

Planning and Development Committee

Minutes

Date: Wednesday 5 October 2022

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

Meetings are live streamed and recorded. Members of the public were encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

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

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Contents

Acknowledgment of Country	3
Apologies.....	3
Confirmation of the Minutes of the Previous Meeting	4
Business	5
1. <i>Planning Application for a Multi Lot Subdivision (33 Lots) and the Removal of Native Vegetation and the Creation of an Easement, Bourke Drive, Benalla.....</i>	<i>5</i>
2. <i>Planning Permit Application P0102/22 – To Construct Horse Stables and a Horse Walker at 5835 Midland Highway, Benalla.....</i>	<i>19</i>
3. <i>Planning And Building Approvals – August 2022.....</i>	<i>22</i>
4. <i>Benalla Heritage Stakeholder Engagement Plan</i>	<i>22</i>
5. <i>Benalla Landfill and Resource Recovery Centre Transfer Station Charges</i>	<i>23</i>
Closure of Meeting.....	23

Minutes

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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
	Adrian Gasperoni	Manager Assets and Infrastructure
	Nilesh Singh	Manager Development
	Joel Ingham	Planning Coordinator
	Shannan Cooper	Resource Recovery Coordinator
	Jessica Beaton	Governance Coordinator

The Planning and Development Committee meeting commenced at 6.20pm.

Acknowledgment of Country

The Chair recited the following Acknowledgement of Country.

We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

Apologies

An apology was received from Councillor Don Firth.

Cr King / Cr Davis:

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

Carried

Confirmation of the Minutes of the Previous Meeting

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

Cr King / Cr Hearn:

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

Carried

Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the Planning and Development Committee meeting.

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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

The report assessed 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.

Cr King / Cr Davis:

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.

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- 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.

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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.**

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(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.

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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)

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

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

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

- Colin Desailly spoke against the planning permit application
- Cameron Symes from Benalla Racing Club spoke in support of the planning permit application.

Cr King / Cr Davis:

That an extension of three minutes be given to Colin Desailly.

Carried

Cr Hearn / Cr Davis:

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.

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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.

Carried

3. Planning And Building Approvals – August 2022

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

Cr King / Cr Hearn:

That the report be noted.

Carried

4. Benalla Heritage Stakeholder Engagement Plan

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

Cr Gunarante / Cr O'Brien:

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

Carried

5. Benalla Landfill and Resource Recovery Centre Transfer Station Charges

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

Cr King / Cr Hearn:

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 1m³, \$62.00 3/4m³, \$41.00 1/2m³ and \$21.00 1/4m³**
- **Organic green waste: \$19.00 1m³, \$14.00 3/4m³, \$9.50 1/2m³ and \$5.00 1/4m³**
- **Processed timber: \$23.50 1m³**
- **Contaminated fill: \$115.00 1m³**
- **Concrete/bricks: \$71.50 1m³**
- **Clean fill: \$50.00 1m³.**

Carried

Closure of Meeting

The Planning and Development Committee meeting closed at 7.36pm.

Confirmed this ninth day of November 2022

Signed:



Cr Danny Claridge - Chair