO, ASBAS (Australia Small Business Mentoring Service). These were promoted via the Business Enews, on Council's calendar of events page and as an event on Supporting Benalla Business' Facebook page.

Jobs and Skills

In June members of the Future Work Benalla taskforce conducted business visits to educate local businesses on the upcoming changes and start the conversation around employment opportunities for young people. Organisations involved in the visits included Tomorrow Today Foundation, GOTafe, North East Tracks LLEN and Council.

Telecommunications

Telecommunications companies were invited to submit Expressions Of Interest for the *Regional Connectivity Program* for black spot areas in this quarter. Updated priorities for Benalla Rural City were collated for MP Helen Haines, as part of the Indi Telecommunications Action Group lobby.

Benalla Street Art Festival

Ten nominations were received via expressions of interest for the Benalla Street Art Festival Advisory Committee. Five individuals were appointed to the Committee by Council. The Committee will meet monthly commencing in July 2023. A grant application for \$150,000 has been submitted by Council to Visitor Victoria's Regional Events Fund. The outcome will be known by September. Expressions of interest for Street Art Festival curator will commence in July 2023.

COMMUNICATIONS AND COMMUNITY ENGAGEMENT

Media Coverage

- NAIDOC Week event coverage.
- Climate Strategy events – promotion of events and coverage.
- Clothes Swap Event – promotion in lead up to event and event coverage.
- National Tree Day – community tree planting event.
- Volunteer Week Feature – appearing in the Ensign on 17 May.

Community Engagement Activities

- Supported Sustainability and Economic Development teams for Clothes Swap Event.
- Supported Environment and Sustainability team for Climate Workshop events and June Farmers Market pop up listening post.

EVENTS

Event support highlights

Council's Event's Department provided event support to assist with facilitation and delivery of the following community events in April:

- Moorngag Mower Mania: Moorngag Hall and Recreation Centre.
- Molyullah Easter Sports : Mollyullah Recreation Centre.
- South Asian New Year: Planned for the Lake Benalla Foreshore moved to the Indoor Recreation Centre due to wet weather.
- ANZAC Day: Bridge Street/Cenotaph Benalla.

Citizenship Ceremony

Benalla welcomed 19 new Australian Citizens at a Citizenship Ceremony conducted by Mayor Bernie Hearn at the Benalla Art Gallery on Thursday 11 May 2023.

Attending a citizenship ceremony is the final step in the journey to become an Australian citizen and receive a certificate of Australian Citizenship. The ceremony fulfills the requirements under Australian citizenship law and provides an opportunity for Council to officially welcome its new citizens.

Those taking part in the ceremony represented seven different countries including China, Kenya, India, United Kingdom, Pakistan, Northern Ireland and Nepal.

(Photo: New Australian Citizens welcomed at the Benalla Art Gallery)



Benalla Historic Vehicle Tour

- The Benalla Historic Vehicle Tour was held on 26 May 2023 as part of the Historic Winton weekend.
- The tours were coordinated by Council's Tourism and Events team in partnership with the Austin 7 Club Inc.
- Three tours offered an opportunity to leverage an additional overnight stay, see different aspects of our region, our venues and support local businesses along the way.
- The tours left from the Benalla Airport at different departure times and finished at the Benalla Art Gallery providing participants to view the Eamon O'Toole Hot Lap exhibition.

HDHR Holden Nationals

- Benalla hosted the 2023 HDHR Holden Nationals over the long weekend in June 2023.
- Three hundred participants and organisers from various states across Australia stayed in Benalla over the weekend.
- The event was a great success with various venues, facilities and businesses utilised for accommodation, dining, registration, awards presentations and meeting points. Winton Motor Raceway and the Silo Art Trail were also part of the weekend activities.

More than 130 vehicles were on display along Fawckner Drive on the Saturday, drawing a large crowd of motoring enthusiasts throughout the day to view the HDHR vehicles.

- Council's tourism and events team supported the HDHR Holden Club of Victoria Inc to deliver the event.

TOURISM

Revenue Management Workshop

Tourism North East hosted a Revenue Management workshop on 4 May 2023. The aim of the workshop was to provide a chance for accommodation operators to delve into revenue management concepts, common calculations, understanding and leveraging data and distribution channels, and tools and tactics available to them.

Business Events Networking Session

Tourism Coordinator and Events Coordinator attended the Business Events Networking Session. Business Events Victoria (BEV) hosted an Industry Networking session in Wangaratta to bring regions and operators together. An industry panel discussed their journey investing in and successfully transforming their organisation's ability to attract business events.

Benalla Performing Arts and Convention Centre

- Benalla Theatre Company performed seven shows of the 'Drowsy Chaperone'. Attended by 929 patrons.
- GoTafe continue to operate out of the venue.

BENALLA ART GALLERY

- The Benalla Art Gallery had welcomed 21,602 exhibition visitors, and staged 44 public and education programs for 1,127 participants during the quarter.
- Benalla Art Gallery presented Eamon O'Toole: Hot Lap, an exhibition purposely scheduled to align with major community motorsport and motorcar events, chiefly the 46th Annual Historic Winton, and HD HR Nationals. The exhibition attracted 5,780 visitors.
- Benalla Art Gallery has now lodged its final application to the Australia Council for the Arts *Four Year Funding for Organisations*. Following assessment of the Gallery's EOI and discussion with the Australia Council for the Arts, the application is seeking \$120,000 in annual operational funding from 2025 to 2028, primarily to employ a Curator. Applicants will be notified of an outcome in December 2023.
- On 16 June 2023, Benalla Art Gallery submitted an application to the Department of Education's *Strategic Partnerships Program*. If successful, Benalla Art Gallery would be granted \$50,000 in each of the calendar years 2024 and 2025 to:
 - Contract qualified level five teachers to develop six education resources each year for major exhibitions in direct connection to VCE curriculum
 - Contract qualified level five teachers to facilitate 20 excursions or incursions per year (for Government schools)
 - Engage specialist production companies to produce six high quality virtual tours of major exhibitions in each year, for these to be utilised as an outreach educational resource
- Thirty artworks were offered to the Benalla Art Gallery Collection by various donors through the Cultural Gifts Program in the quarter. Works included nationally regarded artists Bill Henson, Imants Tillers, Jon Cattapan, Juan Davila, Ron Robertson Swann, and Stewart MacFarlane. The cumulative total value of the gifted artworks was \$403,600.

SUSTAINABLE ENVIRONMENT

- Community consultation on the Climate and Environment Strategy during June 2023 with several workshops held.
- The clothes swap on the 28 June 2023 at the CWA Hall was well received, with over 60 people registering and attending the event. A free clothing disposal recycling bin has been installed at the resource recovery center.
- Funding for the Roadside Weeds and Pests Program has been allocated for the 2023-24 season. Council will begin developing a Roadside weeds and pests Control plan (2023-2026) including community engagement in the next few weeks.
- Goulburn Broken Climate Alliance in partnership with Councils are looking at a bulk-buy panel available for the community on heat pumps, electric cookware and other items.
- Council has signed on to an expression of interest to potentially join Victorian Energy Collaboration (VECO) along with 6 other Councils.
- Attended Environmental Markets and Climate Resilience in the Goulburn Broken region workshop held in Benalla on 26 May 2023.

COUNCIL PLAN 2021-2025 ACTION PLAN

Economy

Thriving business and industry		
Strategy	Action	June Quarter Update
Work together with key stakeholders to engage, support, strengthen, enhance and diversify local business.	Develop the <i>Economic Diversification Plan</i> .	60 formal interviews conducted to date. Interviews held with GoTafe, Thales, Schneider Electric, Local sporting and community groups, Tomorrow Today.
Attract new investment, business and industry to the Benalla Rural City to facilitate business growth and job creation.	Develop the <i>Economic Diversification Plan</i> .	Currently within the information gathering phase of the project. Investment attraction will be the focus of the project throughout 2024.

Flourishing tourism		
Strategy	Action	June Quarter Update
Strengthen the visitor economy through growth of events and promotion of unique assets and experiences and visitor attractions.	Review and update the <i>Events and Tourism strategy</i> .	Review of Events and Tourism strategy completed and presented to Council. The scope of works is being developed for the new Destination Management Plan.

Sustainable practices		
Strategy	Action	June Quarter Update
Work with key stakeholders to improve local learning and employment pathway opportunities that address skills gaps, align with future needs and support lifelong learning.	Develop the <i>Economic Diversification Plan</i> .	Discussions have been had with Tomorrow Today and GoTafe. Meetings with the Department of Education and the Victorian Skills Authority have been booked for July. Initial discussions around creating the Benalla Innovation network.

Environment

Healthy and protected natural environment		
Strategy	Action	June Quarter Update
Partner with agencies and the community to manage and enhance our natural environmental assets, water quality and river health across Benalla Rural City and support the Goulburn Broken Catchment Management Authority Regional Catchment Strategy and other regional environmental strategies.	Review and update the <i>Environmental Strategy and the Climate Change Adaptation Plan</i> .	<p>Council officers continue to take part in the Goulburn Broken Catchment Management Authority Biodiversity Roundtable meetings.</p> <p>Stakeholder engagement sessions booked for June/July with regional partners to assist in the development of the new strategy.</p>

Sustainable practices		
Strategy	Action	June Quarter Update
Partner with business, industry and community to plan and implement local approaches and initiatives that respond to climate change.	Review, update and adopt <i>Benalla Rural City Council Environment Strategy</i> .	Council officers have begun developing a draft <i>Climate and Environment Strategy</i> . Four community engagement sessions to be held in June to help in the development of the new strategy. National tree planting day booked for the 30 July, partnering with Regent Honeyeater Project to do a community planting along the Hollands Biolink Channel.
Advocate, promote, support and encourage the use of renewable and clean energy and technology.	Review, update and adopt <i>Benalla Rural City Council Environment Strategy</i> .	Council officers are working alongside the GMCA towards a community Renewables Bulk Buy project. To allow residents and community groups across most of the GMCA councils the opportunity to acquire renewable energy products at bulk prices.
Improve Council's sustainability performance through greater use of renewable energy and demonstrating sustainability leadership to the community.	Review, update and adopt <i>Benalla Rural City Council Environment Strategy</i> .	Following on from a feasibility report completed by RMIT council is continuing to explore the potential of a battery/microgrid system between the Library and Community Centre

Recommendation:

That the report be noted.

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9. Cessation of Plastic Wise Policy

SF/1893

Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The briefing discusses review of the *Plastic Wise Policy*.

BACKGROUND

The objective of the *Plastic Wise Policy* (the Policy) is to define Council's commitment to eliminate the use of single use plastics in Council operations and at Council managed events.

The Policy (refer **Appendix 1**) applies to all Council staff, contractors, volunteers or other Council representatives engaged in Council operations and the running of Council managed events.

To meet the objectives of this policy, Council committed to:

- Progressively reducing, and wherever possible eliminating, single use plastic items including bags, water bottles, cutlery, plates, bowls, cups and lids, take away food containers, food wrapping, packaging, straws and balloons within council operations and at all Council-managed events.
- Providing alternatives to bottled water at all Council managed events and sites and continuing to install water fountains in key locations.
- Not using any balloons and single use plastic decorations (such as bunting).
- Re-using event materials where possible (including event signage and promotional banners and flags). Event are to be sourced with consideration of their future re-use.
- Implementing sustainable procurement practices and influence supply chains to avoid soft plastic packaging wherever possible.
- Implementing a sound stewardship model to ensure appropriate disposal of products at events and council facilities.
- Comply with all national and state legislations in relation to waste avoidance, generation, recycling and disposal.
- Encouraging and supporting events and activities within the community to voluntarily comply with this Policy.
- Building awareness within the community, including businesses, on single-use plastics.

DISCUSSION

The Policy is being reviewed in accordance with Council's Administration Policy *Management Guidelines Policy*.

The Policy was adopted by the Council on 19 May 2021. The State Government Single Use Plastic ban was introduced on 1 February 2023. Resulting in a review of the Policy.

The problematic single use plastics are now banned from sale or supply in Victoria:

- Drinking straws
- Cutlery
- Plates
- Drink stirrers
- Cotton bud sticks
- Expanded polystyrene food service items
- Expanded polystyrene drink containers.

The ban applies to conventional, degradable, and compostable plastics.

People who need single-use plastic drinking straws due to disability or medical needs can still purchase and use these items.

Balloons are the only item which is not covered through this ban that was covered by this policy.

Following the review of the Policy it is recommended that the Policy be ceased.

The Policy was endorsed by the Council's Leadership Team for cessation at its meeting on 21 April 2023.

The Policy is no longer needed due to the state-wide ban. Through the development and adoption of the proposed *Climate and Environment Strategy*, more appropriate policies be developed to address the ongoing plastic waste crisis.

***COUNCIL PLAN 2021-2025* IMPLICATIONS**

Community

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

Leadership

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

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 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 public meeting. ▪ Policy will be removed from Website.

FINANCIAL IMPLICATIONS

There are no financial implications to the cessation of this policy.

LEGISLATIVE AND STATUTORY IMPLICATIONS

The report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

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

Following the State Government single use plastic ban introduced on 1 February 2023, Council officers proposed that this policy is no longer required and that Council should consider the cessation of the Council’s *Plastic Wise Policy*.

Recommendation:
That the *Plastic Wise Policy* be ceased.

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CP 36 Plastic Wise Policy

Responsible Officer:	Manager Economic Development and Sustainability
Document type:	Council Policy
Reference:	CP36
Approved by the Council:	19 May 2021
Date of next review:	March 2023

Policy Objective

The objective of this policy is to define Council's commitment to eliminate the use of single use plastics in Council operations and at Council managed events.

Policy Background

The negative environmental, social and economic impacts of single use plastics are a growing concern to the community. In 2014, Victoria produced around 570,000 tonnes of plastic waste, of which only 28 per cent was recycled¹. Therefore, most plastic goes into landfill or is not disposed of properly, ending up polluting the environment and causing harm to wildlife through entanglement or ingestion.

A significant and disproportionate amount of resources, including water, is used in the production of plastics, particularly for items intended to be used once then discarded. These resources, as well as the transport of the items throughout their lifecycles and disposal, also generates greenhouse gas emissions contributing to climate change.

In addition, there are potential health impacts from ingesting micro-plastics and chemical coatings on single use plastic products. Over time, plastic breaks down into smaller and smaller particles, known as micro-plastics. Micro-plastics accumulate and disperse other pollutants, such as heavy metals. These pollutants can be ingested by small organisms along with the micro-plastic particle, and then move up the food chain, causing even further damage.

Council is committed to minimising, and wherever possible eliminating, single use plastic items in Council operations and at Council managed events.

Scope

The policy applies to all Council staff, contractors, volunteers or other Council representatives engaged in Council operations and the running of Council managed events.

Exemptions may be granted for plastic products that are required to meet COVIDSafe, medical and safety requirements, or where there is no other practical alternative product or distribution method available.

The policy will influence sustainable procurement practices and supply chains and improve community awareness on single-use plastics.

Events and activities occurring on council land, but not managed by council staff, are not included in the mandatory scope of this policy but will be encouraged and supported by council to voluntarily comply.

Definitions

Council	Means the local government authority (i.e. Benalla Rural City Council).
Council managed land	Land owned by the State (i.e. Crown Land) or a third party that the council manages day to day.
Council officers	Includes Councillors, all employees, volunteers and contractors.
Council operations	Anywhere that council officers are present at a location or providing a service or function to the community.
Council events	Any small or large scale event organised by Council staff including, but not limited to, meetings, festivals, functions, launches, workshops, markets, information sessions and conferences.
Single-use plastic items	Any disposable plastic products used only once or for a short period of time including, but not limited to, plastic bags, bottled water, cups (including plastic lined paper cups), bowls, plates, cutlery, take-away food containers, straws, balloons, cling wrap.

Policy

Council is committed to adopting more sustainable practices, including the reduction of waste and litter. Council will take a leadership role in the reduction of single use plastics by wherever possible, eliminating single use plastics in council's operations and at Council managed events whilst also encouraging and supporting the community to take similar action.

To meet the objectives of this policy, Council commits to:

- Progressively reducing, and wherever possible eliminating, single use plastic items including bags, water bottles, cutlery, plates, bowls, cups and lids, take away food containers, food wrapping, packaging, straws and balloons within council operations and at all Council-managed events.
- Providing alternatives to bottled water at all Council managed events and sites and continuing to install water fountains in key locations.
- Not using any balloons and single use plastic decorations (such as bunting).
- Re-using event materials where possible (including event signage and promotional banners and flags). Event are to be sourced with consideration of their future re-use.
- Implementing sustainable procurement practices and influence supply chains to avoid soft plastic packaging wherever possible.
- Implementing a sound stewardship model to ensure appropriate disposal of products at events and council facilities.
- Comply with all national and state legislations in relation to waste avoidance, generation, recycling and disposal.
- Encouraging and supporting events and activities within the community to voluntarily comply with this Policy.
- Building awareness within the community, including businesses, on single-use plastics.

Exemptions may be applied for plastic products that are required to meet COVIDSafe, medical and safety requirements, or where there is no other practical alternative product or distribution method available. All exemptions require prior written approval of the Chief Executive Officer.

A 12 month transition period will be applied to the Policy to enable an implementation plan to be developed and appropriate time for departments to commence identified actions. This is particularly important for the planning of larger events.

Related documents and legislation

- Benalla Rural City Council Plan 2017-2021
- Benalla Rural City Waste Management and Minimisation Strategy 2014-2019
- Benalla Rural City Environment Strategy 2016-2020
- Environment Protection Act 1970
- Statewide Waste Resource Recovery Infrastructure Plan
- National Packaging Targets 2020

References

1. Sustainability Victoria Waste projection portal <http://www.sustainability.vic.gov.au/services-and-advice/business/investment-facilitation-service/waste-data-portal/waste-projection-model>

10. People and Performance Department Activity Report For The Quarter Ended 30 June 2023

SF/1538

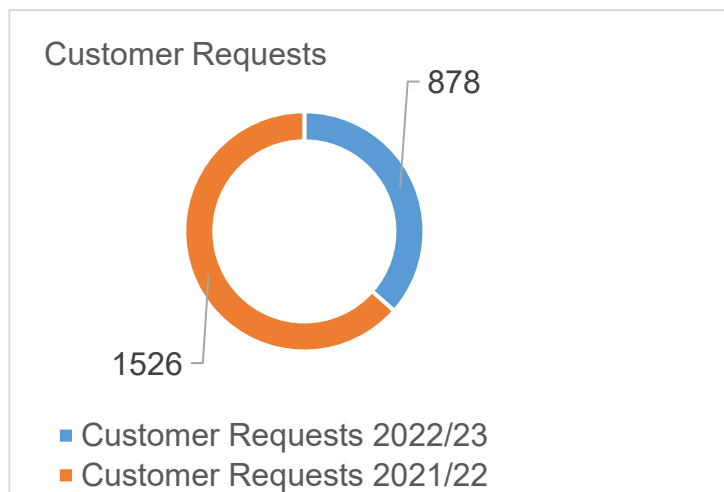
Janine McMaster – Manager People and Performance

PURPOSE OF REPORT

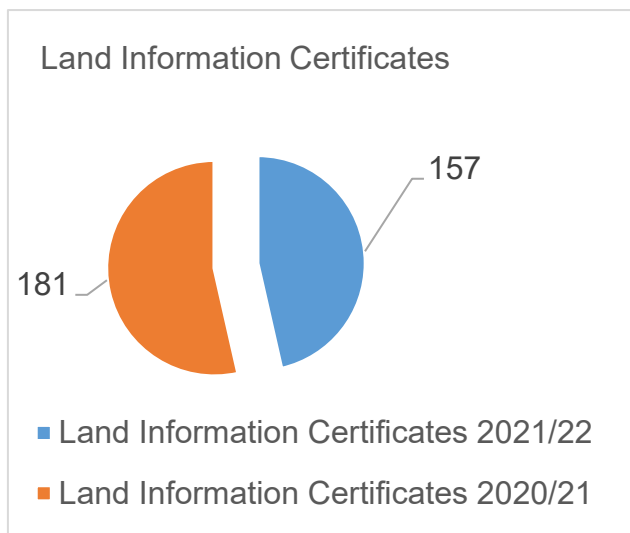
The report presents the activities of the People and Performance Department for the quarter ended 30 June 2023.

Customer Relations

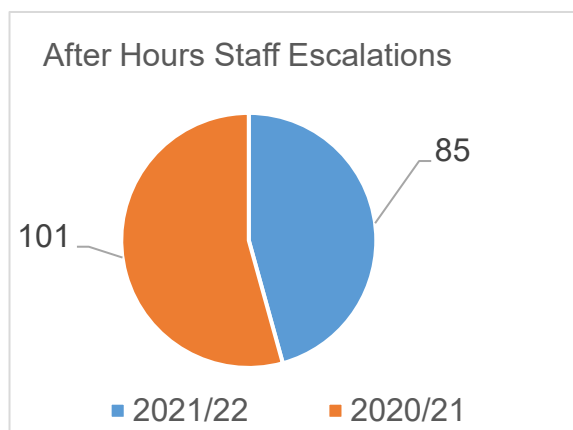
- The customer requests (CRMS) decreased by 42 percent for the quarter compared to 2021/22.



- The land information certificates decreased by 13 percent for the quarter compared to 2021/22.



- After hours phone service decreased by 16 percent for internal staff escalations.



Human Resources

- The workplace incidents ranged from manual handling, equipment use, cut/laceration, slip, trip or fall. There was one work cover claim submitted for a back injury due to manual handling. The staff member has since returned to full duties.
- Ongoing maintenance and administration of the Human Resources functions, including the following areas: recruitment, interview, induction, organisational wide training and monitoring the training budget.

Service	March 2023	June 2023
Recruitment	11	5
Turnover	5	1
Training Applications	34	20
Workplace incidents	9	5
WorkCover claims	1	1

Payroll

- Maintained Payforce database in response to changes in employee details and terms of employment.
- Maintained the organisation structure module of Payforce to incorporate resignations, employment of new staff as well as changes to staff terms of employment.
- Responded to internal payroll enquiries.
- Prepared managers' payroll reports each fortnight and other ad hoc reports and costing requests.
- Undertook training for improving organisation management reporting and for EOFY processing.
- Commenced rollout of automated payroll processing.

Risk Management

Occupational Health and Safety

OH&S continues to be monitored through the following regular:

- workplace inspections - all site inspections were completed in March with no outstanding actions.
- designated Workplace Group meetings
- incident and hazard reporting and monitoring
- incident and hazard action lists
- reporting to the Leadership Team and OH&S Committee
- reporting at department team meetings.

Information Sessions

The Corporate Risk Coordinator has attended the following training sessions during this quarter:

- Volunteer Risk Management Workshop.

Information Management

- 18,671 electronic documents were saved into Content Manager during this quarter which was 2,396 more than the last quarter.
- Ongoing processing of both electronic and hard copy information.

Volunteer Development

- We had a slight drop of volunteer numbers across the gardens, litter gatherers and airport areas due to winter months and the age of volunteers. Additionally, with the recent changes in the CASA (Civil Aviation Safety Authority) requirements, the volunteers at Benalla Airport are no longer required and have either finished up or will be finishing shortly.
- There has been an increase of seven members to the Accessibility Reference Group and their inductions have recently been completed.

National Volunteer Week (NVW)

Several celebrations were held during May to celebrate NVW. The activities included a celebration service years for volunteers who had achieved 5, 10, 15, 20 and 30 years of service during 2022 and 2023. The function was held at the Benalla Lakeside Community Centre and attended by approximately 20 volunteers who received.

(Photo: Cr King and Cr Claridge with Margaret Richards OAM)



Volunteer activity for the quarter:

Volunteer Activity	Current 2023	
	Registered	Active
Arts & Tourism	55	40
Events and Festivals	17	11
Youth Programs	25	18
L2P (Mentors only)	36	33
Gardens maintenance and Litter Reduction (includes airport)	34	22
Specialist Committees & Steering Groups	53	41
RedB4 Bookshop Benalla Library	65	38
Friends of Groups	53	41
Total:	338	243

Sir Edward ‘Weary’ Dunlop Learning Centre (Benalla Library)

Over this period, Benalla Library has welcomed 13,566 patrons through our doors and loaned a total of 16,221 items.

Over the 2022/2023 financial year, the Benalla Library have welcomed 56,258 patrons through our doors and loaned a total of 70,283 items.

Activity	April	May	June
Total Visits	3,881	5,047	4,638
Total Loans	4,974	5,766	5,481
Total Members	5,132	5,149	5,172

April

- Benalla Library rocked on during the school holidays with a Rock Painting program for patrons under twelve years, as well as a Bee Hotel Building project.
- To coincide with Nature Play Week children painted nature themed images onto rocks, as well sticking natural textural items onto their rocks. In celebration of the then upcoming World Bee Day, young patrons listened to a local apiarist and had a go at building their own bee hotel out of recycled items. In preparation for World Meditation Day in May, weekly Mindfulness sessions were run in collaboration with a local mindfulness coach to assist people in mediation and fostering more resilience and self-awareness.
- On Tuesday 18 April we welcomed a local author for a chat about their new novel – with some participants driving from Melbourne to attend this event.

May

- During Road Safety Week Benalla Library was visited by Sergeant Sensible. Children met local police officers and learned about road safety, while reading stories and singing songs. *(Photo: Sgt Sensible ready to help children Learn how to be safer around roads)*
- On Wednesday 17 May, we welcomed Voices for Indi who presented excerpts and behind-the-scene information from their book, The Indi Way. With over 80 patrons in attendance, this author talk is our most successful in recent history.



June

- A group of dedicated and enthusiastic knitters had a “knit in” at the Benalla Library for Worldwide Knit in Public Day on Saturday 10 June.
- During these school holidays, we had run a “School Holidays Film Fest” for kids to come and watch selected G and PG films together and enjoy some snacks. These sessions have been extremely well received by families and grandparents, with 15 families participating.
- In honour of World Embroidery Day, we held a school holidays program focusing on Friendship Bracelet Making. Children made different types of embroidered bracelets and received take-home packs to make more.

COUNCIL PLAN 2021-2025 ACTION PLAN

Community

A Connected, Involved and Inclusive Community		
Strategy	Action	June Quarter Update
Encourage, support, value and celebrate volunteering in the community.	Develop and adopt a strategy for engaging new volunteer participation.	The Benalla Rural City Council Volunteer Development and Engagement Strategy 2023-2025 is in draft format and currently under review. Volunteering has been celebrated at a recent function where Service Awards were presented to our deserving volunteers who had reached some major milestones.

Leadership

High Performance Culture		
Strategy	Action	June Quarter Update
Improve customer experience through responsive, timely, efficient, well planned, and accessible services.	Review and update the <i>Customer Relations Strategy</i> .	A <i>Customer Experience Strategy</i> is currently under review.
Develop a skilled, efficient, and high performing customer focussed workforce.	Develop a <i>Benalla Rural City Council Workforce Plan</i> .	Workforce Plan was adopted 2021 and is currently under review.
In collaboration with key community partners support an inclusive and safe workplace, aiming to increase awareness of and access to appropriate training for staff in the prevention of all forms of violence.	Develop a <i>Gender Equity Action Plan</i> .	As part of council’s commitment to our <i>Gender Equality Action Plan</i> , Gender Equity training was provided to all staff in March 2023. A follow up session was held in May 2023.

Recommendation:

That the report be noted.

11. Community Department Activity Report For The Quarter Ended 30 June 2023

SF/1534

Jane Archbold – Manager Community

PURPOSE OF REPORT

The report presents activity for the Community Department for the quarter ended 30 June 2023.

Community and Youth Development

- Nine nominations were submitted for the Accessibility Reference Group (ARG). The group progressed with the Disability Action Plan, which is now with a graphic designer. There were two ARG meetings during the quarter where general access and inclusion improvements and opportunities were discussed.
- Fawckner Drive Consultation – Playce consultants completed the Draft Fawckner Drive Masterplan Report. The report was presented to Council and the community consultation process started. Large signs were erected within the precinct to support a wide range of engagement activities including social media, Ensign feature, Benalla Market stall, and stakeholder meetings.
- Community Grants – The Community Grant program was assessed and presented to Council. 39 Community Grant applications were received, requesting over \$84,000 in funding. Applications were assessed against set criteria by a panel of BRCC staff members. 32 applications received funding through the program.
- Quick Response Grants – The program closed for the 2022/23 Financial Year. Thirty-one applications were funded during the period.
- Community Development Coordinator and Open Spaces Coordinator attended the Sport and Recreation Facility Gender Impact Assessment Training and Valley Sport Survey Planning event.
- Onboarded Social Inclusion Advisory Group (SIAG) Coordinator. The SIAG Coordinator began consultation with local community organisations to identify gaps in needs analysis and to raise awareness of the coming EOI process for group membership. Draft community needs assessment completed.
- SIAG Coordinator liaised with counterparts from Wangaratta and Mansfield to discuss implementation strategies and challenges in supporting members of community from vulnerable cohorts.
- SIAG Coordinator completed Youth Mental Health First Aid (MHFA) course with a view to becoming an accredited instructor, after undertaking further facilitator training, this will mean Council has both a Teen MHFA trainer and a Youth MHFA trainer.
- The first meeting of an internal working group formed to help guide the development of a Reconciliation Action Plan (RAP) for Council was held on 18 April 2023. Council and Benalla Health's Reconciliation Action Plan Working Groups held a meeting on Country at Winton Wetlands on 20 June 2023. The session was facilitated by Nikki James, Koorie Cultural Officer and provided the opportunity for both groups to work together on their reconciliation journeys.

- The Aboriginal Advisory Group met three times over the quarter. The Group assisted with sessions planned with several classes at Benalla FCJ College as part of National Reconciliation Week (27 May to 3 June 2023). This work has complemented the work being undertaken on the development of the Council's Reconciliation Action Plan.
- Funding has been received from the Department of Education to support kindergarten infrastructure and workforce planning. This will enable the work already undertaken by local consultant Lisa McCoy in partnership with the Supporting and Growing Kindergarten Participation Group (comprising representatives from local kindergarten and childcare centres, Tomorrow Today, Department of Education and Council) to continue to review the data and consider service capacity, local challenges, and plan for the future in line with government reforms.
- Manager Community nominated as the Local Government representative on Primary Care and Population Health interim working group coordinated by GV Public Health Unit.
- Fifty learners drivers were enrolled in the L2P program in April, 55 in May and 45 in June. Twelve young people obtained their drivers license during the quarter and 30 for the full financial year. An average of 24 volunteers actively drove over the quarter, providing over 800 driving hours to participants and 87 professional driving lessons were undertaken in the quarter.
- Transport Accident Commission (TAC) is undertaking a full review of the L2P program which will be finalised later in the year. A further funding agreement for a four-year term is anticipated for 2024/25 onwards.
- National Volunteer Week event was held at CWA Hall with 16 volunteer mentors from L2P program attending and receiving certificates and a small gift.
- Teen Mental Health First Aid training was completed at Benalla P-12 College for 70 Year 8 students and 52 Year 11 students. Seventy-nine Year 11 students completed the training from Benalla FCJ College.
- Year 8 students from both Benalla P-12 College and Benalla FCJ College attended the 2023 Launch event on 10 May 2023. The event was organised and run by the Live4Life crew. Ten minutes before the arrival of the Year 8 students Benalla had a power blackout. A generator was sourced from the Council depot (thank you depot team!!) and most activities could continue. Thankfully the power came on eventually and the giant inflatables could be enjoyed by the students.
- Benalla's Live4Life crew joined Moira Council's Live4Life crew school holiday activity in Cobram. The crews enjoyed activities, guest speakers, ice breakers and a trip to the movies.



- Engage First Aid Training was held on 19 and 20 April. 12 young people completed this subsidised training over two days at a cost of only \$20.
- Successful youth events held including cinema screening on the lake foreshore on the last Sunday night of the school holidays (after having to be rescheduled due to weather conditions) and B-Town Rave event held in partnership with Full Impact Squad (Tomorrow Today Foundation youth group) on Saturday 29 April at BIRC with over 150 young people in attendance. The night included a giant jumping castle, DJ and free food.
- Music Under the Library gig was held on 6 May 2023. The night was organised by the Tomorrow Today's Full Impact Squad alongside the Council's youth team. Featuring two bands, two solo artists and free food. More than 120 people attended.
- Fifty-Five free BPACC tickets for young people were redeemed for a screening of 'Fast X' on Tuesday 27 June 2023.

Maternal and Child Health (MCH)

- Twenty Birth Notices received for the quarter bringing the total number of births for 22/23 to 90 which is down approximately 30 births per year compared with recent years.
- The First Time Parents Group and First Time Dads Group finished for second term with a final combined evening session with CPR training and an overview of childhood illnesses.

Integrated Family Services (IFS)

- External Supervision: the team will be re-commencing group reflective practice in July, facilitated by Donna Richards (Senior Consultant, Australian Childhood Foundation). Donna has previously worked with the team in delivering a suite of trauma informed practice training in 2020 and 2021.
- Family Services focused on preparing for the mid-term funding audit to take place on Monday 10 July 2023.
- The majority of Family Services practitioners completed family violence core modules of Safe and Together training in Shepparton in May/June. Team Leader and remaining practitioners are scheduled to complete the same training in Wangaratta in September 2023.
- Supported Playgroup (SPG) concluded term 2 with a combined group trip to Kyabram Fauna Fun Park. The trip was well attended and enjoyed by families. SPG are running two groups a week each term and can have up to 10 families per group. Currently groups are being held on Tuesday mornings at Waminda Neighbourhood House and Thursday mornings at Benalla P-12 Avon St Campus. The groups have been following the SmallTalk gentle approach parenting program. Activities include setting up edible gardens, Maternal Child Health sleep and settling advice, cooking up family friendly recipes, as well as other musical and craft sessions.

Age Friendly Benalla

- Three meetings of the Age Friendly Benalla Reference Group were held over the quarter with the group continuing to assist the Ageing Well Officer to work on priorities identified in the Action Plan.
- Ageing Well Officer has been linking in with a number of meetings and services including Mental Health Collaboration Meetings, Aged Care and Carer Services Network (ACCS), Benalla Carers Support Group, Elders Rights Advocacy, Waminda Community House and Benalla Homelessness Response Group.

- The second Benalla Treasures lift out highlighting the achievements of a number of senior residents featured in the Benalla Ensign during the quarter.
- At a meeting with Benalla Library staff the idea of offering a home library service to community members who cannot get to the library because of frailty or mobility issues was discussed.
- Ageing Well Officer has been working with Department of Families, Fairness and Housing the funding body and three other councils to offer a *Beatlez* concert in Shepparton in October as part of this year's Seniors Festival. A small working group from the Age Friendly Reference Group are also working with the Ageing Well Officer to develop a program of events for Benalla to celebrate seniors.
- Members of the Age Friendly Reference Group met with Helen Haines to discuss their concerns about lack of services for older people in Benalla since the Council exited out of direct service delivery.

Regional Assessment Service

- Seventy-one referrals for new assessments were received and 34 of those were eligible for an assessment. 138 support plan reviews were completed over the quarter. Support plan numbers continue to rise with the system not being able to keep up with the demand.
- New Commonwealth Home Support Programme guidelines have been released which have helped with intake and explaining eligibility to access the My Aged Care system.
- There's some light at the end of the tunnel with assessors being able to access support services for all services apart from domestic assistance. There continues to be no availability to access domestic assistance.
- Sadly, the trial of fortnightly social support groups within Benalla was not successful with clients pulling out and cancelling at the last minute.
- Calvary Community Care are linking in closely with the assessors and keeping them informed of service availability and any changes. They also have made themselves available in the local community hub. Calvary after 12 months are now able to service all existing clients which were transferred over from BRCC.
- The assessors have participated in the Integrated Assessment Tool trial. This added to the workload required for the assessment process, meaning each assessment had to be completed in the trial tool and also the existing tool. The Integrated Assessment Tool is in preparation for the proposed Single Assessment Workforce (July 2024). A small amount of funding has been received to assist in covering costs associated with participation in the trial.

Highlights

- Staff from the Community department partnered with Benalla Health, Tomorrow Today Foundation, Deakin University and GV Public Health Unit to stage three community workshops over the quarter as part of the RESPOND program. The program aims to gain community input into how to help children eat well and be physically active.
- The final whole of community session for the RESPOND program was held on 5 June 2023. More than 100 community members were in attendance. It was pleasing to see the community interest in helping our children to eat healthily and be physically active with many action ideas generated. The RESPOND partners Benalla Health, Tomorrow Today Foundation and Council will work with Deakin University to explore options going forward to help make some of the ideas generated by the community come to fruition.

COUNCIL PLAN 2021-2025 ACTION PLAN

Community

A healthy, safe and resilient community		
Strategy	Action	June Quarter Update
Work closely with our community and key stakeholders to address some of the priorities of the Victorian Public Health and Wellbeing Plan 2019-2023: healthy eating and active living; mental wellbeing, preventing violence and injury, and climate change and its impact on health.	Development, implementation and monitoring of Benalla Rural City Municipal Health and Wellbeing Action Plan (MPHWBP).	Resourced two meetings of the Benalla Health and Wellbeing Partnership Group. Continually seeking feedback from the partnership of any programs and activities undertaken that align with the MPHWBP.
Offer programs, services, activities and events that support, develop and connect community members of all abilities and lead the community in being age friendly and child and COVID safe.	Update and adopt Benalla Rural City Council Community Access and Inclusion Plan.	Resource Accessibility Reference Group (ARG), Age Friendly Benalla Reference Group. Draft Disability Action Plan presented to ARG. Internal Child Safe Working Group continues to meet. Child Safety and Wellbeing Policy and Child Safe Code of Conduct adopted by the Council.

A connected, involved and inclusive community		
Strategy	Action	June Quarter Update
Support and promote opportunities for the community to participate in a range of social, recreational, and arts and cultural programs, activities and events.	Update and adopt Benalla Rural City Council Youth Strategy.	Youth Strategy adopted by Council 29 June 2022, supported by annual action plans.
Continue to respectfully engage, include, celebrate and promote Aboriginal and Torres Strait Islander culture and people.	Develop and adopt a Benalla Rural City Council Aboriginal Reconciliation Plan.	RAP working group continues to meet regularly and is linking in with Benalla Health’s RAP. Continue to resource Aboriginal Advisory Group who are also linking in with the RAP. Plans well underway for this year’s NAIDOC week celebration.
Promote, support and actively engage with smaller rural communities.	Deliver Township projects.	Rural Community Activation grants of up to \$750 provided to Thoona, Moorngag, Goorambat, Devenish, Tatong, Warrenbayne, Swanpool, Molyullah and Boweya to host community gatherings

	Develop Rural Township Plans. Reintroduce Councillor Rural Community Visitation program.	Work continues on drafting Rural Township Plans
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Good Governance		
Strategy	Action	June Quarter Update
Ensure key community priorities captured in the long-term community vision are reflected in the Council Plan.	Review and update the Long-Term Community Plan.	Updating of community vision completed.

Engaged and informed community		
Strategy	Action	June Quarter Update
Work in partnership with community members, groups and organisations to achieve the aspirations captured within the Benalla Rural City long-term Community Vision.	Review and update the Long-Term Community Plan.	Ongoing work in progress ensuring aspirations of long-term community vision are captured in work undertaken by variety of community groups and organisations
Create opportunities for deliberative engagement prior to decision making and actively improve and enhance Council's community engagement practices.	Develop and adopt a Benalla Rural City Council Community Engagement Policy and Community Engagement Framework and Toolkit.	Policy adopted and engagement now the responsibility of the Communications Coordinator
Provide timely and effective communications in plain language to the community about Council services, activities and decision making.	Develop and adopt a Benalla Rural City Council Community Engagement Policy and Community Engagement Framework and Toolkit.	Policy adopted and engagement now the responsibility of the Communications Coordinator

Recommendation:
That the report be noted.

12. Councillor Conduct Panel Determination

SF/1552

Robert Barber – General Manager Corporate

PURPOSE OF REPORT

The report tables the *Councillor Conduct Panel Determination and Statement Of Reasons For Decision* in the matter of an application by Cr Gunaratne concerning Cr Davis.

BACKGROUND

In August 2022, the Principal Councillor Conduct Registrar (PCCR) advised that he had received an application from Cr Gunaratne for a Councillor Conduct Panel to make a finding of serious misconduct against Cr Davis.

In September 2022, the PCCR advised he was satisfied the application met the requirements of the *Local Government Act 2020* and that he was required to form a Councillor Conduct Panel to hear the matter.

On Thursday 30 March 2023, a Councillor Conduct Panel hearing was held to hear six allegations of serious misconduct made by Cr Gunaratne against Cr Davis.

DISCUSSION

The Councillor Conduct Panel (CCP 2022-06) *Determination and Statement of Reasons For Decision* is attached as **Appendix 1**.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- Good governance.

STATUTORY IMPLICATIONS

The Councillor Conduct Panel (CCP) was established and conducted in accordance with Division 7 of the *Local Government Act 2020* (the Act).

In accordance with the Act, the CCP's decision must be tabled at the next Council meeting and recorded in the minutes of that meeting.

FINANCIAL IMPLICATIONS

Costs associated with the Councillor Conduct Panel have not been finalised.

Costs will be allocated to the 'Council and Associated Meetings' budget.

COMMUNITY ENGAGEMENT

It is proposed that in relation to this matter, community engagement be undertaken at the 'inform' level via this public Council report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The officer/s involved in the preparation of this report has no general or material conflicts of interest in this matter.

Recommendation:

That the Councillor Conduct Panel Determination and Statement Of Reasons For Decision contained in Appendix 1 be noted.

COUNCILLOR CONDUCT PANEL

In the matter of an Application by Councillor Punarji Hewa Gunaratne
concerning Councillor Peter Davis of Benalla Rural City Council
(CCP 2022-6)

HEARING PURSUANT TO PART 6 OF LOCAL GOVERNMENT ACT 2020

Applicant: Cr Punarji Hewa Gunaratne
Respondent: Cr Peter Davis
Date of Hearing: 30 March 2023
Panel Members: Mr Thomas Lynch (Chairperson)
Ms Jan Boynton

DETERMINATION

Pursuant to section 167(1)(d) of the *Local Government Act 2020* the Councillor Conduct Panel dismisses the Application having made no finding of serious misconduct against Cr Peter Davis in relation to any of the six allegations contained therein.

Tom Lynch
Chairperson

Jan Boynton
Panel Member

14 August 2023

STATEMENT OF REASON FOR DECISION

The Application

1. The Application dated 6 June 2022 made by Cr Punarji Hewa Gunaratne contained six allegations relating to the respondent Cr Peter Davis' conduct. It was alleged that on six separate occasions Cr Peter Davis behaved unreasonably towards Cr Gunaratne. These incidents were alleged to have occurred on the following dates:

Allegation 1	26 March 2022
2	26 June 2022
3	20 April 2022
4	3 November 2021
5	1 September 2021
6	1 September 2021

Evidence provided at hearing

2. Written evidence was submitted by both the applicant and the respondent prior to hearing, including witness statements made by witnesses who gave evidence at the hearing.
3. Oral evidence was given at the hearing by both the applicant and respondent.

The jurisdiction of the Panel in relation to this Application

4. Section 154(1) of the *Local Government Act 2020* (the Act) provides that a Councillor Conduct Panel may hear an application that alleges serious misconduct by a Councillor.
5. Pursuant to section 167(1)(a) of the Act a Panel may make a finding of serious misconduct against a Councillor.
6. "Serious misconduct" is defined in section 3 of the Act, including:
 "(f) bullying by a Councillor of another Councillor or a member of Council staff".
7. "Bullying" is defined in section 3 of the act:
 "bullying by a Councillor means the Councillor repeatedly behaves unreasonably towards another Councillor or a member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff".

Allegation 1

8. Councillor Gunaratne stated that he had received two emails sent by Cr Davis on Saturday, 26 March 2022. The first at 5:59 pm was addressed to Cr Danny Claridge and Cr Gunaratne, and the other Councillors of the Benalla Rural City Council were copied into this email.

“Re: Danny (Copy of Facebook page)

Danny you can only prod the bear for so long then the bear gets angry and things can happen, it's a bit disappointing that all the information on the project has been given to all councillors numerous times. Including Purna. Watch this space.”

9. Councillor Gunaratne believed that this email was a reply to an email sent by Cr Claridge which Cr Gunaratne believed falsely accused him of being a Facebook administrator and supporting an Anti-Council Facebook post in a Facebook group to which he was not a member.

10. Councillor Gunaratne did not reply to the 5:59 pm email.

11. At 9:02pm Cr Davis sent an email to all Councillors of the Benalla Rural City Council.

“Puna, as a councillor I find [REDACTED]'s posting very upsetting and disturbing which is not good for my mental health. All councillors have been briefed on the Vic Project on many occasions and had their questions answered (even as late as last Wednesdays council meeting. Puna as a councillor and mentor of the Facebook page you are in a position to rectify the careless of the truth comments posted by [REDACTED]. You know what's correct and what's not correct. By not taking a stance you have proven to me you have no respect for Mayor, fellow councillors, the CEO and staff as well as ratepayers. (Respect is a little word with a big meaning) Regards, Cr Peter Davis.”

12. [REDACTED] is Cr Gunaratne's partner. Cr Gunaratne did not reply to Cr Davis.

13. Councillor Gunaratne stated that he felt threatened, bullied and unsafe because of the behaviour of Cr Davis in emailing these two emails.

14. Councillor Davis in his written submissions said the emails were a response by him after he read an email from Cr Claridge which referred to Facebook posts concerning the redevelopment of the Benalla Visitors Information Centre and Museum. Councillor Davis believed those posts were misleading and that Cr Gunaratne was a mentor or closely associated with the Facebook page. Further Cr Davis said Cr Gunaratne was a fierce opponent of the redevelopment.

15. Councillor Gunaratne told the panel that Cr Davis had used to expression “poke the bear” towards him at COT meetings.

16. Councillor Davis told the panel that he had only used that expression in that single email. Further he explained that on reflection that they were not the right words to have used. He said the Facebook page moderated in his belief by Cr Gunaratne was very critical of Councillors and he believed a Councillor should follow a decision of Council.
17. Further, Cr Davis said that the expression "this can happen" meant a complaint and a mayoral negotiation. He said such a negotiation occurred on the 28 June 2022. See Allegation 2. Councillor Davis said that the words were not meant to be a threat.
18. The Panel finds that neither email amounted to unreasonable behaviour by Cr Davis towards Cr Gunaratne.

Allegation 2

19. On 28 June 2022 Cr Gunaratne and Cr Davis met with the Mayor Cr Bernie Hearn to negotiate an official complaint lodged against Cr Gunaratne by Cr Davis. Cr Gunaratne stated in his application that he felt that Cr. Davis abused the mayoral negotiation procedure to bully and harass him. He said he was yelled at throughout the negotiation and told not to ask questions at the council meetings. He stated that he felt intimidated because the formal mayoral negotiation was used to create an isolating and bullying experience. Further he stated he felt Cr Davis was allowed to behave in an intimidating manner throughout the meeting and this behaviour was not stopped or restrained.
20. Councillor Gunaratne before the Panel said that Cr Davis was "looking at me and yelling at me like that, banging on the table." "Banging on the table" was not referred to in his application.
21. Councillor Davis in his written submissions denied that he yelled at Cr Gunaratne.
22. Further, Cr Davis exhibited to his submissions an email dated 5 January 2023 at 3:19:45 from Cr Hearn, the Mayor of Benalla Rural City Council which stated "Regarding the confidential Mayoral negotiation held on 28 June 2022 at all times both Councillor Davis and Councillor Gunaratne conducted themselves in an appropriate manner" and further stated "at the conclusion of the negotiation it was agreed that "this discussion has resolved this dispute and both counsellors are happy and will not take future action." The statement was signed and dated and copies were given to both parties"
23. Further a copy of the signed statement was exhibited to Cr Davis' submissions.
24. The panel accepts the statement of Cr Hearn as an accurate recollection of the mayoral negotiation and notes the signed statement of Cr Gunaratne and Cr Davis.

25. The Panel is satisfied that Cr Davis' actions in lodging the complaint against Cr Gunaratne, and his conduct during the mayoral negotiation procedure conducted in respect of that complaint, did not constitute unreasonable behaviour by Cr Davis towards Cr Gunaratne. It is noted that although the application refers to the date of 26 June 2022, the mayoral negotiation was on 28 June 2022.

Allegation 3

26. Councillor Gunaratne in his application said that he was bullied in the Council meeting of 20 April 2022 particularly as Cr Davis suggested that Cr Gunaratne "cannot have had a copy of the proposed budget" and Cr Davis slammed the document on the table.
27. The Panel has viewed the video recording of the meeting. The Panel does not accept that the words spoken by Cr Davis and the actions of Cr Davis were in any way unreasonable behaviour. Indeed, sometimes the theatre of Council is about point making and sometimes is about dropping a piece of paper on a table.

Allegation 4

28. Councillor Gunaratne alleged that on the 3 November 2021 at a Councillor Only Time Meeting (COT), Cr Davis told him that he asked too many questions at the council meeting on 27 October 2021 and that Cr Davis threatened him by saying "if you ask questions like that at council meetings again I will get a point of order against you." Further Cr Davis said he took up too much time at the Council meetings and had said that he should meet staff in person if he wanted to ask questions.
29. Councillor Gunaratne said he felt intimidated by the threat. He said he felt he was being singled out and isolated. Further Cr Gunaratne said Councillors King, Hearn and Davis were in attendance at this meeting.
30. Councillor Gail O'Brien in a written statement said she did not recall the specific details of the COT on 3 November 2021.
32. Councillor Justin King in a written statement dated 12 January 2023 said that he recalled the COT meeting held on 3 November 2021. He said Cr Davis had raised the subject regarding the number of questions Cr Gunaratne had been asking in Council meetings and was respectfully providing advice to how he could be across his material better if there was a problem. He recalled Cr Davis speaking about the Councillor Code of Conduct or the Council's Governance Rules 2020, (he didn't recall exactly which one) and how a Councillor could call a point of order if a Councillor was asking many questions, one after another or not following the procedures of a meeting.
33. He said in his opinion "it was not a threat nor was it intended to insight an action of applying the CCOC or CGR2020. Further I do not believe the language used by Cr Davis was an intimidating or threatening demeanor. This was an educational discussion which was a guide and assist a fellow councillor".

34. Councillor Davis in his written submission stated that at the COT meeting he informed all Councillors to come to meetings well prepared and to ask questions prior to meeting. He stated that in future he would move a point of order to limit the number of questions a Councillor could ask on an item, if a Councillor asked an unreasonable number of questions on an item. He said his action was not threatening but rather it was foreshadowing the legitimate use of a governance rule available to all Councillors.
35. The Panel accepts the statement of Cr King as an accurate memory of the COT of 3 November 2021.
36. The Panel is satisfied that Councillor Davis' actions during the 3 November 2021 COT did not amount to unreasonable behaviour.

Allegation 5

37. Councillor Gunaratne alleged that the video of the Council meeting on the 1 September 2021 between 51.32 and 1.04.52 minutes would show Councillor Davis deliberately interrupting Councillor Gunaratne while he was asking questions, by putting his hand up and waving repeatedly. Councillor Gunaratne stated he felt intimidated and bullied by Councillor Davis' behaviour.
38. This meeting was an online meeting. Councillor Davis agreed he had put up his hand and waved to attract the chair of the meeting and he was not accepted to speak so he put his hand down.
39. The panel watched the relevant part of video recording, which showed no unreasonable behaviour by Cr Davis.

Allegation 6

40. Cr Gunaratne alleged that at a COT meeting held remotely at noon on the 1 September 2021 Cr Davis was disrespectful to him and called him a puppet. Further he said that Cr Davis tried both to create the impression among the other Councillors and to discredit his reputation by saying Cr Gunaratne was not making up his own mind. Further he said the applicant was a puppet to a group of people with whom he should not communicate.
41. Councillor Davis in his written submission stated "I spoke at the meeting to all councillors about my concerns about a group in the community who, after each council election, try to ingratiate themselves with newly elected councillors and become part of these councillors inner circle in an attempt to manipulate these councillors and direct their agenda." Further he noted "their desire to make new councillors their puppets." And he stated he did not refer to Cr Gunaratne directly as a "puppet."

42. Councillors Claridge, O'Brien and King provided statements that they were present during this meeting at which Cr Davis spoke of the attempts to manipulate Councillors. All said nothing was said by Cr Davis which was disrespectful of Cr Gunaratne. Councillor O'Brien said she recalled the word "puppet" being used in the context of responding to approaches by community members and not as an insult to any Councillor. Councillor King recalled the words "none of us are puppets" being said by Councillor Davis.
43. The panel accepts the statements of Crs Claridge, O'Brien and King that nothing was said that was disrespectful of Cr Gunaratne.

Conclusion

44. In light of the above findings in relation to each of the six allegations, the allegation of bullying is not made out. Accordingly, the application for a finding of serious misconduct against Cr Davis is dismissed.



13. Urgent Business

Closure of Meeting