

Finance and Planning Committee

Agenda

Date: Wednesday 19 July 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 Acting Governance Coordinator Tracey Beaton 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	Councillor Justin King (Deputy Mayor)	
Councillors	Cr Danny Claridge (Committee chair on approved leave of absence)	
	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Bernie Hearn (Mayor)	
	Councillor Punarji Hewa Gunaratne	
	Councillor Gail O’Brien	
In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	Joel Ingham	Planning Coordinator
	Tracey Beaton	Acting 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

It is noted that Councillor Danny Claridge is on an approved leave of absence.

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 14 June 2023 be confirmed as a true and accurate record of the meeting.

Business

1. Planning application for a Multi Lot Subdivision (48 lots), the creation of easements and the removal of native vegetation at 17 and 37 Olivers Road, Benalla

DA4461/3

Joel Ingham – Planning Coordinator

Nilesh Singh – Manager Development

PURPOSE OF REPORT

This report assesses a planning application received for a Multi lot subdivision (48 lots) in three stages, the removal and creation of easements and the removal of native vegetation at 17 and 37 Olivers Road, Benalla.

BACKGROUND

Site Address	17 Olivers Road being Lot 2 on PS649188J and 37 Olivers Road Benalla being Lot 1 on PS704381L
Existing Use	17 Olivers Road is currently vacant, comprising of open grassland and scattered vegetation to the north and east of the site. 37 Olivers Road contains a single dwelling and associated outbuildings to the south of the site, with vegetation along the eastern boundary. Access is via a battleaxe entry from Olivers Road to the west.
Proposal	Staged multi lot subdivision including: <ul style="list-style-type: none"> ▪ Stage 1 – resubdivision of two (2) lots into three (3) lots ▪ Stage 2 – Subdivision on newly created lot 1 into 44 lots ▪ Stage 3 – Subdivision on newly created lot 2 into four (4) lots ▪ Native vegetation removal ▪ Creation of easements and common property.
Applicant	Turning Point Property and Projects
Zone	<ul style="list-style-type: none"> ▪ General Residential Zone (GRZ) ▪ Low Density Residential Zone (LDRZ)
Overlays	Nil
Referrals	<ul style="list-style-type: none"> ▪ Country Fire Authority (CFA) ▪ Department of Energy, Environment and Climate Action (DEECA) ▪ North East Water (NEW) ▪ Ausnet ▪ APA Group ▪ Engineering ▪ Environmental Health.

PROPOSAL

The proposal seeks approval to subdivide two separate parcels of land in three stages for a total of 48 lots including the removal of native vegetation and creation of common property.

The proposal will have the following characteristics:

Subdivision

Stage 1

Subdivision of current two lots into three:

- Lot 1 - 36,124 square meters (development lot).
- Lot 2 - 10,789 square meters (development lot).
- Lot 3 - 9,617 square meters – one residential lot with existing dwelling to be retained (37 Olivers Road).

Stage 2

- Subdivision of newly created Lot 1 into 44 lots (GRZ)
- Lot sizes range between 498 square meters and 1050 square meters.
- Access off extension of Woods Drive, Benalla with potential future access into Grant Drive, Benalla.
- Drainage easement within the eastern portion of the land.

Stage 3

- Subdivision of newly created Lot 2 into four lots (LDRZ) and creation of common property (access).
- Lot sizes range between 2281 square meters to 2836 square meters. Access will be via a private driveway (common property), from the newly created subdivision.

Native Vegetation

Stage 2 of the proposal will result in the loss of all native vegetation for the subdivision of the newly created Lot 1 into 44 lots.

No vegetation is proposed to be removed for Stage 3 for the subdivision of the newly created Lot 2 into 4 lots.

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.

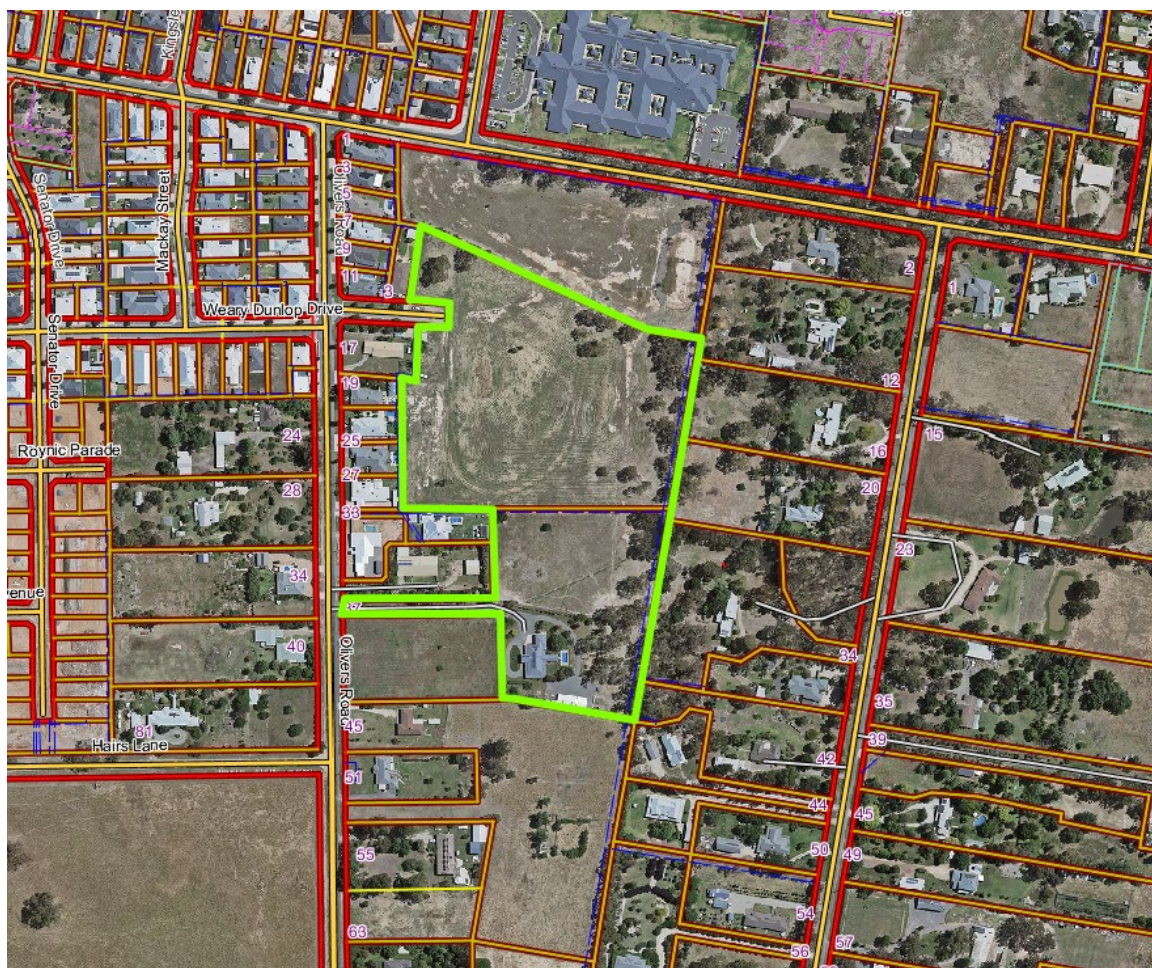
The site is irregular in shape, being Lot 2 PS649188 (17 Olivers Road) and Lot 1 PS704381 - 37 Olivers Road, Benalla with a combined area totaling approximately 56,282m², located on the eastern side of Olivers Road, Benalla. 17 Olivers Road, Benalla is vacant land while 37 Olivers Road, Benalla has an existing single dwelling, outbuildings and a dam, which is located at the north- eastern corner of the lot.

37 Olivers Road, Benalla has direct access to Olivers Road, Benalla via a battle axe driveway to the west, while access to 17 Olivers Road, Benalla is currently available via Woods Drive, Benalla (currently terminates at the western boundary).

The land abuts a large retention basin directly to the north while the adjoining land to the south and east are larger lots containing a single dwelling and outbuildings, in keeping with the Low-Density Residential Zone. The adjoining land to the west along Olivers Road, Benalla consists of smaller residential lots, developed with single dwellings and outbuildings.

The surrounding area comprises predominantly residential properties, with land to the west and north consisting of newly created general residential development and land to the east and south larger low density residential lots.

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 signs on entrances to 17 and 37 Olivers Road, Benalla.
- Sending notices to all adjoining and opposite landowners and occupiers.

Planning Scheme Provisions

Planning Policy Framework (PPF)

Clause 11.01-1L of the Benalla Planning Scheme relates to Local settlements- Benalla and has the following strategies:

- *Ensure that use and development is consistent with the Benalla Structure Plan, Benalla CBD Structure Plan, North West Outline Development Plan and West Benalla Outline Development Plan 2005.*
- *Ensure new residential development is fully serviced with electricity, telecommunications, water, stormwater and sewerage.*
- *Create large, strategically located areas of open space that link with other forms of open space.*
- *Encourage infill housing development that maintains the prevailing residential character.*
- *Protect the landscape character and environmental integrity of Lake Benalla and environs.*
- *Retain the built form integrity of heritage areas.*
- *Encourage development that maximises tourism opportunities, including for the Winton Wetlands.*

Clause 11.01-1S (Settlement) of the Benalla Planning Scheme has the objective:

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 11.01-1R (Settlement - Hume) of the Benalla Planning Scheme has the strategy:

Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

Clause 11.02-1S (Supply of urban land) of the Benalla Planning Scheme has the objective:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.02-3S (Sequencing of development) of the Benalla Planning Scheme has the objective:

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Clause 11.03-2S (Growth Areas) of the Benalla Planning Scheme has the objective:

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Clause 15.01-3S (Subdivision design) of the Benalla Planning Scheme has the objective:

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-4S (Healthy neighbourhoods) of the Benalla Planning Scheme has the objective:

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Clause 16.01-2S (Housing Affordability) of the Benalla Planning Scheme has the objective:

To deliver more affordable housing closer to jobs, transport and services.

Zone

Clause 32.08 General Residential Zone (GRZ)

Stage 2 will be located within the General Residential Zone. 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.*

A permit is required to subdivide land within the General Residential zone. An application for subdivision must be assessed in accordance with Clause 56 of the Benalla Planning Scheme.

Clause 32.02 Low Density Residential Zone (LDRZ)

Stage 3 is located in the Low Density Residential Zone. The purpose of the Low Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

A permit is required to subdivide land within the Low Density Residential zone. An application for subdivision must be assessed in accordance with Clause 56 of the Benalla Planning Scheme.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
CFA	No objection subject to conditions
North East Water	No objection subject to conditions
AusNet	No objection subject to conditions
APA Gas	No objection
DEECA	No objection subject conditions

Clause 56 – ResCode

The following table provides details on whether the proposal complies with the requirements of Clause 56 of the Benalla Planning Scheme. Under the provisions of Clause 56 of the Benalla Planning Scheme, a development:

- must meet all of the objectives
- should meet all of the standards.

If the Council, however, is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C1	Strategic Implementation	√	√	The applicant has submitted satisfactory documentation with the proposal outlining how the proposal is compliant with the objectives of the planning scheme.
C5	Built environment	√	√	The proposed lot layout is considered to be characteristic of a normal residential subdivision. The proposal provides for a mixture of lot sizes that will provide for residential development consistent with the adjoining area.
C7	Lot Diversity and Distribution	√	√	The proposal will provide for a diverse range of lot sizes from 498 metres squared to 2846 metres squared. The variance in lot sizes will lead to a diverse range of housing types and styles to suit individual landholders in the future.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C8	Lot Area and Building Envelopes	√	√	<p>Three of the lots proposed are below 500 metres squared. Building envelopes have been provided to allow for dwellings which meet the area and siting requirements of the planning scheme. A condition of any permit can require these building envelopes to be placed on title as a restriction and in doing so must meet the garden area requirements of the Benalla Planning Scheme.</p> <p>Building envelopes have also been provided for the Low Density Residential Lots in Stage 3 of the subdivision. These will also be required as a restriction on Title as the envelopes for Lots 1 and 2 will also protect native vegetation on the land.</p>
C9	Solar Orientation of Lots	√	√	<p>The sites typically have a north-south orientation, however, where this is not optimal the sites are of sufficient depth to provide for adequate sunlight to open space areas. Based on the design of any future dwellings it is considered that the proposal can achieve a high degree of solar orientation.</p>
C10	Street Orientation	√	√	<p>All lots within the subdivision are orientated to front existing or proposed streets. Lots are considered large enough to allow adequate solar access.</p>
C11	Common Area	√	√	<p>The common property and subsequent owner's corporation will apply only to four lots and will provide a common access to the four lots.</p>
C12	Integrated Urban Landscape	√	√	<p>A Landscape/Streetscape plan will be required as a condition of the permit. This plan will be required to show the type of plantings to be undertaken within the road reserve areas.</p>
C13	Public Open Space	√	√	<p>A condition of the permit will require that the applicant provide a contribution to Council being five per cent of the site land value in accordance with the planning scheme. It is considered that a public open space area of five percent would be too small to be practical on the land.</p>
C15	Walking and cycling network	√	√	<p>The proposal provides for road widths which will encourage pedestrian and bicycle movement within the subdivision.</p>

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C17	Neighborhood Street network	√	√	The proposed street network will connect to the existing and proposed road network surrounding the site. Opportunity will be provided for a future connection to Grant Drive, Benalla to the east of the site.
C18	Walking and cycling network detail	√	√	The proposed footpath network will be designed to comply with Infrastructure Design Manual requirements.
C19	Public Transport network detail	√	√	An existing bus service is located approximately 850 meters from the site in Waller Street, Benalla.
C20	Neighborhood street network detail	√	√	A Traffic Impact Assessment Report has been submitted by the applicant. The report concludes that no traffic engineering reasons would prevent the development, subject to meeting the Infrastructure Design Manual standards. The proposal was also referred to Council's Engineering Unit who advise of no objection to the proposal subject to conditions including drainage. Subject to conditions it is considered that the proposal can comfortably comply with the Benalla Planning Scheme and Infrastructure Design Manual standards.
C21	Lot Access	√	√	The proposal will not provide for any lots with an area of less than 300 meters squared and a condition of the permit will require all access roads to comply with the Infrastructure Design Manual.
C22	Drinking Water supply	√	√	All lots will be connected to reticulated water.
C23	Reused and Recycled water	√	√	Complies
C24	Wastewater Management	√	√	The subject site will be connected to a reticulated sewer system. North East Water advise of no objection to the proposal subject to conditions.
C25	Urban Run-off management	√	√	Stormwater run-off from the newly created allotments will be directed into the proposed stormwater drainage network which has been designed to integrate with the existing drainage network surrounding the site, including the newly constructed Cowan Street Basin.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C26	Site Management	√	√	Can be required as a condition of any permit issued.
C27	Shared Trenching	√	√	Services will be designed and constructed to link in with existing facilities. Reticulated water, sewerage, electricity, gas and telephone services will be connected to the newly created allotments and shared trenching will be utilised where appropriate.
C28	Electricity, Telecommunications and Gas	√	√	The new allotments will be connected to electricity, telecommunications and natural gas. These connections will be from existing infrastructure in proximity to the site.
C29	Fire Hydrants	√	√	Fire hydrants will be provided to the site so that the distance between the fire hydrant and the rear of each lot does not exceed 120 metres and that they are no more than 200 metres apart. The detailed location of these will be developed as part of servicing arrangements for the site.
C30	Public Lighting	√	√	Can be required as a condition of any permit issued.

Particular Provisions

Clause 53.01 – Public Open Space Contribution and Subdivision

A public open space contribution to the amount of five percent of the land value will be required as a condition of the planning permit.

CONSIDERATION OF OBJECTIONS

Six objections were received to the proposed development.

Increase in traffic volume and single access from Woods Drive

A Traffic Impact Assessment (TIA) was submitted with the application undertaken by Trafficworks. The TIA found that the current road network was designed to adequately manage the expected increase in traffic volume of 480 vehicles per day and there would be no adverse impacts on the surrounding traffic network.

The proposal was referred to Council civil engineers who did not object subject to the TIA or proposed design. Woods Drive will be constructed as an access street in accordance with the Infrastructure Design Manual.

Concerns with ultimate development of the blocks (in particular building height).

The application is for the subdivision of the land and any development proposal is not a consideration of this assessment. Regardless, any future application for development of the land will be subject to a Building Permit, including an assessment of siting and design which is likely to consider impact to neighbouring properties.

Requirement for fencing costs to be funded by developer.

No fences are proposed as part of this application. Boundary fencing between neighbouring residential properties is governed by the *Fences Act 1968* and is not a consideration of the planning application.

However, if granted, it is proposed that the planning permit include a condition that a Colorbond fence be constructed along the northern boundary of the proposed subdivision to provide a barrier between properties and the Council's Cowan Street retention basin.

Lack of open space

The applicant will be required to contribute five percent of the site land value towards public open space projects as part of any planning permission for the proposal. The site is located approximately one kilometre south-east of Churchill Reserve, Benalla.

Lot layout and design not adequate for solar access and provides for poor health outcomes for residents.

The proposed subdivision will be designed to include footpaths and adequate dimensions for pedestrian and cycling access throughout, to encourage all modes of transport.

The lot sizes and layout ensure blocks are of sufficient size to accommodate appropriate solar access, with smaller lots providing capacity for access to northern solar exposure.

Native vegetation removal.

While no vegetation is proposed to be removed as part of the application, vegetation has been considered lost to future development and an appropriate offset provided. The application was referred to DEECA who had no objections to the proposal.

A landscape plan will be required to ensure appropriate street tree planting occurs to the satisfaction of the Council.

Impact to flow of water across property boundaries.

A Stormwater Management Plan (SMP) was submitted as part of the proposal and forwarded to Council engineers for assessment. Conditions will be placed the planning permit issued to ensure recommendations of the SMP are implemented and overland flows are properly managed.

ASSESSMENT

The proposed subdivision is considered to comply with the Planning Policy Framework, as well as the requirements to Clause 56 (subdivision) of the Benalla Planning Scheme. The proposal provides for the development of existing residentially zoned land which is located in proximity to all services. The subdivision provides for a range of site sizes varying from 498 metres squared to 2,846 metres squared.

Subject to conditions the proposed subdivision can also provide for adequate drainage and road infrastructure. Reticulated water, sewerage, electricity and gas are available to the proposed subdivision.

The proposed lots are characteristic of a normal residential area and will provide for residential development in keeping with the residential surrounds. Lots have also been designed to achieve adequate solar orientation.

The subdivision will provide adequate pedestrian and vehicular links to Olivers Road, Benalla while a future east west link will be provided via the extension to Grant Drive, Benalla. All of which will need to be designed in accordance with the requirements of the Infrastructure Design Manual.

Permission has been granted for the removal of native vegetation by DEECA. The native vegetation removal will be offset in accordance with conditions outlined within the referral response from DEECA.

Drainage provision for the site has been designed to connect to the Cowan Street Basin. The proposal has been referred to Council's Engineering Unit who advise of no drainage concerns subject to appropriate drainage conditions.

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.*
- *Population growth.*

Environment

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

LEGISLATIVE/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. P0171/22 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 17 and 37 Olivers Road, Benalla, for a multi lot subdivision in three stages, the removal and creation of easements and the removal of native vegetation in accordance with the endorsed plans, with the application dated 23 November 2022 and subject to the following conditions:

- 1. Prior to certification of the plan of subdivision, amended plans 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 this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Subdivision Plans submitted [Project No. 32924496, Stablewood Estate, date 11/11/2022] but modified to show:
 - a) A fence along the boundary with the Cowan Street retention basin (northern boundary), including fence materials and fence height. The fence must be cream Colorbond to match existing fencing and be no less than 1.8m in height.****
- 2. Prior to certification of the plan of subdivision for Stages 2 and 3, building envelopes for lots 10, 30 and 31 of Stage 2 and Lots 1, 2, 3 and 4 of Stage 3 must be shown as a restriction detailing that dwellings must not be constructed outside of the building envelope shown. The building envelopes for Stage 2 must comply with the garden area requirements of the Benalla Planning Scheme and must be at least 10m x 15m in area.**

- 3. Before certification, or any other such time as agreed by the Responsible Authority, streets within that stage must be named to the satisfaction of the responsible authority in accordance with the Guidelines for Geographic Names 2010.**
- 4. The subdivision and staging 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.**
- 5. Prior to the issue of a Statement of Compliance for the subdivision, all planning conditions and all other requirements of the responsible authority and the relevant referral authorities must be completed, or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.**
- 6. No covenant or restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.**
- 7. The owner of the land must enter into an agreement with:**
 - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 9. Prior to issuing Statement of Compliance of the plan of subdivision, and in accordance with the Endorsed Plan, the developer must undertake or cause to be undertaken, full construction of all new roads, paths, drainage, and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the developer by a suitably qualified engineer and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual (IDM) standards. The works must include:**

- a) **access street in accordance with IDM Table 2: Urban Road / Street Characteristics**
 - b) **underground drainage**
 - c) **stormwater retention and treatment assets**
 - d) **construction of shared paths and footpaths, as appropriate**
 - e) **underground conduits for water, gas, electricity, and telecommunications.**
 - f) **landscaping in accordance with the approved landscape plans (incl. street trees)**
 - g) **appropriate intersection and traffic control/mitigation measures**
 - h) **appropriate street lighting and signage**
 - i) **high stability permanent survey marks; and**
 - j) **turning paths to demonstrate access and egress to the subdivision and common property in accordance with the required design vehicle.**
- 10. Prior to issuing consent to certification, the developer must have prepared by a suitably qualified engineer, an earthworks plan showing the depth of cut/fill across the site including but not limited to Existing Surface and Finished Surface levels at the corner of each proposed lot to demonstrate overland flow paths of upstream catchment flows will not be obstructed as a result of the earthworks proposed.**
- 11. Prior to issuing consent to certification, the developer must have prepared a plan with finished floor levels annotated for future dwellings to be endorsed by the responsible authority.**
- 12. Prior to the issue of Statement of Compliance, the developer must construct/provide vehicle crossing to each lot and/or reserves within the subdivision development in accordance with council's Infrastructure Design Manual standards. Alternatively, vehicle crossings are not required to be constructed where modified mountable (SM2-M) kerb and channel is approved to be used.**
- 13. Prior to the issue of a Statement of Compliance, the developer must provide as-constructed information for all infrastructure created by this development and passing into the ownership and control of Council in accordance with council's Infrastructure Design Manual and be submitted to and accepted by the Responsible Authority. The following must be submitted:**
- 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.**
- 14. Before construction begins, a detailed landscape plan, must be prepared by a person suitably qualified or experienced in landscape design, and must be submitted to and approved by Council.**

15. The plan must show:

- (a) new plantings to be provided in any road reserves and municipal reserves**
- (b) a detailed planting schedule of all proposed trees, shrubs and ground-covers**
- (c) paths, paved areas, structures and street furniture**
- (d) detailed planting and construction layout drawings, including site contours**
- (e) any changes to existing levels, including elements such as retaining walls**
- (f) certified structural designs or building forms where required**
- (g) removal of existing infrastructure or stockpiles and weed eradication**
- (h) fencing of all Reserves to be handed over to the Council.**

Prior to the issue of a statement of compliance for each stage of the subdivision all works shown on the landscape plan for that stage must be completed to the satisfaction of Council.

- 15. Prior to the issue of Statement of Compliance, the developer must provide Street trees as shown on the Endorsed Plan(s) and must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location), or to such higher standards by agreement and must be selected and planted by a qualified Horticulturist / Arborist. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council’s Infrastructure Design Manual and as appropriate. Street trees must be maintained for a period of twelve (12) months, or until the developer can demonstrate that the plantings have become established from the date of acceptance of the works, to the satisfaction of the responsible authority. Any dead, dying or diseased trees are to be replaced within twelve (12) months of the date of acceptance of the works.**
- 16. Prior to the issue of a Statement of Compliance, 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.**
- 17. 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.
18. Prior to the commencement of any works associated with the development or subdivision, the following items must be satisfied:
- a) certification of the Plan of Subdivision
 - b) approval of the construction plans; and
 - c) an on-site meeting be undertaken with officers of the Responsible Authority, the contractor and the developer and/or developer's consultant to discuss, amongst other things, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction must have taken place.
19. Prior to commencement of works, the developer must supply an asset statement to the responsible authority. This statement must outline existing council infrastructure and assets prior to works being conducted. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the developer, to the specification and satisfaction of the Responsible Authority.
20. Unless otherwise stated in this Planning Permit, all infrastructure created by this development, and passing into the ownership and control of Council, must be maintained by the developer for a period of three months following practical completion, and the developer must thereafter accept liability for correcting defects that become evident during the following nine months in accordance with council's Infrastructure Design Manual standards and to the satisfaction of the Responsible Authority.
21. If the works will be completed in stages, construction plans and specifications for each stage must be submitted to and approved by the Responsible Authority. The applicant must construct, or cause to be constructed, the works to the satisfaction of the Responsible Authority and any temporary works required to facilitate traffic movements after each stage has been completed.
22. If the works are to be completed in stages, the staging of works must accord with the staging plan endorsed by this permit. For example, Stage 3 construction works must not commence until the completion of Stage 2 construction activities.
23. All construction plan approvals will lapse at the time of a request to extend this Planning Permit.
24. The removal of native vegetation must only occur to the extent permitted as shown on the endorsed plan/s (whether to comply with any statute, statutory rule or regulations or for any other reason), except with the formal written consent of the Responsible Authority. The removal must not cause damage to other native vegetation to be retained and to drainage lines, waterways and/or watercourses.
25. Prior to the issue of a Statement of Compliance, the applicant must provide Council a payment of Drainage Headworks of \$3.10 per square meter of the land area as contribution towards the cost of existing works for the acceptance of surface and stormwater from the buildings, whether or not such works have been or will be situated within the boundaries of the land.

In the event the payment is made after 30 June 2019 the rate will be indexed by CPI. This condition relates to allotments discharging into the Benalla Urban Growth Project Area.

26. Prior to the issue of a Statement of Compliance for each stage of the subdivision:
- a) the permit holder must provide Council with a maintenance bond equal to five per cent of the approved civil construction costs for the current stage. This bond will be held by the Council until any and all defects notified to the applicant before or during the maintenance and defects liability period have been made good to the satisfaction of the Council.
 - b) the permit holder must pay to Council plan checking fees equal to 0.75 per cent, and works supervision fees equal to 2.5 per cent, of the approved civil construction costs for that stage
 - c) the Applicant or Owner must pay to the Council a sum equivalent to five per cent of the undeveloped site value of all land in the subdivision in lieu of open space.

Department of Energy, Environment and Climate Change

Notification of permit conditions

27. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

28. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.

29. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) vehicular or pedestrian access
 - b) trenching or soil excavation
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) construction of entry and exit pits for underground services; or
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

30. The total area of native vegetation permitted to be removed is 0.634 hectares, as identified in Native Vegetation Removal Report LRV_2022_029, comprised of:
- a) 0.484 hectares of patch native vegetation including two (2) large trees, with a strategic biodiversity value of 0.980
 - b) Zero (0) scattered large trees
 - c) Six (6) scattered small trees.
31. To offset the removal of 0.634 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- a general offset of 0.211 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Benalla Rural City Council municipal district
 - have a Strategic Biodiversity Value score of at least 0.676
 - provide protection for at least two (2) large trees
 - must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

32. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
- a) a security agreement signed by both parties, and
 - b) a management plan detailing the 10-year management actions and ongoing management of the site
- to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority.
- Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification
- and/or
- c) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
- A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
33. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at p&a.north@delwp.vic.gov.au

Country Fire Authority

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

34. Hydrants

- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

****Note – CFA’s requirements for identification of hydrants are specified in “Identification of Street Hydrants for Firefighting Purposes” available under publications on the CFA web site (www.cfa.vic.gov.au)**

35. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width:

- Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.
- Dead-end roads and cul-de-sacs more than 60mts in length from the nearest intersection must have a turning circle with a minimum radius of 8mts (including roll-over kerbs if provided); T or Y heads of dimensions specified by CFA may be used as alternatives.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50mts. Dips must have no more than a 1 in 8 (12%0 (7.1 degrees) entry and exit angle.
- Curves must have a minimum inner radius of 10mts.

North East Water

- 36. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:**
- (a) where the development is staged, a number of agreements may be required for separate stages; and
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
- 37. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:**

- (a) where the development is staged, a number of agreements may be required for separate stages; and
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
38. Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.
39. The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:
- (a) works external to the subject land to allow connection to the North East Water water supply and sewerage systems
 - (b) the vesting at no cost of such of those works required by North East Water, to North East Water (“Developer Works”); and
 - (c) works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works
 - (d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
40. Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.
41. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water’s policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
42. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water’s policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
43. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
44. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
45. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
46. That the applicant pays applicable charges determined in accordance with North East Water’s policy for development charges, applicable from time to time towards North East Water’s sewers and disposal systems servicing the area to which the permit applies.

47. Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
48. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
49. North East Water's consent to the issue of a Statement of Compliance under the *Subdivision Act 1988* is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
50. The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the *Subdivision Act 1988*.

Ausnet Services

51. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.
52. The applicant must:
 - Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
 - Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
 - Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
 - Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the *Transfer of Land Act* prior to the registration of the plan of subdivision.

- Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Permit Expiry

53. This permit will expire if one of the following circumstances applies:
- a) Stage 1 of the plan of subdivision is not certified within two years of the date of this permit
 - b) Stage 2 of the plan of subdivision is not certified within four years of the date of this permit; or
 - c) Any further stage of the plan of subdivision is not certified within six years of the date of this permit; or
 - d) Each stage of the plan of subdivision is not registered at Land Registration Services within five years of the certification of the respective stage.

The Responsible Authority may extend the time for the completion of part (a) and/or (b) if a request is made in writing before the permit expires or within six months afterwards.

Advice 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.
4. 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.

Department of Energy, Environment and Climate Change Note:

5. Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

STABLEWOOD ESTATE BENALLA - STAGED SUBDIVISION: STAGE 1
 3 LOT SUBDIVISION WITH 2 DEVELOPMENT LOTS & 1 RESIDENTIAL LOT



NOTE: Dimensions and areas to be confirmed by cadastral survey for preparation of final plan of subdivision.

SCALE 1:1250



DRAWN BY
 JSF, SSF
 DESCRIPTION
 Staged Subdivision
 Stage 1

PROJECT NO.
 32924496
 PROJECT
 Stablewood
 Estate

ISSUE
 11/11/2022
 RE-ISSUE
 MM.DD.YY

CLIENT
 Oliver Street Investments



STABLEWOOD ESTATE BENALLA - STAGED SUBDIVISION: STAGE 2 44 RESIDENTIAL LOTS



NOTE: Dimensions and areas to be confirmed by cadastral survey for preparation of final plan of subdivision.

SCALE 1:1000



DRAWN BY
JSF, SSF
DESCRIPTION
Staged Subdivision
Stage 2

PROJECT NO.
32924496
PROJECT
Stablewood
Estate

ISSUE
11/11/2022
RE-ISSUE
MM.DD.YY

CLIENT
Oliver Street Investments



TURNING POINT
PROPERTY & PROJECTS

STABLEWOOD ESTATE BENALLA - STAGED SUBDIVISION: STAGE 3 4 LOTS OWNERS CORPORATION SUBDIVISION WITH COMMON PROPERTY



NOTE: Dimensions and areas to be confirmed by cadastral survey for preparation of final plan of subdivision.

SCALE 1:1000



DRAWN BY
JSF, SSF
DESCRIPTION
Staged Subdivision
Stage 3

PROJECT NO.
32924496
PROJECT
Stablewood
Estate

ISSUE
11/11/2022
RE-ISSUE
MM.DD.YY

CLIENT
Oliver Street Investments



TURNING POINT
PROPERTY & PROJECTS

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2. Building and Planning Approvals – June 2023

SF/255

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

PURPOSE OF REPORT

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

Planning Permit Applications Determined under Officer Delegation

File No	Description	Property Address	Decision	
1	DA7475	Construction of a shed	51 Riverview Road, Benalla	Approved
2	DA7527	Construction of a carport and shed	30 Roe Street, Benalla	Approved
3	DA7528	Construction of a shed	7 McConnan Street, Benalla	Approved
4	DA7539	Construction of a two-storey dwelling	14 Mayfair Drive, Benalla	Approved
5	DA1780	Construction of a garage	27 Ryan Street, Benalla	Approved
6	DA7306	Two lot subdivision	2260 Midland Highway, Swanpool	Approved
7	DA7083	Construction of a shed	509 Whites Road, Warrenbayne	Approved
8	DA7200	Construction of a deck	37 Hall Drive, Benalla	Approved
9	DA7538	Construction of a carport	1/12 Kurrajong Court, Benalla	Approved
10	DA7535	Construction of a carport	51A Salisbury Street, Benalla	Approved
11	DA3818	Variation of a restrictive covenant to vary an existing building envelope	1835 Kilfeera Road, Molyullah	Approved
12	DA5349	Construction of a shed	257 Kealy Road, Benalla	Approved
13	DA1638/7	Buildings and works (shade structures over the existing car park area)	49-55 Smythe Street, Benalla	Approved
14	DA4434	Construction of a verandah	6 Dunlop Place, Benalla	Approved
15	DA7510	Vegetation removal	65 Roe Street, Benalla	Approved
16	DA7515	Construction of a dwelling	1A Ackerly Avenue, Benalla	Approved
17	DA4457	Construction of a front fence	36 Barkly Street, Benalla	Approved

File No		Description	Property Address	Decision
18	DA4629	Two lot subdivision	2395 Midland Highway, Swanpool	Approved – Notice of Decision
19	DA4209	Four lot subdivision and use and development of lot 4 for a store	32 Carrier Street, Benalla	Approved – Notice of Decision

Planning Permit Amendments Determined Under Officer Delegation

File No		Description	Property Address
1	DA7393	Construction of a dwelling	121 Lakeside Drive, Chesney Vale

Planning Permits Issued Under VicSmart

File No		Description	Property Address
1	DA7535	Construction of a carport	51A Salisbury Street, Benalla
2	DA5349	Construction of a shed	257 Kealy Road, Benalla

Planning Permit Applications Determined by the Council

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

Planning Permit Amendments Determined by the Council

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

Planning Permit Applications Withdrawn or Lapsed

There were no planning permit applications withdrawn or lapsed during the month of June 2023.

Notices of Decision

File No		Description	Property Address
1	DA4629	Two lot subdivision	2395 Midland Highway, Swanpool
2	DA4209	Four lot subdivision and use and development of lot 4 for a store	32 Carrier Street, Benalla

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.

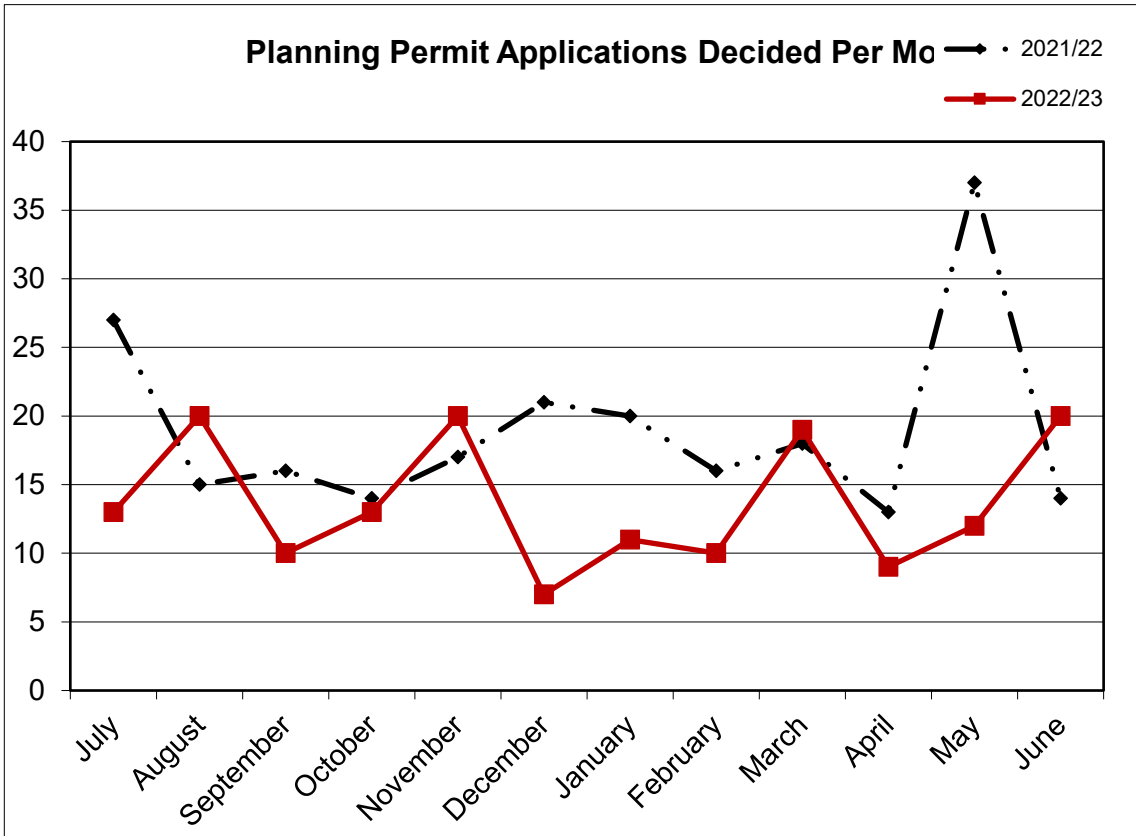
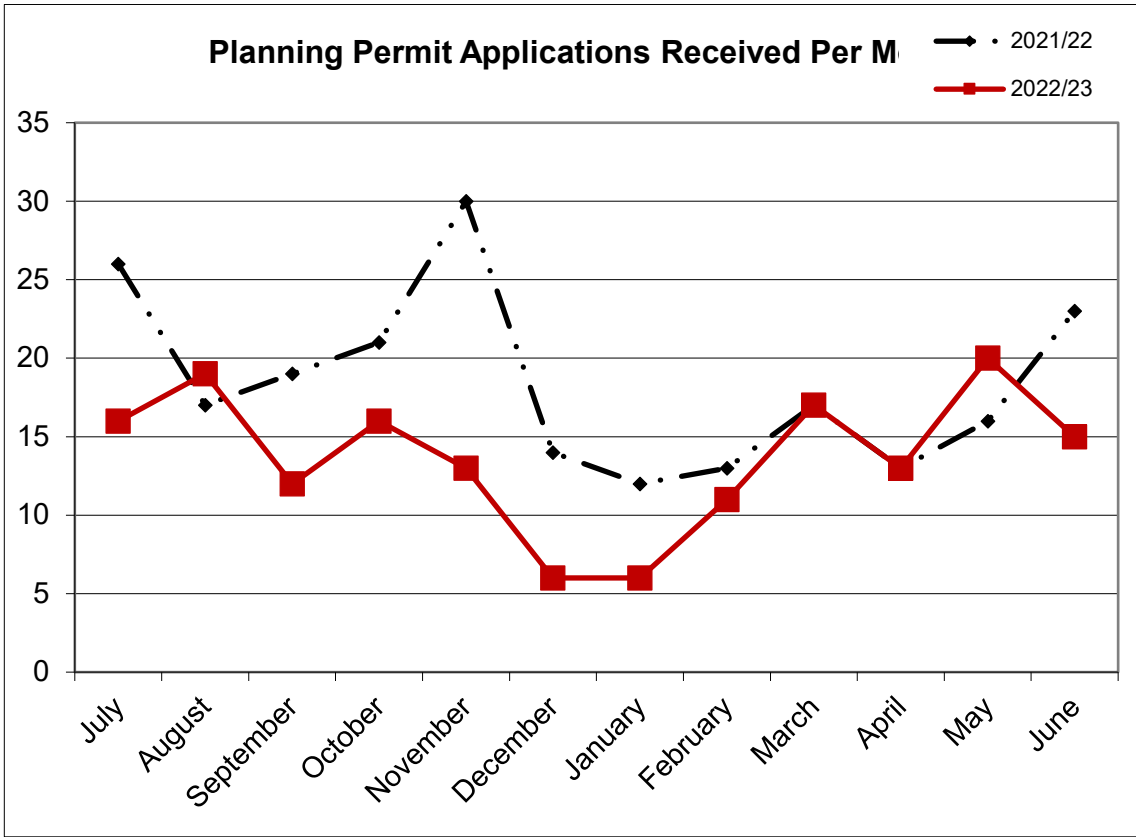
Planning Permit Applications Determined by VCAT

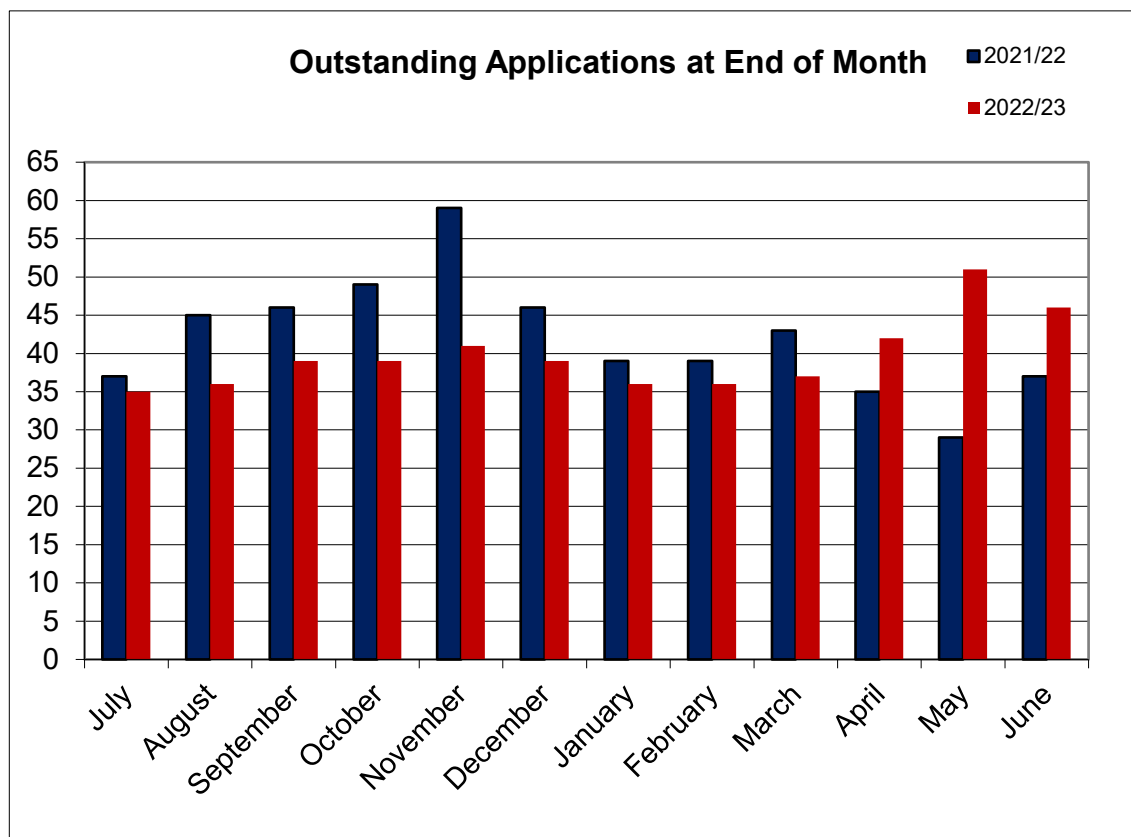
There were no planning permit applications determined by VCAT during June 2023.

Matters Before VCAT

DA7055	Use and development of land for a second dwelling at 888 Tatong Tolmie Road, Tatong
Status	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. The applicant has lodged an appeal to VCAT. The VCAT hearing which was due to be heard on the 17 and 20 February 2023 has been adjourned at the request of the applicant. The new hearing date will now be for five days on 24, 25 and 26 July 2023 – 31 July and 1 August 2023.
DA7395	Use and development of land for extractive industry (Sand quarry) at 1726 Dookie Devenish Road, Devenish
Status	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.

Planning Permit Applications



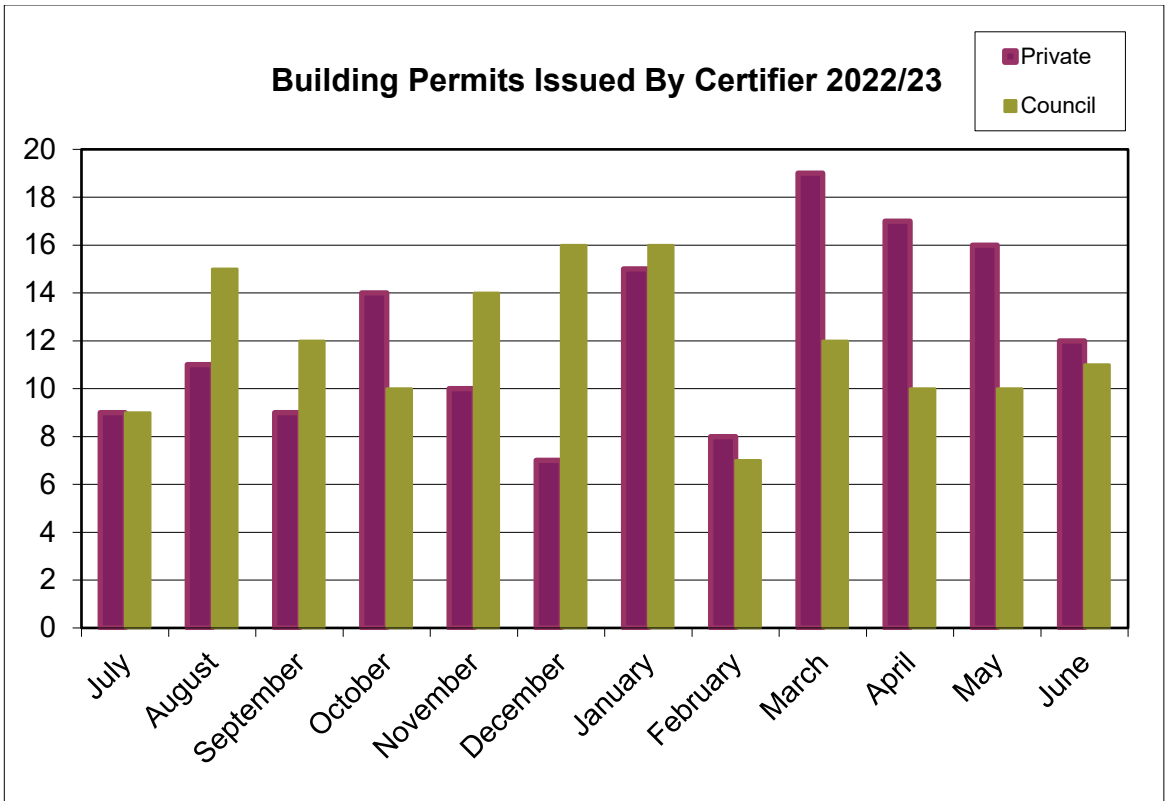
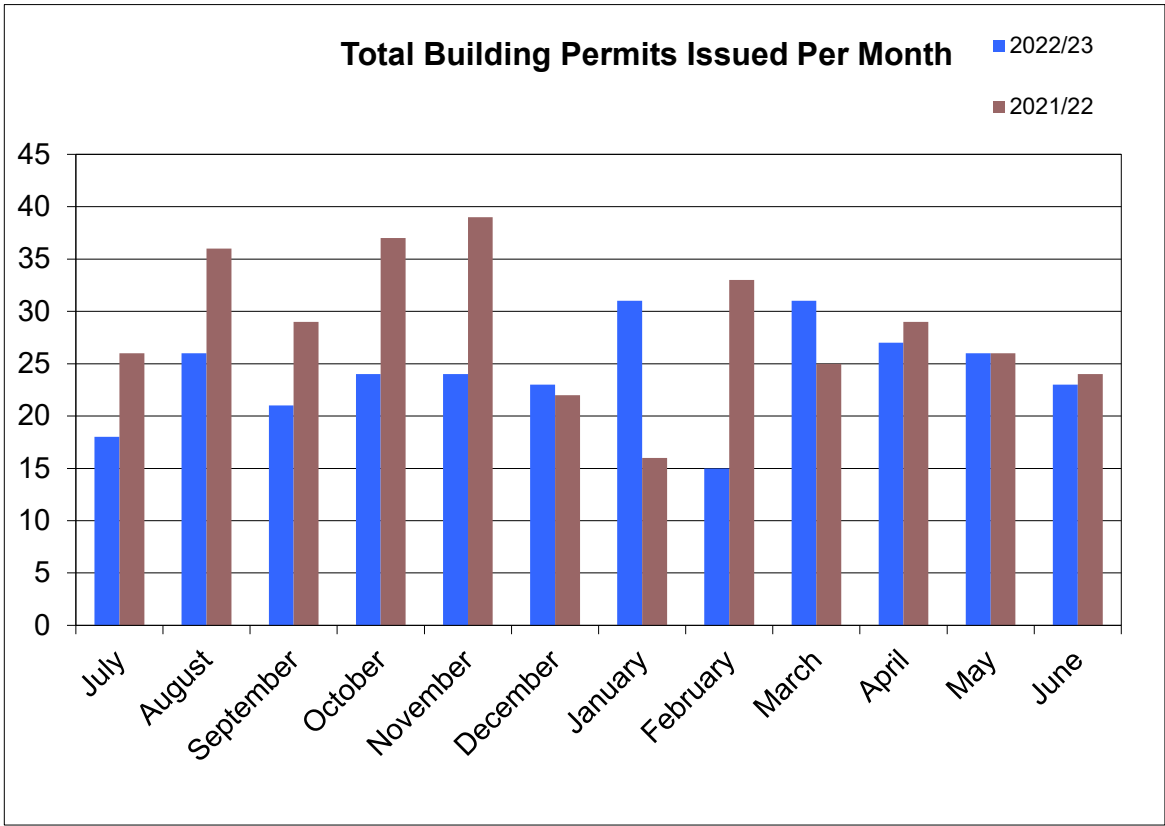


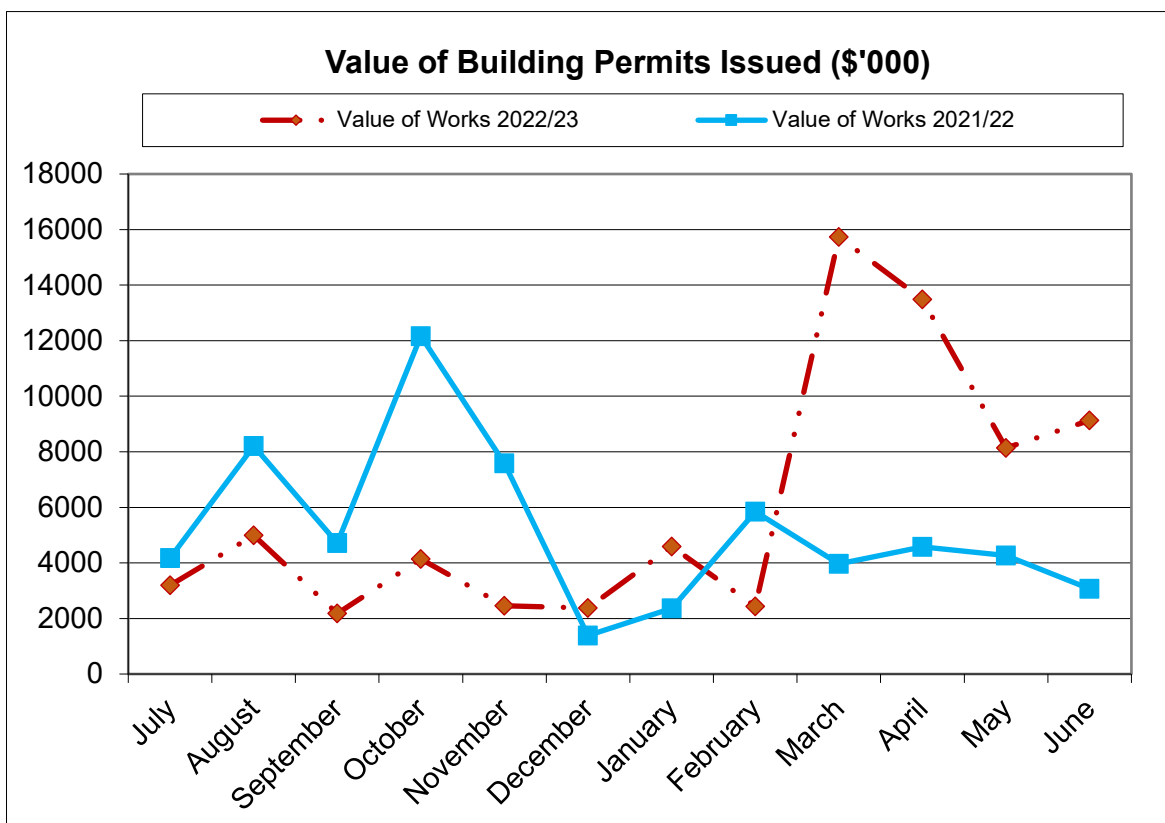
Building Approvals Issued by Council and Private Practitioners

	File No	Description	Property Address	Value
1	DA7521	Construction of a spa safety barrier	539 Winton Lurg Road, Winton	\$3,500
2	DA7178	Construction of a shed	12 Levy Court, Benalla	\$9,500
3	DA7464	Demolition of a dwelling	33 Cecil Street, Benalla	\$12,000
4	DA5080	Construction of a shed	4 Alexander Gray Lane, Benalla	\$14,600
5	DA7505	Construction of a carport	10 Waller Street, Benalla	\$9,858
6	DA7488	Construction of a dwelling and garage	6 Meretz Avenue, Benalla	\$380,000
7	DA7399	Construction of a dwelling extension	1017 Tatong Tolmie Road, Tatong	\$49,950
8	DA4217	Construction of a farm shed	484 Benalla Warrenbayne Road, Baddaginnie	\$26,800
9	DA7508	Construction of a dwelling and garage	151B Grant Drive, Benalla	\$890,000

	File No	Description	Property Address	Value
10	DA3833	Construction of a carport	17 Lavery Street, Benalla	\$14,690
11	DA3836	Construction of a dwelling extension	28 Deas Street, Benalla	\$32,500
12	DA7487	Construction of a shed and carport	34 Moore Street, Baddaginnie	\$15,890
13	DA5033	Construction of a swimming pool and safety barrier	9 Harrison Avenue, Benalla	\$60,397
14	DA758/6	Construction of a single storey school building	44 Clarke Street, Benalla	\$5,340,704
15	DA7534	Demolition of a dwelling and a shed	36A Carrier Street, Benalla	\$27,500
16	DA4542	Construction of a dwelling	888 Mansfield Road, Benalla	\$631,999
17	DA5011	Construction of shade sails	24-26 Carrier Street, Benalla	\$27,722
18	DA7402	Construction of a swimming pool and safety barrier	13 Market Street, Benalla	\$51,277
19	DA7480	Alterations to an existing building	2450 Midland Highway, Swanpool	\$509,592
20	DA7371	Construction of two units	25 Meadows Avenue, Benalla	\$830,524
21	DA7533	Construction of a verandah	26 Bond Street, Benalla	\$20,349
22	DA7158	Construction of a shed	35A Smythe Street, Benalla	\$25,059
23	DA5840/2	Extension to office/warehouse	43 McPherson Road, Benalla	\$150,000
Total				\$9,134,411

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.

Liveability

- 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.

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3. 2023/24 Quick Response Grants Program

SF/2857

Tom Arnold – Community Development Coordinator
Jane Archbold – Manager Community

PURPOSE OF REPORT

The report presents funding applications for 2023/24 Quick Response Grants.

BACKGROUND

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

The program distributes grants up to \$500 allowing local clubs, groups and organisations the opportunity to seek funds when the need arises.

DISCUSSION

Applications for consideration under the 2023/24 Quick Response Grant program are detailed in the table below.

Applicant	Details	Amount Requested	Proposed Assistance
Swanpool Community Cinema	The cinema wishes to screen the popular 2022 film <i>John Farnham: Finding the Voice</i> as a matinee as part of the Benalla Festival. This film will appeal to all ages. After the Matinee, visitors will be treated scones with jam and cream and a cup of tea or coffee. It will be an opportunity to showcase the Community Cinema to the general public as well as offering a real country afternoon tea. Funding will go towards event running costs such as catering the hiring of the film.	\$500	\$500
Total		\$500	\$500

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

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

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

FINANCIAL IMPLICATIONS

The *2023/24 Budget* allocates \$15,000 to the Quick Response Grant program. This report presents the first funding request in the 2023/24 financial year.

To ensure transparency and accountability, where assistance is provided in meeting the cost of Council facility hire, the payment is reflected in relevant ledger accounts via an internal transaction.

For example, if the Council agrees to meet the hire cost of the Benalla Town Hall a credit would be made to the Town Hall income ledger account and a debit made to the Annual Grant Program expense ledger account.

In addition, recipients of support throughout the financial year are detailed in the Annual Report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

Recommendation:

That a \$500 grant from the 2023/2024 Quick Response Grant program be allocated to the Swanpool Community Cinema.

4. Urgent Business

Closure of Meeting