

Finance and Planning Committee

Minutes

Date: Wednesday 1 March 2023

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

The Committee Meeting was live streamed and recorded. Members of the public were encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

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

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Minutes

Chair	Councillor Danny Claridge	
Councillors	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Bernie Hearn (Mayor)	
	Councillor Punarji Hewa Gunaratne	
	Councillor Justin King	
	Councillor Gail O'Brien	
In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Adrian Gasperoni	Manager Assets and Infrastructure
	Courtney Naughton	Manager Economic Development and Sustainability
	Greg Robertson	Manager Facilities and Information Technology
	Jessica Beaton	Governance Coordinator
	Joel Ingham	Planning Coordinator

Opening and Acknowledgment of Country

The Chair opened the meeting at 6pm and recited the following Acknowledgement of Country.

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

Apologies

An apology was received from Councillor Justin King.

Cr Davis / Cr Gunaratne:

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

Carried

Governance Matters

The Committee Meeting was conducted in accordance with the *Local Government Act 2020* and the *Benalla Rural City Council Governance Rules 2020*.

Disclosures of Conflict of Interest

No conflicts of interest were disclosed at the Committee Meeting.

Confirmation of the previous Meeting Minutes

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

Cr Davis / Cr Gunaratne:

That the Minutes of the Finance and Planning Committee Meeting held on Wednesday 1 February 2023 be confirmed as a true and accurate record of the meeting.

Carried

Business**1. Planning Application For The Construction Of Two Dwellings In Addition To The Existing And A Three Lot Subdivision – 15 Dunn Street, Benalla**

The report assessed a planning application received for the construction of two dwellings to the rear of an existing dwelling and a three lot subdivision at 15 Dunn Street, Benalla.

It is noted that Mr Harry Moran spoke in favour of the planning application.

Cr Davis / Cr Hearn:

That Council having caused notice of Planning Application No. P0118/22 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 15 Dunn Street, Benalla, to construct two dwellings to the rear of an existing dwelling and to subdivide land into three lots in accordance with the endorsed plans, with the application dated 1 August 2022 and subject to the following conditions:

1. The development and/or use permitted by this permit must not be commenced until three copies of a site layout plan drawn to scale and with dimensions 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. Such plan must be generally in accordance with the plan submitted, but modified to show:
 - a) The internal living areas for each dwelling on the site to be provided with direct access by way of a door to the Secluded Private Open Space areas.
 - b) The provision of at least 6m³ of storage for each dwelling.
2. The development and/or use permitted by this permit 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.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Before the development starts a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey of all existing vegetation and natural features showing plants to be removed and retained;
 - b) all trees planted as part of the landscape works shall have a minimum height of 2.0 to 2.5m at the time of planting.

- c) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
- d) the method of preparing, draining, watering and maintaining the landscaped area;
- e) landscaping and planting within all open areas of the site
- f) all landscaped areas proposed to be used for stormwater retardation;

All species selected must be to the satisfaction of the responsible authority. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas. Before the use/occupation of the developments starts or prior to the issue of a statement of compliance of the subdivision or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained for a period of three months from the date of practical completion of the works to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.

5. Landscaping in accordance with the endorsed plans required by condition 4 must be completed prior to certificate of occupancy. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
6. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority. Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.
7. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
8. Before the use begins or prior to the issue of a Statement of Compliance, all vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and shall comply with the following:
 - a) standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways in accordance with IDM, and any existing redundant crossing shall be removed and replaced with concrete (kerb and channel);


- g) any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

No additional vehicle crossing may be constructed apart from those endorsed on the approved plan.

9. Before the use begins or prior to the issue of a Statement of Compliance, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
10. Before any of the development starts or prior to certification of the plan of subdivision, a properly prepared drainage discharge plan with computations 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 the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) details of how the works on the land are to be drained and retarded.
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge for each allotment.
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council.
- f) documentation demonstrating approval from the relevant authority for the legal point of discharge.
- g) the details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- h) maintenance schedules for treatment elements.
- i) each unit including open space areas independently drained to a single point of discharge for the whole development to the satisfaction of the Responsible Authority.

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- j) discharge from the site to be retarded on site to the satisfaction of the Responsible Authority, to ensure a maximum discharge rate off-site as specified in the Infrastructure Design Manual unless otherwise approved by the Responsible Authority.
 - k) underground drains for each unit including open space areas wholly contained within the fenced area pertaining to the unit. The outfall be located in or under the common vehicle driveway and shall not cross under or be located within any of the unit's fenced areas.
 - l) all dwellings to be erected must be provided with a rainwater tank for the collection and re-use of roof collected stormwater for toilet flushing and garden irrigation and for the dwelling to be plumbed accordingly.

Before the use begins or prior to the issue of Statement of Compliance, all works must be constructed in accordance with those plans to the satisfaction of the Responsible Authority

11. Before any drainage or landscaping works associated with the development or subdivision start, detailed construction 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 the permit.

All works constructed or carried out must be in accordance with those plans and must be completed prior to the commencement of the use.

12. Before the development starts or prior to certification of the Plan of Subdivision, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.
13. Before the use commences, or prior to the issue of a Statement of Compliance a payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works must be paid.
14. Before the use commences, or prior to the issue of a Statement of Compliance a payment to the Responsible Authority of a engineering design checking fee of an amount up to 0.75% of the value of documented works.
15. Before works commence onsite, a construction management plan must be provided for the development. The following items must be satisfied (but not limited to);
- Detail the scope of the works to be completed including details of the various stages, e.g. Demolition, Excavation, Construction etc. and the duration of each stage.

- Identify local traffic routes to be used by construction vehicles.
 - Identify ways to manage construction works to address impacts on local traffic routes.
 - Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
 - Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Management Plans (TMPs) prepared by an appropriately qualified person.
 - Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
 - Provide for the standing of vehicles during construction.
 - If trucks are to be accommodated on the site, provide a scaled drawing showing where the construction vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
 - If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
 - Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
 - If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Management Plans (TMPs) prepared by an appropriate qualified person.
 - Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
 - State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion. (Note: Oversize vehicles are vehicles longer than 7.5m or heavier than 4.5T).
 - Show the location of any proposed excavation and estimated volumes.
 - Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).
16. An on-site meeting with the responsible authority, the contractor and the developer or the developer's consultant to discuss matters such as, roadside management, construction techniques and tree protection zones to be barricaded off prior to and during construction must be conducted prior to commencement of construction.

17. Before the development starts or prior to certification of the plan of subdivision, a tree protection fence must be erected around the street trees at the dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.
18. All construction vehicles must not be parked on the nature strip along the development or on any part of the nature strip on Dunn Street. All vehicles must be parked legally on long the road or within the confines of the allotment during construction.
19. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
20. That the developer provide a footpath in accordance with the Infrastructure Design Manual along the full property frontage of the allotment along Dunn Street, Benalla to the satisfaction of the responsible authority.
21. In accordance with the *Planning and Environment Act 1987* a permit for the development expires if:
 - a) the 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.

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

Subdivision Conditions

22. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
23. 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.

24. 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.

25. 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.

26. Prior to the issue of a Statement of Compliance for the subdivision permitted under this permit:

- a) The owner must complete all footings and foundations of the buildings and works approved under Planning Permit No. P0118/22 to the satisfaction of the Responsible Authority; or
- b) The owner of the land must enter into, and register on title, an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which amongst other things, provides that:
 - i. Except with the consent of the Responsible Authority, the development of any lot created by the subdivision of the land must be in accordance with the development authorised by Planning Permit No. P0118/22 issued by the Responsible Authority and the various conditions included in that Planning Permit and the development depicted in the plans from time to time endorsed pursuant to that Planning Permit.

The cost of the preparation or review of the agreement and its registration on the title to the land must be borne by the owner of the land.

Condition 27 to 28 required by AusNet Electricity Services

27. 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.

28. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Condition 29 to 34 required by North East Regional Water Authority

- 29. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a water supply service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.**
- 30. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a sewerage service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.**
- 31. That the applicant pays 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.**
- 32. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable from time to time towards North East Water's sewerage and disposal systems servicing the area to which the permit applies.**
- 33. Easements must be provided over sewerage infrastructure to the satisfaction of North East Water.**
- 34. The applicant must enter into an agreement with North East Water for any proposed structures or works over or near a North East Water easement or asset in accordance with North East Water requirements.**
- 35. That in constructing any private water services, the applicant ensures that such services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.**
- 36. That the plan of subdivision be referred to North East Water when submitted for certification pursuant to Section 8 of the *Subdivision Act 1988*.**
- 37. That North East Water's consent is sought by the Responsible Authority prior to issuing a Statement of Compliance under the *Subdivision Act 1988*.**
- 38. In accordance with the Planning and Environment Act 1987 a permit for development which requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 expires if:**

- a) the plan is not certified within two years of the issue of the permit; or
b) the development or any stage is not completed within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

The Responsible Authority may extend the commencement date if a request is made in writing by the owner or the occupier of the land to which the permit applies before the permit expires or within 6 months afterwards.

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

Advice Notes

- 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.
- Prior to any works being carried out in relation to any part of the septic system a permit for the works must be obtained from the Benalla Rural City Council.
- A consent to work within a road reserve must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.
- Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Carried

2. Planning And Building Approvals – January 2023

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

Cr Gunaratne / Cr O'Brien:

That the report be noted.

Carried

3. Planning Scheme Review Amendment – Benalla Planning Scheme Review

The report presented the Benalla Planning Scheme Review.

Cr Firth / Cr O'Brien:

That Council resolves to:

- 1. Note and forward the *Benalla Planning Scheme Review 2022* to the Minister for Planning in accordance with Section 12B (5) of the *Planning and Environment Act 1987*.**
- 2. Seek assistance from Regional Planning Hubs to prepare and exhibit a planning scheme amendment to implement the *Benalla Planning Scheme Review 2022*.**

Carried

4. Development Department Activity Report For The Quarter Ended 31 December 2022

The report presented the activities of the Development department for the quarter ended 31 December 2022.

Cr Hearn / Cr Davis:

That the report be noted.

Carried

5. Assets and Infrastructure Department Activity Report For The Quarter Ended 31 December 2022

The report presented the activities of the Assets and Infrastructure department for the quarter ended 31 December 2022.

Cr Hearn / Cr Davis:

That the report be noted.

Carried

6. Capital Works Project Status Report For The Quarter Ended 31 December 2022

The report presented the activities of the Capital Works Program for the quarter ended 31 December 2022.

Cr Firth / Cr Davis:

That the report be noted.

Carried

7. Economic Development and Sustainability Activity Report For The Quarter Ended 31 December 2022

The report presented the activity of the Economic Development and Sustainability Department for the quarter ending 31 December 2022.

Cr Hearn / Cr Gunaratne:

That the report be noted.

Carried

8. Facilities and Information Technology Department Activity Report For The Quarter Ended 31 December 2022

The report presented the activities of the Facilities and Information Technology Department for the quarter ended 31 December 2022.

Cr Hearn / Cr Gunaratne:
That the report be noted.

Carried

9. 2022/2023 Quick Response Grants Program

The report presented funding applications for 2022/23 Quick Response Grants.

Cr Davis / Cr Hearn:
That \$500 grants from the 2022/23 Quick Response Grant program be allocated to Tatong Memorial Hall; Benalla Squash and Racquetball Association; and Benalla Indoor Recreation Centre.

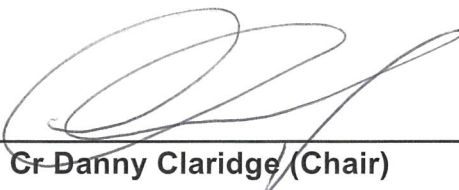
Carried

Closure of Meeting

The Committee meeting closed at 7.07pm.

Confirmed this fifth day of April 2023.

Signed:


Cr Danny Claridge (Chair)