

Planning and Development Committee

Minutes

Date: Wednesday 27 July 2022

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

The *COVID-19 Omnibus (Emergency Measures) Act 2020* enables councils to hold meetings electronically. This measure is intended to ensure the safety of members of the public, Councillors and Council staff.

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

In accordance with Governance Rule 6.4 an audio recording was made of the proceedings of the meeting.

PO Box 227
1 Bridge Street East
Benalla Victoria 3671
Tel: 03 5760 2600
council@benalla.vic.gov.au
www.benalla.vic.gov.au

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Minutes

Chair	Councillor Danny Claridge	
Councillors	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Bernie Hearn (Mayor)	
	Councillor Punarji Hewa Gunaratne	
	Councillor Justin King	
In attendance	Councillor Gail O'Brien	
	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	Joel Ingham	Planning Coordinator
	Jessica Beaton	Governance Coordinator

The meeting commenced at 6.13pm.

Acknowledgment of Country

The chair recited the following acknowledgment 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 Peter Davis has requested a leave of absence from Monday 18 July to Sunday 31 July 2022.

Cr King / Cr Hearn:

That the apology be accepted and a leave of absence granted.

Carried

Confirmation of the Minutes of the Previous Meeting

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

Cr King / Cr Hearn:

That the Minutes of the Planning and Development Committee Meeting held on Wednesday 22 June 2022 be confirmed as a true and accurate record of the meeting.

Carried

Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the meeting.

Business

1. Public Question Time

No questions were submitted to the meeting.

2. Planning Application No. P0021/22 – Multi-Lot Subdivision (43 lots), and the creation of an access to a Transport Zone 2, Sydney Road, Benalla

The report assessed a planning application (P0021/22) received for a multi-lot subdivision (43 lots) and the creation of an access to a Transport Zone 2 at PC370332, Sydney Road, Benalla.

It is noted that Gary Steigenberger from Christ Smith and Associates made a submission and spoke in support of the planning application.

Cr Gunarante / Cr Hearn:

That Council having caused notice of Planning Application No. P0021/22 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 PC370332, Sydney Road, Benalla, for a multi lot subdivision and the creation of an access to a Transport Zone 2, in accordance with the endorsed plans, with the application dated 11 February 2022 and subject to the following conditions:

- 1 The subdivision 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.
- 2 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the permit holder must undertake, or cause to be undertaken for that stage, full construction of all new access ways, drainage and related infrastructure as required by the conditions of this permit.

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All the works must conform to plans and specifications prepared at the expense of the applicant by a 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 that comply with the most recent version of the Infrastructure Design Manual [IDM) published by the Local Government Infrastructure Design Association, and with all relevant permit conditions.

- 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 restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.
- 7 Prior to the issue of a Statement of Compliance, the Applicant or Owner must provide land or 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.
The Applicant or Owner must request Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation.
- 8 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, drainage, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 9 All existing and proposed easements and sites for existing and required utility services, drains and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
- 10 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

- 11 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.**
- 12 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.**
- 13 Prior to certification of the plan of subdivision, an acoustic report prepared by a suitably qualified person must be submitted to the Responsible Authority. The acoustic report must detail any measures required to reduce potential noise from adjoining commercial and industrial properties to the residential subdivision in accordance with relevant EPA requirements.**
- 14 Prior to Statement of Compliance for each stage of the subdivision, any recommendations outlined within the acoustic report must be undertaken and completed to the satisfaction of the Responsible Authority.**
- 15 Prior to Statement of Compliance for each stage of the subdivision, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the owner of the land acknowledges that the:**
- a) Land to the east and west of the site contains commercial and industrial uses that are established and existing uses in the area; and**
 - b) Current and future use of the commercial and industrial uses may emit odour, dust and generally impact on the amenity of the area, land to which this planning permit applies and patrons/occupants of the subject land allowed under this planning permit.**

All costs associated with the preparation, checking and registration of the agreement must be borne by the owner/developer.

General Engineering

- 16 Prior to the issue of a Statement of Compliance, the applicant must undertake, or cause to be undertaken, full construction of all new access way, footpaths, drainage and related infrastructure. All these works must conform to plans and specifications prepared at the expense of the applicant by a qualified engineer, and approved by the Responsible Authority before construction begins.

Earthworks

- 17 Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- (a) where an existing dam, basin or other water body is to be filled, the area has been drained and desilted in accordance with IDM standards before filling commences.
 - (b) any fill required for finished surface levels to comply with drainage, building, parking and/or access requirements has been selected, placed and compacted in layers, in accordance with IDM standards.
 - (c) any batters formed, or retaining walls constructed, whose individual or cumulative height above or below ground level in adjacent properties exceeds one meter, and/or any soil stabilisation measures, have been designed by, and constructed under the supervision of, a qualified engineer, in accordance with IDM standards.
- 18 Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the lots must be placed and compacted in accordance with the requirements of Clause 15.3 of the IDM.
- 19 Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the lots are located 300mm above the one per cent AEP flood. The 100-year ARI (one per cent AEP) flood levels have been declared for this area under provisions of the Water Act, 1989. Details of the proposed depth of flooding and flow velocities within roadways shall be provided to the satisfaction of the Responsible Authority to ensure public safety can be achieved.
- 20 All filling over 300mm in depth on the site must be supervised, carried out, completed and recorded in accordance with:
- (a) the provisions of any Construction Management Plan; and
 - (b) Australian Standard AS3798 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority.

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- 21** Before the issue of a Statement of Compliance unless otherwise agreed in writing by the Responsible Authority, compaction test results and a report certifying that the filling has been properly carried out shall be provided to the satisfaction of the responsible authority. The land must be filled in a manner that does not:
- (a) cause a nuisance on nearby land through the emission of dust; or
 - (b) adversely affect the drainage of adjacent land through sediment and the like.
 - (c) affect overland flow paths.

Drainage

- 22** Before construction begins for each stage of the subdivision, drainage plans and computations, prepared in accordance with IDM procedures and criteria, must be submitted to, and approved by, the Responsible Authority.
- 23** Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- (a) a legal point of discharge, connected to the external drainage network in accordance with IDM standards and without reducing the flow capacity or structural integrity of that network, has been established within the boundary of each Lot.
 - (b) all stormwater runoff originating from or transferred through each Lot in a 20 per cent AEP rainfall event will be collected and conveyed by underground pipes to a legal point of discharge.
 - (c) all stormwater runoff originating from or transferred through each Lot in a one per cent AEP rainfall event will be collected and conveyed to the proposed stormwater detention basin where possible, without adversely affecting any person, infrastructure or natural features in or beyond the Lot.
 - (d) measures to improve drainage in the surrounding area have been considered, including measures to assist in and making provision for draining all external catchments and having no adverse effect on surrounding properties as a result of the development.
 - (e) the finished surface level within all building envelopes associated with each Lot will be above the peak water level in nearby drainage reserves, waterways, floodways or water bodies in a one per cent AEP rainfall or flood event.
 - (f) any necessary easements have been created to facilitate future connection to, and maintenance of, drainage infrastructure serving more than one Lot or property, and that no damage to the infrastructure contained in existing easements has been occasioned by the relevant construction processes and activities.

- 24 Prior to the issue of a Statement of Compliance, the applicant must satisfy the Responsible Authority that, where the proposed stormwater outlet from the basin discharges to an open channel, the integrity of the outfall point has been secured, the kinetic energy of the outflow reduced to levels acceptable to the Authority, the receiving channel protected against erosion, and the flow capacity of the channel is checked and is fit for purpose.

Water Sensitive Urban Design

- 25 Before construction begins for each stage of the subdivision, the applicant must satisfy the Responsible Authority that appropriate measures will be taken to enhance the quality of stormwater discharged from the developed site, in accordance with IDM procedures and criteria.

On-Site Detention

- 26 Before construction begins for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- (a) sufficient on-site detention will be provided to limit the peak discharge from the developed site in a one per cent AEP rainfall event to the corresponding pre-development level for each stage as recommended by the IDM.
 - (b) any in-ground infrastructure intended to collect surface runoff and limit the resultant outflow will make provision to protect the relevant control device from blockage so far as reasonably practicable, and to mobilise an alternative flow path should blockage be experienced or pump failure occur.

Road Design

- 27 The permit holder must engage a qualified civil engineer to design the roads and intersections serving the development in accordance with IDM standards. The plans must be submitted to and approved by the Responsible Authority prior to the commencement of works. The plans must show to the satisfaction of the Responsible Authority:
- The provision of a 2.5m wide shared footpath within the 20m wide road reserve linking with the bike path in Sydney Road.
 - The provision of a 2.5m wide shared footpath within the pedestrian reserve linking the subdivision with the future reserve area to the west of the site.
 - The provision of a speed calming device in the council road reserve prior to approaching the pedestrian crossing at a location to be determined by the satisfaction of the Responsible Authority.
- 28 All roads within the new subdivision and the intersections with Sydney Road must be provided with public lighting in accordance with the requirements of Australian Standard 1158.1 to the satisfaction of the Responsible Authority. New lighting should be located outside the Clear Zones wherever possible, and meet the standards for Category V or Category P lighting, as appropriate.

- 29 Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- a) all roads and intersections have been constructed in accordance with the approved designs and IDM standards.
 - b) all existing or proposed roads within the subject property have been provided with appropriate high-efficiency street lighting in accordance with IDM standards and AS1158.
- 30 Prior to the issue of Statement of Compliance for the relevant stage all streets and intersections must be designed in accordance with the recommendations outlined in the Traffic Impact Assessment prepared by Traffic Works dated 31/1/22 and where appropriate be designed in accordance with AS1742.13-2009 – Local Area Traffic Management.

Property Access

- 31 Prior to the issue of a statement of compliance for each stage of the subdivision as per section 12.9 of Councils IDM the permit holder must satisfy the Responsible Authority that a vehicle crossing providing each lot with safe and convenient access to and from a suitable public road has been designed, constructed, sealed and drained in accordance with IDM standards, to the satisfaction of the Responsible Authority. Vehicle crossings are not generally required to be constructed at the time of development where mountable or semi mountable or modified semi mountable kerb and channel is used, as these may be constructed during later building works when the final preferred location is known.
- 32 Prior to the issue of a statement of compliance for Stage 1 of the subdivision, the permit holder must satisfy the Responsible Authority that a gravel maintenance access driveway to and around the drainage basin / reserve has been constructed in accordance with IDM standards and to the satisfaction of the Responsible Authority.

Landscaping

- 33 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.

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;

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- (e) Any changes to existing levels, including elements such as retaining walls;
- (f) Certified structural designs or building forms where required; and
- (g) Removal of existing infrastructure or stockpiles and weed eradication.
- (h) Fencing of all Reserves to be handed over to 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.

- 34 The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the responsible authority.

Staged Development

- 35 Where the permit holder intends to complete a development in stages, plans and specifications for each stage, including any temporary works required to facilitate traffic movements once that stage is complete, must be submitted to and approved by the Responsible Authority before construction begins, and the permit holder must lodge with the Authority a bond sufficient to cover the full costs of upgrading any temporary works associated with the stage in question.

- 36 Prior to the issue of a statement of compliance for each stage of the subdivision;

- (a) should any drainage infrastructure essential to the operation of the completed stages be located outside the boundaries of those stages, the permit holder must satisfy the Responsible Authority that temporary easements must be provided so that the Authority has appropriate legal access to the infrastructure in question.
- (b) should any road terminate before the location of the permanent court bowl on completion of the stage, the permit holder must satisfy the Responsible Authority that a temporary court bowl has been designed and constructed in accordance with IDM standards, and arrangements must be made to ensure that the adjacent permanent sealed road surfaces are not damaged.

Within two years of the issue of a statement of compliance for each stage of the subdivision, unless development of the property beyond that point has commenced, the permit holder must satisfy the Responsible Authority that any temporary court bowl remaining from a previous stage has been designed, constructed and sealed in accordance with IDM standards.

Infrastructure Transferred to Council

- 37** All civil infrastructure works, other than landscape elements, created by the development, and passing into the ownership and control of Council, must, following practical completion of the works, be maintained by the applicant in good condition and repair for a period of three months, with any subsequent defects being corrected as they become evident for a further period of nine months.
- 38** All landscape elements, including vegetation integral to the operation of WSUD devices, created by the development, and passing into the ownership and control of Council, must be maintained by the applicant in good condition and repair, with all defects corrected, for a period of at least 24 months, including two complete summers, from practical completion. During this period, any dead, diseased or damaged (other than by intentional action) plants and/or landscaped areas must be repaired or replaced as soon as reasonably possible, rather than upon completion of the maintenance period.
- 39** Prior to the issue of a Statement of Compliance for each stage of the subdivision:
- (a) an itemised statement of the civil construction costs for the current stage, excluding GST, must be submitted to and approved by the Responsible Authority.
 - (b) the permit holder must provide Council with a maintenance bond equal to 5 per cent of the approved civil construction costs for the current stage. This bond will be held by 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 Council.
 - (c) 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.
 - (d) the permit holder must arrange for CCTV verification of all underground drainage assets which will be handed over to Council at the conclusion of that stage, and must supply the results of that verification to Council at the time, and in the format, specified in the IDM.
 - (e) the permit holder must prepare and submit as-constructed drawings covering all civil construction works associated with that stage to Council in PDF and DWG or DXF format, geo-referenced to Zone 55, GDA 2020 or the current survey map base standards at the time and, to the satisfaction of the Responsible Authority.

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Construction

- 40** Before construction begins for each stage of the subdivision a Site Management Plan for that stage of the subdivision must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:
- (a) Implement effective traffic management and environmental controls;
 - (b) Establish and maintain safe construction vehicle access to the site;
 - (c) Maintain vehicle and machinery hygiene;
 - (d) Avoid the spread of soil-borne pathogens and weeds;
 - (e) Minimise erosion, sedimentation and contamination;
 - (f) Reduce the impact of noise, dust and other emissions during construction;
 - (g) Prevent mud, dirt, sand, soil, clay or stones from entering the drainage system;
 - (h) Avoid having such materials deposited on public land by construction vehicles;
 - (i) Establish and maintain all recommended Tree Protection Zones.
- 41** During construction, no excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves, except where the materials are required for any road or footpath construction works in such reserves which are required as part of this permit.
- 42** As soon as practicable after construction has been completed, all areas disturbed in the course of the works must be restored to their original condition, to the satisfaction of the Responsible Authority.
- 43** All works must be carried out generally in accordance with the measures set out in the Site Management Plan approved by the Responsible Authority.
- 44** All construction activities associated with the subdivision must be carried out in such a manner so as to not create nuisance to the satisfaction of the Responsible Authority.

Country Fire Authority

45 Hydrants

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:

- (a) 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.

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- (b) 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

46 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 road width.

- (a) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12 per cent) (7.1 degree) entry and exit angle.
- (b) Curves must have a minimum inner radius of 10 metres.
- (c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- (d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

North East Water

- 47 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.
- 48 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.
- 49 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.
- 50 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.
- 51 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.
- 52 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.
- 53 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.
- 54 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.
- 55 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.
- 56 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.

- 57 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.
- 58 Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
- 59 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.
- 60 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.
- 61 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

- 62 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.
- 63 The applicant must:
- Enter in 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.

Department of Transport

- 64 Only one access will be permitted from the subject land to Sydney Road, Benalla.
- 65 Prior to the certification of the plan of subdivision, 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 show:
- a. Short Auxiliary Left Turn Treatment AUL(S) on Sydney Road at the site access.
 - b. The required works to ensure a Safe Intersection Sight Distance (SISD) of 214m is achieved.
- 66 Prior to the release of a statement of compliance, the applicant must construct the mitigating works in accordance with the approved Functional Layout Plan to the satisfaction of and at no cost to the Head, Transport for Victoria.

Permit Expiry

- 67 This permit will expire if one of the following circumstances applies:
- (a) Stage 1 of the plan of subdivision is not certified within 2 years of the date of this permit;
 - (b) Stage 2 of the plan of subdivision is not certified within 4 years of the date of this permit; or

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- (c) Each stage of the plan of subdivision is not registered at Land Registration Services within 5 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.

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.
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 Transport Notes

1. Separate 'detailed design' approval (fees and charges apply) and the specifications of these are required under the Road Management Act. For the purposes of this application the works will include provision of:
 - Short Auxiliary Left Turn Treatment AUL(S).
 - The required works to ensure a Safe Intersection Sight Distance (SISD) of 214m is achieved.
2. Please forward all the details to: nriw.ntheastern@roads.vic.gov.au
Further information regarding VicRoads' consent to work within the road reserve can be found at www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve

Carried

J C

3. Planning Application No. P0041/22 – Display an Electronic Promotion Sign, 159-161 Bridge Street East, Benalla

The report assessed a planning application (P0041/22) for the display of an electronic promotion sign at 159-161 Bridge Street East, Benalla.

It is noted that Karl Staer from Melbourne LED made a submission and spoke in support of the planning application.

Cr Firth / Cr Hearn:

That Council having caused notice of Planning Application No. P0041/22 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 refuse to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as 159-161 Bridge Street East, Benalla, for the display of an Electronic Promotion Sign in accordance with the endorsed plans, with the application dated 18 March 2022 on the following grounds:

1. The sign will not be in keeping with the existing neighbourhood character.
2. The sign fails to promote good urban design along an existing main road.
3. The sign will be out of scale with the existing built form on the site and surrounds.
4. The location of the sign will dominate the streetscape.

Carried

D -

4. Amendment To Planning Application P0102/19 For A Solar Farm and Removal of Native Vegetation – 379 Goorambat-Chesney Road, Goorambat

The report assessed an amendment to planning permit application P0102/19 to use and develop a renewable energy facility (solar farm) and the removal of native vegetation at 379 Goorambat Chesney Road, Goorambat.

It is noted that the following persons made submissions on the item:

- Nathan Kelly from Neoen Australia spoke in support of the planning application amendment.
- Michael Frewin from Frewin Trees spoke in support of the planning application amendment.
- John Austin spoke against the planning application amendment.

Cr King / Cr Gunaratne :

That the Council grant a notice of decision to amend Planning Permit No. P0102/19 as follows:

39. Prior to the commencement of buildings and works a landscape screening plan which provides for landscaping or other treatments to reduce the visual impact of the solar farm to the surrounds must be submitted to and approved by the responsible authority. When endorsed the Landscape Screening Plan will form part of this permit.

The Landscaping Screening Plan must include:

- a) **The type of landscaping treatments to be proposed.**
- b) **A timetable for establishing and maintaining the landscaping.**
- c) **An increase in the width of vegetation screening around the perimeter of the site from 5 metres to 10 metres.**
- d) **The screen planting around the perimeter of the site must be completed prior to construction during a period with acceptable ground conditions as determined by a qualified landscaper.**
- e) **Planted seedlings must be forestry – or hyko – style seedlings and when matured must reach approximately 3 metres or higher.**
- f) **A watering regime.**
- g) **A ‘tree replacement’ plan whereby any deceased seedling must be identified within three months, then either replaced prior to October within the year of planting or during the next planting season, whichever can be achieved first.**
- h) **Weed management.**
- i) **Native shrubs that will reach a height of 1 – 1.5 metres when matured.**

The endorsed landscape screening plan must not be altered or modified without the written consent of the responsible authority.

Carried

DL

5. Planning And Building Approvals – June 2022

The report detailed planning permit applications and building approvals for June 2022.

Cr Firth / Cr King:

That the report be noted.

Carried

6. Draft *Waste Services Policy* Review – Hearing of Submissions

The report presented submissions received on the revised *Waste Services Policy*.

Cr King / Cr Gunarante:

That submissions be received.

Carried

7. Draft *Regulatory Compliance and Enforcement Policy* Review

The report presented for consideration the reviewed and updated *Regulatory Compliance and Enforcement Policy*.

Cr Gunarante / Cr King:

- 1. That *Regulatory Compliance and Enforcement Policy* be adopted.**
- 2. That *Regulatory Compliance and Enforcement Policy* be reviewed in November 2026.**

Carried

Closure of Meeting

The meeting closed at 7.24pm.

Confirmed this thirty first day of August 2022

Signed: _____



Cr Danny Claridge - Chair