

# Council Meeting

## Agenda

**Date: Wednesday 19 April 2023**

**Time: 5.30pm**

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

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Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing [council@benalla.vic.gov.au](mailto:council@benalla.vic.gov.au) or telephoning the Governance Coordinator Jess Pendergast on (03) 5760 2600.

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 Bernie Hearn (Mayor)

**Councillors** Councillor Danny Claridge  
Councillor Peter Davis  
Councillor Don Firth  
Councillor Punarji Hewa Gunaratne  
Councillor Justin King  
Councillor Gail O'Brien

**In attendance** Dom Testoni Chief Executive Officer  
Robert Barber General Manager Corporate  
Cathy Fitzpatrick Manager Finance  
Adrian Gasperoni Manager Assets and Infrastructure  
Courtney Naughton Manager Economic Development and Sustainability  
Shannan Cooper Resource Recovery Coordinator  
Jess Pendergast Governance Coordinator  
Nathan Gasperoni Environmental Sustainability Officer

## Opening and Acknowledgment of Country

The Chair will open the meeting and recite the following Acknowledgement of Country.

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

### **Statement of Commitment**

The Councillors will recite the following Statement of Commitment:

*I declare,*

*that as a Councillor of Benalla Rural City*

*I will undertake on every occasion*

*to carry out my duties in the best interests of the community*

*and that my conduct shall maintain the standards of our Councillor Code of Conduct*

*so that I may faithfully represent*

*and uphold the trust placed in the Council*

*by the people of Benalla and District.*

### **Governance Matters**

This Council 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.

## Apologies

**Recommendation:**

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

## Confirmation of the previous Meeting Minutes

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 Council Meetings held on Wednesday 15 March 2023 and Wednesday 12 April 2023 be confirmed as a true and accurate records of the meetings.**

## 1. Public Question Time

The Council's *Governance Rules 2020* provide the opportunity for members of the public to lodge written questions of broad interest to the Council and the community.

Questions of the Council will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the *Local Government Act 2020* (the Act).

A question may be on any matter except if it:

- is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- relates to confidential information as defined under the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

No more than two questions will be accepted from any person at any one meeting.

All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

Like questions may be grouped together and a single answer provided.

The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.

**Recommendation:**

**That the question(s) and answer(s) be noted.**

## 2. Petitions

### Record of Committees

#### 3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 5 April 2023 are attached as **Appendix 1**.

**Recommendation:**

**That the recommendations of the Finance and Planning Committee meeting held on Wednesday 5 April 2023 be adopted.**

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**Business****1. Planning Application For The Use and Development of Land For an Extractive Industry Sand Quarry – 1726 Dookie-Devenish Road, Devenish**

The report assessed a planning application received for the use and development of land for an extractive industry (sand quarry) at 1726 Dookie-Devenish Road, Devenish.

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

- June Howard spoke against the planning permit application.
- Konrad Bruhn from Whiteman Property Associates spoke in support of the planning permit application.
- Brenden Turley spoke against the planning permit application.
- Julie Emmanuel spoke against the planning permit application.

**Cr Davis / Cr O'Brien:**

**That an extension of three minutes be given to June Howard.**

**Carried**

**Cr Davis / Cr O'Brien:**

**That an extension of three minutes be given to Konrad Bruhn.**

**Carried**

**Cr Davis / Cr Firth:**

**That an extension of three minutes be given to Julie Emmanuel.**

**Carried**

**Cr Davis / Cr Firth:**

That Council having caused notice of Planning Application No. P0005/20 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Lot 2 Plan of Subdivision 207243L, 223 Cooper Road, Devenish for the use and development of the land for extractive industry (sand quarry) in accordance with the endorsed plans, with the application dated 15 June 2022 and subject to the following conditions:

**Endorsed Plans**

- 1 All works constructed or carried out must be in accordance with the endorsed plans to the satisfaction of the responsible authority.**
- 2 Prior to commencement of use and development hereby approved, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Site Plan [Job ref.1065\_UD\_SP1\_V2] Plan submitted but modified to show:
  - a) A revised landscaping plan, prepared by a qualified person, detailing the location of planting or establishment, botanical and common names, height at maturity of the vegetation (locally indigenous species) and ongoing management of the vegetation to be planted for the purposes of landscaping and screening.**
  - b) The height of the bund wall to be at least 2.5m.****
- 3 Prior to commencement of use and development hereby approved, an Environmental Management and Monitoring Plan (EMMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must include (but not be limited to):
  - a) Legislative framework**
  - b) Responsibilities**
  - c) Environmental training**
  - d) Reporting and documentation procedures**
  - e) Environmental controls, stormwater management**
  - f) Materials handling and storage procedures**
  - g) Establishment of groundwater monitoring network, consisting of at least three groundwater bores**
  - h) Surface water / run off monitoring; and**
  - i) Reporting****

**Hours of Operation**

- 4 The permitted use (including the arrival and departure of heavy vehicles) must operate only between the following hours, except with the prior written consent of the Responsible Authority**
- a) Monday to Friday 7.00am – 5.00pm
  - b) Saturday 7.00am – 1.00pm
  - c) Sunday Closed
- 5 The use and development must be managed, to the satisfaction of the responsible authority, to that the amenity of the area is not detrimentally affected through the:**
- a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin; or
  - e) Other matters.
- 6 Prior to the commencement of buildings or works, a Site Management Plan 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 operation
  - g) prevent mud, dirt, sand, soil, clay or stones from entering the drainage and road system
  - h) avoid having such materials deposited on public land by construction vehicles
  - i) establish and maintain all recommended Tree Protection Zones.
- 7 Prior to the commencement of construction on the site, a properly prepared drainage plan with certified computations must be submitted to and approved by the Responsible Authority. The plan must accord with the provisions of Council's Infrastructure Design Manual and be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. In particular the plan(s) must demonstrate:**
- a) direction of stormwater runoff and overland flow paths.

- b) **computations outlining the expected volume and velocity of discharge from the site and any measures to be adopted to minimise erosion.**
- c) **how drainage will be designed so neighbouring properties are not adversely affected by the development, including runoff flow to and from neighbouring properties, including use of any cut-off drains is determined to be necessary.**
- d) **storm-water drainage plans for the development incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways. No effluent or polluted water of any type is entering the stormwater drainage system. Once treated to the satisfaction of the responsible authority, the stormwater shall be conveyed to the legal point of discharge, Dookie-Devenish Road table drain to the satisfaction of the responsible authority.**
- e) **all roof water from buildings that exceeds the tank storage (if implemented), to be conveyed to a Legal Point of Discharge so as to prevent nuisance to adjoining land.**

8 **All open channels are designed and constructed such that the channel bed width is min. 1m with side slopes do not exceed 1:6 as per ‘Stormwater Management Plan prepared by Axiom Consulting Engineers Ref: 1016-01 RevA’.**

9 **Prior to the commencement of construction on the site, detailed engineering plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The design and scope of engineering plans to be submitted for approval shall meet the requirements of the Infrastructure Design Manual (IDM, [www.designmanual.com.au](http://www.designmanual.com.au)), and all works are to be carried out in accordance with the Manual,**

**Plans to include the following:**

- a) **Detailed engineering design for proposed access from Devenish-Dookie Road demonstrating compliance with Typical Semi or B Double Vehicle Crossing (refer to IDM Drawing No. SD265).**
- b) **Details of all hardstands and carparking areas demonstrating compliance with vehicle movements and acceptable conveyance of surface runoff.**
- c) **Details of the functionality and maintenance requirements to be implemented for the on-site holding basin as proposed in the ‘Stormwater Management Plan prepared by Axiom Consulting Engineers Ref: 1016-01 RevA’.**

#### **Vehicle Access**

10 **The permit holder shall implement the recommendations of the Traffic Impact Assessment Report (TIAR) prepared by Trafficworks Pty Ltd Ref: 210694, dated: 05/09/2022. These recommendations include:**

- a) **Trim the vegetation at the point of access on Dookie-Devenish Road to provide adequate Safe Intersection Sight Distance. This condition does not grant the permit holder permission to remove, lop or destroy native**

vegetation to the extent that permission under Clause 52.17 of the Benalla Planning Scheme. No tree or other vegetation other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Benalla Rural City Council.

- b) The subject site access is constructed to Council's Infrastructure Design Manual (IDM) standard drawing for a Typical Semi or B Double Vehicle Crossing Drawing No. SD265.
- c) Should security gates be proposed for access to the development, the security gate should be set back a minimum of 20 m from the edge of the traffic lane on Dookie-Devenish Road.

- 11 All truck movements to the site must be via the route of Benalla Tocumwal onto Dookie Devenish Road. All trucks must exit the site in a westerly direction. No trucks are to enter or exit the site via the Devenish Township or Devenish Road.

#### Parking

- 12 The permit holder shall provide six (6) car spaces on site for employees and visitors to the quarry, clearly marked, signed and delineated, to the satisfaction of the Responsible Authority. The car park and accessways shall be formed, drained, and surfaced to the satisfaction of the Responsible Authority.

#### Sediment Control Plan

- 13 Construction must be in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991. The contractor is to convey soil, earth, sand, loose debris and like loose materials to or from the site in a manner that will prevent dropping of materials on roads and streets. The contractor is to ensure that the wheels, tracks and body surfaces of all vehicles and plant leaving the site are free of mud and that mud is not carried onto adjacent paved streets or other areas. The contractor will promptly remove any materials, which are deposited on streets or adjacent areas to the satisfaction of the responsible authority. Details of a contact person/site manager must be provided, so that this person can be easily contacted should any issues arise.

#### Stockpiling of soil and/or construction and operations materials on-site

- 14 Soil and/or materials from the development site is to be stockpiled in a location where it will not be eroded from the site, is not on the road reserve and where no adverse amenity affects would arise all to the satisfaction of the responsible authority.

#### Prior to Commencement of Construction

- 15 Before any access, accessway, carparking or drainage works associated with the development commence, the following items must be satisfied:
- a) Approval of the construction plans.

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

#### **Rehabilitation Plan**

- 16 **Prior to the commencement of works, a staged enforceable rehabilitation plan must be submitted to the Responsible Authority for approval. The plan must include the proposed techniques used during the use and outlining the rehabilitation works proposed at the conclusion of the use.**

**This plan or strategy can be endorsed with the permit or registered by agreement (section 173) to ensure the is an enforceable measure to ensure rehabilitation is completed.**

- 17 **Prior to the commencement of buildings and works, a rehabilitation bond to the amount of 100% of the estimated cost of rehabilitation works as required by the rehabilitation plan under Condition No. 16 of this permit must be paid to the Responsible Authority.**

- 18 **Prior to commencement of works, a 'Quarry Operations Plan' must be submitted to the Responsible Authority for review and records. This plan may also be required for submission to DELWP or other agencies. The operations plan should outline:**

- a) **How excavation will occur on site**
- b) **Site operations and safety management**
- c) **Spatial identification (location) and depth of proposed cells**
- d) **Management of sediment, erosion and water management within cells**
- e) **Rehabilitation plan**

- 19 **The landscaping works shown on the approved landscape plan and the bund wall required by Condition No. 1 (b) of this permit must be carried out and completed to the satisfaction of the responsible authority prior to commencement of operations or any other time as agreed in writing by the responsible authority.**

#### **VicTrack Conditions**

- 20 **The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permitholder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Railway Operator;s Site Access Procedures and Conditions when accessing the railway land during and post construction and access can be applied for through the Internet web site:**

**<https://www.artc.com.au/work/externalpartiees/property/>.**

- 21 **The permit holder must at all times ensure the common boundary with the railway land is fenced with a 1.8m paling or black chain mesh fence at the permit holder's expense to prohibit unauthorized access to the rail corridor.**

The replacement repair or reconstruction of any wall or screen which may be permitted to be located on or adjacent to the rail land boundary must be agreed with the Rail Operator and be finished using a graffiti resistant finish or alternative measures used to prevent or reduce the potential graffiti.

**22** The permit holder must not at any time:

- a. Allow and drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
- b. Store or deposit any waste, soil or other materials on the railway land.

#### Permit Expiry

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

- a) the use or development is not commenced within two years after the issue of the permit;
- b) the development is not completed within four years after the issue of the permit.

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.

#### General Notes

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

**Motion Lost**

It is noted that Cr Davis and Cr Firth moved the above motion to commence the debate on the item.

The motion was lost.



**Cr Hearn / Cr King:**

That Council having caused notice of the Planning Application No. P0005/20 to be given under section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under section 60 of the *Planning and Environment Act 1987* decides to refuse to grant a permit under the provisions of the *Benalla Planning Scheme* in respect of the land known and described as Lot 2 Plan of Subdivision 207243L, 223 Cooper Road, Devenish for the use and development of the land for extractive industry (sand quarry) in accordance with the endorsed plans, with the application dated 15 June 2022 on the following grounds:

1. The proposal will have an unreasonable amenity impact to adjoining properties:
  - with regards to noise and dust emissions.
  - traffic impact to the surround road network.

Carried

**2. Planning Application For For A Multi-Lot Subdivision (22 Lots) and Removal of Native Vegetation – 51 Hairs Lane, Benalla**

The report assessed a planning application received for a multi-lot subdivision (22 lots) and the removal of native vegetation at 51 Hairs Lane, Benalla.

**Cr King / Cr Firth:**

That Council having caused notice of Planning Application No. P0152/22 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 51 Hairs Lane, Benalla, for a multi lot subdivision and the removal of native vegetation, in accordance with the endorsed plans, with the application dated 25 October 2022 and subject to the following conditions:

1. Prior to certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Concept Development Plans submitted [Drawing No. F1234CP03/03 Proposed Plan of Subdivision –Revision X3 dated 14/09/22] but modified to show:  
The full upgrade of Hairs Lane from the intersection of Olivers Road to the western boundary of the site:
  - To a Collector Street Level 1 standard generally in accordance with Table 2 of Councils Infrastructure Design Manual (IDM) standards or to the satisfaction of the Responsible Authority.



- The applicant will be required to construct two 3.5m through lanes and a 2.4m wide parking lane (total trafficable width 9.4m) with barrier kerb and channel and 2.5m wide shared path on the development side only.
  - All internal roads shall be constructed to an Access Street standard generally in accordance with Table 2 of Councils Infrastructure Design Manual (IDM) standards or to the satisfaction of the Responsible Authority.
2. Before certification, or any other such time as agreed by the Responsible Authority, streets within that stage must be named to the satisfaction of the responsible authority in accordance with the Guidelines for Geographic Names 2010.
  3. The subdivision and staging as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.
  4. 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.
  5. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the permit holder must undertake, or cause to be undertaken for that stage, full construction of all new access ways, drainage and related infrastructure as required by the conditions of this permit.

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.
  6. No covenant or restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.
  7. Prior to the issue of a Statement of Compliance, the Applicant or Owner must pay to the Council a sum equivalent to five per cent of the undeveloped site value of all land in the subdivision in lieu of open space.

The Applicant or Owner must request Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation.
  8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, drainage, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
  9. All existing and proposed easements and sites for existing and required utility services, drains and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision

submitted for certification under the *Subdivision Act 1988*.

10. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
11. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
12. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### Fencing

13. Prior to the issue of the statement of compliance, the western boundary of the site must be fenced with a 1.8m high colorbond fence of a colour to the satisfaction of the responsible authority.

#### General Engineering

14. 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

15. 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. 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.

- b) 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.

16. Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the lots must be placed and compacted in accordance with the requirements of Clause 15.3 of the IDM.

17. All filling over 300mm in depth on the site must be supervised, carried out, completed and recorded in accordance with:

- a) the provisions of any Construction Management Plan; and
- b) Australian Standard AS3798 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority.

18. 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
- b) adversely affect the drainage of adjacent land through sediment and the like
- c) affect overland flow paths.

#### Drainage

19. Before construction begins for each stage of the subdivision, drainage plans and computations, prepared in accordance with IDM procedures and criteria, must be submitted to, and approved by, the Responsible Authority and must demonstrate:

- a) A full area catchment plan must be prepared and submitted for approval prior to construction in accordance with the 103.3Ha area defined in the Benalla Urban Growth Project Area. The design must consider the developed flows from within the development and upstream catchments. Drainage must be constructed and connected to the existing 1050ø RCP stub at the corner of Hairs Lane and Olivers Road (refer to Cardno Drawing CG110475 Rev C1 dated January 12).
- b) The drainage along Hairs Lane must be sized with the upstream catchment in mind as per the Benalla Urban Growth Project Area demonstrating that the proposed drainage has sufficient capacity to cater for upstream developed flows as well as the flows within the development.
- c) The Hairs Lane road reserve has the capacity to convey the one per cent

AEP without any inundation affecting any lots or surrounding properties.

20. Prior to the issue of a Statement of Compliance, the applicant must provide Council a payment of Drainage Headworks of \$3.10 per square meter of the land area as contribution towards the cost of existing works for the acceptance of surface and stormwater from the buildings, whether or not such works have been or will be situated within the boundaries of the land. In the event the payment is made after 30 June 2019 the rate will be indexed by CPI. This condition relates to allotments discharging into the Benalla Urban Growth Project Area.
21. Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- a) a legal point of discharge, connected to the external drainage network in accordance with IDM standards and without reducing the flow capacity or structural integrity of that network, has been established within the boundary of each Lot.
  - b) all stormwater runoff originating from or transferred through each Lot in a 20 per cent AEP rainfall event will be collected and conveyed by underground pipes to a legal point of discharge.
  - c) all stormwater runoff originating from or transferred through each Lot in a one per cent AEP rainfall event will be collected and conveyed to 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 and the outfall along Hairs Lane including upgrading of the drainage network as required.
  - e) the finished surface level within all building envelopes associated with each Lot will be above the peak water level in nearby drainage reserves, waterways, floodways or water bodies in a one per cent AEP rainfall or flood event.
  - f) any necessary easements have been created to facilitate future connection to, and maintenance of, drainage infrastructure serving more than one Lot or property, and that no damage to the infrastructure contained in existing easements has been occasioned by the relevant construction processes and activities.

#### **Water Sensitive Urban Design**

22. 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**

23. 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.

24. All roads within the new subdivision and the Hairs Lane road frontage and the intersection with Olivers Road must be provided with public lighting in accordance with the requirements of Australian Standard 1158.1 to the satisfaction of the Responsible Authority. New lighting should be located outside the Clear Zones wherever possible and meet the standards for Category V or Category P lighting, as appropriate.
25. Prior to the issue of a statement of compliance for the relevant stage of the subdivision the permit holder must satisfy the Responsible Authority that the unsealed section of Hairs Lane must be upgraded for the full length generally in accordance with Table 2 of the Infrastructure Design Manual (IDM) in particular:
- a) to a Collector Street Level 1 standard generally in accordance with Table 2 of Councils Infrastructure Design Manual (IDM) standards or to the satisfaction of the Responsible Authority
  - b) the applicant will be required to construct two 3.5m through lanes and a 2.4m wide parking lane (total 9.4m) with barrier kerb and channel and 2.5m wide shared path on the development side only.
26. 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.

#### Property Access

27. Prior to the issue of a statement of compliance of the subdivision, the permit holder must satisfy the Responsible Authority that a vehicle crossing has been constructed providing each Lot with safe and convenient access to and from a suitable public road has been designed, constructed, sealed and drained to lots fronting Hairs Lane in accordance with IDM standard drawing SD245, to the satisfaction of the Responsible Authority.

#### Landscaping

28. 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
- g) removal of existing infrastructure or stockpiles and weed eradication
- h) fencing of all Reserves to be handed over to the Council.

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

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

#### Staged Development

30. Where the permit holder intends to complete a development in stages, plans and specifications for each stage, including any temporary works required to facilitate traffic movements once that stage is complete, must be submitted to and approved by the Responsible Authority before construction begins, and the permit holder must lodge with the Authority a bond sufficient to cover the full costs of upgrading any temporary works associated with the stage in question.
31. Prior to the issue of a statement of compliance for each stage of the subdivision:
- a) should any drainage infrastructure essential to the operation of the completed stages be located outside the boundaries of those stages, the permit holder must satisfy the Responsible Authority that temporary easements must be provided so that the Authority has appropriate legal access to the infrastructure in question
  - b) should any road terminate before the location of the permanent court bowl on completion of the stage, the permit holder must satisfy the Responsible Authority that a temporary court bowl has been designed and constructed in accordance with IDM standards, and arrangements must be made to ensure that the adjacent permanent sealed road surfaces are not damaged.

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

#### Infrastructure Transferred to Council

32. 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.

**33. 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.**

**34. 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 five per cent of the approved civil construction costs for the current stage. This bond will be held by the Council until any and all defects notified to the applicant before or during the maintenance and defects liability period have been made good to the satisfaction of the Council.
- 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.

**35. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following “as constructed” drawings and information are required to be submitted to Benalla by the developer/consultant.**

- a) Copies of engineering drawings/data in MapInfo Tab or MIF\_MID format with a Projection GDA94/MGA55
- b) Copies of engineering drawings/data in PDF format
- c) “As Constructed Information” of the Road, Drainage, Kerb and Footpath information component of the subdivision as well as information of all of Benalla’s assets in accordance with the current versions of D-Spec & R-Spec
- d) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotment;
- e) An assets statement for each street.

**Please refer to the A-SPEC website for further information  
[www.a-specstandards.com.au](http://www.a-specstandards.com.au)**

#### **Construction**

**36. Before construction begins for each stage of the subdivision a Site Management Plan for that stage of the subdivision must be submitted to and**

approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:

- a) implement effective traffic management and environmental controls
- b) establish and maintain safe construction vehicle access to the site
- c) maintain vehicle and machinery hygiene
- d) avoid the spread of soil-borne pathogens and weeds
- e) minimise erosion, sedimentation and contamination
- f) reduce the impact of noise, dust and other emissions during construction
- g) prevent mud, dirt, sand, soil, clay or stones from entering the drainage system
- h) avoid having such materials deposited on public land by construction vehicles
- i) establish and maintain all recommended Tree Protection Zones.

37. 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.

38. 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.

39. All works must be carried out generally in accordance with the measures set out in the Site Management Plan approved by the Responsible Authority.

40. 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

41. 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 0.152ha, which is composed of 3 scattered trees and one native vegetation patch totaling 0.019ha, which includes the proposed removal of 6 Large Trees as marked in the Biodiversity Assessment Report to allow for construction of the subdivision. This application has been assessed under the intermediate assessment pathway.

42. The applicant is to provide a Vegetation Offset Management Plan (VOMP) which includes offset calculation, location of offset site, planting plan, and maintenance plan to the satisfaction of the responsible authority. The offset must:

- contribute gain of 0.033 general habitat units (GHU)
- have one large trees
- be located within the Goulburn Broken Catchment Management Authority (CMA) or Benalla Rural City Council municipal district
- have a strategic biodiversity score of at least 0.344.

43. Prior to the issue of a Statement of Compliance of the subdivision, 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; or
- a credit register extract from the Native Vegetation Credit Register.

#### Country Fire Authority

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

#### 44. Hydrants

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

Note - CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)

#### 45. Roads

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

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

#### North East Water

46. 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.
47. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated 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.
48. 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.
49. 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”)

- 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, and
  - d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
50. 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.
51. 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.
52. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
53. 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.
54. 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.
55. 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.
56. 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.
57. Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
58. 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.
59. 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.
60. The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the *Subdivision Act 1988*.
61. 150mm diameter water main to be extended along Hairs Lane to the eastern

boundary of the development.

#### Ausnet Services

62. The Plan of Subdivision submitted for certification must be referred to Ausnet Electricity Services PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.

#### 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.

#### APA Group

63. Easements in favor of “Australian Gas Networks (VIC) Pty Ltd” must be created on the plan to the satisfaction of APT.
64. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the *Subdivision Act 1988*.

#### Permit Expiry

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

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

#### Advice Notes:

- a) 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.
- b) An asset protection permit is required prior to the commencement of any works on site.
- c) 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.
- d) 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.

Carried

### 3. Planning And Building Approvals – February 2023

The report detailed planning permit applications and building approvals for February 2023.

**Cr Hearn / Cr King:**

**That the report be noted.**

**Carried**

### 4. 2022/2023 Quick Response Grants Program and Major Event Funding

The report presented funding applications for 2022/23 Quick Response Grants and Major Event Funding.

**Cr Davis / Cr Hearn:**

**That the Major Event Funding grant application from Benalla Migrants Association be excised and considered separately.**

**Carried**

**Cr Hearn / Cr King:**

- 1. That \$500 grants from the 2022/2023 Quick Response Grant program be allocated to Benalla Swimming Club, Molyullah Recreation and Public Hall Reserve Inc., Benalla Sustainable Future Group Inc., Rotary International District 9790 Inc and Benalla Garden Club Inc.**
- 2. That \$2,000 grants from the 2022/2023 Major Event Funding program be allocated to Austin 7 Club, Benalla Racing Club, Lions Club of Benalla Inc. and Molyullah Recreation and Public Hall Reserve Committee.**
- 3. That a \$1,400 grant from the 2022/23 Major Event Funding program be allocated to Gliding Club of Victoria.**

**Carried**

Councillor Punarji Hewa Gunaratne disclosed a general conflict of interest in the following matter and left the meeting at 7.20pm.

The Major Event Funding application from Benalla Migrants Association was presented.

**Cr Firth / Cr King:**

**That a \$2,000 grant from the 2022/2023 Major Event Funding program be allocated to Benalla Migrants Association.**

**Carried**

Councillor Punarji Hewa Gunarante returned to the meeting a 7.27pm.

### **Closure of Meeting**

The committee meeting closed at 7.27pm.

**Confirmed this tenth day of May 2023.**

**Signed:** \_\_\_\_\_  
**Cr Danny Claridge (Chair)**





### 3.2 Assemblies of Councillors, Advisory and External Committees

Under Council's *Governance Rules 2020* the Chief Executive Officer is required to provide a written record of the Assemblies of Councillors at a scheduled Council Meeting.

The record of Assemblies of Councillors since the report presented at the meeting on 15 March 2023 are attached as **Appendix 1**.

Copies of the Minutes from the following meetings have been provided to councillors under separate cover.

#### February 2023

7 February 2023	Accessibility Reference Group
16 February 2023	Visitor, Cinema, History Co-Location in Benalla Working Group
21 February 2023	Audit and Risk Committee
22 February 2023	Communications Advisory Committee
22 February 2023	Assembly of Councillors – Business Review

#### March 2023

8 March 2023	Assembly of Councillors – Business Review
15 March 2023	Benalla Festival Advisory Committee
21 March 2023	Assembly of Councillors – Business Review

**Recommendation:**

**That the report be noted.**

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## Record of Assemblies of Councillors, Advisory and External Committees

February and March 2023

### Accessibility Reference Group

10.30am Tuesday 7 February 2023, Sir Edward 'Weary' Dunlop Learning Centre Benalla Library

<b>Chair:</b>	Sheryle Stubbs	Community Representative
<b>Committee:</b>	Councillor Bernie Hearn (Mayor)	Council Representative
	Councillor Don Firth	Council Representative
	Councillor Gail O'Brien	Council Representative
	Fiona Ashcorft	Intereach
	Annemarie Broughton	Community Representative
	Amanda Challis	Community Representative
	David Horan	Community Representative
	Cheryl-Anne Menere	Community Representative
	Keith Menere	Community Representative
	Joan Vance	Community Representative
<b>In attendance:</b>	Tom Arnold	Community Development Coordinator
	Janine Brooks	Community Development Officer
<b>Apologies:</b>	David Horan, Annemarie Broughton, Sheryl Stubbs.	

**Conflicts of Interest disclosed:** Nil

### Items discussed:

1. Business Arising
2. Open Letter To Hospitality Venue Regarding Menu Font
3. Proposed Blue Book Form
4. Future Speakers Wish List
5. Community Connect – Open Forum Other Business
6. Actions Pending

**Visitor, Cinema, History Co-Location in Benalla**

2pm Thursday 16 February 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

<b>Chair:</b>	Adrian Gasperoni	Manager Assets and Infrastructure
<b>Committee:</b>	Councillor Bernie Hearn (Mayor)	Council Representative
	Councillor Danny Claridge	Council Representative
	Councillor Don Firth	Council Representative
	Courtney Naughton	Manager Economic Development and Sustainability
	Greg Robinson	Manager Facilities and Information Technology
	Alison Angus	Tourism Coordinator
	Nicole Nye	Department of Jobs, Skills, Industry and Regions
	Ellen Crocker	Benalla Historical Society
	Pat Mitchell	Benalla Historical Society
	Alan Monger	Benalla Historical Society
<b>In attendance:</b>	Bree Glass	Administration Officer

**Apologies:** Cr Don Firth, Greg Robinson, Nicole Nye.

**Conflicts of Interest disclosed:** Nil

**Items discussed:**

1. Project Update
2. Cinema Update
3. Forecast Project

**Audit and Risk Committee Meeting**

5pm Tuesday 21 February 2023, Civic Centre (Council Meeting Room), 13 Mair Street, Benalla.

**Chair** Mr Cameron Gray

**Committee** Councillor Danny Claridge

Councillor Peter Davis

Mr Michael Hedderman

Ms Rita Ruyters

Mr John Stapleton

**In attendance** Dom Testoni Chief Executive Officer

Robert Barber General Manager Corporate

Cathy Fitzpatrick Manager Finance

Janine McMaster Manager People Performance

**Internal Auditor** Brad Ead AFS

**Apologies:** Nil

**Conflicts of Interest disclosed:** Nil

**Items discussed:**

1. Meeting with Auditors
2. Internal Audit Program
3. Risk Management Update
4. Financial Management Letter For The Financial Year Ending 30 June 2022: Open Audit Findings Update
5. Audit and Risk Committee Miscellaneous Items
6. General Business

**Communications Advisory Committee**

1.30pm Wednesday 22 February 2023, Civic Centre (Council Meeting Room)  
13 Mair Street, Benalla.

**Chair** Councillor Bernie Hearn (Mayor)

**Councillors** Councillor Danny Claridge  
Councillor Peter Davis

**In attendance** Dom Testoni Chief Executive Officer  
Courtney Naughton Manager Economic Development and Sustainability  
Grant Banks Communications and Engagement Coordinator  
Tracey Beaton Executive Coordinator

**Apologies:** Cr Peter Davis

**Conflicts of Interest disclosed:** Nil

**Items discussed:**

1. Review of actions from meeting held 30 November 2022
2. Community Engagement for Proposed *2023/24 Budget*
3. Promotion of Upcoming Events
4. Planning for Upcoming Community Engagement Events
5. Communications and Engagement Coordinator Update
6. General Business

## **Assembly of Councillors**

6pm Wednesday 22 February 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

**Councillors**

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

**In attendance**

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Jane Archbold	Manager Community
Cathy Fitzpatrick	Manager Finance
Adrian Gasperoni	Manager Assets and Infrastructure
Janine McMaster	Manager People and Performance
Courtney Naughton	Manager Economic Development and Sustainability
Nilesh Singh	Manager Development
Eric Nash	Benalla Art Gallery Director
Tom Arnold	Community Development Coordinator
Nathan Gasperoni	Environmental Sustainability Officer
Joel Ingham	Planning Coordinator

**Apologies:** Nil

**Conflicts of Interest disclosed:** Nil

### **Items discussed:**

1. Planning Application For The Construction Of Two Dwellings In Addition To The Existing Dwelling And A Three Lost Subdivision
2. Benalla Planning Scheme Review
3. Revised Customer Service Reception Hours
4. Rural Township Plans and Township Visits
5. Benalla Art Trail Sculpture Update
6. Climate Change Application Action Plan 2013-2025 and Environmental Strategy 2016-2020 Review.
7. Proposed *2023/24 Budget* – Capital Works Program

**Assembly of Councillors**

6pm Wednesday 8 March 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

**Councillors**

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

**In attendance**

Robert Barber	General Manager Corporate
Courtney Naughton	Manager Economic Development and Sustainability
Nilesh Singh	Manager Development
Eric Nash	Benalla Art Gallery Director
Wayne Rich	Compliance Coordinator

**Apologies:** Nil

**Conflicts of Interest disclosed:** Nil

**Items discussed:**

1. Benalla Bridge Street Improvements Project Update
2. Benalla Dog Park Update
3. Christmas Decorations
4. Benalla Art Gallery Annual Report



**Benalla Festival Advisory Committee**

4.30pm Wednesday 15 March 2023, Customer Service Centre (Geoff Oliver Meeting Room), 1 Bridge Street East, Benalla.

<b>Chair:</b>	Councillor Justin King	Council Representative
<b>Committee:</b>	Councillor Don Firth	Council Representative
	Caroll Bolitho	Community Representative
	Stephanie Brack	Youth Development Coordinator
	Vince Branigan	Community Representative
	Di Harper	Community Representative
<b>In attendance:</b>	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer
	Will Smith	Youth Engagement Officer
<b>Apologies:</b>	Will Smith	

**Conflicts of Interest disclosed:** Nil

**Items discussed:**

1. Planning for the 2023 Benalla Festival
2. Budget
3. General Business

## Assembly of Councillors

5.30pm Wednesday 29 March 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

**Councillors**

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

**In attendance**

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Cathy Fitzpatrick	Manager Finance
Adrian Gasperoni	Manager Assets and Infrastructure
Nilesh Singh	Manager Development
Joel Ingham	Planning Coordinator

**Apologies:** Nil

**Conflicts of Interest disclosed:** Nil

### Items discussed:

1. Planning Application For The Use and Development of Land For an Extractive Industry Sand Quarry – 1726 Dookie-Devenish Road, Devenish
2. Planning Application For a Multi-Lot Subdivision (22 Lots) and Removal of Native Vegetation – 51 Hairs Lane, Benalla
3. Planning Application For a Multi-Lot Subdivision (48 Lots) the Creation of Easements and Removal of Native Vegetation – 17 and 37 Olivers Road, Benalla
4. Strategic Plan
5. Proposed *2023/24 Budget*
6. Kerbside Collection Collaborative Procurement Tender
7. Benalla Indoor Recreation Centre (BIRC) Redevelopment Update
8. Council Meeting Etiquette

## **Officer Reports**

### **4.1 Authorisation of Signing and Sealing of Documents**

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## 4.2 Proposed 2023/2024 Budget

SF/2485-08

Cathy Fitzpatrick – Manager Finance  
Robert Barber – General Manager Corporate  
Dom Testoni – Chief Executive Officer

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### PURPOSE OF REPORT

The report presents for consideration the proposed *2023/24 Budget*.

### BACKGROUND

Under section 94 of the *Local Government Act 2020*, the Council must prepare and adopt a budget for each financial year and the subsequent three financial years.

The four-year ‘rolling’ Budget must:

- give effect to the Council Plan
- contain financial statements in the form required by the regulations (and accounting standards)
- provide a general description of services and initiatives to be funded
- identify major initiatives from the Council Plan that will be priorities for each financial year
- for services funded in the budget, the prescribed indicators, and measures of service performance
- total rate income and information on differential or fixed components of rates
- a statement on whether Council intends to apply for an increase or variation to the rate cap.

The four-year budget will outline how resources will be allocated across initiatives, programs, services, and capital works, as well as financing and debt redemption/servicing. It also provides a comprehensive outline of all income to be derived from rates, fees and charges, grants, and other revenue.

### DISCUSSION

Key components of the proposed *2023/24 Budget* are discussed below.

#### Operating result

The 2023/24 operating result is budgeted to be a surplus of \$9.453 million. The surplus is primary due to the receipt of \$14.356 million of Capital Grant income, including \$10 million to repair infrastructure damaged by flooding and storm events in 2022/23.

The proposed budget also includes a 100 percent allocation of funding (\$4.770 million) from the Financial Assistance Grant program.

## Rates and charges

It is proposed that rates and the Municipal Charge are increased by 3.5 per cent in line with the Victorian Government's Fair Go Rate system rate cap.

Increases less than 3.5 per cent have been considered and modelled, however, it is recommended that the full rate cap percentage increase be applied due to:

- The 10-year cumulative impact of a 'less than rate cap' increase in general rates and charges, for example, a 2.9 per cent increase in general rates and charges in 2023/24 rather than 3.5 per cent results in a loss of more than \$1 million in revenue over the next 10 years.
- The organisation's tenuous long-term financial sustainability. This proposed budget projects deficits in 2025/26 (\$2.459 million) and 2026/27 (\$2.530 million).
- A 7.8 per cent increase in the Consumer Price Index to the December 2022 quarter.
- A growing municipality that requires new infrastructure, programs and services.

General rates are budgeted to raise \$15.018 million in 2023/24.

The Municipal Charge increases from \$260.85 to \$269.95 and will raise \$2.152 million.

Waste management charges increase by 5 percent and will raise \$4.247 million.

## User fees

It is proposed that existing fees and charges increase by an average of 3.5 percent and will raise \$3.622 million in 2023/24.

## Operating grants

Operating grants total \$6.839 million. The proposed budget, including \$4.770 million from the Australian Government's Financial Assistance Grant program.

## Capital grants

Capital grants are budgeted to be \$14.356 million in 2023/24. Key capital grants include an estimated \$10 million from the Natural Disaster Financial Assistance scheme to repair damage to infrastructure caused by flood and storm events in 2022/23.

Receipt of a \$2.8 million Benalla Art Gallery Redevelopment Project grant is also budgeted.

## Employee costs

In 2023/24, employee costs are forecast to increase by \$1.207 million (9.86 per cent).

The increase includes two temporary roles to:

- project manage the Council's substantial capital works program
- coordinate the Rural Councils Victoria information technology shared services project.

Two new employees (1.2 EFT) will be engaged to deliver the Social Inclusion Action Group program. These positions are fully funded by the Victorian State Government.

Following the Council's exit from delivering aged and disability services, an Ageing Well Project Officer will be permanently employed to improve health and wellbeing outcomes for older Benalla Rural City residents.

Approximately \$372,000 of the increase is due to a rise in wages and salaries in accordance with the Council's Enterprise Agreement and a 0.5 per cent increase in the Superannuation Contribution.

### **Borrowings**

No new borrowings are proposed for 2023/24. Borrowings are budgeted to total \$2.173 million as at 30 June 2024.

### **Properties**

Property assessments are projected to increase by 80, primarily the 'Residential (Benalla)' category by 73, to 8,366.

### **Capital Works**

The proposed budget includes capital works of \$21.206 million. New works total \$17.869 million with \$3.337 million of works carried forward from 2022/23.

Asset expenditure types: New \$3.364 million, Renewal \$16.505 million and Upgrade \$1.337 million.

Capital works in 2023/24 will be funded by grants: \$14.007 million, Council cash: \$7.194 million and contributions: \$5,000.

Key capital projects include:

Flood remediation works:	\$10,000,000
Benalla Art Gallery Redevelopment:	\$2,800,000
Waste management:	\$2,633,000
Drainage works:	\$1,182,000

The proposed *2023/24 Budget* has been provided under separate cover and is available for download from the Council's website.

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

#### **Leadership**

- Good governance.
- Engaged and Informed Community.

**LEGAL OR STATUTORY IMPLICATIONS**

The proposed *2023/24 Budget* has been developed to ensure compliance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

**GENDER EQUALITY ACT**

Under the *Gender Equality Act 2020* the Council is required to undertake a gender impact assessment when developing or reviewing any policy, program or service that has a direct and significant impact on the public.

A gender equity assessment found the proposed *2023/24 Budget* as having an overall neutral gender impact.

**FINANCIAL IMPLICATIONS**

Costs associated with the development of the proposed *2023/24 Budget* have been met from existing budget allocations.

**COMMUNITY ENGAGEMENT**

In accordance with the Council's *Community Engagement Policy*, it is proposed that, that community engagement on the proposed *2023/24 Budget* be undertaken at the 'Involve' 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
Involve	Work with the community to ensure their concerns or aspirations are reflected in the alternatives developed. Feedback provided on how community input influenced the decision.	<ul style="list-style-type: none"> <li>▪ Community input sought via 'the Hive' community engagement website prior to the development of the proposed budget.</li> <li>▪ Council report.</li> <li>▪ Public notice in the <i>Benalla Ensign</i> and on the Council website.</li> <li>▪ Proposed <i>2023/24 Budget</i> to be exhibited and feedback invited.</li> <li>▪ Promotion of proposed <i>2023/24 Budget</i> via media, website and social media.</li> <li>▪ Community information session conducted.</li> <li>▪ Proposed <i>2023/24 Budget</i> made available in hardcopy for review at key locations.</li> <li>▪ Audit and Risk Committee invited to provide feedback.</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:**

- 1. That the proposed *2023/24 Budget* be endorsed for public exhibition for a period of at least 28 days from 20 April 2023.**
- 2. That submissions relating to the proposed *2023/24 Budget* be heard at a meeting of the Finance and Operations Committee on 24 May 2023.**
- 3. That the Council consider submissions relating to the proposed *2023/24 Budget* at a Council meeting on 14 June 2023.**
- 4. That the Council consider the adoption of the *2023/24 Budget* at a meeting of the Council on Wednesday 28 June 2023.**

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### 4.3 Proposed Discontinuance of Roads at Flynnns Road and Lee Road Railway Crossings, Winton North

SF/2595

Adrian Gasperoni – Manager Assets and Infrastructure  
Jess Pendergast – Governance Coordinator

#### PURPOSE OF REPORT

The report seeks the Council's approval for the Chief Executive Officer to commence the statutory procedures to consider discontinuing the government roads located at Flynnns Road and Lee Road railway crossings, Winton North and publicly advertise and invite public submissions on the proposal.

#### BACKGROUND

In June 2022, Rail Projects Victoria (RPV) requested that Council consider a proposal to discontinue the government roads located at Flynnns Road and Lee Road railway crossings, Winton North (the Roads) in connection with RPV's works to physically close unsafe railway crossings over the Roads from the surrounding public road network (the Proposal).

At the time of the Proposal, RPV had:

- undertaken public consultation in respect of the proposed physical closure of the railway crossings on the Roads.
- obtained all relevant approvals to facilitate the closure of the railway crossings on the Roads.
- completed works to physically close each of the railway crossings to through traffic, which works were completed in approximately September 2020.

Council has agreed to consider the Proposal on the basis that the Roads are currently physically closed to through pedestrian and vehicular traffic and are not required for future use as roads by the public.

#### DISCUSSION

The Chief Executive Officer, as Council's delegate, has authority to determine this matter.

Council can consider discontinuing the Roads pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989* (Act).

The proposed discontinuance of the government roads located at Flynnns Road and Lee Road railway crossings, Winton North are shown in **Appendix 1**.

## Roads

The Roads are:

- a) the whole of the land contained in Crown folios volume 11782 folios 963 and 964, being Crown Allotments 2025 and 2027 Parish of Winton;
- b) administered by Victorian Rail Track as Crown land administrator and reserved as government roads;
- c) Crown land known to title as ‘government roads’;
- d) partially constructed over by a railway track; and
- e) otherwise constructed as a of dirt and gravel as railway crossings, which have been obstructed to through vehicular or pedestrian traffic by road barriers

As the Roads are known to title as ‘roads’ and are government roads, they are therefore ‘roads’ for the purposes of the Act which Council has the power to consider discontinuing pursuant to clause 3 of Schedule 10 to the Act. As the Roads are ‘government roads’ on Crown land, if the Roads are discontinued, the land comprising the former Roads will vest in the Crown.

Copies of the searches of the Roads are attached as **Appendix 2**.

## Adjoining Properties

The Roads previously provided vehicular and pedestrian access to the following properties:

- Nelson Road, Winton North being the whole/part of the land contained in Crown allotment 2020, Parish Winton; Crown allotment 39A, Parish Winton; Lot 1 TP956659 and road reserve abutting the Hume Freeway, Winton.
- Nelson Road, Winton North being the whole/part of the land contained in Crown allotment 2020, Parish Winton.
- Lee Road, Winton being the whole/part of the land contained in Lots 1 and 2 TP967747; Crown allotment 96B, Parish Winton and Lot 2 TP572058.

The Adjoining Properties are shown on the plan attached as **Appendix 3**.

The Adjoining Properties have alternative vehicular and pedestrian access via the surrounding public road network.

RPV has notified Council that it has agreed with each of the Adjoining Owners to make an ‘inconvenience payment’ to the respective Adjoining Owners, which payments are subject confidentiality agreements.

Council has received partial copies of the confidentiality agreements and is satisfied that the Adjoining Owners have consented to the Proposal in consideration for payment of the ‘inconvenience payment’.

Additionally, RPV provided notification of the proposed railway crossing closures to the general public, by:

- sending letters (including notices of permanent closure and a factsheet) to all landowners in the area, including to Council; and
- placing signage (including a factsheet) at each of the crossings and at the approaches to the crossings.

RPV notified Council that it has not received any correspondence raising complaints or concerns about the level crossing closures since physical works were completed in September 2020.

### Community

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

### Leadership

- *Good governance.*
- *Engaged and informed community.*

### COMMUNITY ENGAGEMENT

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>▪ Proposal presented in a public report to the Council.</li> <li>▪ Proposal to be published on Councils website.</li> <li>▪ Public Notice in the Benalla Ensign and on Council website.</li> <li>▪ Feedback invited via Council Website.</li> <li>▪ Feedback considered at a future meeting.</li> </ul>

Community consultation will open 20 April 2023 and close 5pm 18 May 2023.

Submitters will be permitted to be heard before a meeting of the Finance and Planning Committee to hear submissions.

After a hearing of any submissions made, the Council must determine whether the Roads are not reasonably required as roads for public use, in order to decide whether the Roads should be discontinued.

**FINANCIAL IMPLICATIONS**

RPV has agreed to pay the Council's costs and disbursements associated with the Proposal.

**LEGAL AND STATUTORY IMPLICATIONS**

The Council must give public notice of the Proposal, pursuant to section 207A of the Act and consider any submissions received in respect of the Proposal, pursuant to section 223 of the Act.

**CONCLUSION**

Council may resolve to either commence, or to not commence, the statutory procedures to consider carrying out the proposal.

It is recommended that Council proceed with the proposal, by giving public notice of its intention to discontinue the Roads.

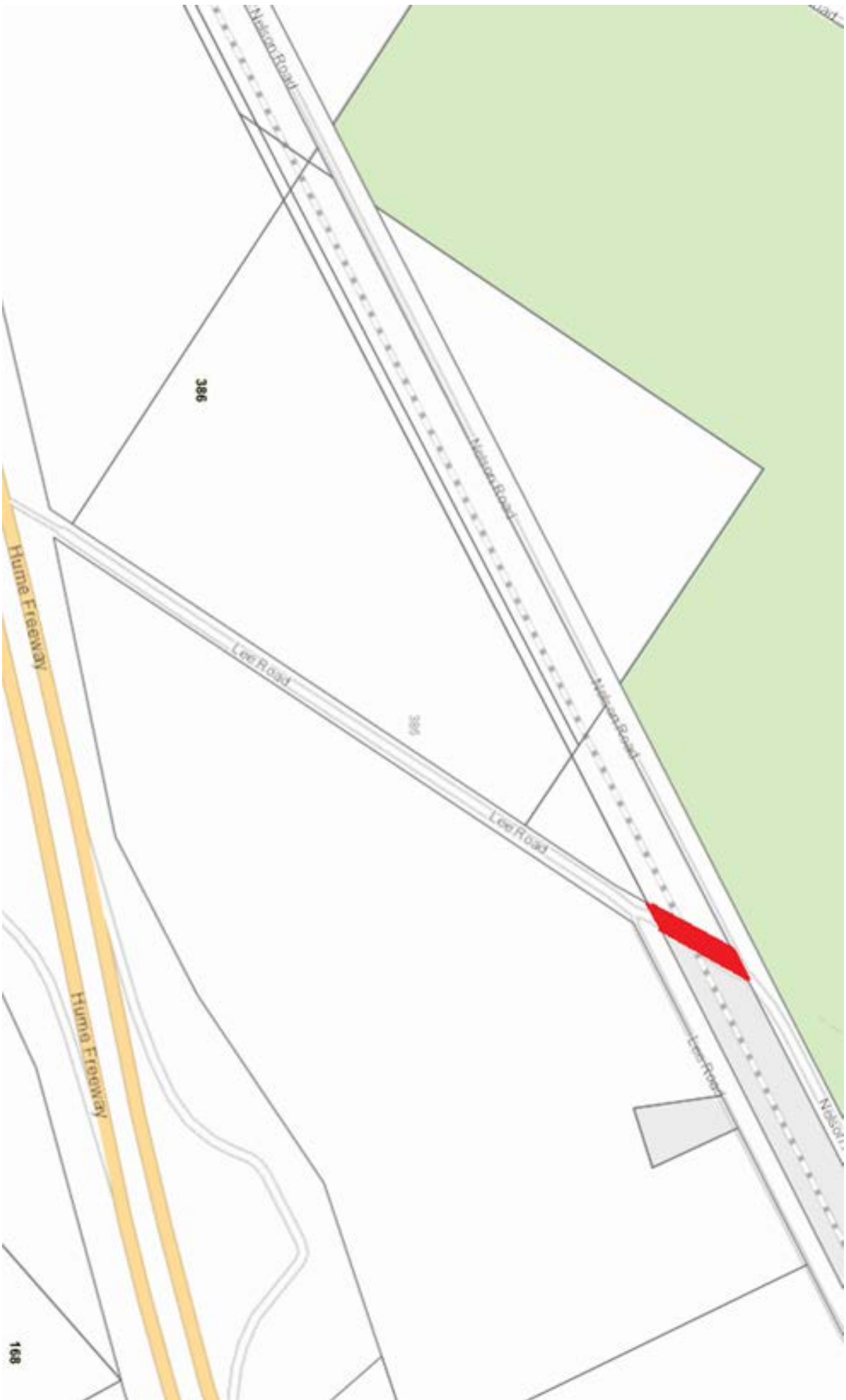
Any submissions received in response to the proposal can be heard at a future meeting of the Finance and Planning Committee meeting.

**Recommendation:**

**That the Chief Executive Officer, acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Act):**

- 1. Directs that the required statutory procedures be commenced to discontinue the government roads located at the Flynn's Road and Lee Road railway crossings, Winton North.**
- 2. Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the *Benalla Ensign*.**
- 3. Gives public notice required to be given under sections 207A and 223 of the Act should state that if the Roads are discontinued, the Roads will vest in the Crown.**
- 4. That the Finance and Planning Committee consider any submissions received pursuant to section 223 of the Act at its meeting on 24 May 2023.**







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#### CROWN FOLIO STATEMENT

VOLUME 11782 FOLIO 963  
No Coft exists

Security no : 124104182273B  
Produced 23/02/2023 03:17 PM

#### CROWN FOLIO

#### LAND DESCRIPTION

Crown Allotment 2027 Parish of Winton.  
Created by instrument MI225659B 06/08/2016

#### CROWN LAND ADMINISTRATOR

VICTORIAN RAIL TRACK of LEVEL 8 1010 LA TROBE STREET DOCKLANDS VIC 3008  
MI225659B 06/08/2016

#### STATUS, ENCUMBRANCES AND NOTICES

GOVERNMENT ROAD MI225661Q 06/08/2016

#### DIAGRAM LOCATION

SEE CD087033D FOR FURTHER DETAILS AND BOUNDARIES

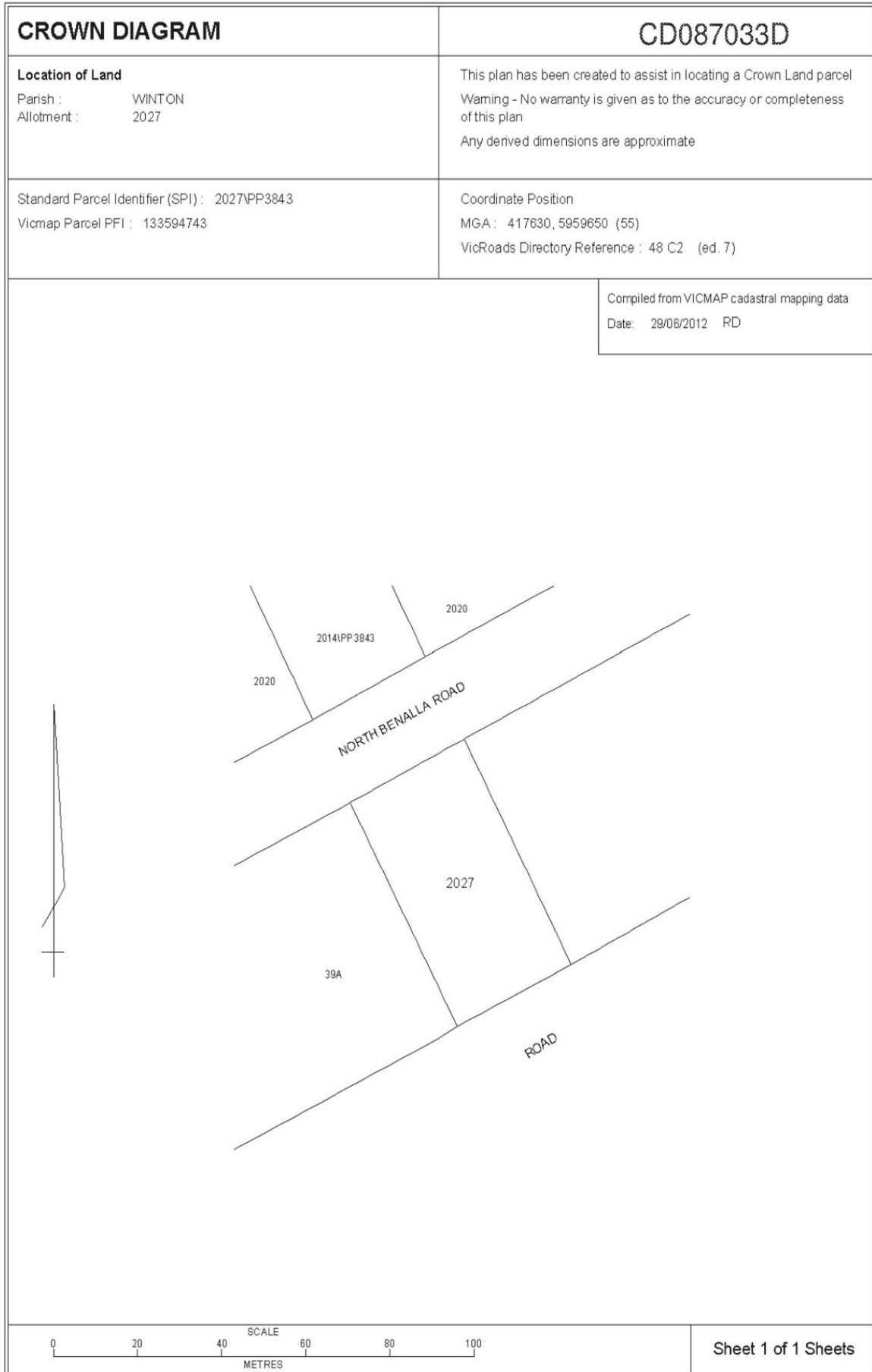
#### ACTIVITY IN THE LAST 125 DAYS

NIL

#### DOCUMENT END

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CROWN FOLIO STATEMENT

VOLUME 11782 FOLIO 964  
No Coft exists

Security no : 124104182270F  
Produced 23/02/2023 03:17 PM

CROWN FOLIO

LAND DESCRIPTION

Crown Allotment 2025 Parish of Winton.  
Created by instrument MI225662N 06/08/2016

CROWN LAND ADMINISTRATOR

VICTORIAN RAIL TRACK of LEVEL 8 1010 LA TROBE STREET DOCKLANDS VIC 3008  
MI225662N 06/08/2016

STATUS, ENCUMBRANCES AND NOTICES

GOVERNMENT ROAD MI225664J 06/08/2016

DIAGRAM LOCATION

SEE CD087034B FOR FURTHER DETAILS AND BOUNDARIES

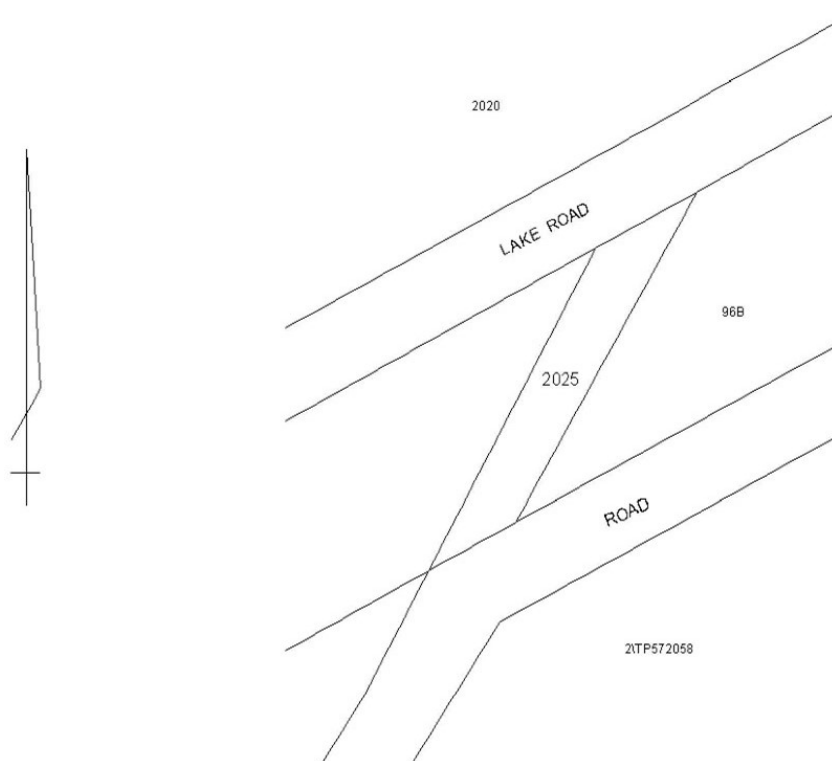
ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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<b>CROWN DIAGRAM</b>	<b>CD087034B</b>
<b>Location of Land</b> Parish : WINTON Allotment : 2025	This plan has been created to assist in locating a Crown Land parcel Warning - No warranty is given as to the accuracy or completeness of this plan Any derived dimensions are approximate
Standard Parcel Identifier (SPI) : 2025\PP3843 Vicmap Parcel PFI : 133594749	Coordinate Position MGA : 419790, 5960810 (55) VicRoads Directory Reference : 34 C9 (ed. 7)
<p>Compiled from VICMAP cadastral mapping data Date: 29/06/2012 RD</p>  <p>The diagram shows a network of roads. 'LAKE ROAD' runs diagonally from the top-left towards the bottom-right. 'ROAD' runs diagonally from the bottom-left towards the top-right, crossing 'LAKE ROAD'. Several parcels are delineated by lines. Parcel '2020' is located above 'LAKE ROAD'. Parcel '2025' is a triangular parcel bounded by 'LAKE ROAD', 'ROAD', and a third line. Parcel '96B' is a large parcel to the right of '2025'. Parcel '2\TP572058' is a large parcel below 'ROAD'. A north arrow is located on the left side of the diagram.</p>	
<p>0 20 40 60 80 100 SCALE METRES</p>	Sheet 1 of 1 Sheets

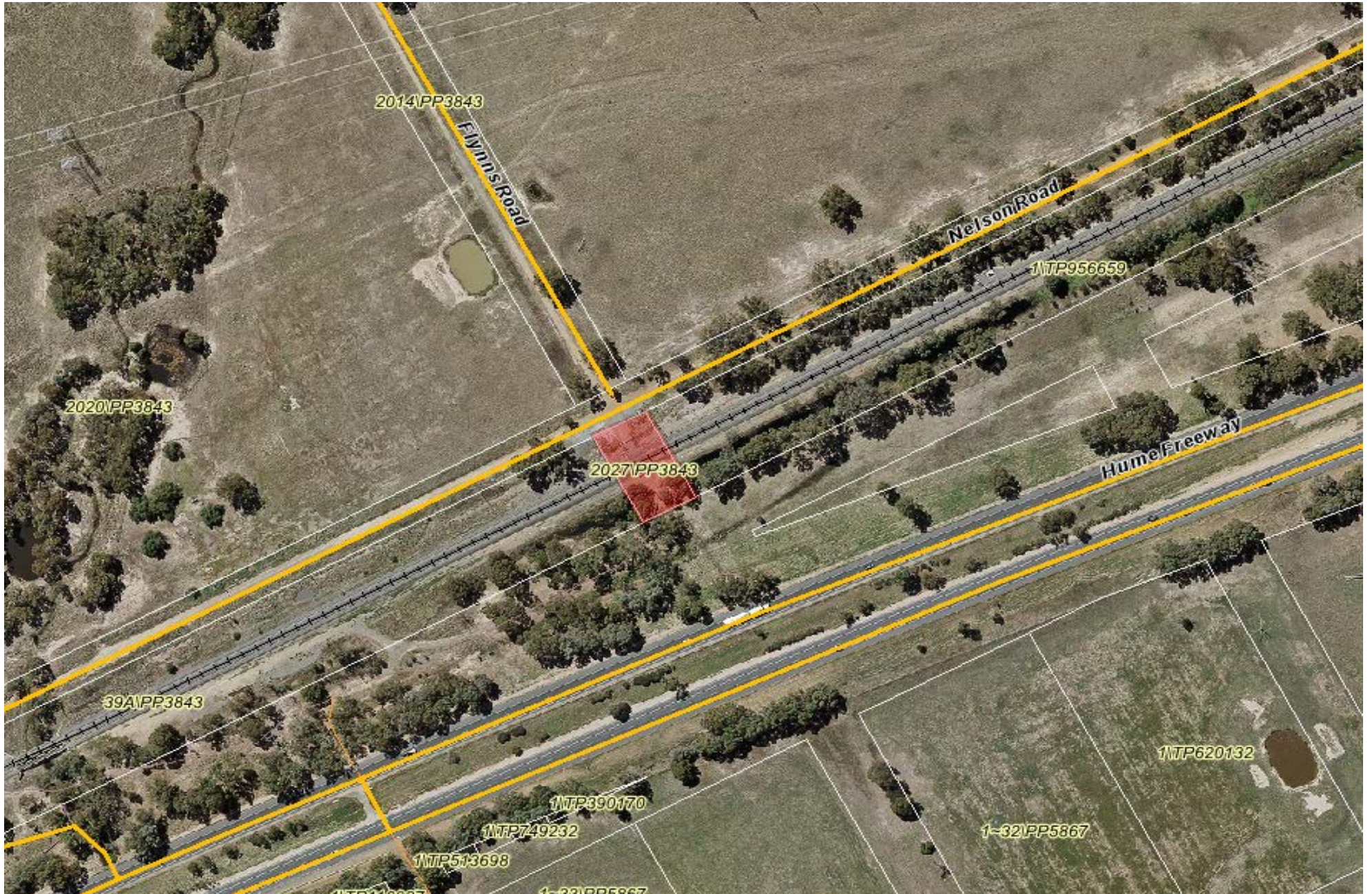


Plan of Adjoining Properties - CA 2025





Plan of Adjoining Properties - CA 2027





#### 4.4 *Climate Change Adaptation Action Plan 2013-2025 and the Environment Strategy 2016-2020 Review*

SF/1893

Nathan Gasperoni – Environmental Sustainability Officer  
Courtney Naughton – Manager Economic Development and Sustainability

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##### PURPOSE OF REPORT

The report discusses the review of the *Climate Change Adaptation Action Plan 2013-2025* and the *Environment Strategy 2016-2020*.

##### BACKGROUND

Benalla Rural City Council has two key environmental strategies, the *Climate Change Adaptation Action Plan* adopted by Council in 2013, and the *Environmental Strategy* adopted by Council in 2016. These strategies have now concluded either by their intended timeline, or relevancy to current day standards.

The *Climate Change Adaptation Action Plan* and the *Environmental Strategy* have been provided under separate cover and are available for download from the Council's website.

The *Climate Change Adaptation Action Plan* (Climate Adaption Plan) was developed for the purpose of assisting Council in adapting to climate variability, deliver services throughout times of emergency and climate instability and support the community. The Climate Adaption Plan was also scheduled for review at the four- and eight-year mark of the of action plan's 12-year life.

The Council's *Environment Strategy 2016-2020* (Environmental Strategy) developed internally aimed at improving the environmental performance of the Benalla Rural City Council. The four-year strategy had five strategic directions which governed 60 actions to be delivered by the Council.

In September 2021, a 597-signature petition was presented to the Planning and Development Committee requesting Council acknowledge that human actions have contributed substantially to the increasing levels of greenhouse gases and declare a climate emergency. The council resolved to further consider its position on Climate Change during a review of the Climate Adaption Plan. This review has been conducted and this report details the results and path forward.

As the Environment Strategy timeline for implementation has also concluded, Council officers have conducted a review of both strategies. They identified key information overlapped in both the strategies, as well as inconsistency in the delivery timeframe of similar actions. The review also acknowledges the shortfall on the delivery of the two strategies due to the achievability of the actions with resources and technology available.

## DISCUSSION

Council officers interviewed staff in each functional area of the organisation that would implement or collaborate in the actions of the Climate Adaption Plan. The Environmental Strategy actions were mainly related to work by the Environment, Planning and Waste units.

Specific risks and actions in the Climate Adaption Plan and Environmental Strategy were discussed. All functional areas within council were interviewed. Responses and progress were recorded against each action in each plan and evaluated.

The evaluation rated each proposed action against two criteria:

1. The level of success of each proposed action.
2. What influence the Climate Adaption Plan, or Environmental Strategy had on the proposed action and its outcome.

The Climate Adaption Plan and Environmental Strategy Review showed progress in Councils advocacy on collaborative projects that increase community resilience and risks of climate change, with the majority of this occurring via the Council's membership with GMCA (Goulburn Murray Climate Alliance).

Projects, such as Naturally Cooler Towns and RecLess Water Management Initiative (joint project with Alpine Shire), have provided the Council with important knowledge and positive changes to practise.

Other major positives included an increased number and quality of shading on community areas, more sustainable features included in redesign of Customer Service Centre and Sir Edward 'Weary' Dunlop Learning Centre and more energy efficient HVAC systems being installed in Council Buildings.

However, the review showed the Climate Adaption Plan fell short of achieving many of its listed actions and outcomes. The review also found that many of the successful actions and outcomes did not occur directly due to the Climate Adaption Plan, and some were likely to occur regardless of the Climate Adaption Plan.

This was a result of ambitious targets and actions without thought to the Council's resources and financially feasible, as well as technology available to Council particularly in the early part of the plan's deployment. The other major factor was the lack of clarity in the goals and success indicators of many of the Climate Adaption Plan actions, making them more difficult to execute. These factors will need to be addressed going forward to achieve the desired results.

A positive for the Council is the knowledge base, accessible technology, and level of collaboration between local governments on climate change has increased drastically since the Climate Adaption Plan was written. This puts the Council in a position to be able to make significant progress in a short time. Another positive is the potential for increased funding opportunities from the Victorian and Australian governments.



Both governments have established carbon reduction goals that are backed by ongoing investment and grant opportunities. The Victorian government has committed to reaching net zero emissions by 2050 and has embedded responsibilities for Council in the *Local Government Act 2020* and *Climate Change Act 2017*. This includes the promotion of the economic, social, and environmental sustainability of the area, including mitigation and planning for climate change risks.

The *Local Government Act 2020* requires councils to address climate change in the Council Plan as a key overarching principle.

The next step for council is to produce and adopt a new overarching Environment Strategy that includes the Council's climate adaptation and mitigation goals and actions.

The review of the Climate Adaption Plan and Environmental Strategy has shown that a new strategy should only include actions that Council has control of and actions that can be embedded into Council operations. It should include goals with specific actions and clear, trackable outcomes.

The Strategy should also include a target for reducing Council's net emissions to zero. This can be conservative and match the State governments target of 2050 or follow suit of many of the other local councils and be closer to 2030.

Some of the Key Actions Council can include in the document are:

- embed Climate Change action into Council's plans and operations
- increasing Council's own electricity generation and storage
- converting Council's fleet to electric vehicles
- offsetting Council's electricity by purchasing Large-scale Generation Certificates (LGCs)
- employ a climate and sustainability officer to assist in delivering the strategies goals and actions.

### **Project Plan outline**

A project plan has been created (refer **Appendix 1**) outlining the key steps for the development of a new Climate and Environment Strategy to be known as *Benalla Rural City Council Climate and Environment Strategy*. This sets out the timeline for the strategy development and what is expected at each stage.

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

#### **Community**

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

**Livability**

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

**Economy**

- *Thriving business and industry.*
- *Flourishing tourism.*
- *Diverse education and employment*
- *Population growth.*

**Environment**

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

**Leadership**

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

**COMMUNITY ENGAGEMENT**

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

<b>Level of Public Participation</b>	<b>Promise to the community</b>	<b>Techniques to be used</b>
Consult	We will provide information and consider feedback prior to making a decision.	<ul style="list-style-type: none"> <li>▪ Face to face consultation with community groups and key stakeholders.</li> <li>▪ Engagement Plan presented to Council in a public report.</li> <li>▪ Development of a community survey to seek feedback.</li> <li>▪ Hold a Workshop for community members to provide feedback.</li> <li>▪ Draft Strategy to be presented to the Council at a future meeting.</li> </ul>

A *Benalla Rural City Council Climate and Environment Strategy Communications and Stakeholder Engagement Plan (Appendix 2)* has been developed to support the development of the plan with community input. Council Officers will consult with local community groups and key stakeholders via face-to-face workshops.

#### FINANCIAL IMPLICATIONS

The proposed *2023/2024 Budget* allocates \$50,000 for the development of the new *Benalla Rural City Council Climate and Environment Strategy*.

#### LEGISLATIVE AND STATUTORY IMPLICATIONS

The Victorian government has embedded responsibilities for Council in the *Local Government Act 2020* and *Climate Change Act 2017*. The promotion of the economic, social, and environmental sustainability of the area, including mitigation and planning for climate change risks.

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

#### OFFICER DECLARATION OF CONFLICT OF INTEREST

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

#### Recommendation:

1. That the report be noted.
2. That a draft *Benalla Rural City Council Climate and Environment Strategy* be developed.
3. That the *Benalla Rural City Council Climate and Environment Strategy Communications and Stakeholder Engagement Plan* be endorsed.

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## Benalla Rural City Council - Project Plan - Climate And Environment Strategy

<b>Project Name:</b>	Climate and Environment Strategy		
<b>Project Start Date:</b>	June 2022	<b>Project End Date:</b>	October 2023 (Council Adoption)

<b>What needs to be done?</b> <i>List items in the order they will be done</i>		<b>How will it be done ?</b>	<b>Who is responsible?</b>	<b>Evidence of completion</b>	<b>Expected Completion Date</b>	<b>Status</b> <i>Complete In-Progress Not Started</i>
<b>1</b>	Review the Current Environment Strategy (ES) and Climate Change Adaptation Action Plan (CCAAP)	Assess the success level of each of each action within both the ES and CCAAP. Assess results of desired outcomes including reasons as to why they were/were not successful.	Environmental Sustainability Coordinator, Environmental Sustainability Officer	Report presented to leadership and the Council on the results of the review	February 2023	Complete
<b>2</b>	Internal interviews with key departments to assess progress and success of responsible actions from ES and CCAAP	Conduct interviews with all areas of Council directly responsible/associated with any of the actions from the ES and CCAAP.	Environmental Sustainability Coordinator, Environmental Sustainability Officer	Report presented to leadership and the Council on the results of the review	February 2023	Complete
<b>3</b>	Produce and release a community survey to assess the community's important areas of focus for Council's Environmental and Climate work.	Produce survey with questions on key focus areas of the project. Advertise QR code with link to the survey in Newspaper, Council social media channels, Council website.	Environmental Sustainability Officer, Communication and Engagement Coordinator	Survey publicly available	April 2023	
<b>4</b>	Establish Internal Working Group, consisting of Council employees.	Call for representatives from across multiple areas of Council	Environmental Sustainability Officer	Group members established and meeting agenda produced	April 2023	

## Benalla Rural City Council - Project Plan - Climate And Environment Strategy

<b>What needs to be done?</b> <i>List items in the order they will be done</i>		<b>How will it be done ?</b>	<b>Who is responsible?</b>	<b>Evidence of completion</b>	<b>Expected Completion Date</b>	<b>Status</b> <i>Complete In-Progress Not Started</i>
<b>5</b>	Face to face engagement with key community stakeholders	Nominate and contact key community stakeholders to arrange in-person engagement	Environmental Sustainability Officer	Meetings completed and feedback recorded	May 2023	
<b>6</b>	Procure a consultant to produce a science-derived emission reduction target	Undertake procurement process to recruit a consultant to undertake the work. Assist in providing all relevant emissions data to consultant.	Manager of Economic Development and Sustainability, Environmental Sustainability Officer	Report received by Council	September 2023	
<b>7</b>	Produce draft Strategy document	Review all feedback from internal and external consultation, including the direction and key themes of the Strategy. Produce draft document containing: <ul style="list-style-type: none"> <li>▪ Relevant background and development information</li> <li>▪ Key themes of the strategy</li> <li>▪ Goals and expectations of the strategy</li> <li>▪ Actions to be completed post adoption of the strategy.</li> <li>▪ Current BRCC emissions profile</li> <li>▪ Emission reduction targets, both over the life of the strategy and longer term</li> </ul>	Environmental Sustainability Officer	Draft document produced	August 2023	
<b>8</b>	Graphic Design for the Strategy completed	Procure a graphic designer to undertake to the graphic design work for the strategy, ensuring the design fits with Benalla Rural City theme	Manager of Economic Development and Sustainability, Environmental Sustainability Officer	Document design produced and reviewed	September 2023	

## Benalla Rural City Council - Project Plan - Climate And Environment Strategy

<b>What needs to be done?</b> <i>List items in the order they will be done</i>		<b>How will it be done ?</b>	<b>Who is responsible?</b>	<b>Evidence of completion</b>	<b>Expected Completion Date</b>	<b>Status</b> <i>Complete In-Progress Not Started</i>
<b>9</b>	Present draft document to the Council	Produce draft strategy document for feedback from the Council. Put draft strategy out for public consultation for a period of 28 days for community feedback.	Manager of Economic Development and Sustainability, Environmental Sustainability Officer	Document presented and feedback noted	September 2023	
<b>10</b>	Produce Final Strategy document	Consolidate feedback and produce final strategy document.	Manager of Economic Development and Sustainability, Environmental Sustainability Officer	Final Document produced	September 2023	
<b>11</b>	Strategy Adopted by Council	Present Completed Strategy to the Council	Manager of Economic Development and Sustainability, Environmental Sustainability Officer	Council Adopts Strategy	October 2023	
<b>12</b>	Implementation	Implementing the actions of the Strategy to achieve the goals set out within it	BRCC	Desired outcomes and goals of the strategy	End of Strategy	





# Benalla Rural City Council

## Communications and Stakeholder Engagement plan

Event/Project:	Benalla Rural City Climate and Environment Strategy
Prepared by:	Nathan Gasperoni – Environmental Sustainability Officer
Prepared for:	Benalla Rural City Council
Date prepared:	22/03/2023
Status:	Ongoing

## Key messages

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	Messages
What is the project/event to be communicated?	<ul style="list-style-type: none"> <li>The development of the Council Climate and Environment Strategy</li> </ul>
Who is funding it?	<ul style="list-style-type: none"> <li>The development of the Strategy will be funded by Council</li> </ul>
Upcoming engagement events	<ul style="list-style-type: none"> <li>Face to face meetings with key Community stakeholders</li> <li>Community Survey - QR code, Newspaper, Council social media channels</li> <li>Aboriginal Advisory Group</li> <li>Resource recovery group</li> <li>Emissions Profile Consultant</li> </ul>
What is the call to action / what do you want people to do?	<ul style="list-style-type: none"> <li>Important areas for improvement of Council's performance on environment and sustainability areas</li> <li>Important areas for improvement of Council's performance on Climate Change</li> </ul>

# Action Plan

Actions based on internal communications, community and stakeholder engagement, channel and media, engagement approaches above. *Should be SMART = specific, measurable, achievable, relevant and time-bound.*

Action	Target	How	Who	When	Status
What needs to be done	Who is the audience for this action	How it will be done. Include outcome, measures, channels	Who will do it	By when	Underway, ongoing, complete
<b>Internal communications</b>					
Internal working group (call for 8 people (monthly meeting for 1 hr): <ol style="list-style-type: none"> <li>1. Community</li> <li>2. Infrastructure</li> <li>3. Finance</li> <li>4. Building</li> <li>5. Planning</li> <li>6. Enviro health</li> <li>7. Customer service</li> <li>8. Communications</li> <li>9. Emergency management</li> </ol> Develop agenda (standard)	Council employees	Monthly meetings monitoring progress.  Develop action plan	Environmental Sustainability Officer	April 2023	
Working group with Councillors (facilitator in for this)	Councillors	Education piece/leadership (another Councillor from another Council)	Economic Development and Sustainability Manager	May 2023	

Action	Target	How	Who	When	Status
What needs to be done	Who is the audience for this action	How it will be done. Include outcome, measures, channels	Who will do it	By when	Underway, ongoing, complete
<b>Community engagement</b>					
Development of a survey. 1. Age 2. Location 3. Gender 4. What does the environment mean to you? 5. How do you think we can improve our environmental performance 6. How do you think the community could improve their environmental performance 7. What does climate change mean to you? 8. How do you think climate change will impact the operations of Council and the community into the future. 9. State government has a 2050 zero emissions target. Is earlier target achievable? What is the target you would like to see. 10. Financial considerations	Community, council employees, community groups	Produce a QR code that links to the survey to be placed in: <ul style="list-style-type: none"> <li>▪ Newspaper</li> <li>▪ Facebook posts</li> <li>▪ LinkedIn</li> <li>▪ Instagram.</li> </ul>	Environmental Sustainability Officer Administrative Officer Community Development, Arts Communications, Tourism and Events Communication and Engagement Coordinator	April 2023	

Action	Target	How	Who	When	Status
What needs to be done	Who is the audience for this action	How it will be done. Include outcome, measures, channels	Who will do it	By when	Underway, ongoing, complete
Benalla Market	Survey respondents. (250)	Organise a stall at the Benalla market with ESO, EDSM and Councillor/s, assist community members in completing survey and answering any questions	Environmental Sustainability Officer, Economic Development and Sustainability Manager, Councillor	May 2023	
Community Workshops	Community	Collaborate with Community Development Coordinator to set up workshops in the town halls across the LGA	Environmental Sustainability Officer, Community Development Coordinator	May 2023	
<b>Stakeholder engagement</b>					
GMCA	Interview with EO	List of questions applicable to project.  What is GMCA working on? How can Benalla link in.	Environmental Sustainability Officer	April 2023	
Benalla Sustainable future group	Group discussion	Survey, PowerPoint presentation on timelines and project scope  How can it link into what they are working on?	Environmental Sustainability Officer	April 2023	

Action	Target	How	Who	When	Status
<b>What needs to be done</b>	<b>Who is the audience for this action</b>	<b>How it will be done. Include outcome, measures, channels</b>	<b>Who will do it</b>	<b>By when</b>	<b>Underway, ongoing, complete</b>
Waste Group	Group discussion	Survey, how it can link into what they are working on?	Environmental Sustainability Officer	May 2023	
Gecko Clan	Meet with EO	Distribute survey  Discuss current/future Gecko Clan projects that may link in	Environmental Sustainability Officer	May 2023	
CMA	Meet with EO.	Distribute survey  Discuss current/future CMA projects that may link in	Environmental Sustainability Officer	May 2023	
Aboriginal advisory group	Meet with group	Distribute survey  Discuss Scope of the project and potential input from the group	Environmental Sustainability Officer	April 2023	
<b>Media</b>					
Facebook posts and socials	Community	Bi-weekly posts with links to survey and project updates/events	Communications Officer	April-August 2023	

Action	Target	How	Who	When	Status
What needs to be done	Who is the audience for this action	How it will be done. Include outcome, measures, channels	Who will do it	By when	Underway, ongoing, complete
HIVE for the Draft strategy	Community	Produce report to be placed on Hive  Provide small list of questions to be completed as part of feedback	Environmental Sustainability Officer, Communication and Engagement Coordinator	August 2023	
Media releases	Community	Links to survey and project updates/events	Environmental Sustainability Officer, Communication Officer	April-June 2023	

#### 4.5 Mayor and Councillor’s Attendance at Committees and Civic Functions

SF/808-08

Tracey Beaton - Executive Coordinator

The Mayor and Councillors, listed in alphabetical order, attended meetings and events as detailed below during the period from 6 March 2023 to 7 April 2023.

<b>Councillor Danny Claridge</b>	
7 March	Benalla Art Gallery Committee Meeting
8 March	Benalla Family Research Group Meeting
	Councillor Only Time
	Assembly of Councillors – Business Review
10 March	Minister Shing visit to the Benalla Visitor Information Centre Redevelopment
	Whole School Special Assembly (P-12 College) Welcome to Foundation Students
12 March	Swanpool Motor Festival
15 March	U3A Benalla Annual General Meeting
	Councillor Only Time
	Council Meeting
16 March	Recycling Victoria North East - Regional Roundtable Meeting
	Waste and Recycling Forum
18 March	Ceremony at Moria Park Garden planted to commemorate the Platinum Jubilee of Queen Elizabeth II.
	Benalla Airshow
21 March	Benalla Family Research Group Meeting
	Benalla West Estate Project Update
29 March	Councillor Only Time
	Communications Advisory Committee
	Assembly of Councillors – Business Review
1 April	Moorngag Mower Mania
5 April	Councillor Only Time
	Benalla Historical Society Committee Meeting
	Finance and Planning Committee Meeting
6 April	Visitor Information Centre Redevelopment Site Tour

<b>Councillor Peter Davis</b>	
6 March	Albert Heaney Oval Management Committee Tri Annual Meeting
8 March	Councillor Only Time
	Assembly of Councillors – Business Review
10 March	Minister Shing visit to the Benalla Visitor Information Centre Redevelopment
12 March	Swanpool Motor Festival
15 March	Councillor Only Time
	Council Meeting
18 March	Ceremony at Moria Park Garden planted to commemorate the Platinum Jubilee of Queen Elizabeth II.
	Benalla Airshow
21 March	Benalla West Estate Project Update
27 March	Tri Annual General Meeting of the Goorambat Hall Committee of Management
29 March	Councillor Only Time
	Communications Advisory Committee
	Assembly of Councillors – Business Review
1 April	Moorngag Mower Mania
5 April	Benalla Art Gallery Foundation Meeting
	Councillor Only Time
	Finance and Planning Committee Meeting
6 April	Visitor Information Centre Redevelopment Site Tour

<b>Councillor Don Firth</b>	
8 March	Councillor Only Time
	Assembly of Councillors – Business Review
12 March	Swanpool Motor Festival
15 March	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Council Meeting
16 March	Benalla Airshow Meeting
18 March	Ceremony at Moria Park Garden planted to commemorate the Platinum Jubilee of Queen Elizabeth II.
	Benalla Airshow
21 March	Benalla West Estate Project Update
23 March	Benalla Indoor Recreation Centre General Meeting
29 March	Councillor Only Time
	Assembly of Councillors – Business Review



<b>Councillor Don Firth</b>	
4 April	Accessibility Reference Group Meeting
5 April	Councillor Only Time
	Finance and Planning Committee Meeting
6 April	Visitor Information Centre Redevelopment Site Tour

<b>Councillor Punarji Hewa Gunaratne</b>	
6 March	Benalla P-12 College Extraordinary School Meeting
8 March	Assembly of Councillors – Business Review
15 March	Council Meeting
21 March	Benalla West Estate Project Update
27 March	Benalla P-12 College School Council Meeting
29 March	Assembly of Councillors – Business Review
5 April	Finance and Planning Committee Meeting

<b>Mayor Councillor Bernie Hearn</b>	
6 March	Benalla Airshow Media Event
8 March	International Women's Day Breakfast
	Councillor Only Time
	Assembly of Councillors – Business Review
10 March	Minister Shing visit to the Benalla Visitor Information Centre Redevelopment
15 March	U3A Benalla Annual General Meeting
	Councillor Only Time
	Council Meeting
18 March	Benalla Airshow
21 March	Benalla West Estate Project Update
29 March	Councillor Only Time
	Communications Advisory Committee
	Assembly of Councillors – Business Review
	Communications Advisory Committee
	Assembly of Councillors – Business Review
1 April	Moorngag Mower Mania
3 April	Benalla Local Safety and Traffic Liaison Committee Meeting
4 April	Accessibility Reference Group Meeting
5 April	Councillor Only Time
	Finance and Planning Committee Meeting
6 April	Visitor Information Centre Redevelopment Site Tour

<b>Councillor Justin King</b>	
8 March	Councillor Only Time
	Assembly of Councillors – Business Review
10 March	Minister Shing visit to the Benalla Visitor Information Centre Redevelopment
12 March	Swanpool Motor Festival
15 March	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Council Meeting
17 March	Benalla Art Gallery - Exhibition Celebration: Tony Lloyd – High Plains Drift
18 March	Benalla Airshow
21 March	Benalla West Estate Project Update
	Churchill Reserve Committee of Management Special Meeting
24 March	Staff Service Awards
29 March	Councillor Only Time
	Assembly of Councillors – Business Review
3 April	Benalla Local Safety and Traffic Liaison Committee Meeting
5 April	Councillor Only Time
	Finance and Planning Committee Meeting
6 April	Visitor Information Centre Redevelopment Site Tour

<b>Councillor Gail O’Brien</b>	
8 March	International Women's Day Breakfast
	Councillor Only Time
	Assembly of Councillors – Business Review
18 March	Benalla Airshow
22 March	Benalla Street Art Workshop
29 March	Councillor Only Time
	Assembly of Councillors – Business Review
3 April	Benalla Health and Wellbeing Partnership Meeting
4 April	Accessibility Reference Group Meeting
5 April	Councillor Only Time
	Finance and Planning Committee Meeting
6 April	Visitor Information Centre Redevelopment Site Tour

<p><b>Recommendation:</b>  <b>That the report be noted.</b></p>
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#### 4.6 Council Actions Pending

Council Actions Pending are detailed in **Appendix 1**.

**Recommendation:**

**That the report be noted.**

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## Council Actions Pending

Action No.	Meeting Name	Item	Action	Officer	Status/notes
1.	F&P 5 April 2023	4	<p><b>2022/2023 Quick Response Grants Program and Major Event Funding</b></p> <p>1. That \$500 grants from the 2022/2023 Quick Response Grant program be allocated to Benalla Swimming Club, Molyullah Recreation and Public Hall Reserve Inc., Benalla Sustainable Future Group Inc., Rotary International District 9790 Inc and Benalla Garden Club Inc.</p> <p>2. That \$2,000 grants from the 2022/2023 Major Event Funding program be allocated to Austin 7 Club, Benalla Racing Club, Lions Club of Benalla Inc. and Molyullah Recreation and Public Hall Reserve Committee.</p> <p>3. That a \$1,400 grant from the 2022/23 Major Event Funding program be allocated to Gliding Club of Victoria.</p> <p>4. That a \$2,000 grant from the 2022/2023 Major Event Funding program be allocated to Benalla Migrants Association.</p>	MC	<p>1. Completed</p> <p>2. Completed</p> <p>3. Completed</p> <p>4. Completed</p>
2.	Council Meeting 15-Mar-23	4.10	<p><b>Councillor Conduct Panel Determination</b></p> <p>That the <i>Councillor Conduct Panel Determination and Statement Of Reasons For Decision</i> be noted.</p>	GMC	Completed
3.	Council Meeting 15-Mar-23	4.5	<p><b>2022/23 Quick Response Grants Program</b></p> <p>That \$500 grants from the 2022/2023 Quick Response Grant program be allocated to Lima South Hall Committee and the Benalla Clydesdale and Heavy Horse Driving Day.</p>	MC	Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
4.	Council Meeting 15-Mar-23	4.4	<p><b>Benalla Airport – Intention to Lease Land</b></p> <p>1. That in accordance with Section 115 of the Local Government Act 2020, a lease agreement be entered into with Mr Martin Jacobson for Hangar site 28 at the Benalla Airport, Samaria Road, Benalla for a term of five years commencing 1 July 2023 with an option for four further terms of five years.</p> <p>2. That the Chief Executive Officer be authorised to execute lease documentation on behalf of the Council.</p>	MF	<p>1. Completed</p> <p>2. Completed</p>
5.	Council Meeting 15-Mar-23	4.3	<p><b>Arthur Baird Memorial Sculpture</b></p> <p>That the proposed Arthur Baird Memorial sculpture be endorsed for public exhibition for a period of at least 28 days.</p>	MEDAS	In progress
6.	Council Meeting 15-Mar-23	4.2	<p><b>Proposed Tesla Carpark Lease</b></p> <p>1. That submissions be received.</p> <p>2. That in-principle support be given to the installation of an electric vehicle supercharger in the carpark at the rear of 49-59 Smythe Street, Benalla.</p> <p>3. That licence agreement negotiations be finalised with Tesla Motors Australia Pty Ltd for the use and occupancy of land at the rear of 49-59 Smythe Street, Benalla.</p> <p>4. That a report on licence agreement negotiations be presented to the Finance and Planning Committee meeting on 5 April 2023.</p> <p>5. That submitters be advised of the Council’s decision.</p>	MEDAS	<p>1. Completed</p> <p>2. Completed</p> <p>3. Completed</p> <p>4. Negotiations are continuing. Report expected in August 2023.</p> <p>5. Completed</p>
7.	F&P Committee 1-Mar-23	3	<p><b>Planning Scheme Review Amendment – Benalla Planning Scheme Review</b></p> <p>That Council resolves to:</p> <p>1. Note and forward the <i>Benalla Planning Scheme Review 2022</i> to the Minister for Planning in accordance with Section 12B (5) of the <i>Planning and Environment Act 1987</i>.</p> <p>2. Seek assistance from Regional Planning Hubs to prepare and exhibit a planning scheme amendment to implement the <i>Benalla Planning Scheme Review 2022</i>.</p>	MD	<p>1. Completed</p> <p>2. In progress</p>

Action No.	Meeting Name	Item	Action	Officer	Status/notes
8.	Council Meeting 8-Feb-23	4.4	<p><b>Proposed Discontinuance of Roads Abutting Nelson Road, Winton North</b></p> <p>That Council, acting under clause of Schedule 10 of the <i>Local Government Act 1989</i> (Act):</p> <ol style="list-style-type: none"> <li>1. Having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act, and being of the opinion that the government roads abutting Nelson Road, Winton North, being the land shown marked as 'lot 1' on each of the plans attached to this report as Attachment 1 (Roads), are not reasonably required for public use for the reasons set out in this report, resolves that the Roads be discontinued;</li> <li>2. Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the <i>Victoria Government Gazette</i>; and</li> <li>3. Directs that any easements, rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance of the Roads.</li> </ol>	MAI	<ol style="list-style-type: none"> <li>1. Completed</li> <li>2. Completed</li> <li>3. Completed</li> </ol>
9.	Council Meeting 7-Sep-22	9.2	<p><b>Waste Services Policy Review</b></p> <ol style="list-style-type: none"> <li>1. That the <i>Waste Services Policy</i> be adopted.</li> <li>2. That the <i>Waste Services Policy</i> be reviewed in September 2026.</li> <li>3. That a report on the establishment of a Waste Reduction Working Group be presented to the December 2022 Planning and Development Committee meeting.</li> <li>4. That Waste Reduction Working Group investigate a cloth nappy rebate initiative and report back to the Council in due course.</li> </ol>	MAI	<ol style="list-style-type: none"> <li>1. Completed</li> <li>2. To be completed</li> <li>3. Report presented to Finance and Planning Committee on 7 December 2022.</li> <li>4. Committee to investigate</li> </ol>



Action No.	Meeting Name	Item	Action	Officer	Status/notes
10.	F&O Committee 27-Jul-22	2.	<p><b>Presentation: Benalla Centrelink Campaign</b></p> <ol style="list-style-type: none"> <li>1. That the Council reach out to Centrelink to send a representative to present to the Council.</li> <li>2. That the Council continue to advocate to the Federal Government for the re-opening of the Benalla Centrelink and National Disability Insurance Agency (NDIA) offices.</li> </ol>	CEO	<ol style="list-style-type: none"> <li>1. In progress</li> <li>2. Meeting organised with Minister for NDIS and Minister for Government Services Hon Bill Shorten MP .</li> </ol>
11.	P&D Committee 22-Jun-22	3.	<p><b>Petition: Declare Churchill Reserve an Off-leash Area</b></p> <ol style="list-style-type: none"> <li>1. That the report be noted.</li> <li>2. That the option of a designated fenced dogs-off-leash area within or in proximity of Churchill Reserve be investigated and reported back to the Council.</li> </ol>	MD	<ol style="list-style-type: none"> <li>1. Completed</li> <li>2. In progress</li> </ol>
12.	F&O Committee 15-Jun-22	9.	<p><b>Financial Hardship Policy Review</b></p> <ol style="list-style-type: none"> <li>1. That the <i>Financial Hardship Policy</i> be adopted.</li> <li>2. That the <i>Financial Hardship Policy</i> be reviewed once the <i>Local Government legislation Amendment (Rating Reform and Other Matters) Bill 2022</i> becomes legislation.</li> </ol>	MF	<ol style="list-style-type: none"> <li>1. Completed</li> <li>2. Legislation has been passed. A report will be presented once further clarification has been received.</li> </ol>
13.	Council Meeting 25-May-22	9.2	<p><b>Benalla Central Business District Streetscape Concepts</b></p> <ol style="list-style-type: none"> <li>1. That the draft <i>Benalla Bridge Street Improvements Project</i> be endorsed for public exhibition.</li> <li>2. That the draft <i>Benalla Bridge Street Improvements Project</i> be placed on public exhibition for a period of at least 28 days.</li> </ol>	MD	<ol style="list-style-type: none"> <li>1. Completed</li> <li>2. Preparing consultation program</li> </ol>

Action No.	Meeting Name	Item	Action	Officer	Status/notes
14.	Council Meeting 10-Feb-21	11.2	<p><b>Notice of Motion: Hosting of a community and sporting group summit to understand the impact of COVID-19</b></p> <ol style="list-style-type: none"> <li>1. That the Council invite representatives from sporting and community clubs to participate in "round table" discussions to identify the challenges faced during the COVID-19 Pandemic with the intent to better understand the impact of the pandemic with a specific focus on: <ul style="list-style-type: none"> <li>▪ Financial impact</li> <li>▪ Participation rate impact (members/volunteers)</li> <li>▪ Social impact</li> </ul> </li> <li>2. That "round table" (or alternative 'one on one') discussions be facilitated in accordance with COVID-19 requirements by the Waste and Recreation Coordinator, Community Development Coordinator and Volunteer Development Coordinator in the normal cycle of interactions (i.e. Committee of Management meetings) across 3 months. Options of MS Teams and Zoom can be offered as a second means of facilitating discussions if required.</li> <li>3. That the Council use the Summit as an exercise to collect information.</li> <li>4. That the Council draft the information collected in a document that captures the impact of COVID-19 on sporting clubs and community groups within our community.</li> <li>5. That the report be developed and presented to the Council for adoption and be provided to Federal and State members for consideration.</li> </ol>	CEO	<ol style="list-style-type: none"> <li>1. Pending</li> <li>2. Pending</li> <li>3. Pending</li> <li>4. Pending</li> <li>5. Pending</li> </ol>

Action No.	Meeting Name	Item	Action	Officer	Status/notes
15.	Council Meeting 10-Feb-21	11.1	<p><b>Notice of Motion: Seeking development of COVID-19 Support Initiatives</b></p> <p>That the Council develop COVID-19 Support Initiatives (BCSI) that provide advice and support to the Benalla community through 2021/22.</p> <ol style="list-style-type: none"> <li>1. That the Council develop a community 2021/22 BCSI document (directory) that provides current advice and information relating to COVID-19 supports, including local providers and agencies, Government Departments and sectors from across the state.</li> <li>2. That the Council undertake a review to consider local supports for the Benalla community as part of the BCSI.</li> <li>3. That the Council consider the adoption of the final BCSI document upon its completion and the review be considered during the council budget process 2021/22.</li> </ol>	CEO	<ol style="list-style-type: none"> <li>1. Completed</li> <li>2. In progress</li> <li>3. Ongoing. COVID-19 impacts considered during 2021/22 and 2022/23 Budget deliberations.</li> </ol>

## 5. Reports by Councillors

**Recommendation:**  
That the report(s) be noted.

## 6. Notices of Motion

## 7. Notices of Rescission Motion

## 8. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

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## Confidential Business

It is proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contain personal information or private commercial information that would result in the unreasonable disclosure of information about a person, their personal affairs or expose the business, commercial or financial undertaking if released:

- 9.1 Kerbside Collection Collaborative Procurement Tender
- 9.2 Confidential Reports by Councillors
- 9.3 Confidential Council Actions Pending

**Recommendation:**

**That the meeting be closed to the public for the consideration of the confidential business item noted above pursuant to Sections 3(1) and Section 66(2)(a) of the *Local Government Act 2020*.**

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## 10. Reopening of the meeting to the public

**Recommendation:**

**That the meeting be reopened to the public.**

## Closure of the meeting