

# Planning and Development Committee

## Agenda

**Date:** Wednesday 5 October 2022

**Time:** Following the 6pm Finance and Operations  
Committee

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

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In accordance with Rule 6.4 of the *Governance Rules 2020* an audio recording will be made of the proceedings of the meeting.

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# Agenda

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

## 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

**Recommendation:**  
**That the apology/ies be accepted and a leave of absence granted.**

## Confirmation of the Minutes of the Previous Meeting

The minutes have been circulated to Councillors and posted on the Council website [www.benalla.vic.gov.au](http://www.benalla.vic.gov.au) pending confirmation at this meeting.

**Recommendation:**

**That the Minutes of the Planning and Development Committee Meeting held on Wednesday 31 August 2022 be confirmed as a true and accurate record of the meeting.**

## 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.

## Business

### 1. Planning Application for a Multi Lot Subdivision (33 Lots) and the Removal of Native Vegetation and the Creation of an Easement, Bourke Drive, Benalla

DA7284

Joel Ingham – Planning Coordinator  
Nilesh Singh – Manager Development

#### PURPOSE OF REPORT

This report assesses a planning application (P0097/22) received for a multi lot subdivision (33 lots), the removal of native vegetation and the creation of an easement at Lot 2, PS848050F, Bourke Drive, Benalla.

#### BACKGROUND

|                     |  |   |
|---------------------|--|---|
| <b>Site Address</b> | Proposed Lot 2, PS848050F, Bourke Drive, Benalla.  |   |
| <b>Existing Use</b> | The land is currently vacant a small stand of vegetation is located within the southern portion of the site.         |   |
| <b>Proposal</b>     | Multi Lot Subdivision (33 Lots), the removal of native vegetation and the creation of an easement                    |   |
| <b>Applicant</b>    | Tomkinson  |   |
| <b>Zone</b>         | General Residential Zone (GRZ)   |   |
| <b>Overlays</b>     | Nil  |   |
| <b>Referrals</b>    | <ul style="list-style-type: none"> <li>▪ Country Fire Authority (CFA)</li> <li>▪ North East Water (NERWA)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Ausnet</li> <li>▪ APA Group</li> </ul> |

#### PROPOSAL

The proposal seeks approval to subdivide the land into 33 residential lots including the removal of two native trees and the creation of a drainage easement. The proposal will have the following characteristics:

#### Subdivision

The subdivision of 33 lots will include a range of lot sizes from 315 metres squared to 1,008 metres squared in area comprising of:

- 12 lots between 300 metres squared and 500 metres squared.
- 16 lots between 500 metres squared and 700 metres squared.
- 5 lots between 700 metres squared and 1,100 metres squared.

The proposed subdivision layout will include vehicle access to the west of site which will link to Stage 3 of the Livingston Estate and to the north and south of the site linking the north and south sections of Bourke Drive.

A court bowl will be located within the west portion of the site. A reserve at the end of the court bowl will link in with another reserve to the north of the site in Stapleton Court.

### **Native Vegetation**

The native vegetation removal consists of two small native trees along the southern boundary of the site. The two trees are a River Red Gum and a Yellow Gum.

### **Creation of an Easement**

A drainage easement will be created through Lot 228 of the proposed subdivision. This easement will allow for drainage water from the existing retention basin on Iva Street, Benalla to flow north through to the retention basin in Stapleton Court, Benalla.

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

### **Site and Surrounds**

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

The land is located in between the south and north extensions of Bourke Drive, Benalla. A two lot subdivision has recently been approved for the land excising the existing dwelling at 55 Coish Avenue, Benalla from the balance of the land. The land is generally rectangular in shape with exception to the south east corner of the site which contained the existing dwelling at 55 Coish Avenue, Benalla. The land contains a south boundary length of 177.5 metres, a west boundary length of 120.66 metres and a north boundary length of 216.87 metres, with an overall site area of 2.389 hectares.

The site is flat and vacant and contains a stand of small trees within the southern portion of the site. Existing vehicle access to the land is obtained to the north and south of the site from Bourke Drive, Benalla. Access will also be provided to the west of the site upon the completion of Stage 3 of Livingston Estate. It is expected that completion of Stage 3 of the Livingston Estate may be completed within the next four months.

All surrounding land to the subject site is located within a General Residential Zone. Land to the west of the site contains Stage 3 of Livingston Estate which is currently under construction and contains 30 residential lots.

Land to the south of the site contains a recently constructed subdivision at 22 Four Mile Road, Benalla. This land contains 31 residential lots and a retention basin bordering the subject land to the south. Dwellings are currently being constructed on a majority of lots within this subdivision.

Land to the north of the site contains established single dwellings fronting onto both Bourke Drive and Stapleton Court, Benalla.

Land to the east of the site contains established single dwellings fronting onto First Avenue and Coish Avenue, Benalla.

**LOCALITY MAP**



**Public Notification**

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

- placing a sign on both the north and south alignment of Bourke Drive, Benalla frontages of the site.
- sending notices to all adjoining and opposite landowners and occupiers.

No objections have been received to the planning application to date.

## 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)**

The site is located entirely 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.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

| <b>Referrals/Notice</b> | <b>Advice/Response/Conditions</b>                  |
|-------------------------|--|
| CFA                     | No objection – Not a Section 55 Referral Authority |
| North East Water        | No objection subject to conditions                 |
| AusNet                  | No objection subject to conditions                 |
| APA Gas                 | No objection                                       |

**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 the objectives
- Should meet all the standards

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

| √ - Compliance<br>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 characteristic of a normal residential subdivision. The proposal provides for a mixture of lot sizes that will provide for residential development consistent with the surrounding area.  |
| C7                                   | Lot Diversity and Distribution  | √          | √         | The proposal will provide for a diverse range of lot sizes from 315 metres squared to 1008 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.  |
| C8                                   | Lot Area and Building Envelopes | √          | √         | Most of the lots proposed are more than 450 metres squared. A condition of any permit can require building envelopes to lot sizes of less than 450 metres squared to provide for dwellings which meet the area and siting requirements of the planning scheme.   |
| C9                                   | Solar Orientation of Lots       | √          | √         | All sites that have a north-south orientation 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.   |
| C10                                  | Street Orientation              | √          | √         | Most lots within the subdivision are orientated to front existing or proposed streets. Lots are considered large enough to allow adequate solar access.  |
| C11                                  | Common Area                     | N/A        | N/A       | N/A  |
| C12                                  | Integrated Urban Landscape      | √          | √         | It is expected that the proposed subdivision will extend the current theme of landscaping within the Livingston Estate development to the west of the site. 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. |

| √ - Compliance<br>X - Non compliance |                                    | Objectives | Standards | Comments  |
|--------------------------------------|------------------------------------|------------|-----------|---|
| C13                                  | Public Open Space                  | √          | √         | 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 per cent (1,194 metres squared) would be too small to be practical on the land.   |
| C15                                  | Walking and cycling network        | √          | √         | The proposal provides for road widths which will encourage pedestrian and bicycle movement through the subdivision with linkages to the north, south and west of the site. A pedestrian path will be required from the end of the proposed court bowl connecting to the termination of Stapleton Court, Benalla to the north of the site providing for further pedestrian connectivity.   |
| C17                                  | Neighborhood Street network        | √          | √         | The proposed street network will connect to the existing and proposed road network surrounding the site. This includes connection to Bourke Drive at both the north and south ends and a connection to the west of the site to Livingston Estate Stage 3 when this is completed soon. As above a further pedestrian link will be required through to Stapleton Court, Benalla from the end of the proposed court bowl. This has been accommodated in the plan of subdivision through the provision of a reserve area. |
| 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    | √          | √         | The width of Bourke Drive, Benalla will allow for the provision of bus services in the future. In addition, an existing bus service is located only 330 metres walking distance of the site in proximity to Coish Avenue, Benalla.  |

| √ - Compliance<br>X - Non compliance |                                    | Objectives | Standards | Comments   |
|--------------------------------------|------------------------------------|------------|-----------|--|
| C20                                  | Neighborhood street network detail | √          | √         | A Traffic Impact Assessment Report has been submitted by the applicant. The report details that the proposal represents an appropriate response to the provisions of Clause 56.06 of the Benalla Planning Scheme and to the relevant provisions of the Infrastructure Design Manual. The proposal was also referred to Council's Engineering team who advise of no objection to the proposal subject to conditions. 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 metres 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                                  | Waste Water 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.  |
| 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.   |

| √ - Compliance<br>X - Non compliance |   | Objectives | Standards | Comments   |
|--------------------------------------|---|------------|-----------|--|
| 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 5 per cent of the land value will be required as a condition of the planning permit.

**ASSESSMENT**

The proposed subdivision is considered to comply with the Planning Policy Framework, the Local Planning Policy Framework as well as the requirements to Clause 56 (subdivision) of the Benalla Planning Scheme. The proposal provides for the infill development of existing residentially zoned land which is in proximity to all services. The subdivision provides for a range of site sizes varying from 315 metres squared to 1,008 metres squared.

Subject to conditions the proposed subdivision can also provide 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 maximum solar orientation.

The subdivision will provide for adequate pedestrian and vehicular links to the north and south ends of Bourke Drive, Benalla and to the west of the site to Stage 3 of Livingston Estate. A pedestrian link will also be provided to the north of the site to Stapleton Court, Benalla which will form a condition of the permit. All of which will need to be designed in accordance with the requirements of the Infrastructure Design Manual.

Drainage provision for the site has been designed to connect with an extended retention basin in Stapleton Court, Benalla. This has been assessed as a suitable outcome by Council’s Engineering Unit.

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

- *A connected, involved and inclusive community.*

**Livability**

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

**Economy**

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

**Environment**

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

**LEGISLATIVE AND STATUTORY IMPLICATIONS**

A decision by the Council to determine that a permit should be granted for the proposal may be appealed to VCAT by the 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. P0097/22 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 Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Lot 2, PS848050F, Bourke Drive, Benalla, Benalla, for a multi lot subdivision, the removal of native vegetation and the creation of an easement, in accordance with the endorsed plans, with the application dated 17 June 2022 and subject to the following conditions:

- 1 The subdivision as shown on the endorsed plan of subdivision 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 Before certification, or any other such time as agreed by the Responsible Authority, streets must be named to the satisfaction of the responsible authority in accordance with the Guidelines for Geographic Names 2010.
- 3 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.
- 4 Prior to the issue of a Statement of Compliance, the permit holder must undertake, or cause to be undertaken, full construction of all new access ways, drainage and related infrastructure as required by the conditions of this permit.  
  
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.
- 5 No covenant or restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.
- 6 Prior to the issue of a Statement of Compliance, 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.

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.

- 7 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.**
- 8 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.**
- 9 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.**
- 10 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.**
- 11 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.**

### **Restrictions and Agreements**

- 12 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the owner of the subject land must, at no cost to the Responsible Authority, enter into an agreement (in a form satisfactory to the Responsible Authority) with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement submitted. This agreement must provide that:**



Except with the prior written consent of the Responsible Authority;

- (a) All stormwater falling on the roof of each habitable building on the Lot must be collected and conveyed to a rainwater tank, or series of tanks, with a minimum storage capacity of at least 10,000 litres.
- (b) The required tank(s) must be installed prior to the commencement of the use of the respective buildings or as directed by the Responsible Authority, whichever occurs first.
- (c) Each rainwater tank installed pursuant to this Agreement must incorporate a drawdown outlet, not more than 40mm in diameter (Discharge = 3.9L/s), installed in a manner that ensures that a reserve capacity of at least 5,000 litres will be restored following drawdown.
- (d) The discharge from all drawdown outlets and tank overflow outlets must be collected and conveyed by pipes to a nominated legal point of discharge.
- (e) All works prescribed by this Agreement are to be completed to the satisfaction of the Responsible Authority.
- (f) Works prescribed by this Agreement may not be altered in any shape or form without the prior written consent from the Responsible Authority.
- (g) Each rainwater tank system will be maintained to the satisfaction of the Responsible Authority.
- (h) A duly appointed officer of the Responsible Authority will be allowed to inspect the rainwater tank system at mutually agreed times to ensure compliance with this Agreement.

The owner/operator under this permit must pay full costs of the preparation, execution and registration of the Section 173 Agreement.

### General Engineering

- 13 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

- 14 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.

- 15** 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 building envelopes of each lot are located above the 1 per cent AEP flood level and must be placed and compacted in accordance with the requirements of Clause 15.3 of the IDM.
- 16** 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 AS 3798 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority.
- 17** 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**

- 18** Before certification of the plan of subdivision the subdivision, drainage plans and computations, prepared in accordance with IDM procedures and criteria, must be submitted to, and approved by, the Responsible Authority and must demonstrate:
  - (a) Music modelling or approved equivalent to ensure compliance with Water Sensitive Urban Design (WSUD) and Best Practice Management Guidelines for stormwater quality.
- 19** Before construction begins detailed plans, specifications and computations for the proposed upgrade works to the drainage basin, pumpstation and rising main to an approved point of discharge to the satisfaction of the Responsible Authority, must be prepared by a qualified engineer in accordance with Clause 16.14 of the IDM, and must be submitted to the Responsible Authority for consideration and approval.
- 20** Prior to the issue of a statement of compliance 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 1 per cent AEP rainfall event will be collected and conveyed to a practical and satisfactory destination, without adversely affecting any person, infrastructure or natural features in or beyond the development.
- (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 as required impacting on the drainage network.
- (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 1 per cent AEP rainfall or flood event.
- (f) the minimum depth of overland flow must be designed so that it is no higher than 300mm below the lowest floor level of any dwelling impacted by the overflow as per clause 16.3 of Councils Infrastructure Design Manual.
- (g) all fencing installed on any boundary between the Lot and an adjacent drainage reserves, waterway or area subject to inundation is of open construction and does not obstruct natural surface flows into and out of the site.
- (h) 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.

**21** Prior to the issue of a Statement of Compliance, the applicant must satisfy the Responsible Authority that, where the proposed outlet discharges to an open channel, the integrity of the outfall point has been secured, the kinetic energy of the outflow reduce to levels acceptable to the Authority, the receiving channel protected against erosion, and the flow capacity of the channel maintained.

#### **On-Site Detention**

**22** 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 1 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.

**23** Before construction begins for each stage of the subdivision, detailed plans and computations for the proposed rainwater tanks, retardation basin, together with access routes and working platforms for maintenance, must be prepared by a Qualified Engineer in accordance with Clause 18 of the IDM, and be submitted to and approved by the Responsible Authority.

**Water Sensitive Urban Design**

- 24** 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.

**Road Design**

- 25** 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.
- 26** All roads within the new subdivision 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.
- 27** Prior to the issue of Statement of Compliance for the relevant stage all streets and intersections must be designed in accordance with AS1742.13-2009 – Local Area Traffic Management where appropriate. In particular:
- (a) Where the internal roads have lengths exceeding approximately 150m without intersections or bends, slow points are to be incorporated into the design to help maintain a target speed of 40 km/hr.
- 28** 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.

**Landscaping**

- 29** 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;
- (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.**

**30 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.**

#### **Infrastructure Transferred to Council**

**31 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.**

**32 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.**

**33 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 DWG or DXF format, geo-referenced to Zone 55, GDA 2020, to the satisfaction of Council or to the satisfaction of the Responsible Authority.**

**Construction**

- 34 Before construction begins 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.**
- 35 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.**
- 36 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.**
- 37 All works must be carried out generally in accordance with the measures set out in the Site Management Plan approved by the Responsible Authority.**
- 38 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.**

**Native Vegetation**

- 39 During construction works on the site, any remnant vegetation must be protected by an appropriate Tree Retention Zone (TRZ), free of digging, trenching, excavation, stockpiles, chemical or material mixing and storage, parking or any other disturbance, and marked with a physical barrier on site. The TRZ will have a radius from the tree of at least 12 DBH (diameter of the tree at breast height) (as per Australian Standards). By default, a tree will be considered lost and require an offset if one of the above activities occurs over more than 10 per cent of the total area of the TRZ.**

**If these exclusion zones are not put in place or construction works cannot be physically carried out without impacting these zones, these trees, whilst still retained must be counted as removed and an appropriate offset plan produced.**

Consideration should be given to trees adjoining existing and new road reserves and adjoining the site boundaries which may be impacted by improvements to access to the site and construction of the subdivision. If any vegetation is removed, destroyed or lopped to provide access to any of the site or construction of the subdivision, or the appropriate TRZ is not adhered to, an amended Biodiversity Assessment Report must be submitted to the satisfaction of the responsible authority. This may change the assessment pathway that the application has been assessed against.

Permission is given for removal of vegetation as marked in the Biodiversity Assessment Report to allow for construction of the subdivision. This application has been assessed under the basic assessment pathway. The scattered trees are remnant native vegetation and a general offset will be required.

- 40 To offset the removal of 0.063 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):
- (a) A general offset of 0.012 general habitat units:
    - i. located within the Goulburn Broken Catchment Management boundary or Benalla Rural City Council municipal area
    - ii. with a minimum strategic biodiversity value of at least 0.192
- 41 Prior to the issue of a Statement of Compliance, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. The offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Guidelines for the removal, destruction or lopping of native vegetation. Offset evidence can be either:
- A security agreement, to the required standard, for the offset site or sites, including a 10 year management plan.
  - A credit register extract from the Native Vegetation Credit Register.

### Country Fire Authority Conditions

#### Hydrants

- 42 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.
  - (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](http://www.cfa.vic.gov.au))

**North East Water**

- 43 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.**
- 44 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.**
- 45 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.**
- 46 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.**
- 47 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.**



- 48 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.
- 49 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.
- 50 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.
- 51 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.
- 52 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.
- 53 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.
- 54 Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
- 55 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.
- 56 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.
- 57 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 Conditions**

- 58 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.
- 59 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.**

#### **Permit Expiry**

**60 This permit will expire if one of the following circumstances applies:**

- (a) the plan of subdivision is not certified within 2 years of the date of this permit;**
- (b) the plan of subdivision is not registered at Land Registration Services within 5 years of the certification.**

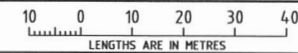
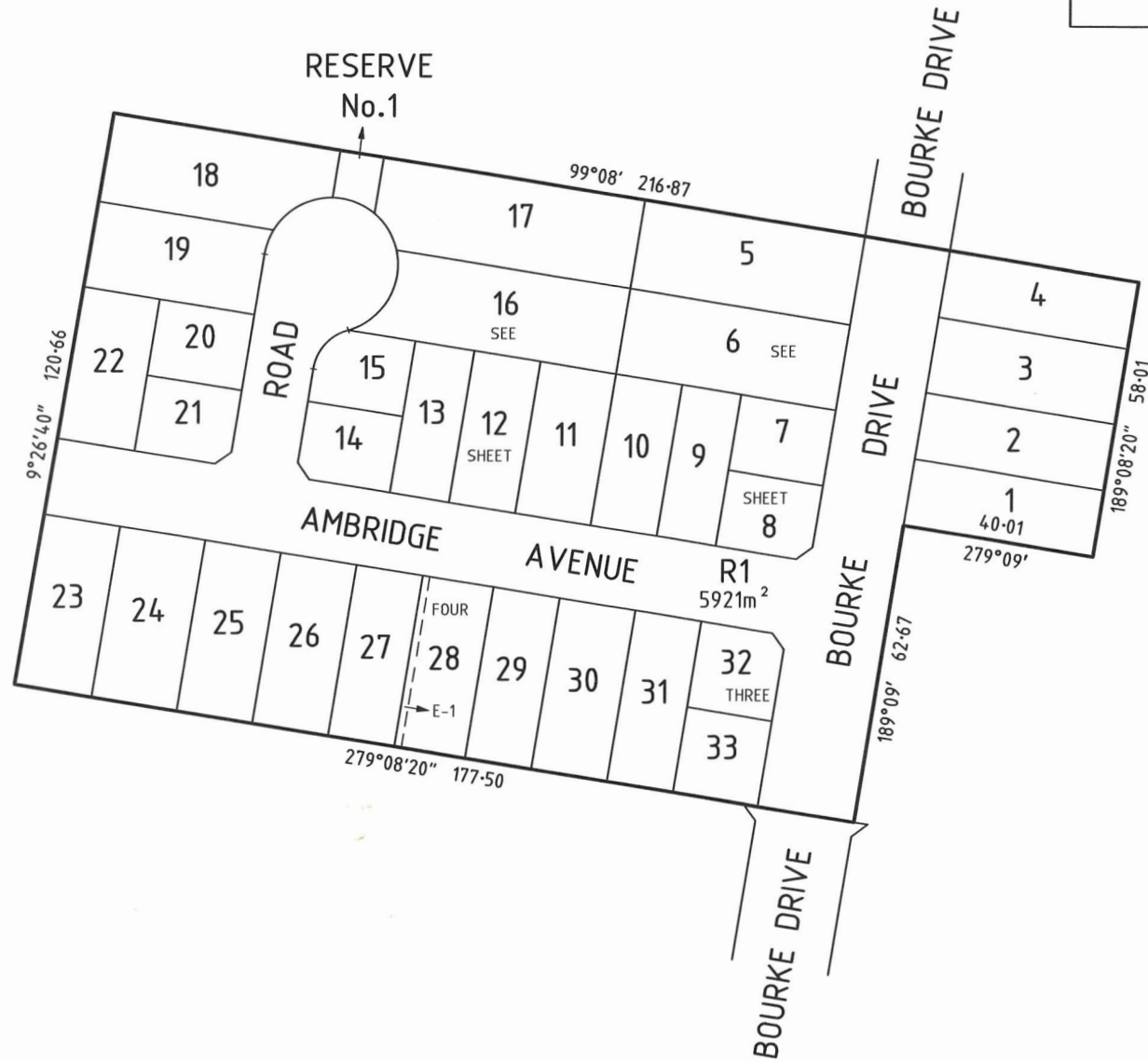
**The Responsible Authority may extend the time for the completion of part (a) if a request is made in writing before the permit expires or within six months afterwards.**

**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.**

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ZONE 55

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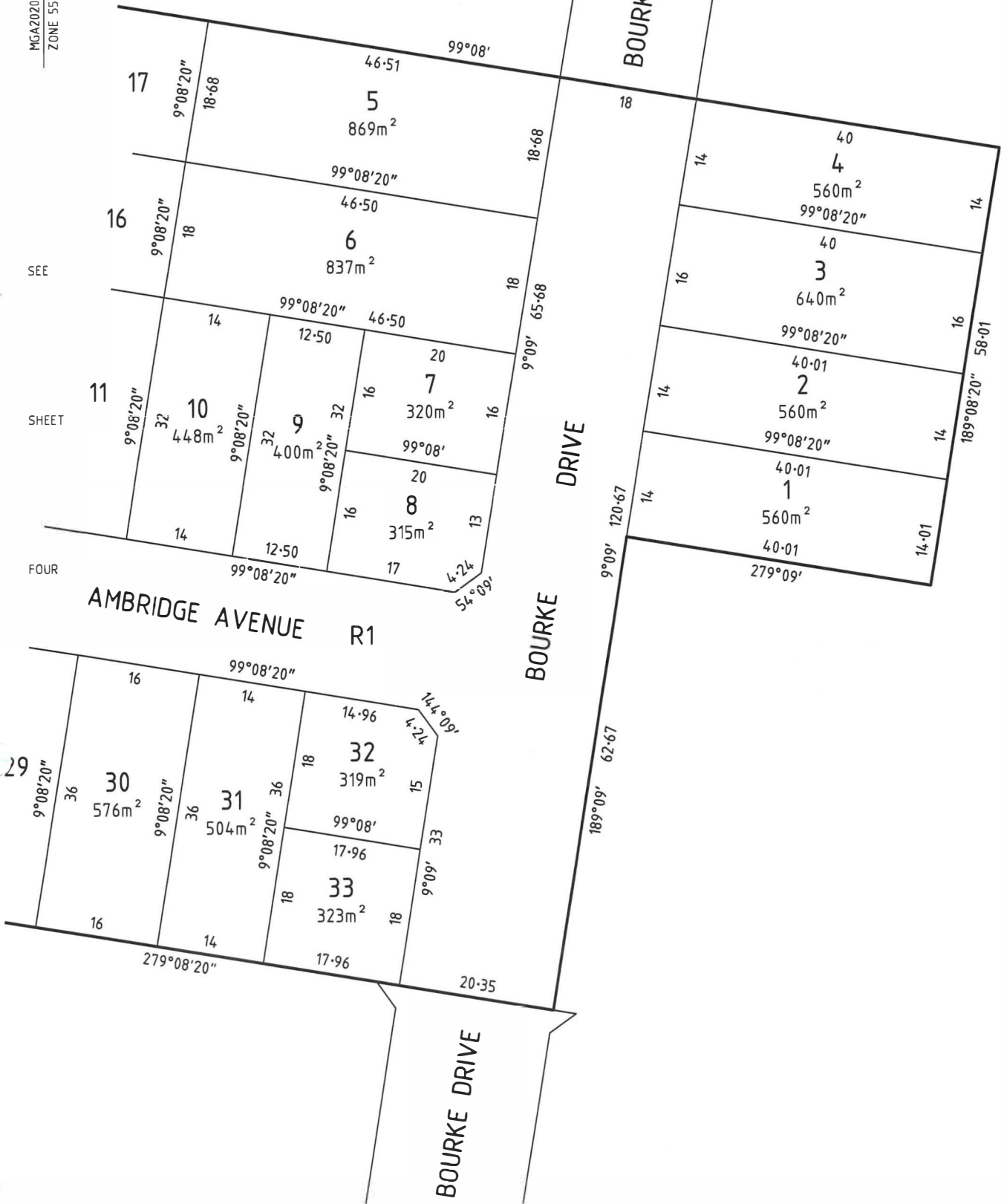
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BOURKE DRIVE

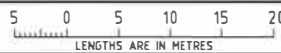
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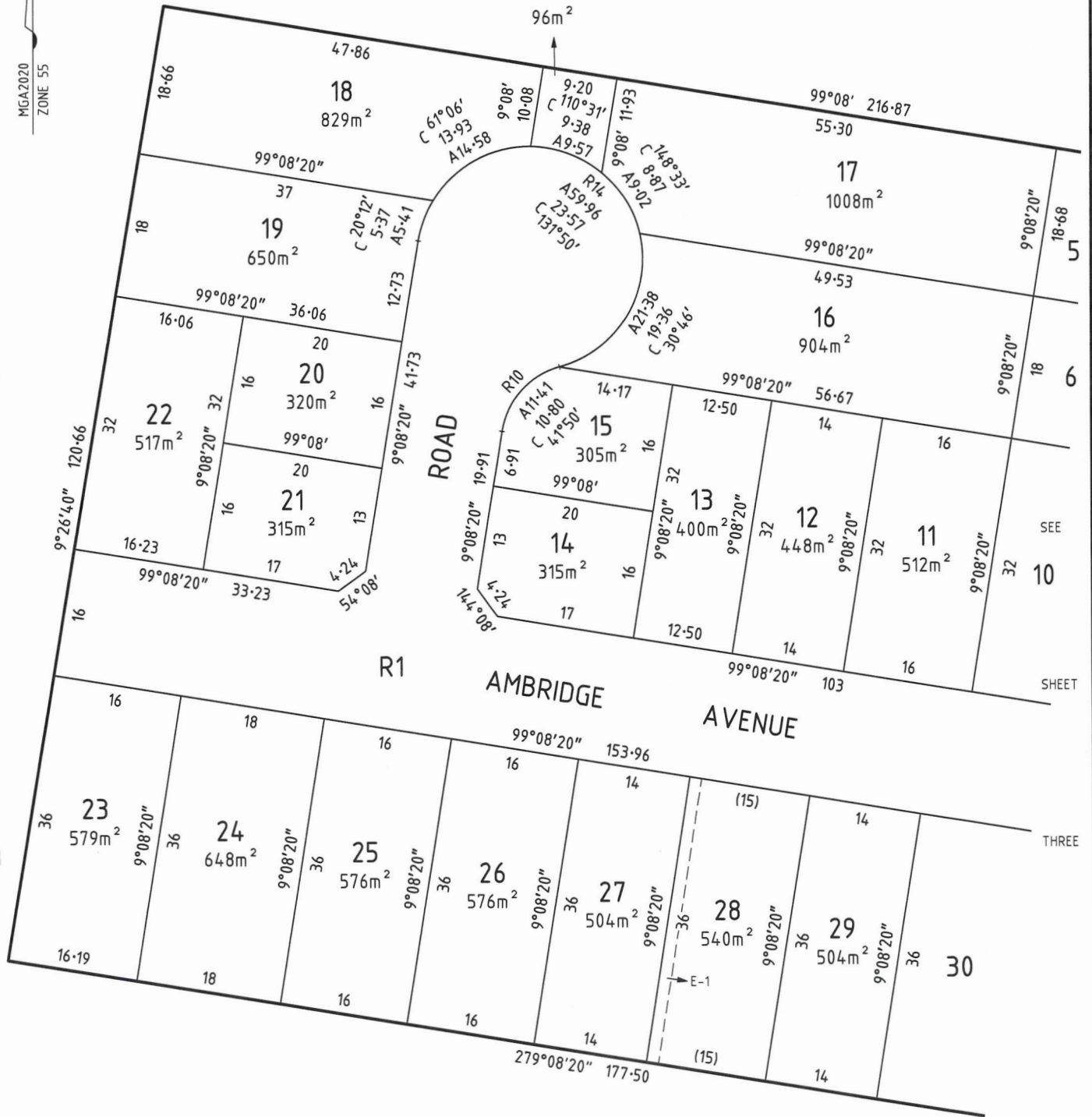
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PAUL SMITHWICK

MGA2020  
ZONE 55

RESERVE No.1







**2. Planning Permit Application P0102/22 – To Construct Horse Stables and a Horse Walker at 5835 Midland Highway, Benalla**

DA4524

Joel Ingham – Planning Coordinator

Nilesh Singh – Manager Development

**PURPOSE OF REPORT**

This report assesses a planning application (P0102/22) received for the construction of horse stables and a horse walker at 5835 Midland Highway, Benalla.

**BACKGROUND**

|                     |   |
|---------------------|---|
| <b>Site Address</b> | 5835 Midland Highway, Benalla   |
| <b>Existing Use</b> | The land contains a racecourse with associated buildings and car parking area associated with the racecourse use. |
| <b>Proposal</b>     | To construct horse stables and a horse walker.  |
| <b>Applicant</b>    | Mr Cameron Symes (Benalla Racing Club)  |
| <b>Zone</b>         | Public Park and Recreation Zone (PPRZ)  |
| <b>Overlays</b>     | Rural Floodway Overlay (RFO)  |
| <b>Referrals</b>    | <b>External:</b><br>Goulburn Broken Catchment Management Authority<br><b>Internal:</b><br>Engineering Unit        |

**PROPOSAL**

The applicant is seeking approval to construct horse stables and a horse walker. The proposal will have the following characteristics:

**Horse Stables**

- The horse stables will be located within the southern portion of the site in proximity to Racecourse Road, Benalla and to the south of existing horse stalls.
- The stables will be setback 9 metres from the south boundary (Racecourse Road, Benalla) at their closest point.
- The stables will provide for 20 horse boxes, a tackle room, feed room, tea room and provision for two toilets.
- The horse boxes will be covered by an open structure measuring 16 metres wide by 52 metres long, with an overall area of 832 metres squared. This structure will provide weather protection to the horses and horse handlers.

- Access to the horse stable area will be from the existing internal accessway within the site. It is proposed to extend a crushed rock surface area within the site to allow for the parking of horse floats and other associated vehicles. This area will be to the west of the proposed building.

### **Horse Walker**

- The horse walker will be located to the east of the proposed horse stables.
- The walker will be generally circular in shape with an internal radius of 5.3 metres and an external radius of 8.2 metres.
- The walker will be an open roofed structure with an overall height of 2.7 metres above ground level.
- The walker area will have dimensions of 18 metres by 18 metres, with an overall area of 324 metres squared.
- The area will be setback 11.25 metres from the south boundary of the site.

The proposed signage plans are attached in **Appendix 1**.

### **Site and Surrounds**

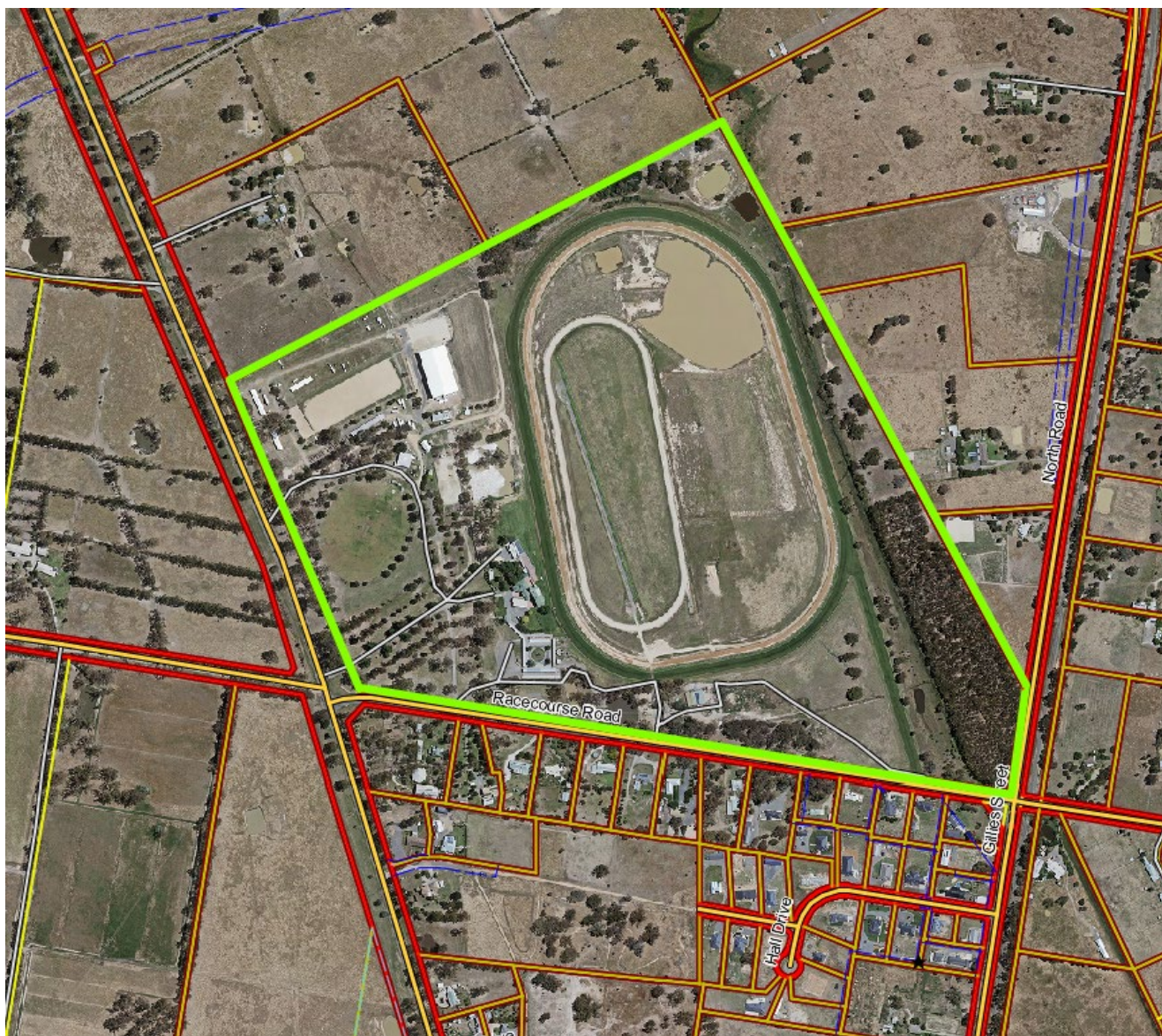
The land is located on the north east corner of Midland Highway and Racecourse Road, Benalla. The land is irregular in shape and contains an overall site area of 71.65 hectares. The land contains the following features:

- An existing racecourse track within the east portion of the site.
- Buildings associated within the Racecourse located to the west of the racecourse track.
- Associated car parking facilities located within the west portion of the site.
- Pony Club facilities within the north west portion of the site.
- An oval within the west portion of the site.
- Two vehicle access points are provided into the site from Racecourse Road, Benalla and two further vehicle access points enter the land from the Midland Highway, Benalla.

The main site and locality characteristics are:

- Land to the south of the site across Racecourse Road is located within a Low Density Residential Zone. This area generally contains single dwellings on land ranging in area from 8,000 metres squared to 1.8 hectares in area.
- Land to the north and west of the site is located within a Farming Zone. These properties range in area from 12 hectares to 42 hectares in area and are used for small scale agricultural activities including grazing and equine purposes.
- Land to the east of the site is located within a Rural Living Zone. This area is characterised with single dwellings on lots ranging in area from 2 hectares to 16 hectares.

## Locality Map



### Permit and Site History

- Planning Permit No. P0068/05 was issued on 18 May 2006 for the erection of advertising and business identification signage.
- Planning Permit No. P0100/14 was issued on 1 September 2014 for the construction of a deck.
- Planning Permit No. P0079/17 was issued on 30 May 2017 for the construction of a shed and deck extension.
- Planning Permit No. P0073/19 was issued on 3 July 2019 for the construction of an open sided shelter.

## Public Notification

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

- Sending notices to adjoining owners and occupiers.
- Placing a notice of the application towards the Racecourse Road frontage of the site.

To date four objections have been received. The objections can be summarised as follows:

- The proposed gravel area will cause dust emissions to nearby properties.
- Manure and urine from the horses will cause odour emissions to nearby properties.
- The proposal will have a negative visual impact to the surrounding area.
- The proposal will devalue surrounding properties.
- The proposal does not address how effluent and stormwater will be treated on the land.
- Existing stormwater treatment is inadequate creating stagnant water in Racecourse Road, Benalla and issues with Mosquitoes.
- The proposal will attract vermin including mice and snakes seeking shelter.
- The proposal will increase noise emissions to adjoining properties.
- The proposal will impact on the privacy of nearby residential properties.

## Planning Scheme Provisions

### *Planning Policy Framework*

Clause 13.03-1S of the Planning Policy Framework relates to ‘Floodplain management’. The objective of this clause is as follows:

*To assist the protection of:*

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Clause 13.05-1S of the Planning Policy Framework relates to ‘Noise management’. The objective of this clause is as follows:

*To assist the management of noise effects on sensitive land uses.*

Clause 13.06-1S of the Planning Policy Framework relates to ‘Air quality management’. The objective of this clause is as follows:

*To assist the protection and improvement of air quality.*

Clause 13.05-1S of the Planning Policy Framework relates to ‘Noise management’. The objective of this clause is as follows:

*To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Clause 15.01-2S of the Planning Policy Framework relates to ‘Building Design’. The objective of this clause is as follows:

*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

## **Zone**

Pursuant to Clause 36.02 of the Benalla Planning Scheme the subject site is located within a Public Park and Recreation Zone. The purpose of this zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

The proposed buildings and works require a planning permit in this instance as they are not being undertaken by or on behalf of the public land manager. The public land manager in this instance is the Department of Environment, Land, Water and Planning.

Pursuant to Clause 36.02-3 of the scheme any planning application submitted must be accompanied with the written consent of the public land manager. In this instance the Department of Environment, Land, Water and Planning have consented to the use and development subject to conditions.

## **Overlays**

Pursuant to Clause 44.03 of the Benalla Planning Scheme the subject site is affected by a Rural Floodway Overlay. The purpose of this overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required for the construction of buildings and works under the provisions of this overlay. A planning application must be referred to the Goulburn Broken Catchment Management Authority for comment.

## Referrals

External Referrals/Notices required by the Planning Scheme:

| Referrals/Notice | Advice/Response/Conditions         |
|------------------|------------------------------------|
| GBCMA            | No objection subject to conditions |

## Assessment

### Objectors Concerns

*The proposed gravel area will cause dust emissions to nearby properties.*

Concern has been raised that the gravel parking area within the southern portion of the site will cause unreasonable dust emissions to residential properties on the south side of Racecourse Road, Benalla. Vehicles using this area to park will be in a low speed environment which will reduce the potential for unreasonable dust emission to surrounding properties. In addition, a properly constructed gravel car park area which is maintained with an appropriate amount of gravel will further reduce the potential for dust emission to surrounding properties. A condition of any permit that may issue will require that the gravel car park is maintained to a suitable standard to reduce dust emission to surrounding properties.

*Manure and urine from the horses will cause odour emissions to nearby properties.*

It is noted that the proposed buildings and works will bring the equine use of the site closer towards the residential properties to the south on Racecourse Road, Benalla. However, it is difficult to gauge whether or not this will increase the level of odour from the site to an unreasonable level to these properties. To ensure that the proposal does not unreasonably impact on surrounding properties it is considered that a management plan be requested as a condition of any permit that may issue. The management plan must address how animal excrement is cleaned from the site daily, where this will be stored and how it will be reused or removed from the site.

*The proposal will have a negative visual impact to the surrounding area.*

The proposal involves the construction of open structures over horse boxes and a horse walker. The proposed buildings will therefore not present as solid walls to the streetscape and surrounds. In addition, roadside native vegetation exists along Racecourse Road, Benalla that will partially obscure the buildings to the surrounds. The proposed structures however will only have a setback of 9m to the street which may have a visual impact to the streetscape. A landscape plan will be required as a condition of any permit that may issue to further screen the structures to the streetscape.

The proposed buildings and works will also be complimentary of the existing use of the land, the horse stables and horse walker are buildings and works that are common structures to racecourses.

*The proposal will devalue surrounding properties.*

Devaluation is not a valid planning consideration and as such has not been addressed as part of the planning application assessment.

*The proposal does not address how effluent and stormwater will be treated on the land.*

The proposal has been referred to Council's Engineering and Environmental Health Units for comment. No objection has been raised from these units subject to conditions. Stormwater will be required to discharge to a legal point with no effluent of polluted water to be allowed to enter the drainage system. In addition, the developer will be required to upgrade their existing EPA licence to ensure that effluent disposal from the two proposed toilets complies with relevant standards.

*Existing stormwater treatment is inadequate creating stagnant water in Racecourse Road and issues with Mosquitoes.*

Concern has been raised that stormwater from the racecourse enters Racecourse Road, Benalla, however, the water on Racecourse Road, Benalla does not flow properly and becomes stagnant. This is considered to be an asset maintenance issue to allow stormwater to flow through the existing drainage system.

*The proposal will attract vermin including mice and snakes seeking shelter.*

As above, it is considered appropriate to request a management plan for the proposed buildings and works that addresses keeping the area in a clean and tidy state to prevent odour emissions. In keeping the site clean this will reduce the potential for attracting vermin to the proposed structures.

*The proposal will increase noise from vehicles to adjoining properties.*

The proposal will increase traffic movements in proximity to adjoining properties to the south of the site. However, this increase in traffic movements will not necessarily increase noise levels to surrounding properties to an unreasonable level. A condition of the permit will require that all noise associated with the buildings and works will be required to comply with relevant EPA standards.

*The proposal will impact on the privacy of nearby residential properties.*

Most dwellings on the south side of Racecourse Road, Benalla front onto Racecourse Road, Benalla with their open space areas located to the side or rear of the site. The proposed buildings and works on the north side of Racecourse Road, Benalla will therefore have limited impact with regard to privacy to residential private open space area.

### ***Rural Floodway Overlay***

The proposal has been referred to the Goulburn Broken Catchment Management Authority who advise of no objection to the proposal subject to conditions. It is therefore considered that the proposal will not have an unreasonable impact on overland flow of floodwaters and will be in keeping with the objectives of the overlay.

## DISCUSSION

The proposed buildings and works will not dominate the existing streetscape and surrounding area and are considered to be structures that are consistent with the existing racecourse use. Subject to conditions relating to the maintenance of the car park area and the management of the area with regard to waste disposal it is considered that the proposal will not cause unreasonable amenity impact to adjoining properties.

Advice has been received that effluent disposal from the two toilets and drainage can be adequately treated on site subject to conditions that can be included in the permit. The proposal has been referred to the Goulburn Broken Catchment Management Authority who advise of no objection subject to conditions. Subject to these conditions it is considered that the proposal will meet the objectives of the Rural Floodway Overlay.

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

#### **Community**

- *A connected, involved and inclusive community.*

#### **Livability**

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

#### **Economy**

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

#### **Environment**

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

### **LEGISLATIVE AND STATUTORY IMPLICATIONS**

A decision by the Council to determine that a permit should be granted for the proposal may be appealed to VCAT by the 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. P0097/22 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 5835 Midland Highway, Benalla, Benalla, for the construction of horse stables and a horse walker, in accordance with the endorsed plans, with the application dated 9 July 2022 and subject to the following conditions:**

- 1. The layout of the development as shown on the endorsed plan(s) must not be altered or modified (for any reason) unless it is to the satisfaction of the Responsible Authority.**
- 2. Noise levels shall at all times comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 to the satisfaction of the Responsible Authority.**
- 3. The amenity of the area must not be detrimentally affected by the use or development, through the:**
- 4. Appearance of any building, works or materials.**
- 5. Transport of materials, goods or commodities to or from the land.**
- 6. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour steam, soot, ash, dust, waste water, waste products, grit or oil.**
- 7. All goods, refuse and packaging material associated with the use shall be stored within the premises at all times unless the Responsible Authority has approved, in writing, alternative arrangements.**

- 8. Before the development starts a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:**
  - (a) a landscape strip of at least 2 metres in width along the front boundary to Racecourse Road directly south of the two proposed structures.**
  - (b) the landscape strip to provide for plants that will screen the proposed structures to the streetscape.**
  - (c) a survey of all existing vegetation and natural features showing plants to be removed and retained;**
  - (d) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;**
  - (e) the method of preparing, draining, watering and maintaining the landscaped area;**
  - (f) landscaping and planting within all open areas of the site**

**All species selected must be to the satisfaction of the responsible authority. Before the use/occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained for a period of three months from the date of practical completion of the works to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.**
- 9. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the Responsible Authority.**
- 10. Before the use begins and the building is occupied all stormwater and surface water discharging from the site, buildings and works must be retained on site or conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.**
- 11. The approved works must not cut off natural drainage from adjacent properties.**
- 12. No earthworks shall be permitted to restrict the flow of water entering or leaving the depression and low lying land indicated on the plan.**
- 13. Any damage to Council assets (i.e. roads, table drains etc) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.**

14. Prior to the occupation of the buildings hereby approved, the area(s) set aside for parking of vehicles must be:
  - surfaced with an all-weather surface and treated to the satisfaction of the Responsible Authority to prevent dust;
  - constructed and completed to the satisfaction of the Responsible Authority;
  - drained to the satisfaction of the responsible authority;
15. Provision of traffic control signage and or structures as required;
  - to the satisfaction of the responsibility authority.
16. A water cart must be used to suppress dust from the car park area to surrounding properties in the event that dust from the car park area is causing unreasonable dust emissions to the satisfaction of the Responsible Authority.
17. Prior to the commencement of buildings and works a waste management plan must be submitted to and approved by the Responsible Authority. The waste management plan must include the following items:
  - How often the stables will be cleaned of all waste matter.
  - How waste will be stored on the land once cleaned.
  - How the waste materials will be reused or removed from the land and how often this will occur.
18. Effluent disposal from the buildings must be connected to the existing reticulated sewer service to the satisfaction of the relevant service provider.

#### **Goulburn Broken Catchment Management Authority Conditions**

19. Any construction materials used below the Nominal Flood Protection Level (300 millimetres above the applicable 1 in 100 AEP flood level of 167.3 metres AHD, i.e., 167.6 metres AHD) must be waterproof.
  20. Any equipment or materials sensitive to floodwater ingress to be stored in either the proposed stable or horse walker must be elevated at least 300 millimetres above the 1 in 100 AEP flood level of 167.3 metres AHD, i.e. 167.6 metres AHD. Adequate storage areas and shelving must be provided for this purpose.
  21. Electrical fittings located in the proposed stable or horse walker must be fixed at least 300 millimetres above the 1 in 100 AEP flood level of 167.3 metres AHD, i.e. 167.6 metres AHD.
  22. This permit will expire if one of the following circumstances applies:
    - The development is not started within two years of the date of this permit.
    - The development is not completed within four years of the date of this permit.
- The Responsible Authority may extend the commencement date if a request is made in writing by the owner or the occupier of the land to which the permit applies before the permit expires or within 6 months afterwards.

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

**Advice Notes**

- 23. 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.**
- 24. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.**
- 25. A road opening/crossing permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.**



|      |                             |            |      |            |
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|      |                             |            | APPD | DATE       |

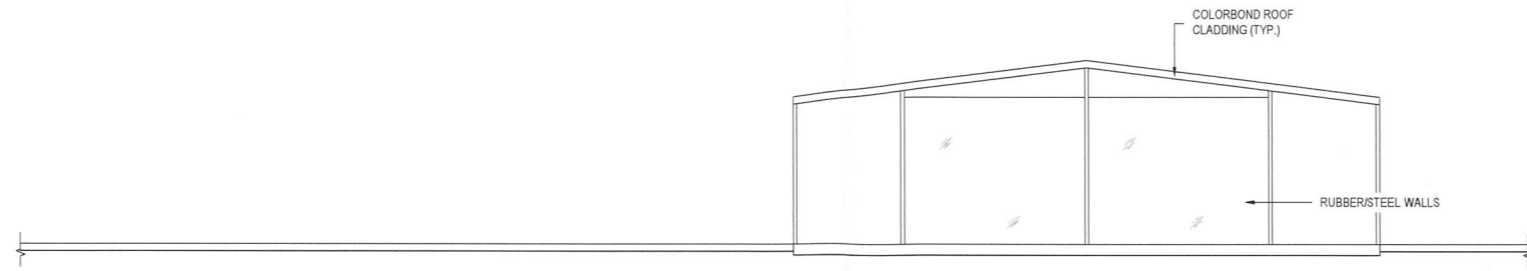
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 BEWARE OF UNDERGROUND/OVERHEAD SERVICES  
 THE LOCATION OF SERVICES ARE APPROXIMATE ONLY  
 AND THEIR EXACT POSITION SHOULD BE PROVEN ON  
 SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING  
 SERVICES ARE SHOWN. SPECIAL CONSIDERATION  
 SHOULD BE GIVEN TO CONSTRUCTION PROCEDURES  
 UNDER OVERHEAD ELECTRICITY TRANSMISSION LINES.

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 Achieve more.  
 Ph: 03 9562 7424  
 Scale: Horizontal 0 2.5 5 7.5 10 12.5  
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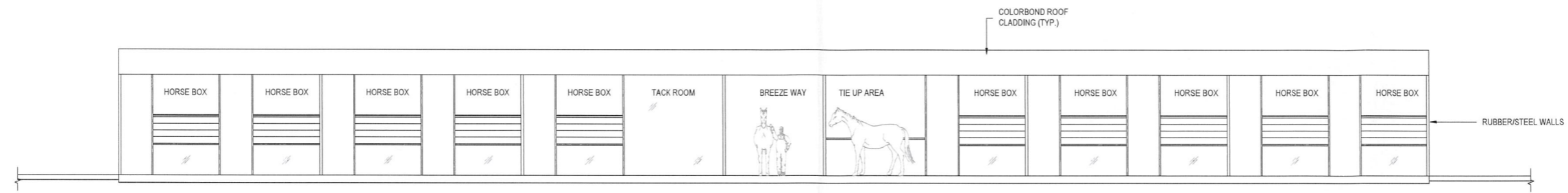
**BENALLA RACING CLUB**  
 5835 MIDLAND HWY, BENALLA  
 BENALLA RURAL CITY COUNCIL  
 PROPOSED STABLES STAGE 1  
 LAYOUT PLAN

PRELIMINARY 22-0015ST01

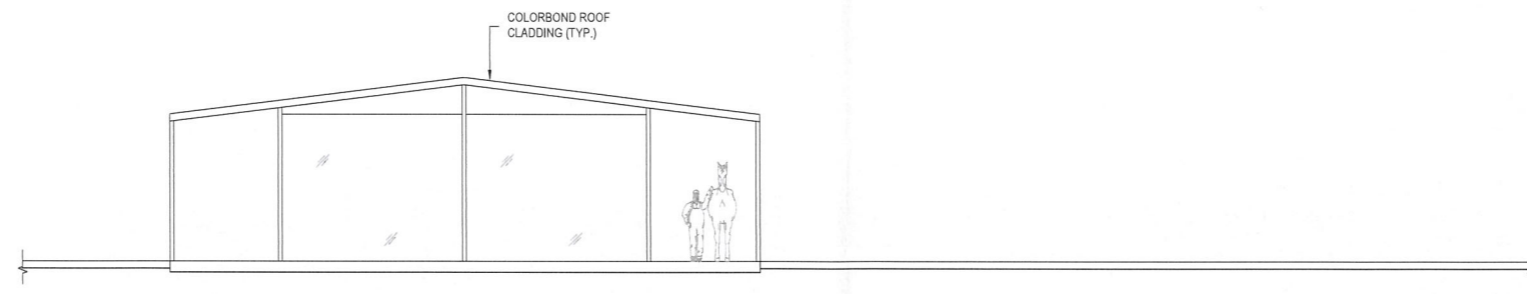
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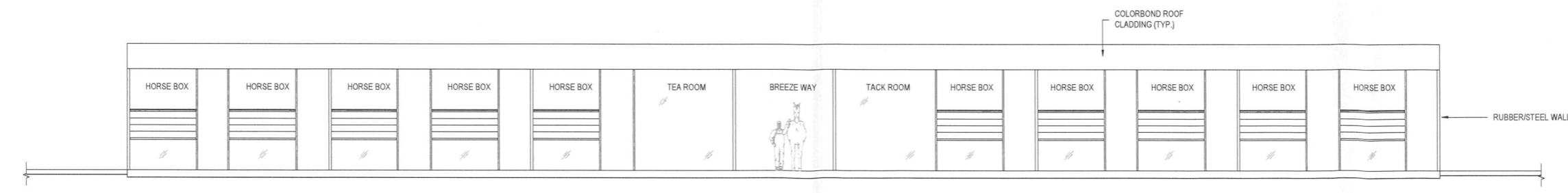
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SCALE 1 : 50



ELEVATION E  
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ELEVATION S  
SCALE 1 : 50



ELEVATION W  
SCALE 1 : 50

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|------|-----------------------------|------|------------|
| REV. | AMENDMENTS                  | APPD | DATE       |
| A    | ISSUED FOR PLANNING PURPOSE | BRG  | 26.07.2022 |

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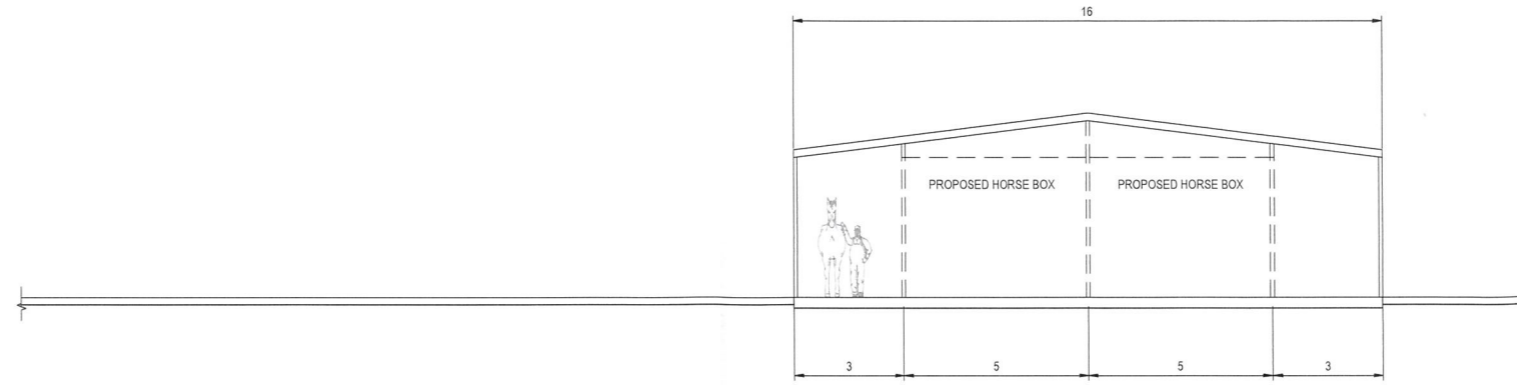
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| PM         | B. GORDON  |
| DESIGNED   | 04.02.2022 |
| P. CURRY   |            |
| CHECKED    | 04.02.2022 |
| B. GORDON  |            |
| AUTHORISED | 04.02.2022 |
| B. GORDON  |            |
| MELWAYS    | X92288     |
| STATUS     |            |

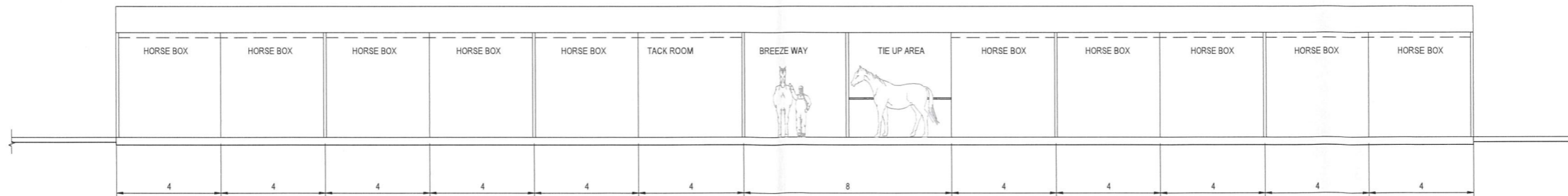
**BENALLA RACING CLUB**  
 5835 MIDLAND HWY, BENALLA  
 BENALLA RURAL CITY COUNCIL  
 PROPOSED STABLES STAGE 1  
 TYPICAL ELEVATIONS

PRELIMINARY 22-0015ST02 REV. A

SHEET No. 2 OF 3



SECTION A  
SCALE 1 : 50



SECTION B  
SCALE 1 : 50

|      |                             |      |            |
|------|-----------------------------|------|------------|
| REV. | AMENDMENTS                  | APPD | DATE       |
| A    | ISSUED FOR PLANNING PURPOSE | BRG  | 26.07.2022 |

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Ph: 03 9562 7424  
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|------------|------------|
| PM         | B. GORDON  |
| DESIGNED   | 04.02.2022 |
| P. CURRY   |            |
| CHECKED    | 04.02.2022 |
| B. GORDON  |            |
| AUTHORISED | 04.02.2022 |
| B. GORDON  |            |
| MELBRES    | X92288     |

**BENALLA RACING CLUB**  
 5835 MIDLAND HWY, BENALLA  
 BENALLA RURAL CITY COUNCIL  
 PROPOSED STABLES STAGE 1  
 TYPICAL SECTIONS

|        |             |             |           |        |
|--------|-------------|-------------|-----------|--------|
| STATUS | PRELIMINARY | 22-0015ST03 | SHEET NO. | 3 OF 3 |
| REV.   | A           |             |           |        |





**Notes**

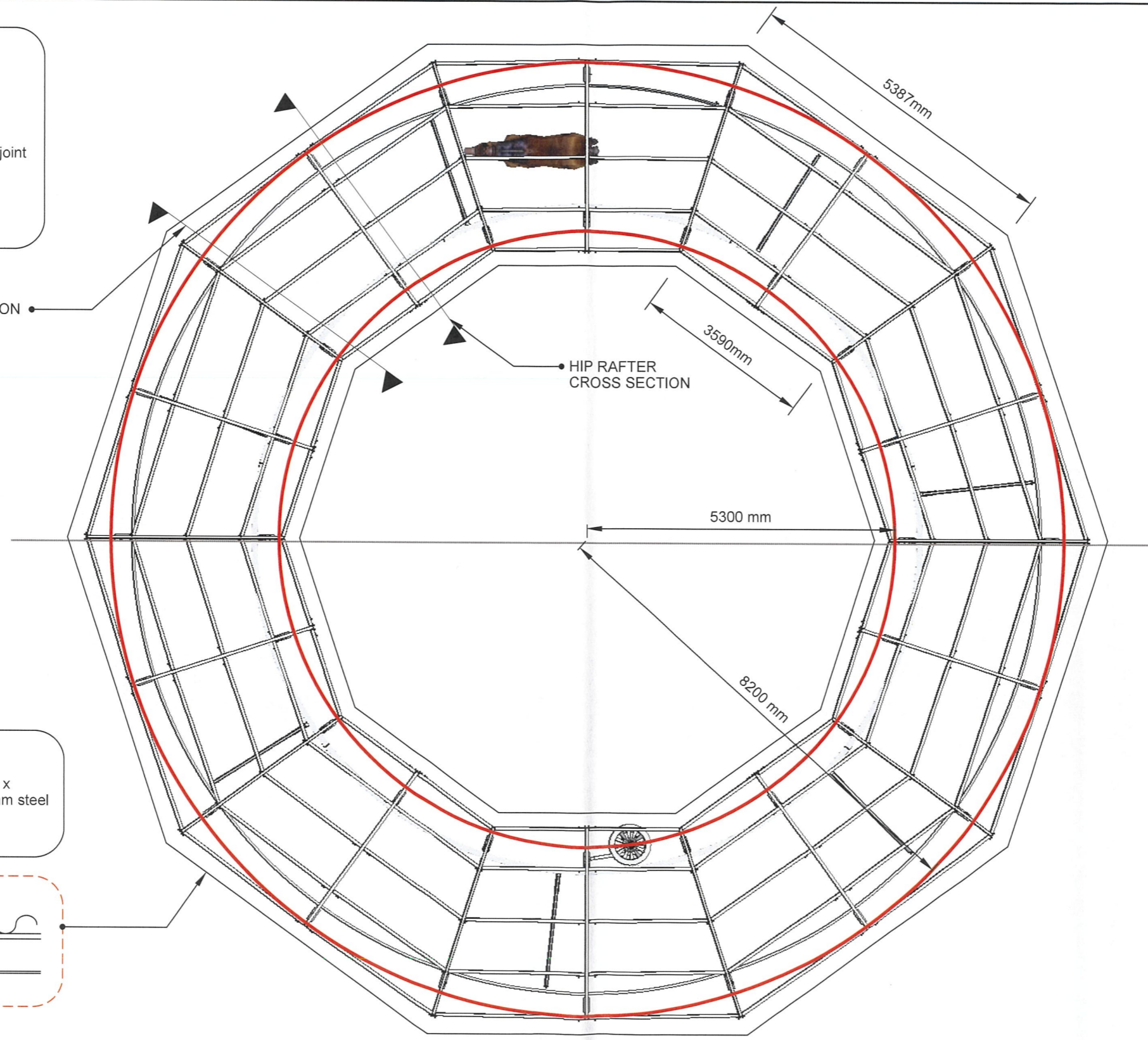
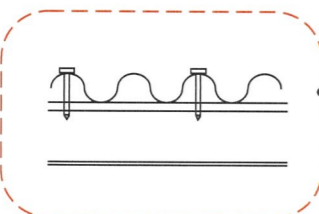
- \* Rafter = 75 x 50 x 3 RHS
- \* 75x5 f/b cleat 2 x 13mm Holes
- \* 2 x 12mm x 25mm 4:8 grade bolts per joint
- \* C section purlin 100 x 19
- \* 5 x purlins per bay

HIP RAFTER CROSS SECTION

HIP RAFTER CROSS SECTION

**Notes**

0.40 bmt custom orb sheet 762mm cover x 3800mm long. Fix with class 4 12g x 45mm steel fix screws. Custom flashing over joint.



16MTR PLAN VIEW  
SCALE 1:50

Disclaimer:  
Areas and dimensions may be subject to scale error.  
Scaling from this drawing is at the users risk.

| NO | DATE | BY | CHKD | APPD | OPER | DESCRIPTION        | NUMBER | TITLE |
|----|------|----|------|------|------|--------------------|--------|-------|
|    |      |    |      |      |      | REVISIONS          |        |       |
|    |      |    |      |      |      | REFERENCE DRAWINGS |        |       |

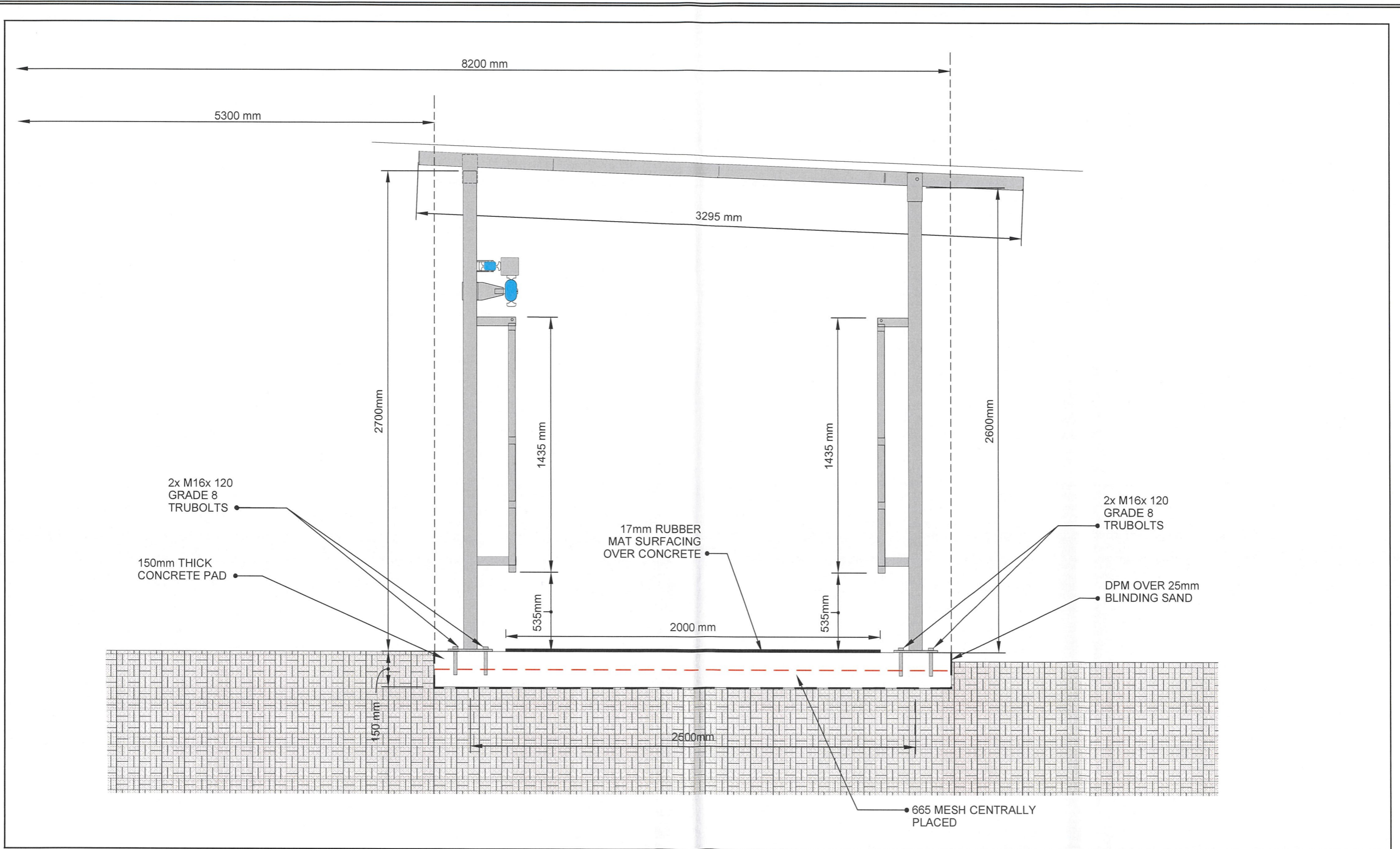
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- Elevations in terms of : NA
- Contour interval is : NA



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| PROJECT No. | 200548-01   |
| A3 SCALE    | AS SHOWN    |
| SURVEYED    | N/A         |
| DRAWN       | S. VgM      |
| CHECKED     | B. CHADWICK |
| DATE        | 06/2020     |

|                                  |  |               |            |
|----------------------------------|--|---------------|------------|
| <b>MAGNUM INDUSTRIES LTD</b>     |  | SHEET         | REVISION   |
| 171 ELLIS ST, FRANKTON, HAMILTON |  | C02           | 0          |
| 16MTR PLAN VIEW                  |  | ORIGINAL SIZE | DRAWING No |
|                                  |  | A3            | 200548-01  |



HIP RAFTER CROSS SECTION  
SCALE: 1:20

Disclaimer:  
Areas and dimensions may be subject to scale error.  
Scaling from this drawing is at the users risk.

| NO | DATE | BY | CHKD | APPR | OPER | DESCRIPTION        | NUMBER | TITLE |
|----|------|----|------|------|------|--------------------|--------|-------|
|    |      |    |      |      |      | REVISIONS          |        |       |
|    |      |    |      |      |      | REFERENCE DRAWINGS |        |       |

GENERAL NOTES  
 1. Coordinates in terms of : NA  
 2. Elevations in terms of : NA  
 1. Contour interval is : NA



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| PROJECT No. | 200548-01   |
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| CHECKED     | B. CHADWICK |
| DATE        | 06/2020     |
| DATE        | 06/2020     |

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| MAGNUM INDUSTRIES LTD<br>171 ELLIS ST, FRANKTON, HAMILTON<br>HIP RAFTER CROSS SECTION |            |
| ORIGINAL SIZE   | DRAWING No |
| A3  | 200548-01  |
| SHEET   | REVISION   |
| C03   | 0          |

### 3. Planning And Building Approvals – August 2022

SF/255

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

#### PURPOSE OF REPORT

The report details planning permit applications and building approvals for August 2022.

#### Planning Permit Applications Determined under Officer Delegation

| File No | Description | Property Address   | Decision                        |          |
|---------|-------------|--|---------------------------------|----------|
| 1       | DA6953      | Construction of a shed   | 22 Hall Drive, Benalla          | Approved |
| 2       | DA7342      | Use of the land for a counselling service and short-term accommodation and a reduction in the car parking requirements | 11 Clarendon Street, Benalla    | Approved |
| 3       | DA7412      | Construction of an outbuilding   | 916 Upper Lurg Road, Upper Lurg | Approved |
| 4       | DA3029      | Two lot subdivision  | 132 Mansfield Road, Benalla     | Approved |
| 5       | DA7378      | Construction of two single storey dwelling   | 52 Faithfull Street, Benalla    | Approved |
| 6       | DA6807      | Use and development of land for crop raising (flower farm) with associated retail sales                                | 320 Goomalibee Road, Benalla    | Approved |
| 7       | DA7415      | Construction of a dwelling   | 2 Mayfair Drive, Benalla        | Approved |
| 8       | DA5710      | Construction of a shed   | 398 Love Road, Stewarton        | Approved |
| 9       | DA600       | Alterations and additions to the existing dwelling (patio)   | 102 Arundel Street, Benalla     | Approved |
| 10      | DA6846      | Construction of a dwelling   | 9 Kirby Street, Thoona          | Approved |
| 11      | DA4781      | Construction of an outbuilding   | 10 Davey Street, Benalla        | Approved |
| 12      | DA6410      | Two lot subdivision  | 1/6 Salisbury Street, Benalla   | Approved |

| File No |        | Description                                | Property Address                | Decision                      |
|---------|--------|--|---------------------------------|-------------------------------|
| 13      | DA4716 | Construction of a shed                     | 90 Connolly Road, Benalla       | Approved                      |
| 14      | DA7399 | Development of a dwelling extension        | 1017 Tatong Tolmie Road, Tatong | Approved                      |
| 15      | DA2430 | Use of the land to sell and consume liquor | 170 Mansfield Road, Benalla     | Approved (Notice of Decision) |

### Planning Permit Amendments Determined Under Officer Delegation

| File No |          | Description                                       | Property Address                     |
|---------|----------|---|--------------------------------------|
| 1       | DA5890/2 | Use and development of land for a funeral parlour | 81 Baddaginnie Benalla Road, Benalla |
| 2       | DA7372   | Use and development of land for a dwelling        | 79 Webb Road, Benalla                |

### Planning Permits Issued Under VicSmart

| File No |        | Description                         | Property Address                |
|---------|--------|-------------------------------------|---------------------------------|
| 1       | DA5710 | Construction of a shed              | 398 Love Road, Stewarton        |
| 2       | DA7412 | Construction of an outbuilding      | 916 Upper Lurg Road, Upper Lurg |
| 3       | DA7399 | Development of a dwelling extension | 1017 Tatong Tolmie Road, Tatong |

### Planning Permit Applications Determined by the Council

| File No |          | Description   | Property Address                    | Decision                      |
|---------|----------|---|-------------------------------------|-------------------------------|
| 1       | DA4791/5 | A multi lot subdivision and the creation of an access to a Transport Zone 2 | Sydney Road, Benalla                | Approved (Notice of Decision) |
| 2       | DA393/2  | The display of an electronic promotion sign                                 | 159-161 Bridge Street East, Benalla | Refused                       |

### Planning Permit Amendments Determined by the Council

| File No |          | Description  | Property Address  | Decision                      |
|---------|----------|--|---|-------------------------------|
| 1       | DA6886/3 | The use and development of land for a renewable energy facility (solar farm), the removal of native vegetation and the construction and display of business identification signage | Benalla Tocumwal Road, 256 Peck Road, Spinks Lane, 379 Goorambat Chesney Road and Sharp Road, Goorambat | Approved (Notice of Decision) |

### Planning Permit Applications Withdrawn or Lapsed

| File No |        | Description                     | Property Address            |
|---------|--------|---------------------------------|-----------------------------|
| 1       | DA7325 | Construction of a swimming pool | 4 Piccadilly Court, Benalla |

### Notices of Decision

| File No |          | Description  | Property Address  |
|---------|----------|--|---|
| 1       | DA4791/5 | A multi lot subdivision and the creation of an access to a Transport Zone 2  | Sydney Road, Benalla  |
| 2       | DA2430   | Use of the land to sell and consume liquor   | 170 Mansfield Road, Benalla   |
| 3       | DA6886/3 | The use and development of land for a renewable energy facility (solar farm), the removal of native vegetation and the construction and display of business identification signage | Benalla Tocumwal Road, 256 Peck Road, Spinks Lane, 379 Goorambat Chesney Road and Sharp Road, Goorambat |

*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.*

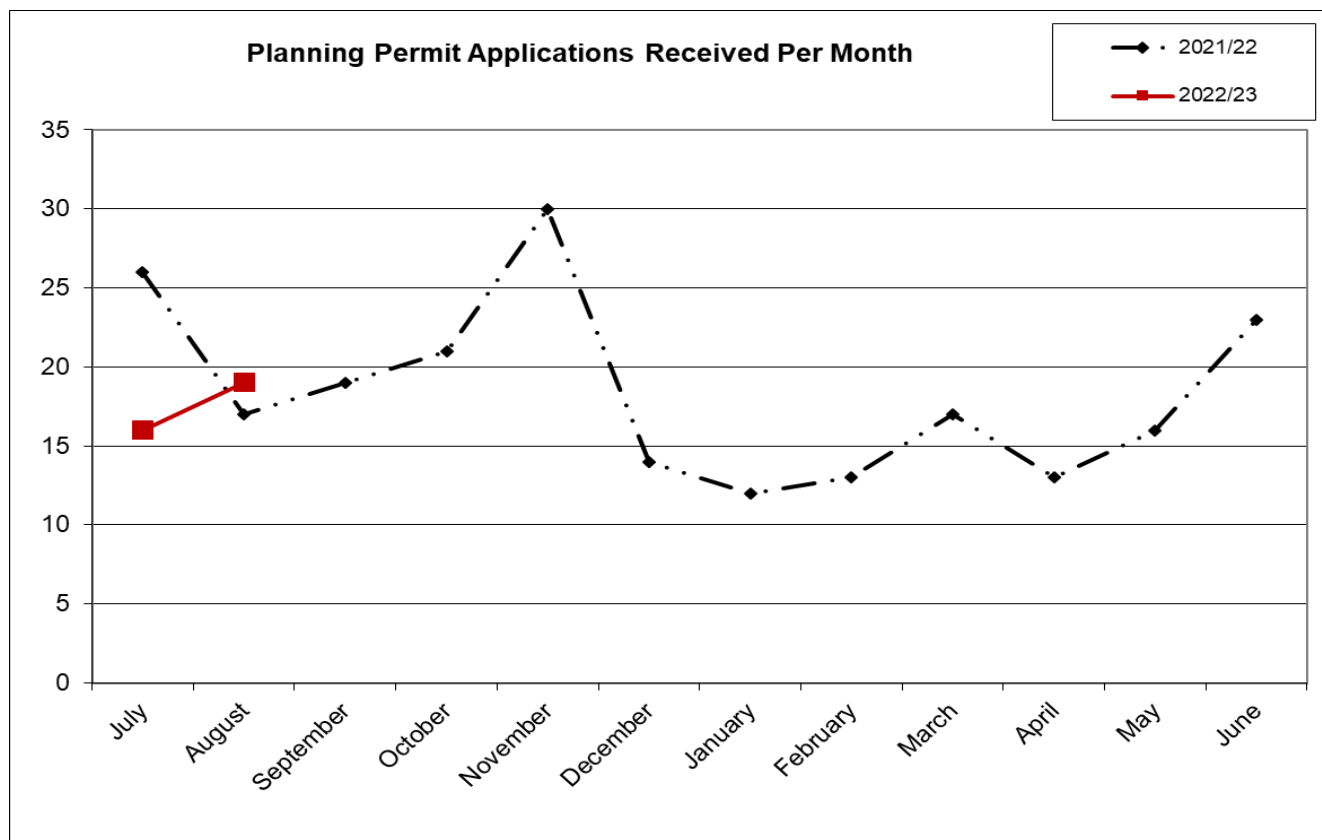
### Planning Permit Applications Determined by VCAT

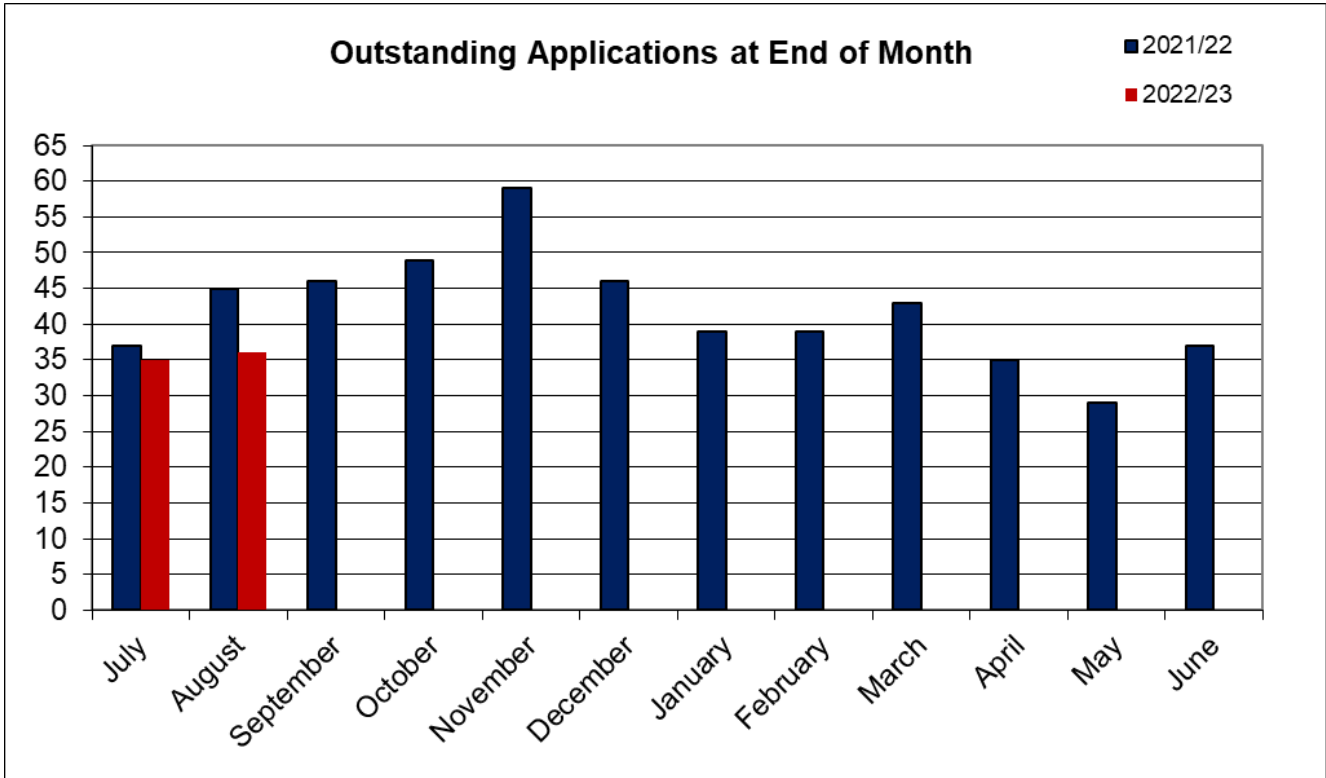
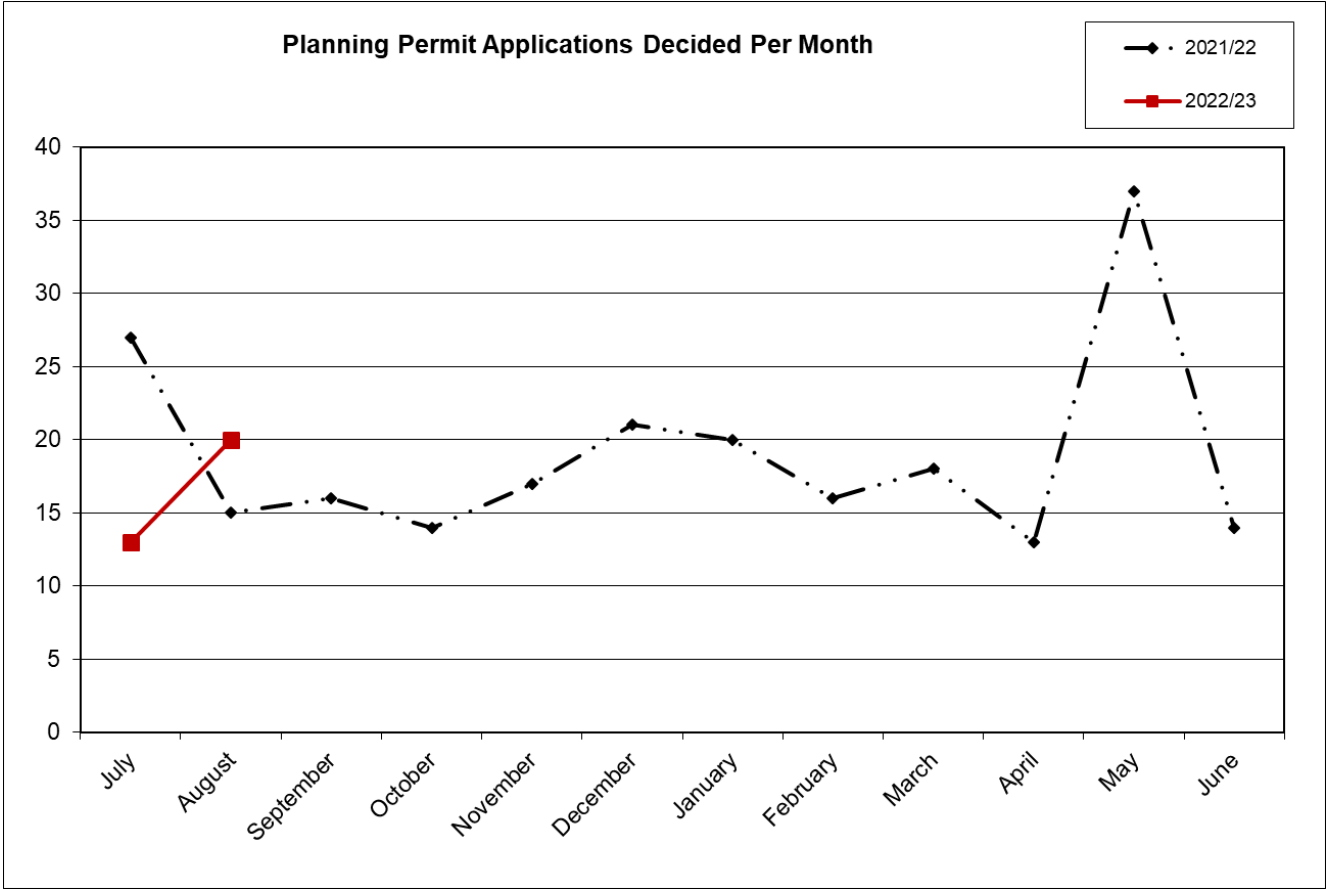
There were no planning permit application determined by VCAT during the month of August 2022.

**Matters Before VCAT**

|               |   |
|---------------|---|
| <b>DA7055</b> | <b>Use and development of land for a second dwelling at 888 Tatong Tolmie Road, Tatong</b>  |
| 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 has been set for 17 and 20 February 2023.  |
| <b>DA347</b>  | <b>14 Mair Street, Benalla – Visitor Information Centre Redevelopment</b>   |
| Status        | An appeal has been lodged by residents regarding the redevelopment of the Visitor Information Centre at 14 Mair Street, Benalla. The appeal seeks a declaration from VCAT that the use of the land fits in with the definition of a ‘Cinema Based Entertainment Facility’ and is therefore a prohibited use within the Public Park and Recreation Zone. It is the opinion of Council Officer’s that the uses conducted within the building do not constitute the use of a ‘Cinema Based Entertainment Facility’ and that a planning permit is not required to use the site for its intended purpose.<br><br>A practice day hearing was set for the 16 September 2022 with the main hearing date set for 16 November 2022. |

**Planning Permit Applications**





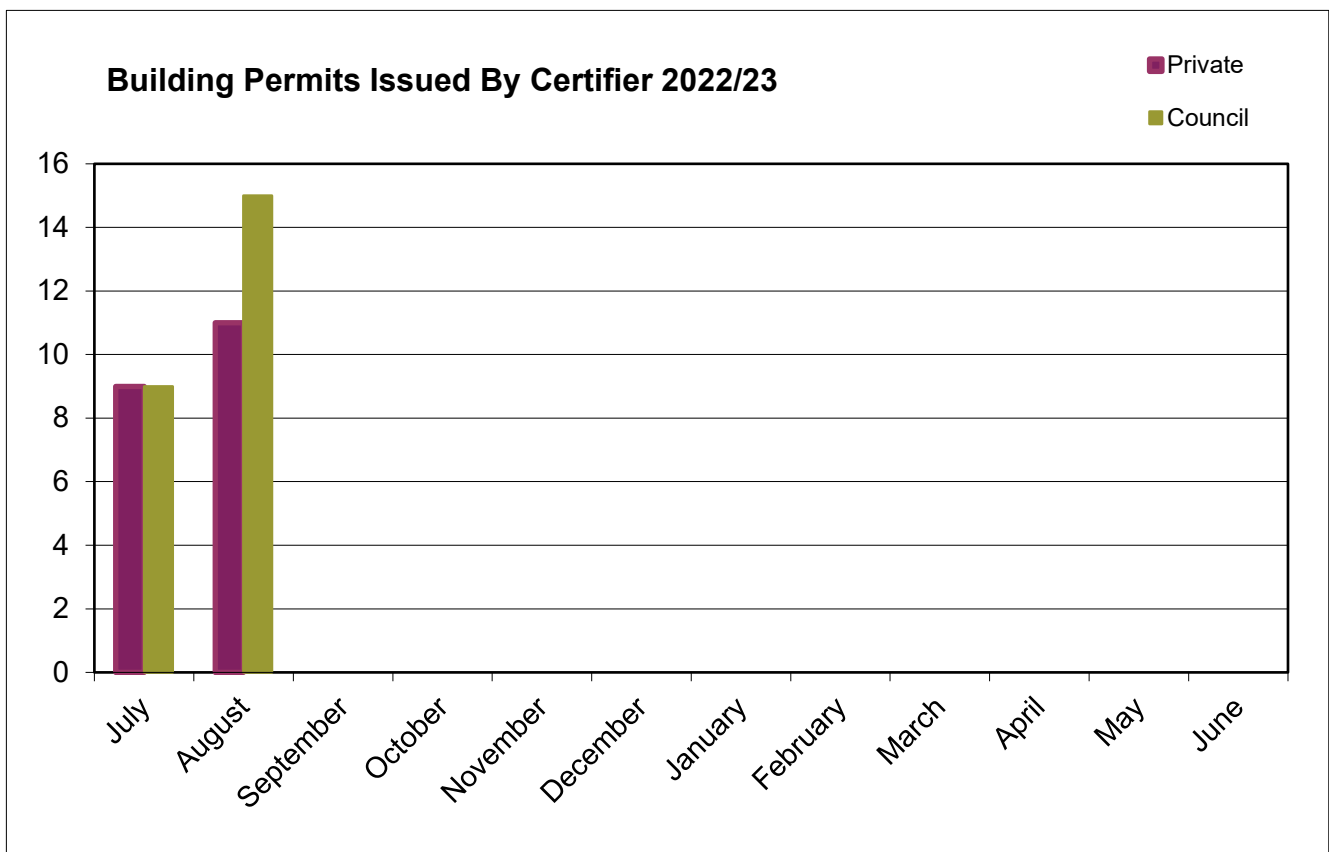
**Building Approvals Issued by Council and Private Practitioners**

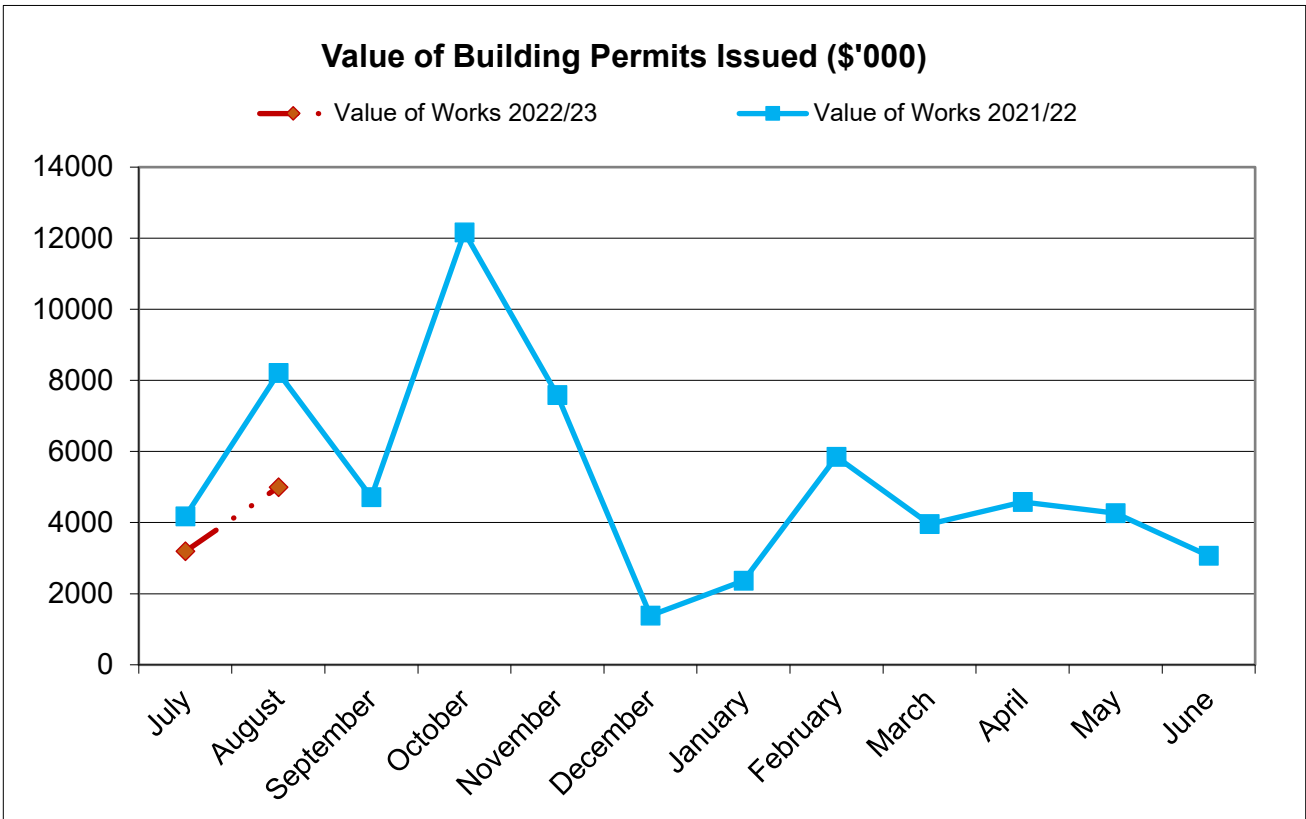
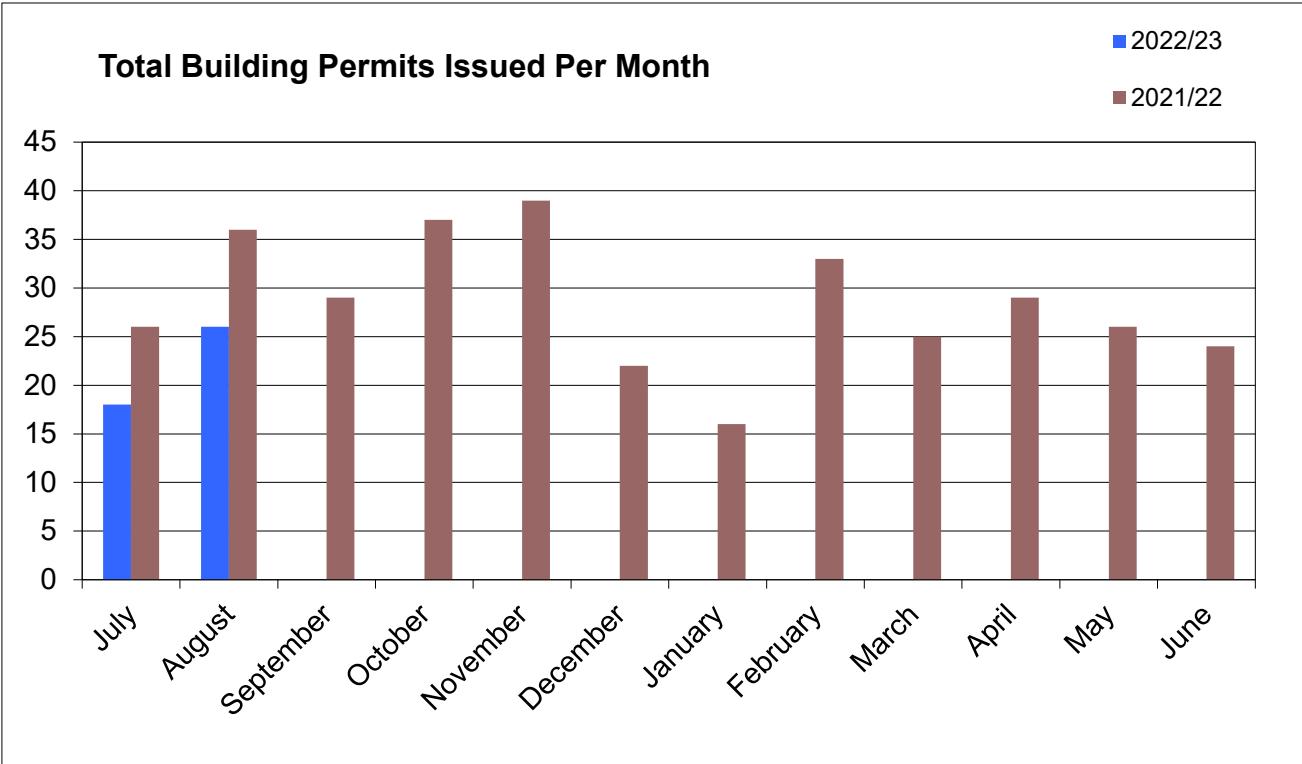
| File No |        | Description  | Property Address                     | Value       |
|---------|--------|--|--------------------------------------|-------------|
| 1       | DA5085 | Swimming pool and safety carrier                   | 10 Glenfern Court, Benalla           | \$15,249    |
| 2       | DA7413 | Re-stump dwelling                                  | 11 McCallum Street, Devenish         | \$9,600     |
| 3       | DA7416 | Re-stump dwelling                                  | 12 Moore Street, Benalla             | \$13,788    |
| 4       | DA6560 | Swimming pool and safety barrier                   | 14 Senator Drive, Benalla            | \$38,800    |
| 5       | DA7417 | Re-stump dwelling                                  | 25 Crofton Street, Benalla           | \$12,930    |
| 6       | DA7231 | Construction of a carport                          | 25 Coster Street, Benalla            | \$11,159    |
| 7       | DA3792 | Construction of a verandah                         | 2/9 Egmont Street, Benalla           | \$9,350     |
| 8       | DA7355 | Construction of a farm shed                        | 456 Mitchell Road, Tatong            | \$56,320    |
| 9       | DA5719 | Extension to existing shed                         | 50 Saleyards Road, Benalla           | \$9,000     |
| 10      | DA4484 | Extension to existing farm shed                    | 51 McGann Hill Road,<br>Chesney Vale | \$27,925    |
| 11      | DA6514 | Construction of a carport                          | 85 North Road, Benalla               | \$16,500    |
| 12      | DA4716 | Construction of a farm shed                        | 90 Connolly Road, Benalla            | \$22,770    |
| 13      | DA5692 | Spectator pavillion with canteen                   | Bridge Street West, Benalla          | \$13,905    |
| 14      | DA5119 | Re-erect dwelling (Stage One)                      | 1 Moore Street, Baddaginnie          | \$15,500    |
| 15      | DA6743 | Swimming pool and safety barrier                   | 13 Hall Drive, Benalla               | \$20,000    |
| 16      | DA347  | Re-development of museum (Stage 2 – Footings Only) | 14 Mair Street, Benalla              | \$1,000,000 |
| 17      | DA3241 | Earthquake rectification works to dwelling chimney | 2054 Samaria Road, Benalla           | \$27,819    |
| 18      | DA7376 | Construction of a swimming pool                    | 34 Garden Street, Benalla            | \$47,170    |
| 19      | DA7392 | Construction of a two storey dwelling and garage   | 41 Grant Drive, Benalla              | \$956,829   |
| 20      | DA7338 | Construction of a dwelling and garage              | 45 Cook Street, Benalla              | \$553,921   |
| 21      | DA6494 | Swimming pool, safety barrier and pool house       | 553 Bostock Road, Lurg               | \$65,000    |



| File No      |        | Description                                | Property Address                | Value              |
|--------------|--------|--|---------------------------------|--------------------|
| 22           | DA7411 | Construction of a dwelling and garage      | 7 Livingston Boulevard, Benalla | \$29,1345          |
| 23           | DA7257 | Construction of an industrial storage shed | 89-93 Witt Street, Benalla      | \$100,000          |
| 24           | DA6970 | Construction of a shed                     | 21 Trewin Road, Goorambat       | \$70,852           |
| 25           | DA7423 | Re-stump dwelling                          | 10A Arundel Street, Benalla     | \$12,410           |
| 26           | DA3186 | Re-stump dwelling                          | 5 Elizabeth Street, Benalla     | \$9,685            |
| <b>Total</b> |        |  |                                 | <b>\$4,996,427</b> |

**Building Permits Issued by Certifier by Month**





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

**Community**

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

**Livability**

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

**Economy**

- Population growth.

**Environment**

- Healthy and protected natural environment.

**Leadership**

- Good governance.

**Recommendation:**

**That the report be noted.**

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#### 4. Benalla Heritage Stakeholder Engagement Plan

SF/2662

Joel Ingham – Planning Coordinator  
Nilesh Singh – Manager Development

##### PURPOSE OF REPORT

This report assesses the draft *Benalla Heritage Stakeholder Engagement Plan* for the Benalla Rural City Heritage Study prior to the inception of the project.

##### BACKGROUND

The Council has identified the need to identify and assess places of potential local heritage significance across the Benalla township area (the study area). This project is funded by the Department of Environment, Land, Water and Planning (DELWP) through the establishment of a Regional Planning Hub program. This program provides support to rural and regional councils across Victoria. The program was developed following the Planning and Building Approvals Process Review in 2019 by the Commissioner for Better Regulation.

The preparation of a Heritage Gap Study has been identified as a key strategic planning priority, as the last heritage study prepared for the municipality was in 1992 and was limited to the (pre-amalgamation) City of Benalla settlement boundary.

The Schedule to the Heritage Overlay in the Benalla Planning Scheme currently contains 28 local heritage places and two precincts recommended from the 1992 conservation study. It also includes a single site at Greta West and 16 places listed on the Victorian Heritage Register (VHR).

There are a number of other places that have significance for the community and these will be considered as part of this process. The community is encouraged to have a say in the identification and preparation of this heritage study.

The purpose of the plan is to document proposed stages in the preparation of the Heritage Study and anticipate stakeholder engagement throughout the process. It is also intended to raise the relative profile and importance of the Heritage Study in the local government sector.

The draft *Benalla Heritage Stakeholder Engagement Plan* is attached as **Appendix 1**.

##### DISCUSSION

The preparation of a heritage study will be undertaken in three stages:

## Stage 1

### Preparation of Thematic and Environmental History

This is based on the established *Victoria's Framework of Historical Themes* (Heritage Council of Victoria, 2009).

*A Historical themes framework for the study area is then provided as part of public consultation.*

### A review of the study area

This will include community consultation, fieldwork, historical research and an analysis of any potential post contact place of potential significance.

### Preparation of a priority shortlist of places for assessment in Stage 2

Consultation with place owners and the community will inform the development of this list.

### Preparation of a report that will include:

- final list of potential significant places
- report analysing the findings
- summary of consultation
- short list of priority places for Stage 2.

## Stage 2

- Preparation of Heritage place citations for inclusion in the Heritage Overlay.
- Circulation of draft heritage place citations to property owners and custodians for review.
- Preparation of draft Planning Scheme Amendment documentation (in accordance with Planning Practice Note 01: Applying the Heritage Overlay).

## Stage 3

Preparation of a Final Benalla Rural City Heritage Gap Review Study Report. This will include:

- key study findings
- identifications of any study limitations or constraints
- summary of consultation outcomes
- discussion of future identification and assessment work within the broader municipal area.

The Study is prepared in accordance with the principles and procedures set out in the following documents:

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS 2013)*
- *Victoria’s Framework of Historical Themes (Heritage Council of Victoria 2009)*
- *Planning Practice Note 01: Applying the Heritage Overlay.*

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

##### **Community**

- *A connected, involved and inclusive community.*

##### **Livability**

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

##### **Economy**

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

##### **Environment**

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

#### **LEGISLATIVE AND STATUTORY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

The Heritage Study is fully funded by the Regional Planning Hub program (\$45,000) and there will be no financial implications associated with the plan.

However, the future implementation of the Heritage Study may have a cost implication that will need to be considered, for inclusion in future Council budgets.

**COMMUNITY ENGAGEMENT**

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

| Level of Public Participation | Promise to the community  | Techniques to be used  |
|-------------------------------|---|--|
| Consult                       | We will provide information and consider feedback prior to making a decision. | <ul style="list-style-type: none"> <li>▪ Fees presented in a public report to the Council.</li> <li>▪ Fees to be published on Councils website.</li> <li>▪</li> <li>▪</li> </ul> |

**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 *Benalla Heritage Study Stakeholder Engagement Plan* be adopted.**



# BENALLA

## RURAL CITY COUNCIL

BENALLA RURAL CITY

# HERITAGE STUDY STAKEHOLDER ENGAGEMENT PLAN

October 2022

## About this plan

This plan outlines the proposed communications approach to support the Benalla Rural Heritage Gap Review Study 2022-23. The project is funded by the Department of Environment, Land, Water and Planning (DELWP) through the Regional Planning Hub program.

This communications plan is focused on the preparation of the background information (Thematic and Environmental History, reporting of potential significant places) that will ultimately form an Amendment to include places of heritage significance in the Benalla Planning Scheme.

## Approach

- Targeted stakeholder engagement as agreed with executive Management and Council.
- Internal education and engagement.
- Consultative and informative engagement with key stakeholders and local parties.
- Reactive media as required.

## Strategic Context

Benalla Rural City Council has identified the need to identify and assess places of potential local heritage significance across the Benalla township area (the study area).

This project is funded by the Department of Environment, Land, Water and Planning (DELWP) through the establishment of a Regional Planning Hub program. This program provides support to rural and regional councils across Victoria. The program was developed following the Planning and Building Approvals Process Review in 2019 by the Commissioner for Better Regulation.

The preparation of a Heritage Gap Study has been identified as a key strategic planning priority, as the last heritage study prepared for the municipality was in 1992 and was limited to the (pre-amalgamation) City of Benalla settlement boundary.

The Schedule to the Heritage Overlay in the Benalla Planning Scheme currently contains 28 local heritage places and two precincts recommended from the 1992 conservation study. It also includes a single site at Greta West and 16 places listed on the Victorian Heritage Register (VHR).

There are several other places that have significance for the community and these will be considered as part of this process. The community is encouraged to have a say in the identification and preparation of this heritage study.

## Preparation of a heritage study will be undertaken in 3 stages:

### Stage 1

#### Preparation of Thematic and Environmental History

This is based on the established *Victoria's Framework of Historical Themes* (Heritage Council of Victoria, 2009). A Historical themes framework for the study area is then provided as part of public consultation.

#### A review of the study area

This will include community consultation, fieldwork, historical research and an analysis of any potential post contact place of potential significance.

#### Preparation of a priority shortlist of places for assessment in Stage 2

Consultation with place owners and the community will inform the development of this list.

#### Preparation of a report that will include:

- A final list of potential significant places
- A report analysing the findings
- Summary of consultation
- A short list of priority places for Stage 2

### Stage 2

- Preparation of Heritage place citations for inclusion in the Heritage Overlay.
- Circulation of draft heritage place citations to property owners and custodians for review.
- Preparation of draft Planning Scheme Amendment documentation (in accordance with *Planning Practice Note 01: Applying the Heritage Overlay*)

### Stage 3

#### Preparation of a Final Benalla Rural City Heritage Gap Review Study Report.

This will include:

- Key study findings
- Identifications of any study limitations or constraints
- Summary of consultation outcomes
- Discussion of future identification and assessment work within the broader municipal area.

The Study is prepared in accordance with the principles and procedures set out in the following documents:

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS 2013)*
- *Victoria's Framework of Historical Themes (Heritage Council of Victoria 2009)*
- *Planning Practice Note 01: Applying the Heritage Overlay.*

## Communications and Engagement Sequencing

The following is the proposed sequencing of communications and engagement activities. All actions are proposed and timing indicative.

| Date  | Channel  | Activity   | Collateral  | Responsible  |
|---|--|--|---|--|
| 31 August 2022                                      |  | Draft Stakeholder Engagement Plan to Council for endorsement.  | Stakeholder Engagement Plan.  | Council officers   |
| 31 August 2022                                      |  | Authorisation for consultants to conduct discussion with community.  | Signed letter.  | Council officers   |
| <b>Stage 1 – Thematic and Environmental History</b> |  |  |   |  |
|   |  | Proposed historical themes draft circulated for feedback   | Historical themes outline document.   | Robyn Ballinger  |
| September 2022 – March 2023                         | <ul style="list-style-type: none"> <li>▪ External</li> <li>▪ Discussions with key heritage groups/committees</li> <li>▪ Heritage Advisory Group</li> </ul> | Preparation of Thematic and Environmental History.   | <ul style="list-style-type: none"> <li>▪ Letter from CEO</li> <li>▪ Historical themes</li> </ul>          | <ul style="list-style-type: none"> <li>▪ Robyn Ballinger</li> <li>▪ Council officers</li> </ul>                      |
| 13 March 2023                                       |  | Thematic and Environmental History Preparation of draft document.  | Draft document.   | Robyn Ballinger  |
| <b>Stage 1 - Review of Study Area</b>               |  |  |   |  |
| September 2022 – March 2023                         | External media/enquiries   | <ul style="list-style-type: none"> <li>▪ Review of study area Reactive media lines and content for website</li> <li>▪ Community consultation (one on one)</li> <li>▪ Have Your Say</li> <li>▪ Historical Research</li> </ul> | <ul style="list-style-type: none"> <li>▪ This plan</li> <li>▪ Website content</li> <li>▪ Media</li> </ul> | <ul style="list-style-type: none"> <li>▪ Comms</li> <li>▪ Council officers</li> <li>▪ Heritage Consultant</li> </ul> |
| 13 March 2023                                       | <ul style="list-style-type: none"> <li>▪ PCG</li> <li>▪ Council</li> <li>▪ Heritage Advisory Group</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Analysis of any post contact place of potential significance</li> <li>▪ Draft report for review</li> </ul>  | Draft report.   | <ul style="list-style-type: none"> <li>▪ Heritage Consultant</li> <li>▪ DELWP</li> <li>▪ Council officers</li> </ul> |
|   | Council Briefing   | Draft report for review.   | Draft report and list of places   | <ul style="list-style-type: none"> <li>▪ Council officers</li> <li>▪ Councillors</li> </ul>                          |

## Key Stakeholders

The extent of engagement will be consistent with any directions to DELWP and by the Minister.

| Category   | Stakeholder   | Interest | Activity/tool  |
|--|---|----------|--|
| <b>Heritage Groups</b>                           | <ul style="list-style-type: none"> <li>▪ Traditional Owner Groups</li> <li>▪ Benalla Historical Society</li> <li>▪ Aviation Museum</li> <li>▪ Migrant Camp</li> <li>▪ Benalla Family Research Group</li> <li>▪ Benalla Migrants Association</li> <li>▪ Save Barkly Street Campus Committee</li> </ul>   | High     | One on one contact and discussion  |
| <b>Working Group – (Heritage Advisory Group)</b> | <ul style="list-style-type: none"> <li>▪ Targeted group of key players in Benalla as identified via Heritage Advisory Group and Project Control Group including (but not limited to)</li> <li>▪ Migrant Camp Museum/ regional migrant advisory committee.</li> <li>▪ identified community members</li> <li>▪ local artists/ historians.</li> <li>▪ Councillors</li> <li>▪ Local architects</li> </ul> | High     | <ul style="list-style-type: none"> <li>▪ Provide this stakeholder group with a Heritage Handbook – describing what is a heritage place</li> <li>▪ i.e. can be buildings, landscape, shared cultural values etc. (to be produced by DK)</li> <li>▪ Three meetings with this group should be sufficient as they are all busy and well organised people.</li> <li>▪ Provision of material for comment as appropriate</li> </ul> |
| <b>Council</b>                                   | <ul style="list-style-type: none"> <li>▪ Councillors</li> <li>▪ Council staff</li> </ul>  | High     | <ul style="list-style-type: none"> <li>▪ Executive briefing</li> <li>▪ Presentation</li> </ul>   |
| <b>Community</b>                                 | <ul style="list-style-type: none"> <li>▪ Individual landowners/ occupiers</li> </ul>  | High     | <ul style="list-style-type: none"> <li>▪ Website</li> <li>▪ Have Your Say</li> <li>▪ Letter</li> <li>▪ Drop in session</li> <li>▪ Public notice</li> <li>▪ Public meeting</li> <li>▪ Radio</li> </ul>  |

## Key Messaging

### What the Heritage Study means for Benalla

- First opportunity in over 30 years to update our heritage policy.
- Funded by State government as part of Regional Planning Hub program.
- Heritage study means that buildings, precincts and streetscapes of heritage significance are protected as the city grows and changes.
- Community will be asked for input into the Study and given the opportunity to comment on proposed places of significance

## Risks and Issues

| Risk/issue  | Mitigation/messaging   |
|---|--|
| <b>Why is a Heritage Study needed?</b>                                      | <p>Local councils across Victoria plan a critical role in the identification, protection and management of our legacy of much value heritage places. As Benalla continues to grow and change, recognising and protecting the social and architectural heritage that defines our streets and neighbourhoods is an essential part of our planning work.</p> <p>Heritage Studies allow councils to effectively protect and manage Victoria's heritage places, as well as understand the needs and priorities of our local heritage.</p>   |
| <b>What is a Heritage Study?</b>  | <p>The heritage study allows council to identify areas of local and state heritage significance within the municipality. This Study can then be used to manage and monitor heritage places in the community and provide guidance on the future maintenance of these places to ensure they survive in the long term.</p> <p>Our planning controls detailed in the Benalla Planning Scheme protect individual buildings and precincts of heritage significance.</p> <p>We conduct heritage studies to ensure that buildings, precincts and streetscapes of heritage significance are protected as the city grows and changes. Based on these studies we have proposed changes to the planning scheme that create new heritage precincts, recommend some properties for protection and revise some existing gradings.</p> |
| <b>What if my property is included as a place of heritage significance?</b> | <p>If your property is identified as a place of heritage significance, Council will work with you to explain exactly what is being identified as significant and what this means for the ongoing management of your property.</p>  |
| <b>Can I nominate places of heritage significance?</b>                      | <p>The public will be given the opportunity to provide feedback on examples of local heritage in their community during the consultation process.</p>  |

## Further messages and Q&As

### Where can I get more information?

For further information see [www.planning.vic.gov.au](http://www.planning.vic.gov.au).

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# **BENALLA**

## **RURAL CITY COUNCIL**

Benalla Rural City Council  
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[council@benalla.vic.gov.au](mailto:council@benalla.vic.gov.au)  
[www.benalla.vic.gov.au](http://www.benalla.vic.gov.au)



## 5. Benalla Landfill and Resource Recovery Centre Transfer Station Charges

SF/1242

Adrian Gasperoni – Manager Assets and Infrastructure  
Shannan Cooper – Resource Recovery Coordinator

### PURPOSE OF REPORT

The report presents proposed charges for the Benalla Landfill and Resource Recovery Centre transfer station.

### BACKGROUND

The Council with the support of the Victorian Government through the Resource Recovery Infrastructure Fund and the E-waste Infrastructure Fund have undertaken a transformation to the Resource and Recovery Centre.

The Transfer Station will allow the community to unload waste and recyclables from vehicles in a safer, easier and cleaner way. Customers will no longer unload waste at the face of the landfill cell, greatly increasing safety.

The main objective of the new waste disposal at the Transfer Station is to maximise efficiencies and the reduction of Benalla Rural City's carbon footprint.

In early 2022, Council completed the construction of an all-weather accessible undercover structure for e-waste and recyclables.

Features of the community facility include:

- An elevated sawtooth bin arrangement for waste disposal, which will significantly increase operational efficiencies and the carbon footprint of waste disposal.
- Integrated sealed road network leading to the Transfer Station facility, including sealed internal road network servicing the facility.
- An efficient layout designed to encourage community members to recycle as much as possible before accessing the general waste disposal area.
- A volume based fee paying system which will allow the customer to pay upon entry without having to utilize the existing weighbridge which will be solely limited for the use of commercial customers.
- Harvesting of water supply for the site.
- A fully integrated solar power system for the Transfer Station and ancillary buildings.

The project addresses priority actions in the *Benalla Rural City Council Waste Management Minimisation Strategy, North East Waste and Resource Recovery Implementation Plan* (2017) and the *Victorian Waste and Resource Recovery Policy Targets*.

**DISCUSSION**

Inclement weather has caused delays with the initially planned opening of the new facility.

The sealing of the Old Farnely Road leading directly to the new transfer station, sealing of internal road and the staff office and amenities are scheduled to be finalised late in September 2022. Most of the infrastructure has now been completed.

The new Transfer Station is a very exciting initiative which will complement Council’s objective in minimising our carbon footprint. The transfer station will allow for more efficient waste disposal, as well as providing an opportunity to segregate waste and provide a good foundation for an introduction of a Recycle Shop at some stage in the future.

Table 1 below details the proposed fees and charges (rounded up to the nearest 50 cents) for domestic customers at the transfer station.

**Table 1 – Proposed Domestic Waste Charges**

| Product             | Current Charges     |       | Proposed Charges |    |
|---------------------|---------------------|-------|------------------|----|
| General Waste       | \$264.00            | tonne | \$82.00          | m3 |
| Organic Green Waste | \$89.10             | tonne | \$19.00          | m3 |
| Processed Timber    | \$111.10            | tonne | \$23.50          | m3 |
| Contaminated Fill   | \$132.00            | tonne | \$115.00         | m3 |
| Concrete/ Bricks    | \$89.10             | tonne | \$71.50          | m3 |
| Clean Fill          | \$57.20             | tonne | \$50.00          | m3 |
| E-Waste             | \$2.00              | Per   | No Changes       |    |
| Lounge Furniture    | \$48.00             | Per   |                  |    |
| Mattresses          | \$48.00             | Per   |                  |    |
| Tyres               | \$17.00             | <1M   |                  |    |
| Tyres               | \$104.00            | >1M   |                  |    |
| Rim Removal Charge  | \$28.00             | Per   |                  |    |
| BBQ Gas Cylinders   | \$2.70              | Per   |                  |    |
| Asbestos            | By Application Only |       |                  |    |

Transfer station fees and charges are calculated using a volume-based charge instead of the current weight-based charge. The volume based charge has been calculated using the Victoria Waste conversion table and the Council’s current weight based charges.

These charges will be applicable to residential customers (the general public), while commercial customers will still use weight-based charges using the weighbridge.

New volumed-based charges will be calculated per metre cubed, regardless of the type of general waste. Organic green waste has its own charges.

A comparison between proposed Benalla Rural City Council charges to neighbouring councils can be found in the Table 2 below.

**Table 2 - Domestic Waste Charges Compared to Neighbouring Councils**

|                            | Cost Per Cubic Meter |            |                         |
|----------------------------|----------------------|------------|-------------------------|
|                            | Benalla Proposed     | Wangaratta | Shepparton              |
| <b>General Waste</b>       |                      |            |                         |
| General Waste – 1 m3       | \$82.00              | \$86.00    | \$60.00                 |
| General Waste – 3/4 m3     | \$62.00              | \$65.00    | \$45.00                 |
| General Waste – 1/2 m3     | \$41.00              | \$43.00    | \$30.00                 |
| General Waste – 1/4 m3     | \$21.00              | \$21.00    | \$15.00                 |
| <b>Organic Green Waste</b> |                      |            |                         |
| Green Waste – 1 m3         | \$19.00              | \$15.30    | \$44.00                 |
| Green Waste – 3/4 m3       | \$14.00              | N/A        | \$33.00                 |
| Green Waste – 1/2 m3       | \$9.50               | \$7.70     | \$22.00                 |
| Green Waste – 1/4 m3       | \$5.00               | \$4.10     | \$11.00<br>(240ltr Bin) |
| Green Waste – 1/8 m3       | N/A                  | N/A        | \$5.50<br>(120ltr Bin)  |

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

**Community**

- *A connected, involved and inclusive community.*

**Environment**

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

**FINANCIAL IMPLICATIONS**

Revenue from domestic customer landfill fees is not expected to be materially impacted by the introduction of volume-based charges.

**COMMUNITY ENGAGEMENT**

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

| Level of Public Participation | Promise to the community  | Techniques to be used   |
|-------------------------------|---|---|
| Consult                       | We will provide information and consider feedback prior to making a decision. | <ul style="list-style-type: none"> <li>▪ Proposed fees and charges presented in a public report to the Council.</li> <li>▪ Proposed fees and charges to be published on Councils website.</li> <li>▪ Public Notice in the <i>Benalla Ensign</i> and on Council Website.</li> <li>▪ Feedback invited via website and social media channels.</li> <li>▪ Submitters given an opportunity to present to the Council.</li> </ul> |

Feedback on the proposed charges will be taken from Thursday 6 October 2022 until 3 November 2022.

Submissions relating to the proposed charges will be heard at the Planning and Development Committee meeting on 9 November 2022.

**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 Planning and Development Committee, acting under its delegated authority of the Council, resolve:**

**That the proposed Benalla Landfill and Resource Recovery Centre Transfer Station charges below be endorsed for public exhibition for at least 28 days:**

- **General waste: \$82.00 1m<sup>3</sup>, \$62.00 3/4m<sup>3</sup>, \$41.00 1/2m<sup>3</sup> and \$21.00 1/4m<sup>3</sup>**
- **Organic green waste: \$19.00 1m<sup>3</sup>, \$14.00 3/4m<sup>3</sup>, \$9.50 1/2m<sup>3</sup> and \$5.00 1/4m<sup>3</sup>**
- **Processed timber: \$23.50 1m<sup>3</sup>**
- **Contaminated fill: \$115.00 1m<sup>3</sup>**
- **Concrete/bricks: \$71.50 1m<sup>3</sup>**
- **Clean fill: \$50.00 1m<sup>3</sup>.**

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## Closure of Meeting