

Finance and Planning Committee

Minutes

Date: Wednesday 27 September 2023

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

In accordance with Rule 6.4 of the *Governance Rules 2020* the Committee meeting was lived streamed via the Council's website and an audio recording was made of the proceedings of the meeting.

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

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Minutes

Chair	Cr 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 Tom Arnold Acting Manager Community Nilesh Singh Manager Development Stephanine Brack Acting Community Development Coordinator Joel Ingham Planning Coordinator Jess Pendergast Governance Coordinator

Opening and Acknowledgment of Country:

The Chair opened the meeting at 5.30pm 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

No apologies were submitted to the meeting.

Governance Matters

This Committee Meeting was 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 are audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

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.

No conflicts of interest were disclosed at the 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 Firth:

That the Minutes of the Finance and Planning Committee Meeting held on Wednesday 23 August 2023 be confirmed as a true and accurate record of the meeting.

Carried

Business**1. Planning Application P0095/22 – To Use And Develop Land For A Dwelling And Native Vegetation Removal – Depot Road/Eversley Street Crown Allotments 66, 66A, 67,67A Baddaginnie Township And Lot 1 TP109143, Baddaginnie**

This report assessed a planning application received for the use and development of land for the purpose of a dwelling at Depot Road in Baddaginnie.

It is noted that the following persons addressed the meeting:

- Ian Tavare spoke against the planning application.
- Rodney Cook spoke against the planning application.
- Criag Hamilton spoke in support of the planning application.

Cr O'Brien / Cr Davis:

That an additional three minutes be given to Rodney Cook.

Carried

Cr Hearn/ Cr Gunaratne:

That an additional three minutes be given to Rodney Cook.

Carried

Cr Firth / Cr King:

That council having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Depot Road/Eversley Street, CA66, CA66A, CA67, CA67A and Lot 1 TP109143, Baddaginnie for the use and development of land for a dwelling and the removal of native vegetation in accordance with the endorsed plans, submitted with the application on 30 May 2022, subject to the following conditions:

- 1. Prior to buildings and works commencing, 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. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must show:
 - a) A schedule of materials, including external cladding, roofing and colours.****
- 2. The layout of the development as shown on the endorsed plan(s) must not be altered or modified (for any reason) unless it is to the satisfaction of the Responsible Authority.**

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3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the dwelling hereby approved, titles CA66, CA66A, CA67, CA67A, Township of Baddaginnie and Lot 1, TP109143 must be consolidated under the *Subdivision Act 1988*.

Land Management Plan

5. Before the occupancy of the dwelling starts, a land management plan for the management and operation of the land must be approved and endorsed by the responsible authority. The land management plan must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) be prepared by a suitably qualified person
 - c) include the following details:
 - i. overall environmental objectives for management of the land and techniques to achieve these objectives
 - ii. techniques to protect and enhance the biodiversity of the land, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
 - iii. methods for the control and eradication of weeds
 - iv. methods for the control of pest animals
 - v. improving the condition of waterway frontages with vegetation
 - vi. preventing stock access to waterways
 - vii. maintaining onsite wastewater treatment systems such as septic tanks
 - viii. preventing soil erosion
 - ix. using and managing nutrients wisely
 - x. practices and procedures to ensure that no significant adverse environmental impacts occur as a result of the use
 - xi. practices and procedures to ensure no significant proliferation of structures, rubbish or other man made waste as a result of the use

The responsible authority may consent in writing to vary any details in the land management plan.

External materials

6. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.

Native vegetation

7. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements and approvals.
8. Access must be constructed at ground level without excavation. Gravel should be placed on the existing dirt track so the tree roots are not damaged.
9. The trees along the proposed access are to be protected during construction as per prescribed measures in AS 4970 – 2009 Protection of trees on development

sites (Australian Standard, 2009), via the erection of temporary fencing and other measures as required.

10. Lopping or pruning native vegetation for maintenance only may be permitted, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.

Offset requirement

11. To offset the removal of 0.84 hectares of native vegetation, as identified in Native Vegetation Removal Report VLQ-921, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

General offset

A general offset of 0.028 general habitat units:

- a) located within the Goulburn Broken Catchment Management Authority boundary
 - b) with a minimum strategic biodiversity score of at least 0.672
12. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- a) credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or
 - b) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

Environmental Health condition

13. All sewage and sullage waste water from the proposed development must be discharged into a new onsite septic tank system which is approved by the Environment Protection Authority and retains all wastes within the boundaries of the land, and is located to the satisfaction of the Responsible Authority. A Land Capability Assessment (LCA) must be accompanied with a permit to install a wastewater system on the land.

Engineering conditions

14. Prior to the commencement of the development allowed under this permit, the owner of the land must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act to provide:
- a) The owners acknowledge that only 20 metres of Smith Lane is maintained by Benalla Rural City Council and the balance of the road reserve is not maintained in accordance with the Benalla Rural City Council Road Management Plan;
 - b) The future maintenance past the 20 metres as stated in the Benalla Rural City Council Road Management Plan of Smith Lane is the responsibility of adjoining owner/s and not Benalla Rural City Council;

- c) Smith Lane must be maintained at all times as an all-weather standard capable of servicing emergency vehicles, to the satisfaction of the responsible authority.

This agreement must be registered on title with all costs associated with the preparation and registration of the agreement to be borne by the owner/s of the land.

15. Prior to the development commencing appropriate plans must be provided in accordance with the Infrastructure Design Manual to show;
- the legal point of discharge;
 - designed ingress/egress for the site;
 - all drawings must be provided to show the design of the access road meeting the requirements to provide all-weather road with dimensions to accommodate emergency vehicles.
 - any table drains required for the access road are to be connected to a legal point of discharge without impacting on the adjoining land or without impeding on the flow path across the property.
16. Prior to the commencement of buildings and works associated with the dwelling, an all weather two wheel drive access capable of servicing emergency vehicles and construction vehicles must be constructed to the dwelling site to the satisfaction of the Responsible Authority.
17. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the Responsible Authority.
18. Before the use begins and the building is occupied all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.
19. Before the use begins and the building is occupied all stormwater and surface water discharging from the site, buildings and works must be retained on site or conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.
20. The approved works must not cut off natural drainage from adjacent properties.
21. No earthworks shall be permitted to restrict the flow of water entering or leaving the depression and low lying land indicated on the plan.
22. Any damage to Council assets (i.e. roads, table drains etc) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.
23. No additional vehicle crossing may be constructed apart from those endorsed on the approved plan.

Conditions 24 and 25 required by Goulburn Broken Catchment Management Authority

24. The finished floor level the proposed dwelling must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint.

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25. A Works on Waterway Permit is required from the Goulburn Broken CMA for the access crossing over Folly Creek. The approaches and the top of deck of the access crossing must be set no lower than 187.5 metres AHD.

Conditions 26 to 28 required by Goulburn Murray Water

26. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

27. All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

28. The wastewater disposal area must be located at least: 60m from any waterways (including dams on a waterway), 40m from any drainage lines, 60m from any dams, and 20m from any bores.

Permit Expiry

29. This permit will expire if one of the following circumstances applies:

- The development is not started within two years of the date of this permit.
- The use is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

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

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

Notes:

1. The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.
2. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
3. A road opening/crossing permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.
4. The design and installation of any waste water disposal system for any building on the land must comply with the *Septic Tanks Code of Practice*, (On-site Domestic Wastewater Management), March, 1996, (Publication No. 451) published by the Environment Protection Authority, State Government of Victoria.
5. This permit does not authorise the removal of any native vegetation on the road reserve. The applicant must apply for and obtain necessary permits if any removal is required.

Carried

DC

It is noted that Councillor Don Firth and Councillor Justin King moved the motion to allow for debate on the recommendation.

Cr Hearn / Cr Davis

That standing orders be suspended to allow for further discussion on the item.

Carried

Sanding orders were suspended at 6.40pm.

Cr Davis / Cr King:

That standing orders resume.

Carried

Standing orders resumed at 6.44pm.

A division of the vote was called.

Votes recorded in favor of the motion:

Councillor Danny Claridge

Councillor Don Firth

Councillor Bernie Hearn

Councillor Punarji Hewa Gunaratne

Votes recorded against the motion:

Cr Davis

Cr King

Cr O'Brien

The motion was **carried**.

2. Building and Planning Approvals – August 2023

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

Cr Hearn / Cr O'Brien:
That the report be noted.

Carried

3. Draft Fawckner Drive Precinct Masterplan – Consideration of Submissions

The report considered submissions received on the draft *Fawckner Drive Precinct Masterplan*.

Cr King / Cr Davis:
That the report be noted.

Carried

4. 2023/2024 Quick Response Grants

The report presented funding applications for 2023/24 Quick Response Grants.

Cr Firth / Cr O'Brien:
That a \$400 grant from the 2023/2024 Quick Response Grant program be allocated to Tatong Market & More.

Carried

DC

5. Assets and Infrastructure Department Activity Report For The Quarter Ended 30 June 2023

The report presented the activities of the Assets and Infrastructure Department for the quarter ended 30 June 2023.

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

Carried

6. 2023 Local Government Community Stratification Survey

The report presented results from the *2023 Local Government Community Satisfaction* surveys.

The Community Satisfaction Survey offers a cost-effective mechanism for gaining insights into community perceptions of performance and ensures the Council's compliance with the *Local Government (Planning and Reporting) Regulations 2020*.

In 2024 interviews for Local Government Community Satisfaction Survey will be conducted quarterly to ensure single issues at a particular time do not dominate survey results.

Cr Davis / Cr O'Brien:
That the report be noted.

Carried

7. Urgent Business

No urgent business was submitted to the meeting.

Closure of Meeting

The meeting was closed at 7.31pm.

Confirmed this First day of November 2023.

Signed: _____

A handwritten signature in black ink, appearing to be 'Cr Danny Claridge', written over a horizontal line.

Cr Danny Claridge (Chair)