

Finance and Planning Committee

Agenda

Date: Wednesday 6 December 2023

Time: 6pm

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

Any person wishing to participate in public submissions in accordance with Rule 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning Governance Coordinator Jess Pendergast on (03) 5760 2600.

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

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

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Agenda

Chair Councillor Bernie Hearn

Councillors Councillor Danny Claridge (Mayor)
 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
 Courtney Naughton Manager Economic Development and Sustainability
 Nilesh Singh Manager Development
 Tom Arnold Community Development Coordinator
 Joel Ingham Planning Coordinator
 Jess Pendergast Governance Coordinator

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.

Apologies

Recommendation:
That the apology/ies be accepted.

Governance Matters

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

Recording of Council Meetings

In accordance with the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the meeting.

Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

Confirmation of the previous Meeting Minutes

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

Recommendation:

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

Business

1. Planning Application - For The Use Of The Land For A Contractor's Depot At 186 Grant Drive, Benalla

DA4118

Joel Ingham – Planning Coordinator

PURPOSE OF REPORT

This briefing outlines a planning application received for the use of the land for a contractor's depot at 186 Grant Drive, Benalla.

BACKGROUND

Site Address	Lot 1 on PS533440 186 Grant Drive Benalla.
Existing Use	The land is currently developed with a single dwelling to the front of the lot, outbuildings and a swimming pool
Proposal	Use of the land for a contractor's depot
Applicant	Victoria Mallinder of North East Survey Design
Zone	General Residential Zone
Overlays	None
Referrals	Engineering

PROPOSAL

The proposal seeks approval to use the land for a contractor's depot. Specifically, the proposal will:

- Expand a home-based business on the land (floor area to expand to 200 square metres).
- Store plumbing equipment and machinery.
- Provide four car parking spaces on site.
- Operate an office component.
- Operate commercial vehicles from the site (two vehicles).

The initial proposal sought to operate a home-based business from the site, however following discussions with Council planner's, it is considered the use is better categorised as a 'Contractor's depot' (innominate use).

No hours of operation have been provided, however, the advice given states that staff currently pick up machinery and equipment from the site, generally in the morning and afternoon, to undertake work elsewhere. It should be noted that the use currently exists on the land and the owner is seeking retrospective.

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

SITE AND SURROUNDS

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

The land is located on the north side of Grant Drive, Benalla and is rectangular in shape.

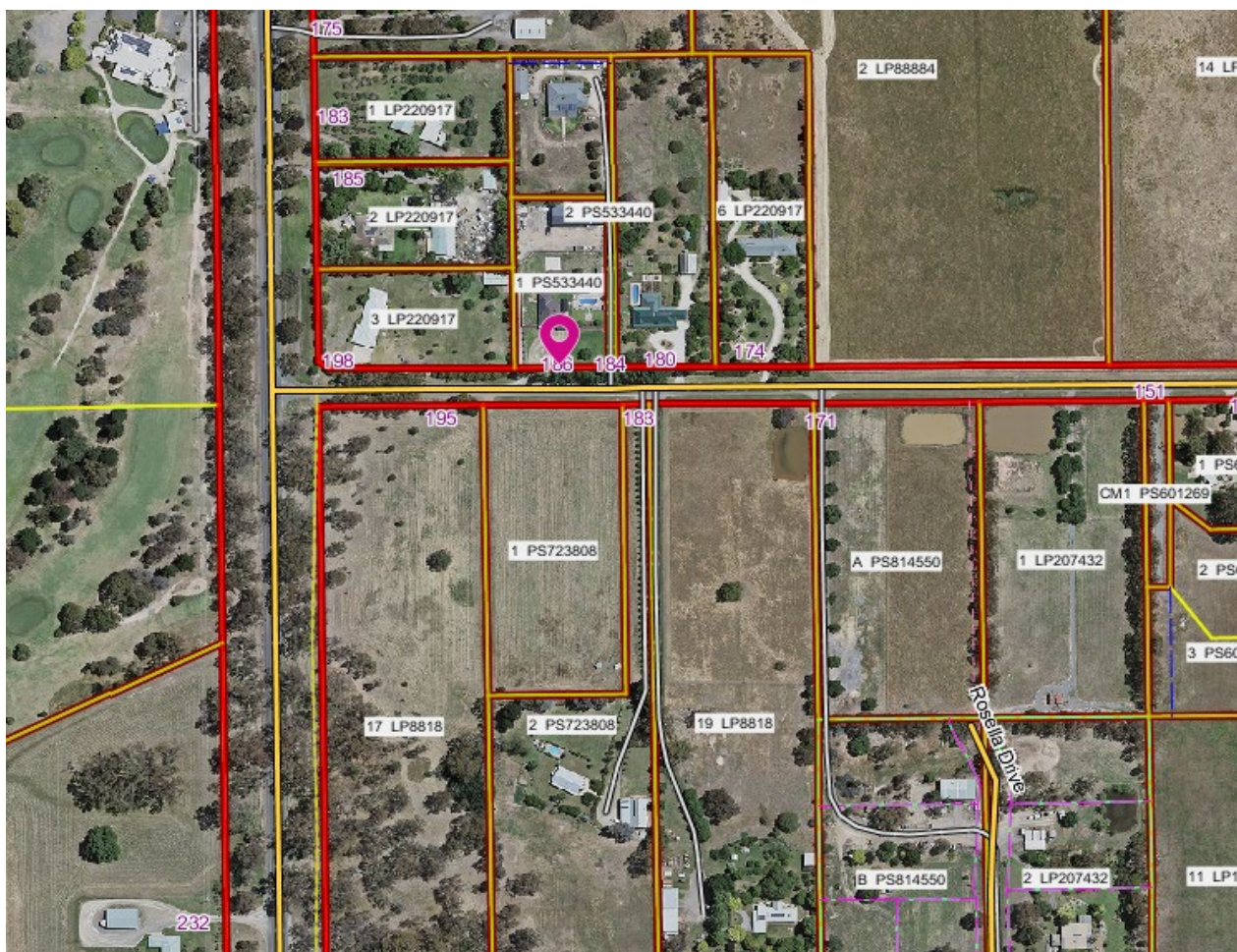
The site has a total area of 6210 square metres, with a frontage (south) of 57.75 metres to Grant Drive, Benalla.

The site comprises a fully fenced house site, consisting of a dwelling and swimming pool, with access via the south west corner of the site off Grant Drive, Benalla. There is a second access and battle axe driveway to a large shed to the north of the site, currently supporting the plumbing business.

The surrounding land comprises of a range of lot sizes, from similar to larger than the subject site, all used for residential purposes, most developed with a single dwelling. The land further east of the site is vacant residential zoned land while west of the site comprises larger farming zoned lots and the Benalla Golf Course.

The site is located approximately 1.8 kilometers south of the central business district and 140 metres from Midland Highway.

Locality Map



PLANNING SCHEME PROVISIONS

Municipal Planning Strategy

Clause 02.03-1 Settlement identifies Benalla as the major urban centre of the municipality, with Enterprise Park providing the bulk of the industrial opportunities.

Clause 02.03-3 Land use conflicts states that in seeking to minimise the potential for land use conflicts, Council seeks to:

- *Discourage residential development or other sensitive uses if it will lead to land use conflict with an agricultural or industrial use, or service utility.*
- *Locate new industrial development to reduce the risk of adverse amenity impacts.*

Planning Policy Framework (PPF)

Clause 13.05 – 1S Noise management seeks to assist in the management of noise effects on sensitive land uses.

The clause includes the following strategies:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

The following strategies apply:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Zones

Clause 32.08 General Residential Zone (GRZ)

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-2, a planning permit is required for the use of the land as a Contractor's Depot. A contractor's depot is considered an innominate use within the planning scheme and therefore triggers a planning permit under 'any other use not in Section 1 or 3'.

Particular Provisions

Before a new commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

The Table at Clause 52.06-5 does not include contractor's depot and therefore pursuant to Clause 52.06-6 where a use of land is not specified in Table 1, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

The proposal includes four designated staff car parking spaces on site, which is considered appropriate given the proposed staff numbers.

Referrals

External Referrals/Notices required by the Planning Scheme:

No external referrals were required.

Public Notification

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

- placing a sign on the Grant Drive, Benalla frontage of the site.
- sending notices to all adjoining and opposite landowners and occupiers.

Four objections were received to the proposal. The objections can be summarised as follows:

Amenity issues

- Noise impacts from machinery on site.
- Description of business does not reflect reality.
- Built form outside of building envelope.
- Privacy (overlooking by shedding and staff members).
- Adverse impact caused by noise (operation of machinery), dust and light emissions.

Traffic issues

- Inappropriate increase in vehicle movements caused by the business.
- Safety and congestion caused by increased heavy vehicle traffic.
- Vehicle and machinery movement within and to and from the site causing detriment to surrounding residents.

Contrary to policy

- Industrial business in a residential area.
- Not in keeping with character of the area.
- Contrary to the purpose of the General Residential Zone.

Impact on waterways and flooding

- Flooding issues caused by existing buildings.
- No access to sewer.

Operational issues

- Business description in application does not reflect current operation on site.

Other

- Impact property values of surrounding land.
- The proposal sets a precedent for further non-residential uses.

ASSESSMENT**Objectors Concerns***Amenity issues*

The applicant proposes to use the existing shedding and infrastructure to operate their plumbing business from home. The shed is setback along the northeastern boundary of the site away from dwellings on adjoining properties.

Council acknowledges the objector's concerns that the description of the business does not reflect reality. It is understood that previous operations on site increased vehicle movements and storage of equipment and machinery to a level above what is being proposed. The business associated with the contractor's depot was operating at a much more expanded size at this stage. Further, landscaping works were being undertaken on the site including heavy machinery that may have been taken to be part of the business.

The proposal is for a modest contractor's depot, and issues relating to the size and operation of the depot can be managed via conditions on any planning permit issued, to limit the impact of the proposal on surrounding properties.

The site is to act as an office, base for a limited number of employees and store for machinery and vehicles associated with the business. The shed and access are setback sufficiently from adjoining dwellings that the additional vehicle movements are appropriate.

Traffic issues

The application intends to utilise the existing access to the site along the western property boundary. Permit conditions will be placed on any planning permit to ensure the access is designed appropriate and all vehicles can exit the site in a forward direction.

The application anticipates no more than four employees accessing the site, generally in the morning and evening to pickup/ drop off work vehicles or supplies. The application was referred to Council's engineers who did not object to the proposal subject to conditions.

Contrary to policy

The proposal is for a contractor's depot, within the existing shed and using existing driveway and car parking areas. The proposal supports the operation of a small-scale plumbing business by the landowner and has been designed to minimise impact on neighbouring residential uses, setback from surrounding dwellings with 1.8 metres boundary fencing to obscure adjoining uses. Car parking is located to the rear of the property and machinery can be stored within the shed.

The proposal will provide support for the remote operations of the business and is office based, with limited works being undertaken on site. The planning permit can appropriately manage operational matters to mitigate any impact of a non-residential use in a residential area.

Impact on waterways and flooding

The proposal uses existing buildings and will therefore not introduce any further impervious surface to the site. A stormwater management plan will be required to be submitted as a condition on any planning permit issued to minimise the impact on the surrounding properties.

Others

The appropriate management of the site can be ensured by conditions on any planning permit issued. Every planning permit is assessed on its individual merits, and the granting of a planning permit for this application does not automatically mean any other application for a non-residential use in the area will be approved.

The assessment of a planning application does not include the perceived impact on property values.

DISCUSSION

General Assessment

The subject site is located within a General Residential Zone where a planning permit is required for the use of the land for a Contractor's depot, as an innominate use.

The General Residential Zone allows for 'educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.'

It is considered that the proposal allows for the operation of a regionally based business within the local area, in close proximity to employees and potential jobs. The proposal will be located in existing development and utilise existing access and areas for car parking, with minimal impact on neighbouring properties.

It is acknowledged the application provides limited detail on proposed hours of operation or staff numbers, however Council planner's are satisfied that the site and business can be managed to allow for a small family run enterprise to be managed from the lot.

Stormwater can be appropriately managed on site subject to conditions from Council's Engineering Unit.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Livability

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

Economy

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

Environment

- *Healthy and protected natural environment.*
- *Sustainable practices.*

LEGISLATIVE AND STATUTORY IMPLICATIONS

A decision by the Council to determine that a permit should be granted for the proposal may be appealed to VCAT by the objectors and/or the applicant against conditions of the permit;

In the instance that the Council decides to refuse to grant a permit the applicant also has a right of appeal to VCAT.

FINANCIAL IMPLICATIONS

The Council, as the responsible authority under the *Planning and Environment Act 1987*, must determine the permit application.

If the Council decision is appealed by any party to VCAT, the Council has a statutory role in being a party to the appeal and informing and assisting VCAT.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

Recommendation:

That Council having caused notice of Planning Application No. P0061/21 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 1 PS533440X 186 Grant Drive, Benalla for the use of the land for a Contractor's Depot in accordance with the endorsed plans, submitted with the application dated 4 May 2021 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.**

Stormwater Management Plan

- 2. A Storm Water Management Plan is to be submitted to the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.**

The Storm Water Management Plan must include:

- a. Details of how the site is to be drained.**
- b. Site storm water discharge is to be limited to pre-development discharge rates.**
- c. Computations showing the pre-development discharge rate, post development discharge rate and subsequent storm water storage volume required.**
- d. The method of storm water storage detention is to be shown including actual quantity of storage achieved.**

Car Parking/Access

- 3. All areas used by vehicles, including access ways and yards must be sealed to the satisfaction of the Responsible Authority.**

4. The site must be designed to allow vehicles to exit the site moving forwards. This is to be demonstrated by provision of a vehicle movement diagram to the satisfaction of the Responsible Authority.
5. No more than two utes may be stored on the site at any one time for pick up and drop off by employees. No other vehicles associated with the use may be stored on the land unless with the further written consent of the Responsible Authority.
6. The exit must be designed to allow for clear sight distances at the posted speed limit (80km/hr) in both directions. A suitable plan must be provided to the Responsible Authority clearly demonstrating clear site distances.
7. No audible reversing beepers may be used on any vehicles on the site, between the hours of 7.00pm to 6.00am the following day to the satisfaction of the Responsible Authority.

Hours of Operation

8. The permitted use must operate only between the following hours, except with the prior written consent of the Responsible Authority.
 - a. Monday to Friday 7.00am – 7.00pm
 - b. Saturday 7.00am – 1.00pm
 - c. Sunday Closed

Staff Numbers

9. No more than four staff may be permitted on the site at any one time, except with the prior written consent of the Responsible Authority.

Amenity

10. 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, wastewater, waste products, grit or oil;
 - d. Presence of vermin; or
 - e. Other matters.
11. All goods, refuse and packaging material associated with the development shall be stored within the premises at all times unless the Responsible Authority has approved, in writing, alternative arrangements.
12. The storage of goods or materials in conjunction with the development hereby permitted shall:
 - a. be carried out in a manner so as to prevent the exposure to view from any adjacent premises or from any public place of any unsightly matter.

b. be stored to the satisfaction of the Responsible Authority so as to not become visually obtrusive on the site.

13. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.

Parking

14. The permit holder shall provide four (4) car spaces on site for employees and visitors of the site, 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.

15. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.

Permit Expiry

16. In accordance with the Planning and Environment Act 1987 a permit for the use expires if:

- a. the use does not start within two years after the issue of the permit; or
- b. the use is discontinued for a period of two years.

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.

Note: All dimensions and areas shown on this plan are subject to Council approval and survey

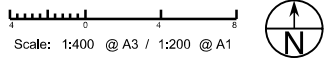
DATE	DESCRIPTION	VERSION
07-06-21	For Approval	2
22-04-21	For Approval	1



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For: Shane Arnold
 At: Benalla

SITE PLAN
 186 Grant Drive
 Benalla
 Project No: M7335 Version: 2
 Drawn by: MB Checked/Signed By: MB



Status:
FOR APPROVAL

Print Date: 7/06/2021
 Drawing Name: Sheet 1
 File Name: M7335 Site v2.dgn

Site Plan

Grant Drive



2. Planning Application – To Use And Develop The Land For A Dog Breeding Facility At 11 Peck Road, Goorambat

DA5062

Joel Ingham – Planning Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

This briefing outlines a planning application received for the use of the land for a Dog Breeding Facility at 11 Peck Road, Goorambat.

BACKGROUND

Site Address	11 Peck Road, Goorambat
Existing Use	Existing dwelling with associated outbuildings
Proposal	To use the land for a dog breeding facility for up to 12 dogs (domestic animal husbandry)
Applicant	Ms Kui Sia
Zone	Farming Zone (FZ)
Overlays	Nil
Referrals	Environmental Health, Engineering, Compliance

PROPOSAL

The applicant seeks to undertake a dog breeding facility from the site. There is limited information submitted as part of the proposal however it will have the following characteristics:

- Breeding of Toy dogs (Pomeranian).
- Breeding facilities and kennels are to be located within the existing dwelling on the land.
- Ten female dogs and up to two male dogs at any given time.
- Outside dog yard and shelter provided by existing carport and associated shelter.
- No formal exercising area or times proposed.
- Unidentified number of livestock dogs on site remain with animals in the paddocks 24/7.
- Dogs are fed twice a day (morning and night) times are not specified.
- Meat stored in chest freezers on site while dry food stored in barrels accessible by dogs throughout the day.
- Whelping pens to be set up inside the dwelling.

The plans of the proposed development are provided in **Appendix 1**.

SITE AND SURROUNDS

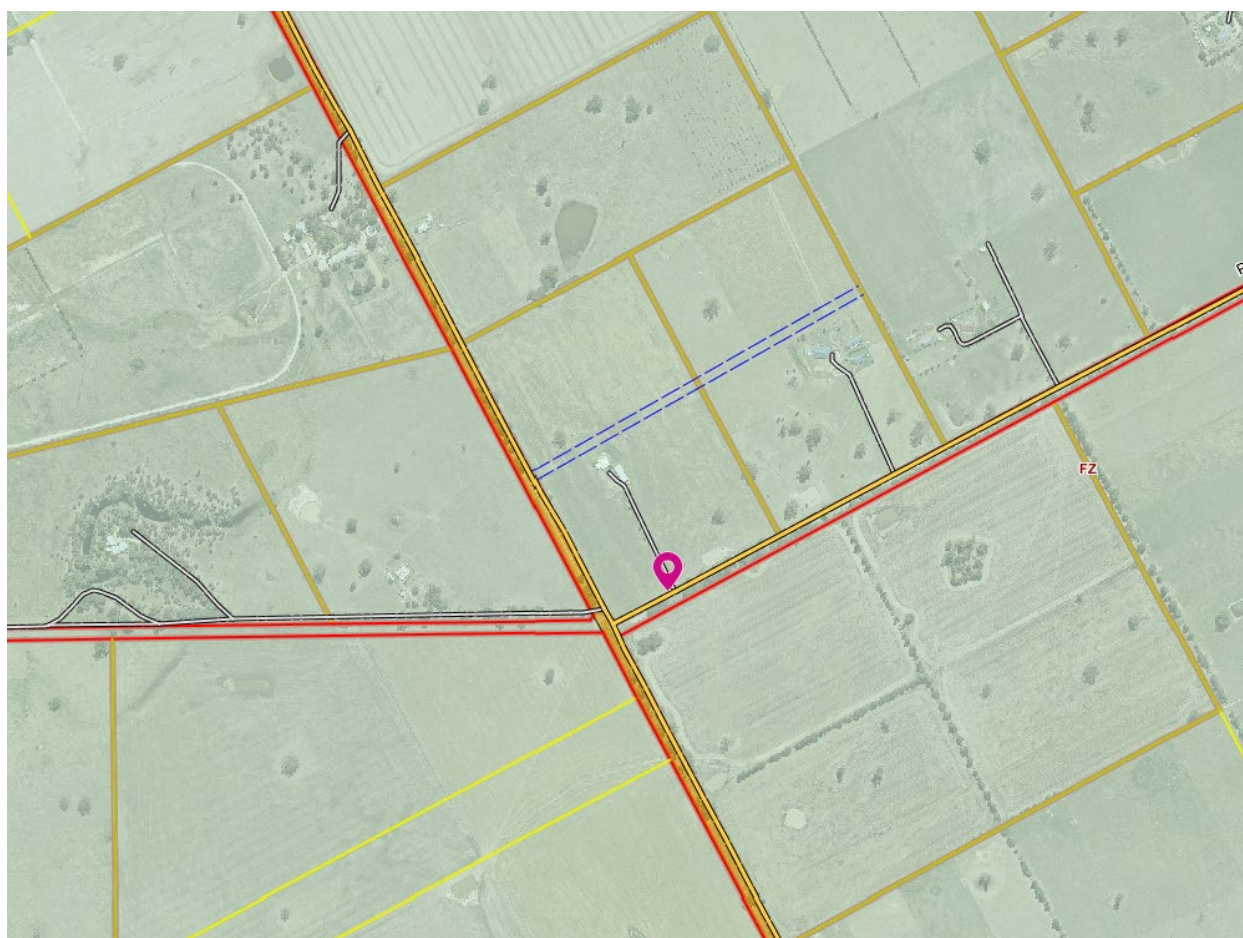
The subject site is located to the north of Peck Road, Goorambat adjoining Benalla-Tocumwal Road, Goorambat along the western boundary. The site is rectangular in shape with an overall site area of 15.92 hectares. The site contains an existing dwelling and associated outbuildings located centrally to the site. There is a powerline easement north of the dwelling bisecting the site. Access is via a driveway centrally located from Peck Road, Goorambat. There are two dams on the property, one along the rear (northern property boundary) and one along the southern boundary (frontage), east of the driveway.

The land is largely grassland with approximately two native trees on the land.

The surrounding area is zoned farming the land is generally of a similar or larger size and comprises of open farmland with some dwellings throughout.

There is a dwelling setback approximately 365m from the dwelling on the subject site to the east and 350 metres from the dwelling on the subject site to the west.

Locality Map



BACKGROUND

A planning application for the dog breeding facility was received on 29 March 2023. This application was accompanied by a short statement proposing ten female dogs and two male dogs on the site at any one time. It is proposed to keep and breed the dogs within the house with access to the house yard and structures 24/7.

Further information was sought on 12 April 2023, requesting more detailed information in relation to the proposal, including waste management, incident management, food storage and operational matters and how animals are to be secured on site.

The applicant provided a written response to the request, with limited detail.

The proposal was advertised and four objections were received. The objections generally related to ensuring animals are secured on site, noise, waste management, amenity, safety and impact to use of the adjoining land.

PLANNING SCHEME PROVISIONS

Planning Policy Framework

- Clause 13.05-1S Noise seeks to assist the control of noise effects on sensitive land uses.
- Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- Clause 14.01-1S Protection of agricultural land seeks to protect the state's agricultural base by preserving productive farmland.
- Clause 14.01-2S Sustainable agricultural land use seeks to encourage sustainable agricultural land use.

Although dog breeding facilities are not a usual form of agricultural production, the larger size of the allotments in a Farming Zone makes it more amenable to this use. The reduced density of housing in Farming Zone areas also reduces the potential for amenity impacts to adjoining properties. It should be noted that dog breeding and domestic animal husbandry are both nested under the definition of agriculture.

Zone

Pursuant to Clause 35.07 of the Benalla Planning Scheme the subject site is located within a Farming Zone. The following objectives apply to this zone:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A dog breeding facility is nested under the definition of Domestic Animal Husbandry under the definitions section of the Benalla Planning Scheme. Domestic Animal Husbandry within a Farming Zone requires a Section 2 – Permit for use under the provisions of the Farming Zone if the number of animals exceeds five. As the proposal exceeds five dogs on the site at any one time the proposal requires a planning permit for the use and any associated buildings and works.

Notification of the application

In accordance with Section 52 of the *Planning and Environment Act 1987* notice of the application was given by notifying all adjoining landowners and occupiers. In addition a notice was displayed on site.

A total of four objections were received. The grounds of objection can be summarised as follows:

- The proposal will result in unreasonable noise to adjoining properties.
- The proposal will cause an increase in traffic and associated safety issues.
- The proposal will have a negative impact on effluent discharge.
- The proposal will result in safety issues caused by unsecured dogs.
- The proposed use will conflict with the use of the surrounding land.
- The proposal may result in poor welfare outcomes for dogs kept on site.

Referral Responses

Internal Council Referrals	Advice/Response/Conditions
Environmental Health	No objection subject to conditions
Engineering	No objection
Compliance	No objection

OBJECTORS CONCERNS

The proposal will result in unreasonable noise to adjoining properties.

The applicant has not provided an acoustic assessment of the impact of the proposed use and states that all breeding dogs are to be kept inside the dwelling, which is appropriately insulated.

The application documentation refers to additional working dogs. It is unclear how many. In undertaking this assessment, it has been assumed they are not included in the breeding component of the proposal. The applicant indicates these dogs live outside permanently. The owner acknowledges they bark, including at night.

The application states the dogs for breeding purposes will have access to the house yard at all times via a doggy door and they often exercise in the bigger external paddocks.

The application does not include sufficient information on how the proposal can satisfactorily address noise concerns. This would typically be by way of an acoustic report and recommendations for development and operation of the use.

The proposal will cause an increase in traffic which will negatively impact on the road surface.

While the proposal does not provide sufficient information on estimated vehicle movements, it is unlikely that the operation will lead to a tangible increase in traffic to the site. Any traffic related to the dog breeding is likely to be via appointment and managed to allow individual visitation of animals. The additional traffic movements can easily be accommodated on the existing road network.

The proposal will have a negative impact due on waste management and effluent discharge.

The condition of any permit can require the submission of an adequate drainage and effluent disposal plan to the satisfaction of Council. The plans will require that all effluent drainage is contained to the site and disposed of in a suitable manner.

Concern has been raised that the health management plan lacks detail in the areas of water supply, cleaning, chemicals, deceased animals, quarantine and filtration systems.

The proposal has been referred to Council's Environmental Health Unit who advise of no objection to the proposal subject to all dog effluent being treated in a new septic tank system.

The proposal will result in safety issues caused by unsecured dogs.

The proposal relies on the existing fencing and structures to secure the dogs within the property. Insufficient information is provided to ensure the dogs can be securely managed to limited impacts on surrounding properties.

The proposed use will conflict with the use of the surrounding land.

It is recognised that the use of the land for dog breeding sits within the agricultural suites of land uses, with the Farming Zone considered an appropriate zone to locate such a use. A dog breeding facility in a Farming Zone is considered to have less potential to cause amenity impact to surrounding properties. The application fails to satisfy Council officers that the proposal can be managed to limit impact to the surrounding properties, particularly in terms of noise, and operational matters.

The proposal may result in poor welfare outcomes for dogs kept on site.

The planning scheme does not provide specific controls and guidelines in relation to the operation of boarding kennels and animal keeping. It is expected that these matters are governed and enforced outside of the planning system. The proposal, however, fails to satisfy Council planners that there is adequate housing and pens on site to safely house all animals and ensure they do not escape.

DISCUSSION

General Assessment

The subject site is located within a Farming Zone. Domestic Animal Husbandry and is a Section 2 – Permit required use under the provisions of the zone which indicates that if the land is situated in a suitable area for Domestic Animal Husbandry than the site may be appropriate to conduct such a use.

In this instance, it should also be considered that if a dog breeding facility cannot be established within a Rural/Farming Zone, then where else could it be established? It is considered that a Farming Zone, Rural Conservation Zone or Industrial Zone in the area around Benalla Rural City Council are the only such zones that can entertain such uses due to these areas having large expanses of land and less densely populated areas. A dog breeding facility in a Farming Zone will therefore have less potential to cause amenity impact to surrounding properties.

Activities within a Farming Zone also should not be expected to be quiet and peaceful. In fact, most agricultural uses in areas zoned Farming contain environments that provide for different types of noise including tractors, irrigation pumps, generators, animal sounds and other machinery sounds.

It may be that the dog breeding facility can be operated to a noise level in keeping with the surrounding agricultural activities, however the application does not provide sufficient information to allow Council to assess the noise to the surrounding area, nor does it include any immediate or recommended actions to ameliorate noise impacts to neighbouring properties.

Noise

Noise from barking dogs has the potential to cause unreasonable levels of noise to adjoining properties. There are two dwellings on adjoining properties within 500 metres of the proposed dog breeding location to the east and west of the site.

There are measures that can be undertaken to reduce the noise levels so that they do not cause an unreasonable level of noise to adjoining properties. Any measures would need to comply with EPA requirements and would generally include forms of management such as building design, operational management and landscaping.

With regard to acoustic measures, the application fails to provide sufficient information and advice on measures to prevent unreasonable noise emission to surrounding residents.

With regard to management principles all measures must be undertaken to ensure that dogs are not enticed to bark through visual stimuli. The application fails to satisfy Council planning officers that appropriate management practices will be instigated to reduce the amount of noise emitted to adjoining properties.

Waste Management

The proposal has been referred to Council's Environmental Health Unit who advise of conditions relating to effluent treatment and stormwater provision.

Site Management

The applicant has provided details of how incidents on site will be managed with the planning application. The applicant also acknowledges that the existing dogs bark at indiscriminate hours and are given the run of the property. There is currently no proposal to limit the movement of dogs around the site or control the hours/areas the dogs may roam. Insufficient detail is required in order to ensure that the use is conducted in an appropriate manner that does not disturb the neighbourhood and provides for an appropriate use of the land.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Livability

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

Economy

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

Environment

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

LEGISLATIVE AND STATUTORY IMPLICATIONS

A decision by the Council to determine that a permit should be granted for the proposal may be appealed to VCAT by the objectors and/or the applicant against conditions of the permit.

In the instance that the Council decides to refuse to grant a permit the applicant also has a right of appeal to VCAT.

FINANCIAL IMPLICATIONS

The Council, as the responsible authority under the *Planning and Environment Act 1987*, must determine the permit application.

If the Council decision is appealed by any party to VCAT, the Council has a statutory role in being a party to the appeal and informing and assisting VCAT.

OFFICER DECLARATION OF CONFLICT OF INTEREST

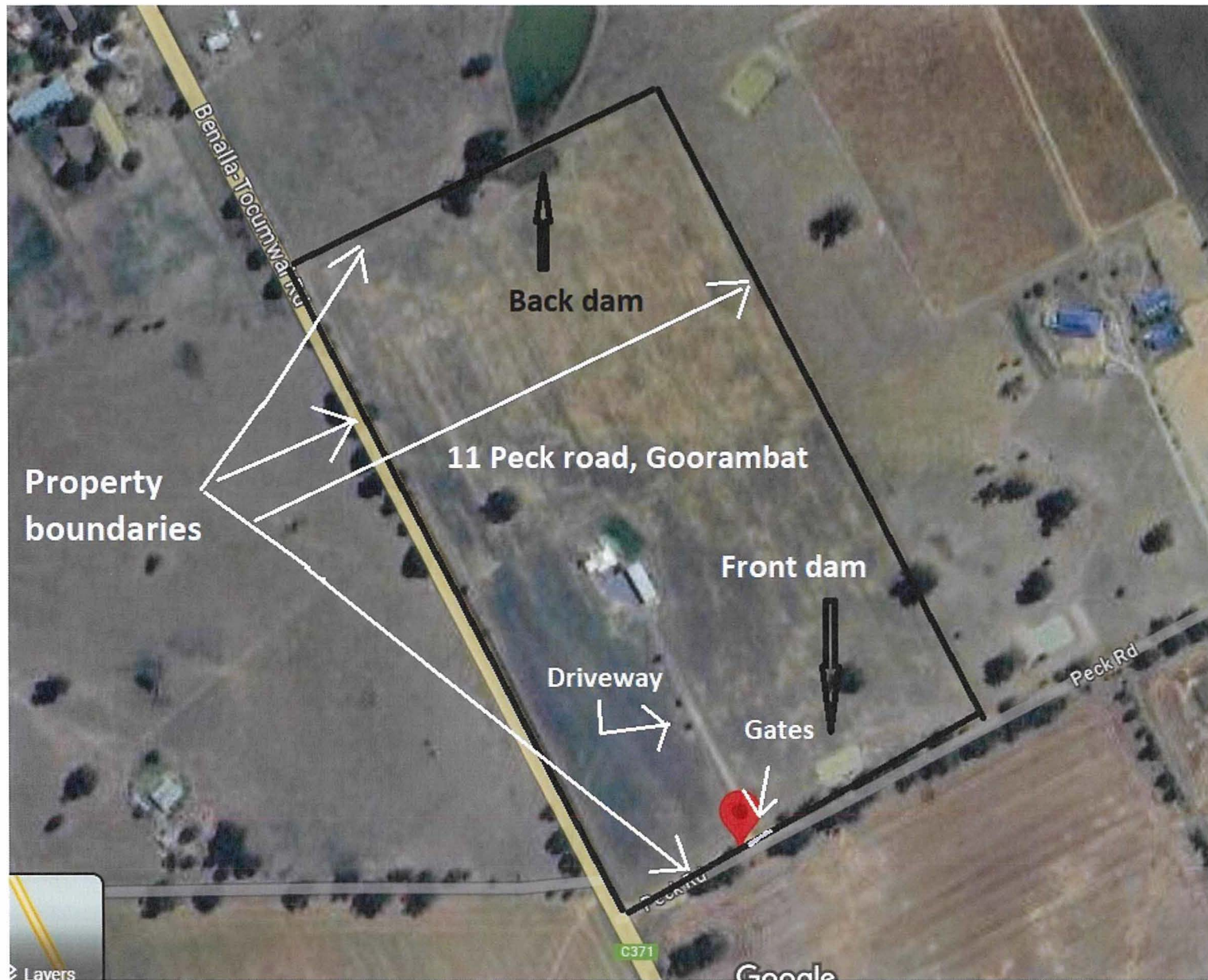
No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

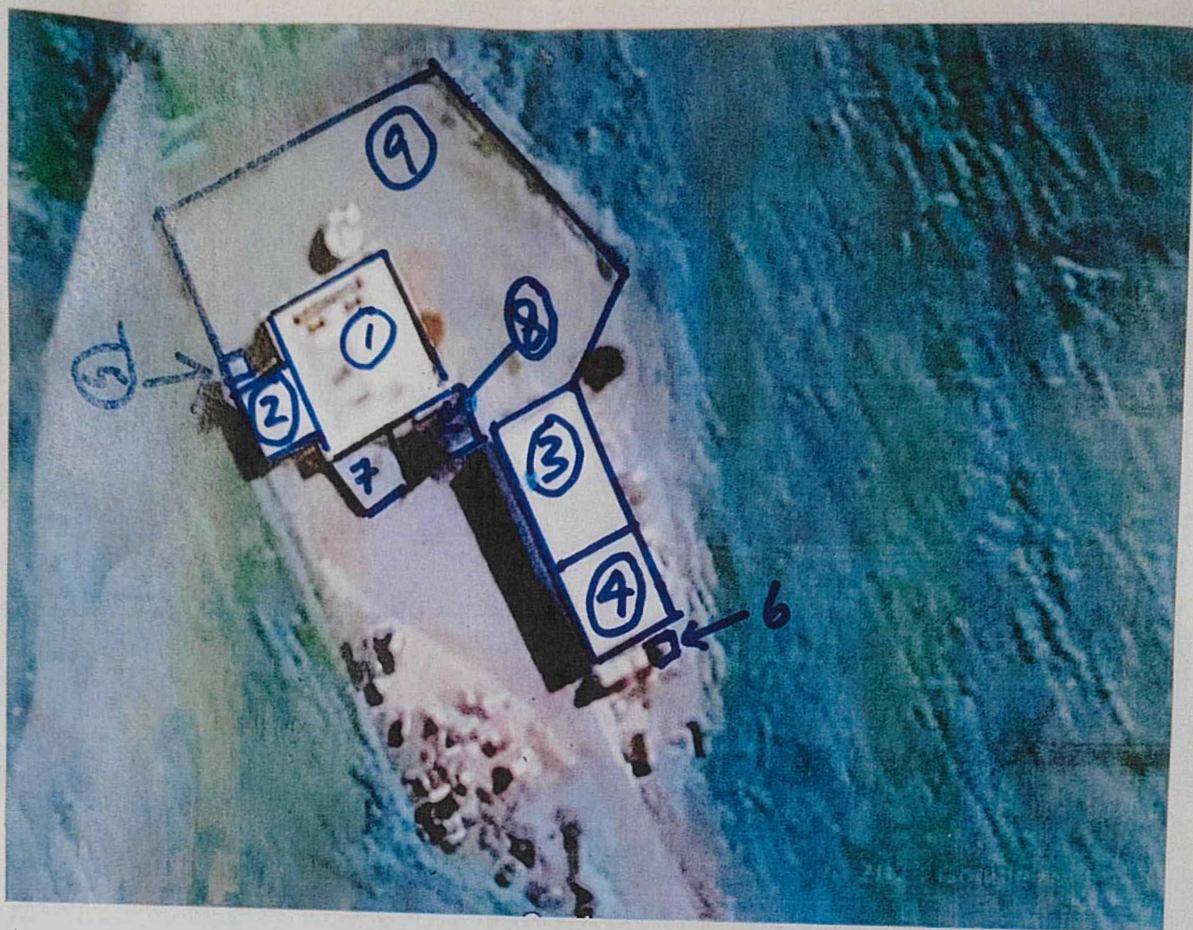
Recommendation:

That Council having caused notice of Planning Application No. P0035/23 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 a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as 11 Peck Road, Benalla for the use of the land dog breeding subject to the following grounds:

- 1. The proposal may emit unreasonable levels of noise to adjoining and surrounding properties.**
- 2. The application fails to ensure that there is adequate housing and pens on site to safely house all animals and ensure they do not escape.**
- 3. Insufficient application detail has been provided to ensure the use is conducted in an appropriate manner that does not disturb the neighbourhood and provides for an appropriate use of the land.**

Planning Application - To Use the land for dog breeding - 11 Peck Road, Goorambat





- ① House
- ② Carport
- ③ Fully enclosed shed.
- ④ Shed with front open, with roof & 3 sided walls.
- ⑤ Fully enclosed small shed.
- ⑥ Fully enclosed small shed
- ⑦ Small partition front yard.
- ⑧ Shade ~~to~~ sail & sandpit.
- ⑨ House yard.

Land size - approx. 40 acres

3. Building and Planning Approvals – October 2023

SF/255

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

PURPOSE OF REPORT

The report details planning permit applications and building approvals for October 2023.

Planning Permit Applications Determined under Officer Delegation

File No	Description	Property Address	Decision	
1	DA7569	Construction of a shed	33 Benalla Street, Benalla	Approved
2	DA6953	Construction of an inground swimming pool and spa	22 Hall Drive, Benalla	Approved
3	DA7544	Three lot subdivision	654 Baddaginnie – Warrenbayne Road, Warrenbayne	Approved
4	DA5840	14 Lot Subdivision	12-24 McPherson Road, Benalla	Approved
5	DA6637	Construction of a dwelling	1394 Mansfield Road, Benalla	Approved
6	DA7291	Use of the land for a training facility	42 Lowens Lane, Benalla	Approved
7	DA5471	Works including changes to balustrading, new flooring, new access stairs, external paint and new guttering	36 Arundel Street, Benalla	Approved
8	DA2469	Construction of a garage	10 Salisbury Street, Benalla	Approved
9	DA4739	Development of a storage building	30 Fox Street, Winton	Approved
10	DA7564	Construction of a shed	30 William Street South, Benalla	Approved
11	DA3819	Enclosure of an existing alcove	2426 Midland Highway, Swanpool	Approved
12	DA5501	Construction of an inground swimming pool	21 Miller Crescent, Benalla	Approved
13	DA1801	The removal of two trees	43 Arundel Street, Benalla	Approved
14	DA3942/2	Use the land for a place of assembly. Alterations and additions to the existing hall building. Alterations to existing access to a Transport Zone 2. Subdivide the land into two lots	83-85 Bridge Street West, Benalla	Approved

Planning Permit Amendments Determined Under Officer Delegation

File No		Description	Property Address	Decision
1	DA4655	Construction of a dwelling	60 Spinney Lane, Samaria	Approved

Planning Permits Issued Under VicSmart

File No		Description	Property Address
1	DA6637	Construction of a dwelling	1394 Mansfield Road, Benalla

Planning Permit Applications Determined by the Council

File No		Description	Property Address	Decision
1	DA7396	Use and develop the land for a dwelling and native vegetation removal	Depot Road/Eversley Street, Baddaginnie	Approved (Notice of Decision)

Planning Permit Amendments Determined by the Council

There were no planning permit amendments determined by Council during October 2023.

Planning Permit Applications Withdrawn or Lapsed

There were no planning permit applications withdrawn or lapsed during the month of October 2023.

Notices of Decision

File No		Description	Property Address
1	DA7396	Use and develop the land for a dwelling and native vegetation removal	Depot Road/Eversley Street, Baddaginnie

A Notice of Decision (NOD) is issued when Council has decided to grant a planning permit when objection(s) are received regarding the application.

An objector may appeal to Victorian Civil and Administrative Tribunal (VCAT) against the decision to grant the permit within 21 days of a Notice of Decision being issued. After 28 days if no appeal has been lodged Council will issue the Planning Permit.

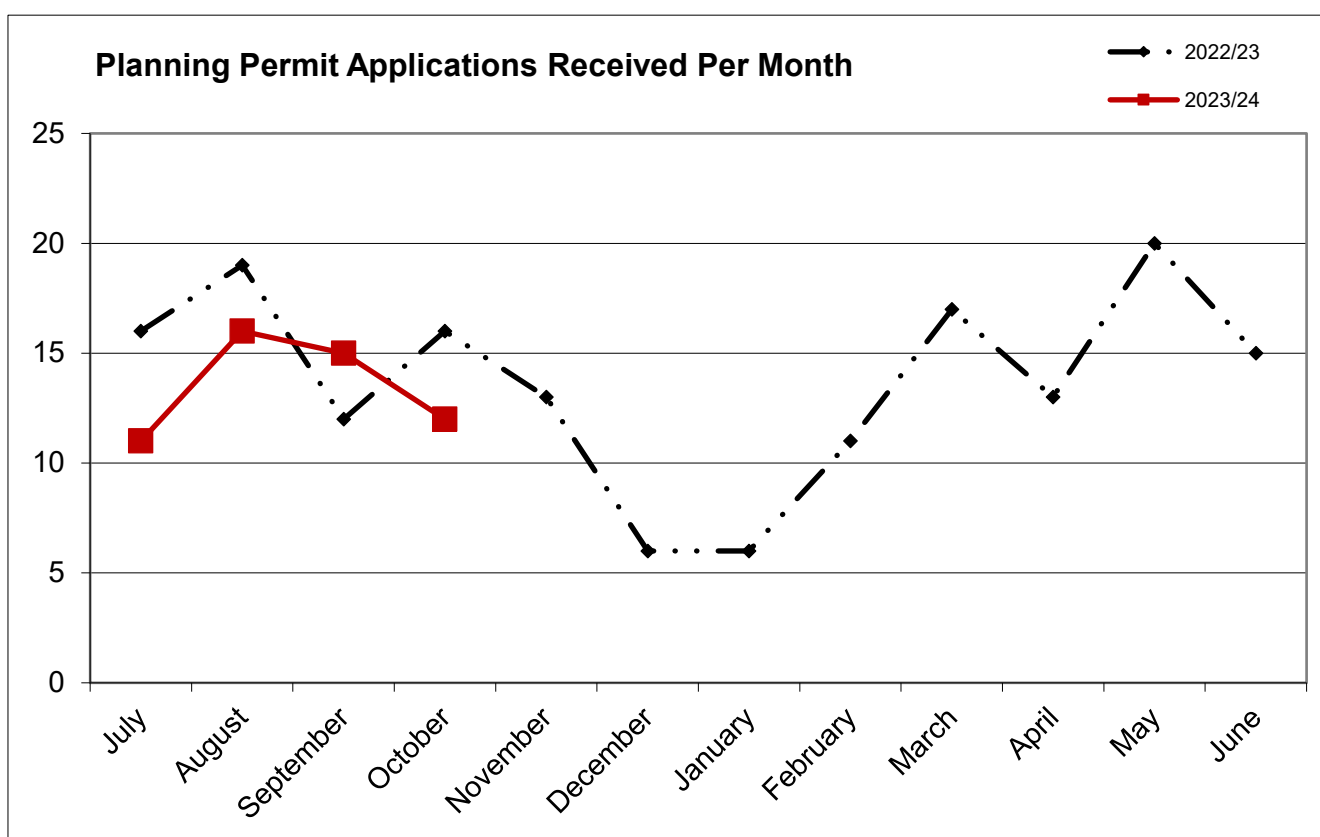
Planning Permit Applications Determined by VCAT

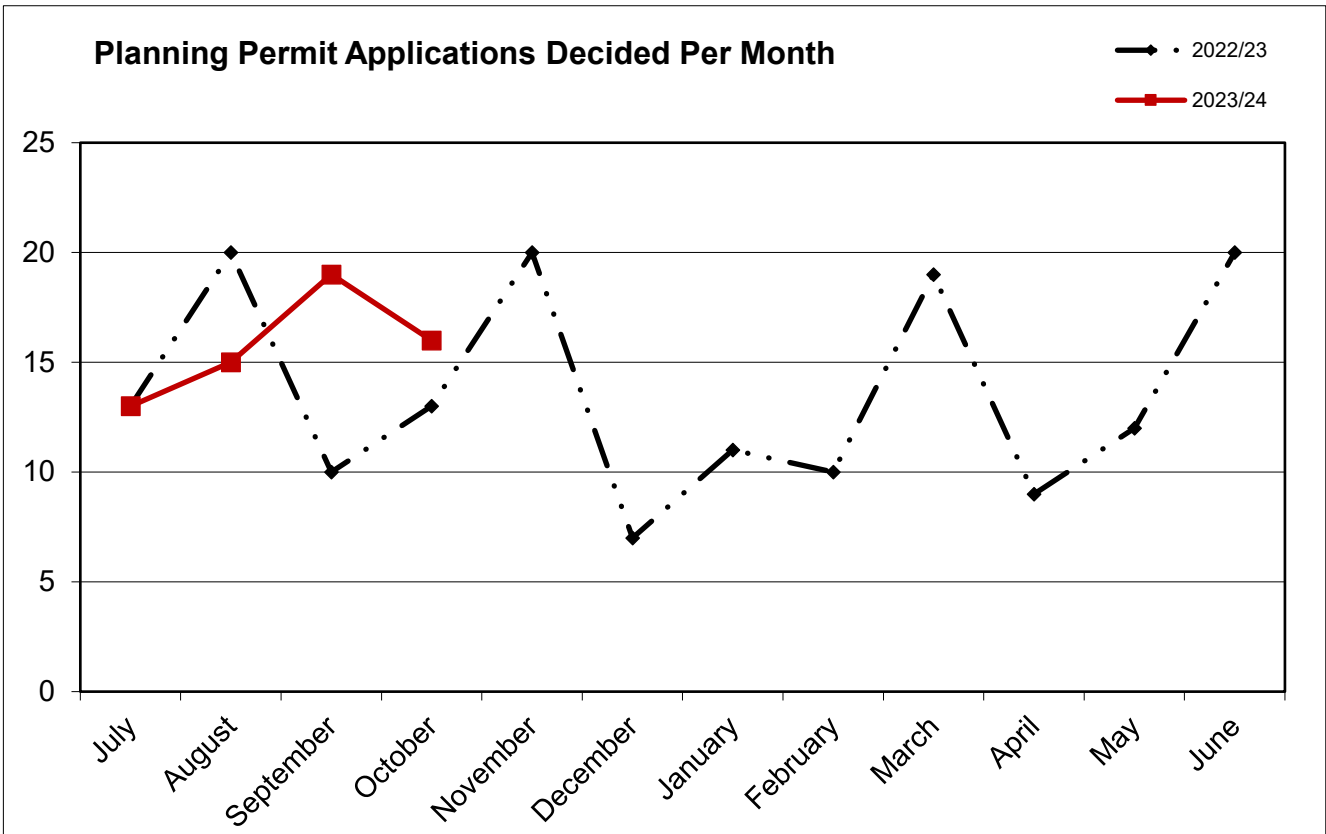
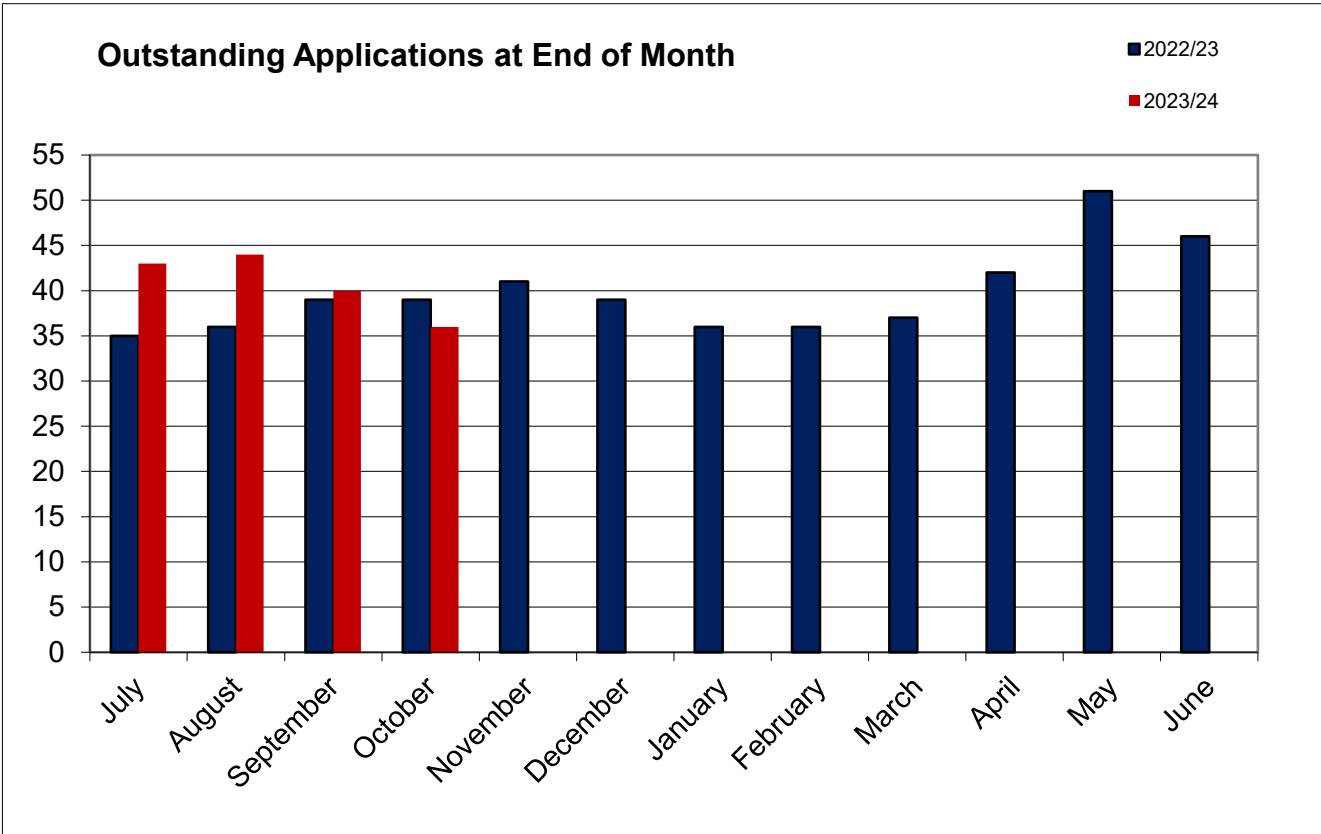
There were no planning permit applications determined by VCAT during October 2023.

Matters Before VCAT

DA7395	Use and development of land for extractive industry (Sand quarry) at 1726 Dookie Devenish Road, Devenish
Status	<p>At a Council meeting on 19 April 2023 it was resolved that the Council refuse to grant a permit for the use and development of the land for extractive (sand quarry). The applicant has lodged an appeal to VCAT.</p> <p>At a compulsory conference hearing on 3 August the Tribunal allowed Council to seek leave to amend its grounds by the 14 August 2023. Council Officer's then amended the grounds by this date which was then ratified at a Council Meeting on 11 October 2023.</p> <p>The Tribunal ordered a further Practice Day hearing on 12 October 2023 to hear whether or not to accept the further grounds from Council. The further grounds were accepted and the main hearing has been adjourned to 4 and 8 March 2024.</p>

Planning Permit Applications

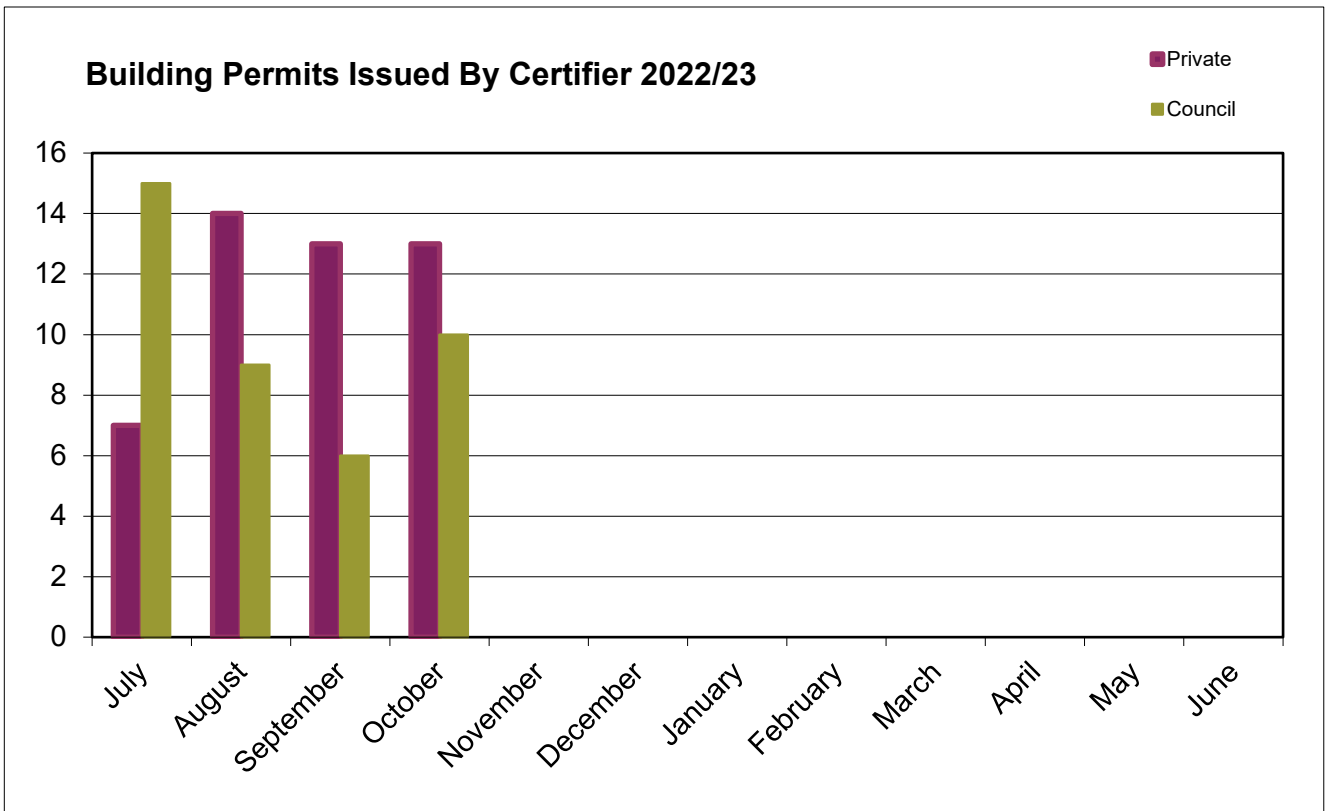
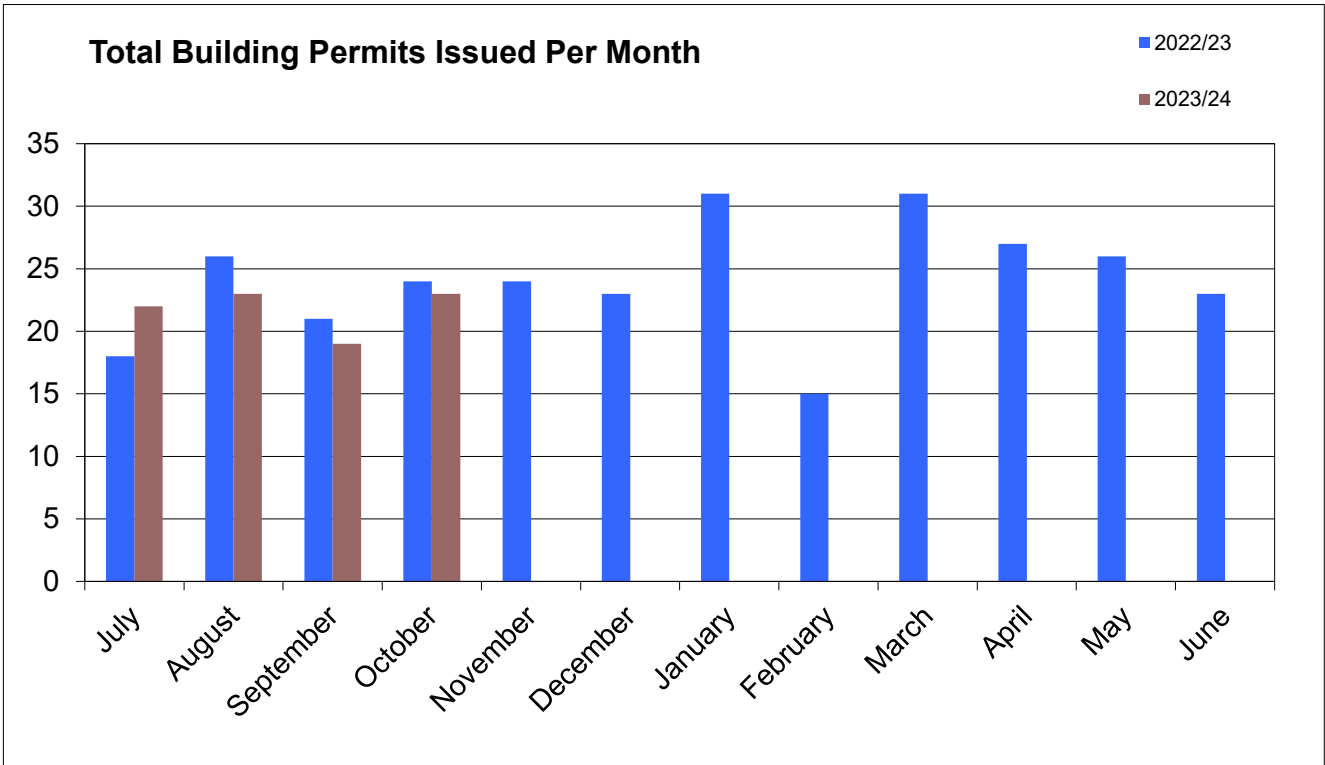


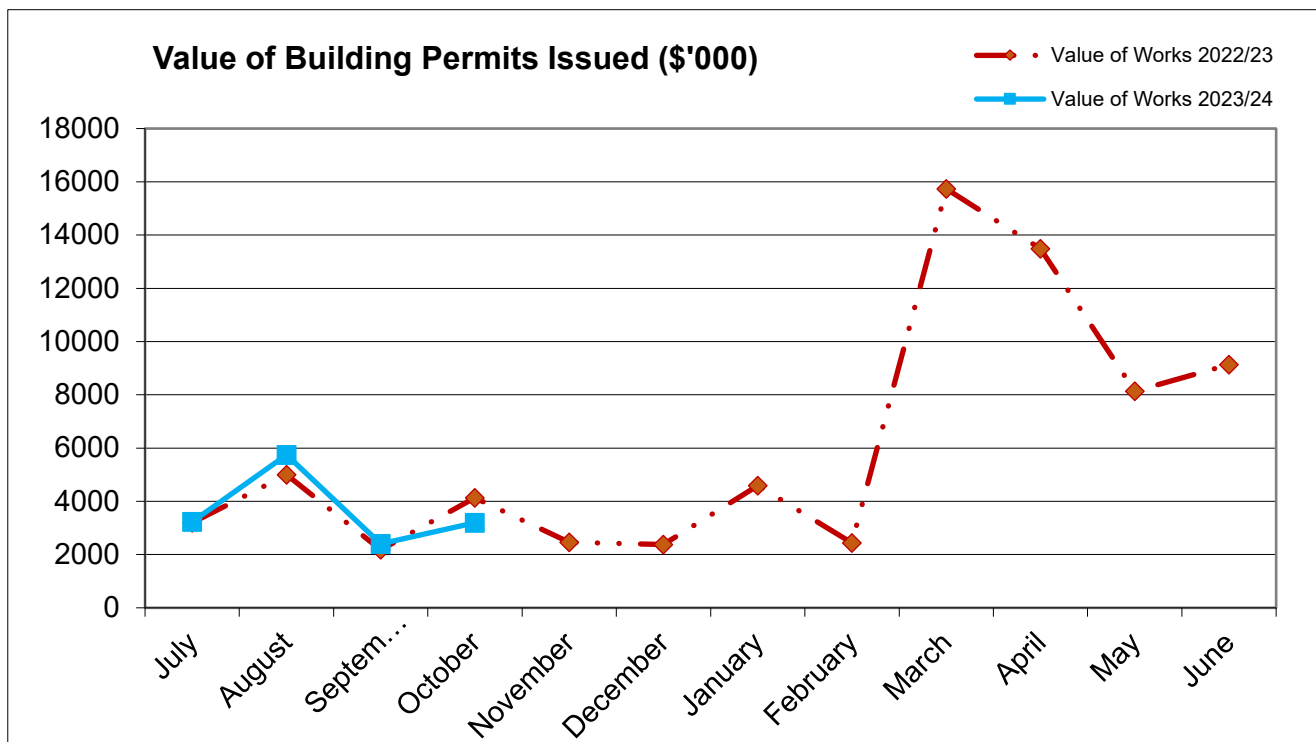


Building Approvals Issued by Council and Private Practitioners

	File No	Description	Property Address	Value
1	DA7528	Construction of a shed	7 McConnan Street, Benalla	\$35,620
2	DA5228	Construction of a covered area	115 Centre Road, Molyullah	\$56,042
3	DA7527	Construction of a shed and carport	30 Roe Street, Benalla	\$48,767
4	DA7572	Construction of a pergola	1 Goodenia Drive, Benalla	\$25,072
5	DA2469	Construction of a garage/carport	10 Salisbury Street, Benalla	\$14,550
6	DA7218	Construction of a shed	184 Baddaginnie – Benalla Road, Benalla	\$36,700
7	DA4665	Construction of a dwelling extension	60 Spinney Lane, Samaria	\$198,000
8	DA7535	Construction of a carport	51A Salisbury Street, Benalla	\$13,707
9	DA7126	Completion of works	2582 Benalla – Tatong Road, Tatong	\$9,870
10	DA6960	Construction of a shed	26 Clarendon Street, Baddaginnie	\$57,774
11	DA7273	Construction of two dwellings	20 Melrose Street, Benalla	\$783,671
12	DA7591	Construction of a commercial shed hangar	Hangar 13, Samaria Road, Benalla	\$70,000
13	DA7582	Demolition	48 Thomas Street, Benalla	\$25,340
14	DA7557	Construction of a dwelling and garage	29 Livingston Boulevard, Benalla	\$292,953
15	DA7558	Construction of a dwelling and garage	27 Livingston Boulevard, Benalla	\$292,122
16	DA2041	Construction of a verandah	2 Noarana Drive, Benalla	\$21,669
17	DA7556	Construction of a dwelling and garage	35 Livingston Boulevard, Benalla	\$291,427
18	DA7552	Construction of a dwelling and garage	50 Livingston Boulevard, Benalla	\$328,506
19	DA7578	Construction of a shed	14A Dobson Road, Benalla	\$25,646
20	DA7535	Construction of a verandah	51A Salisbury Street, Benalla	\$40,053
21	SF/2845	Construction of an outbuilding	CA 61 High Street, Baddaginnie	\$35,000
22	DA7442	Construction of a dwelling and garage	38 Smythe Street, Benalla	\$341,844
23	DA5107	Construction of an office	103 Holdsworth Road, Benalla	\$150,000
Total				\$3,194,333

Building Permits Issued by Certifier by Month





COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Livability

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

Economy

- Population growth.

Environment

- Healthy and protected natural environment.

Leadership

- Good governance.

Recommendation:
That the report be noted.

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4. 2023/24 Quick Response Grants Program

SF/2857

Tom Arnold – Community Development Coordinator
Jane Archbold – Manager Community

PURPOSE OF REPORT

The report presents funding applications to the 2023/24 Quick Response Grants program.

BACKGROUND

The Quick Response grant program enables local community groups, clubs and organisations to seek funding to increase their capacity to work in partnership with the Council and others to address local needs and enhance the local community.

The program distributes grants up to \$500 allowing local clubs, groups and organisations the opportunity to seek funds when the need arises.

DISCUSSION

Applications for consideration under the 2023/24 Quick Response Grant program are detailed in the table below.

Applicant	Details	Amount Requested	Proposed Assistance
Tatong Community Centre and Recreation Reserve	Tatong Community Christmas Gathering – Sunday, 17 December 2023. This event is a community Christmas gathering where a BBQ dinner will be provided. Santa makes an appearance on a horse drawn buggy and hands out lolly bags to the kids. The event provides an opportunity for the Tatong community, past and present, to come together and connect before Christmas. Aiming to have more than 150 people attend. Funding will go towards catering and hall hire.	\$500	\$500
Small Town Sing	Small Town Sing - Christmas Frenzy. Small Town Sing was developed by Catherine Burton who is a teacher at Benalla FCJ College and Adam Toms who is the Youth Worker at the same school as well as a professional musician. This will be the third event of 2023 to be held on 8 December 2023. Tickets can be pre purchased online and on the night. All ticket profits are being donated to Tomorrow Today who will use the money to purchase hampers for families in need at Christmas time. Funding will go toward catering, stage materials and door prizes.	\$500	\$500
Total		\$1,000	\$1,000

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Promotion of program via media, website and social media. ▪ Program presented in public reports to the Council. ▪ Outcomes advised directly to applicants. ▪ Outcomes detailed in Annual Report.

FINANCIAL IMPLICATIONS

The *2023/24 Budget* allocates \$15,000 to the Quick Response Grant program. To date, \$1,900 in Quick Response Grant funding has been allocated.

Recipients of support throughout the financial year are detailed in the Annual Report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

Recommendation:

That \$500 grants from the 2023/24 Quick Response Grant program be allocated to Tatong Community Centre and Recreation Reserve and Small Twon Sing.

5. 2023/2024 Major Event Funding Program

SF/2857

Sharon Geer – Events Coordinator

Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The report presents funding applications to the 2023/24 Major Event Funding program.

BACKGROUND

The Council’s Major Event Funding Program enables local community groups, clubs, organisations and external event groups to seek up to \$2,000 in funding to assist in the staging of events that will provide measurable economic benefit and enhance the image and liveability of Benalla Rural City.

DISCUSSION

Major Event Funding

An application for the 2023/24 Major Event Funding program is detailed in the table below.

Table 1 – Major Event Funding Grant Applications 2023/2024

Applicant	Details	Amount Requested	Proposed Assistance
Albert Heaney Oval Committee of Management	<p>Swanpool Motor Festival - Sunday 10 March 2024</p> <p>Swanpool’s annual Motor Festival has become one of the most anticipated motor events in the region held over the March Labour Day weekend. The event offers a broad array of motoring interests from cars, motorcycles to trucks, new to old, completed and project show cars. More than three hundred vehicles will be on display.</p> <p>Other elements of the event include a swap meet, market stalls, street food and live music.</p> <p>The event has grown significantly since its inception in 2018 attracting a large number of visitors, participants and vendors. Attendees spend money on accommodation, food, and other local services within the region.</p> <p>The funding will be used for assistance towards event running costs, traffic management, first aid services and marketing of the event.</p> <p>All profits from the event are used by the Albert Heaney Oval Committee for the upkeep of the oval and pavilion. It is anticipated that the event will attract more than 2000 participants and spectators.</p>	\$2,000	\$2,000
Total		\$2,000	\$2,000

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council’s *Community Engagement Policy*, it is proposed that, due to administrative nature of the program, that community engagement be undertaken at the ‘Inform’ level under the International Association for Public Participation’s IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Promotion of program via media, website and social media. ▪ Program presented in public reports to the Council. ▪ Outcomes advised directly to applicants. ▪ Grant presentation ceremony. ▪ Outcomes detailed in Annual Report. ▪ Media release.

FINANCIAL IMPLICATIONS

The *2023/24 Budget* allocates \$12,000 to the Major Event Funding program to support the staging of eligible events. Applications are open year-round until the funding pool is expended.

Recommendation:

That a \$2,000 grant from the 2023/24 Major Event Funding program be allocated to the Albert Heaney Oval Committee of Management.

6. Benalla Senior Citizens Community Centre – Proposed Name Change

SF/265

Tom Arnold – Community Development Coordinator

Jessica Pendergast – Governance Coordinator

Robert Barber – General Manager Corporate

PURPOSE OF REPORT

The report presents a proposal to change the name of the *Benalla Senior Citizens Community Centre*.

BACKGROUND

At the Assembly of Councillors briefing held on 30 August 2023, U3A Benalla representatives provided Councillors with a presentation on U3A activities.

During the presentation U3A representatives proposed a name change for the *Benalla Senior Citizens Community Centre*.

Subsequently, a letter was received from U3A and Senior Citizens Benalla to indicate support for the proposed name change from user groups of the centre (Refer **Appendix 1**).

Further correspondence was received from U3A on 30 October 2023 (**Appendix 2**).

Any proposed name change needs to meet *Naming Rules for places in Victoria* statutory requirements. The *Naming Rules for places in Victoria* are based on the *Geographic Place Names Act 1998*.

Appropriate naming is essential for identifying locations when managing emergencies and delivering goods and services in Victoria. The naming rules are based on national standards and policies. They provide a strong basis for standardised and unambiguous naming procedures across the state.

When proposing a new name for a facility or feature the proposed name must conform to the following principles:

- A. Ensuring public safety
- B. Recognising the public interest
- C. Linking the name to place
- D. Ensuring names are not duplicated
- E. Recognition and use of Traditional Owner languages
- F. Names must not discriminate or be offensive
- G. Gender equality
- H. Dual names
- I. Using commemorative names

- J. Using commercial and business names
- K. Language
- L. Directional names to be avoided
- M. Assigning extent to a road, feature or locality

Councils can generate a naming proposal in-house, including choosing an appropriate name. If a request is made of council in the interests of public safety, the council must respond to the request within 30 days, outlining intended action.

When preparing a proposal, the council must ensure compliance to the naming rules. Naming should only be considered if the council can demonstrate that the proposal is being made in the community's best interest. Names should be enduring and changed only when necessary, for example, when causing a public safety issue and or the name is causing offense.

Geographic Names Victoria can provide in-principal endorsement of a name change prior to public consultation.

DISCUSSION

The decision to proceed with a name change rests with the Council. To guide this decision, a community consultation program is required for a proposed name change of the Centre.

User groups of the Centre have suggested that the Centre be renamed to *Benalla Seniors and Community Centre*. This is Council's preferred option for a name change.

Council will undertake community consultation to ensure that the broader community have the opportunity to have input alongside the Centre's user groups. If a name change was supported by the consultation results and approved by Council, the name needs to be lodged with the Register for consideration and inclusion in *Geographic Names Victoria (VICNAMES)*.

If the Registrar deems that the proposal conforms to the naming rules, *Geographic Names Victoria* will proceed to gazette the proposal.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Livability

- *Vibrant public spaces and places.*

Leadership

- *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:

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"> ▪ Surveying user groups of the Community Centre. ▪ Notice in the Community Centre’s user group newsletters. ▪ Provide information on site at the Community Centre. ▪ Publish public notice and seek feedback through the <i>Benalla Ensign</i>, Council’s website and social media accounts.

Community engagement will focus on current user groups of the Centre and will also be open for comment from the broader community.

FINANCIAL IMPLICATIONS

If the name of the facility is changed there will be a minor financial impact related to community engagement and signage updates.

LEGISLATIVE AND STATUTORY IMPLICATIONS

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

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.

CONCLUSION

That the proposed name change for the *Benalla Senior Citizens Community Centre* be placed on public exhibition.

A report detailing feedback received on the proposed name change for the *Benalla Senior Citizens Community Centre* will be presented to a future meeting of the Finance and Planning Committee.

Recommendation:

That the proposal for the *Benalla Senior Citizens Community Centre* to be renamed *Benalla Seniors and Community Centre* be placed on public exhibition for a period of at least 28 days.

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U3A BENALLA Inc

Inc. Reg. No. A0036654P

ABN 82 700 540 519

PO Box 674

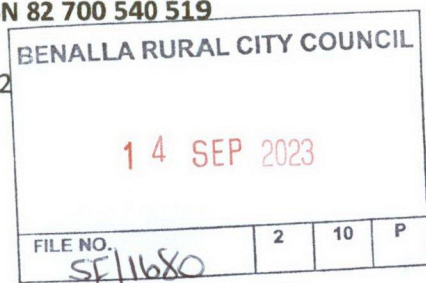
BENALLA Vic 3672

President: Margaret Jenkins 5762 6944

Secretary: Geraldine McCorkell 0408522662

Website: www.u3abenalla.com.

Email: gmccorkell@activ8.net.au



TO: CEO, MAYOR AND COUNCILLORS OF BENALLA RURAL CITY COUNCIL

On the 30th August U3A Benalla presented a profile of U3A to the Assembly of Council. During discussion U3A, in agreeance with the Benalla Seniors group, requested the name of the Senior Citizens Centre located in Fawckner Drive be renamed **Benalla Seniors and Community Centre**. The Centre is being used seven days a week by a number of groups and it would be fitting to rename the complex to cover the interests of a such a large and varied group of community members.

Yours sincerely,

Margaret Jenkins

Margaret Jenkins
President U3A Benalla

Valerie J. Burke

Val Burke
President Senior Citizens Benalla

**U3A Benalla Inc**

PO Box 674
 Benalla Vic 3671
<http://u3abenalla.weebly.com>

Registration Number A0036654P
 ABN 82 700 540 519

President:
 Margaret Jenkins 5762 6944
margaretjenkins@bigpond.com

Secretary:
 Geraldine McCorkell 0408 522 662
gmccorkell@activ8.net.au

Mayor, Councillors and CEO
 1 Bridge Street East
 Benalla Vic 3672

Mayor, Councillors and CEO

Thank you for listening to and watching to the U3A Benalla presentation on 30 August 2023. We were encouraged by your questions, and have since forwarded to you a request from Val Burke, President of the Benalla Senior Citizens and myself to change the name of the building in Fawckner Drive from Benalla Senior Citizens Building to the Benalla Seniors and Community Centre. We understand that this is for discussion by the Council in early November.

On Monday 16th October 2023 we were given a tour of the Town Hall by Elise Wood. We saw the Commercial kitchen, which, with a clean of the gas burners, would be suitable for our Men's Chef classes which we are in the process of arranging for 2024.

As ratepayers we appreciate that it is optimal to utilise Council facilities that are already constructed. However, the Supper Room, which was highly regarded by several Councillors as a suitable meeting space for U3A Benalla, turned out to be utilised for storage. The steps down to the Supper Room were steep and narrow, and not suitable for mature users. Using the four persons lift to get back to the ground level, we were shown that if you lifted your finger off the button during ascent, the lift immediately stopped between floors. The other problem with the supper room was that there were no toilets in the vicinity. To get to the toilets you had to use the lift to get back to the ground level, and then walk through the auditorium to the entrance hall. Not impossible, but certainly not optimal for an older age group.

Another problem with U3A Benalla using the Town Hall is car parking. We were looking for a room capable of seating 40 to 50 people. Most of these people would travel to the venue by car. The day we looked at the Town Hall I counted three spare car parks in the Council car park. We were told that this car park is generally full Monday to Friday during the day, which is when we would be holding our classes. The street parking in Nunn Street was also fully utilised that day.

Which brings us back to the question of future accommodation for U3A Benalla which has just passed 400 members. For the above reasons, the Town Hall is really only suitable for our Men's Chef classes.

Recently I have noticed Grants for between \$500,000 and \$15M being made available by the Federal and State Governments such as the Growing Regions Program. Would it be possible for Benalla Rural City Council to explore the possibility of applying for one of these Grants to erect a room to accommodate 40 to 50 people near the Benalla Seniors and Community Centre please?

As we said in our presentation to you on 30 August, U3A Benalla has the programs, we have the members but we are lacking in facilities for future expansion.

Yours sincerely

Margaret Jenkins
 President

Geraldine McCorkell
 Secretary

7. Benalla Street Art Festival Social Media Exemption

SF/1893

Grant Banks – Communications and Community Engagement Officer
Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The report seeks an exemption to Council's *CP24 Social Media Policy* for the purpose of giving curator of the Benalla Street Art Festival Eddie Zammit the ability to post to social media on the Council's behalf.

BACKGROUND

To assist with the online promotion of the *2024 Benalla Street Art Festival* Council's communications department have established the social media profiles *@Benalla Street Art Festival* for Facebook and *@Benalla.Street.Art.Festival* for Instagram. These profiles have been created and are owned by Council.

An exemption on Council's *Social Media Policy* (**Appendix 1**) is required to give the curator of the Benalla Street Art Festival Eddie Zammit the ability to post to social media on Council's behalf as *Social Media Policy* does not currently support this.

DISCUSSION

To maximise the online presence of the *2024 Benalla Street Art Festival* it is proposed that Eddie Zammit be given temporary access to the social media profiles *@Benalla Street Art Festival* (Facebook) and *@Benalla.Street.Art.Festival* (Instagram).

Eddie Zammit would be given access to create and post content. This will be important during the *2024 Benalla Street Art Festival* as content can be delivered in a timely matter including posting live content and time sensitive content.

Ownership of the social media profiles *@Benalla Street Art Festival* (Facebook) and *@Benalla.Street.Art.Festival* (Instagram) will revert back to the Council at the completion of the *2024 Benalla Street Art Festival*.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Livability

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

Economy

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

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' 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
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Public report presented to the Council. ▪ Report published on Council's website.

OTHER STRATEGY IMPLICATIONS

As a result of this exemption the Council's *Social Media Policy* has been identified for review to include an additional section for third-party social media access.

FINANCIAL IMPLICATIONS

There are no financial implications with approving an exemption to the Council's *Social Media Policy*.

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.

CONCLUSION

A Memorandum of Understanding will be established as part of this exemption to support the management of the Benalla Street Art's social media channels. This will mitigate risks associated with inappropriate use of our social pages by an external provider and protects the intellectual property of Councils dedicated social media pages.

Recommendation:

That the Council provides an exemption to the *Social Media Policy* to allow third party Eddie Zammit to post on the social media profiles known as *@Benalla Street Art Festival* (Facebook) and *@Benalla.Street.Art.Festival* (Instagram) for the purpose of promoting the *2024 Benalla Street Art Festival* until 31 March 2024.

CP 24 Social Media Policy

Responsible Officer:	Manager Economic Development and Sustainability
Document type:	Council Policy
Reference:	CP 24
Adopted by:	Council
Date adopted:	24 May 2023
Date of next review:	May 2027

Policy Objective

The purpose of this policy is to:

- Enhance communication and community engagement through effective use of social media to contribute to trust and confidence in Council.
- To ensure the use of social media is consistent with key policies, including the Media Policy and the Staff Code of Conduct.
- To define roles and responsibilities across the organisation in the use of social media

What is Social Media

Social media includes web and mobile-based technologies where individuals or organisations comment, contribute, create, forward, post, upload or share content for the purpose of communication.

Forms of social media include, but are not limited to:

- social networking sites (e.g. Facebook, LinkedIn)
- micro-blogging sites (e.g. Twitter)
- photo sharing sites (e.g. Instagram)
- video sharing sites (e.g. YouTube)
- blogs, both personal and corporate
- wikis and other online collaborations (e.g. Wikipedia)
- forums, discussion boards, online social groups
- instant messaging (e.g. Jabber, Messenger)
- that use simple publishing tools or new technologies emerging from the digital environment to communicate with individuals, communities and organisations.

Scope

This policy applies to:

- the use of social media by permanent, part time, casual, volunteer and contracted Council officers.
- all official social media accounts managed by Council and that are the property of Council
- all activities undertaken on a Council social media platform or with a social media tool

This policy does not apply to Councillors.

Procedure

Official Spokesperson

The Mayor and Chief Executive Officer are the two official spokespersons for the Council and are responsible for making and managing public statements on Council decisions, policy issues and matters which affect the community.

Day to Day Operations

The Chief Executive Officer is responsible for ensuring that factual information is provided through all forms of official social media.

Official Council social media accounts are for apolitical use only.

The dissemination of information through Council's official social media platforms must comply with the Social Media Policy.

If a matter requiring Council's attention is raised on social media, a response will be considered by the Chief Executive Officer and the Communications team. The response will be published by the Communications team with the consent of the Chief Executive Officer.

Council staff are not to publish any information on any form of social media without first going through the appropriate approval process, which in every instance, includes as a minimum the approval of the Department Manager.

Management of Assets

All tools, sites and content of Council social media are the property of Council. Each of these Council assets must be administered using Council email addresses ending in @benalla.vic.gov.au. The Communications team is to be a joint administrator on all Council social media assets and is to maintain a current register of logon details.

Council staff are not to attach personal email addresses to the administration of Council assets.

All Council social media assets are to be connected through a central management tool as overseen by the Communications team. This tool is Hootsuite. This is to ensure consistency in reporting, co-ordination in the timing of post and to prevent exclusive administration access to a single Council Officer.

At no time are volunteers, committee members, contractors or any person other than delegated Council staff to have logon or author access to a Council social media asset or to publish to any Council social media asset.

Delegations by the Chief Executive Officer

Council recognises that social media is a proactive and less formal way to communicate with the community. The Chief Executive Officer may delegate the authority to publish on social media to the Council Officers in relation to specific areas within their functional area of expertise including:

- Benalla Art Gallery
- Benalla Performing Arts and Convention Centre
- Benalla Festival
- Benalla Youth (Wots4Me, B-Town Youth, YOUth Matter)
- Enjoy Benalla
- Benalla L2P Program
- Supporting Benalla Business
- Benalla Library

Posting to the Benalla Rural City Council social media accounts

Under delegation from the CEO the MEDAS has the authority to approve posts to be placed on Council's main social media pages. It is the responsibility of the CEC and Communications team to seek MEDAS approval to post content that is informative, accurate and timely.

The Chief Executive Officer may also delegate to the Communications team the authority to share relevant third-party posts. These may include events that are supported by Council, information disseminated by state or federal government bodies, or community groups supported by Council.

Responding to comments and direct messages

Under delegation from the CEO the CEC and MEDAS have the responsibility to respond to all social media direct messages in a timely manner. As this may require coordination with the relevant staff member/s to formulate a response; a reasonable time to action is two working days.

Under delegation from the CEO the CEC and MEDAS are to use their discretion to respond to comments made on Council social media posts in a timely manner. At no time will Council respond to comments or posts made to non-Council-owned social media pages, even if Council is tagged in the post.

When deciding whether to provide a response to a comment on a Council post, the CEC / MEDAS must consider whether the comment is constructive, relevant and able to be answered accurately. If a fair and reasonable question is asked on a Council-owned post or page, the CEC / MEDAS will work with the relevant staff member/s to formulate; a response a reasonable time to action is 24 hours from the time of the comment noting that Council will not respond to comments outside of working hours.

Posting sensitive materials

The CEC should be mindful to not post sensitive or controversial material on Fridays as best practice. Caution in this area will reduce the risk of legitimate comments going unanswered over the weekend and Council social media posts being trolled without moderation.

Moderating social media accounts

Under delegation from the CEO the CEC and MEDAS are to use their discretion to moderate Council's social media accounts. Officers responsible for managing Council-owned social media accounts such as the Benalla Library, Art Gallery etc should consult the CEC on how to effectively deal with problematic users otherwise known as Trolls. The CEC may hide or advise Officers responsible for managing social media accounts to hide abusive, threatening, antisocial or disruptive comments. Should the CEC and MEDAS agree to block a social media user from commenting on a Council-owned account the CEO and GMC must be made aware of the reasons for this action and it be reported to Councillors in their weekly briefing.

All Council Officers who receive delegation from the Chief Executive Officer are to adhere to the Social Media Policy and are not to publish any content regarding policy issues or provide personal interpretations of Council decisions or actions. They are not to express their personal opinions on matters relating to either the Council or anything not related to the Council. The Chief Executive Officer may revoke this delegation at any time.

The Council does not allow excessive tagging in social media posts.

This delegation includes, but is not limited to:

- ensuring that the use of Council's social media accounts is in accordance with the relevant policies of the platform
- ensuring that all social media accounts have suitable recordkeeping and privacy processes in place before posting and that these practices are maintained through the life of the account
- moderating and responding to comments and direct/private messages
- monitoring the social media accounts for inappropriate comments/information reporting any inappropriate comments/information to the relevant Department.

Manage Accessibility

Council is committed to meeting accessibility standards for all online channels and recognises its responsibility to provide access to services and information to all residents and visitors equally regardless of ability, channel of choice and use of assistive technologies.

As a minimum standard, to ensure as many people as possible can access and understand content, all official social media tools will:

- follow the primary principle of simple, clear and fast
- be written in plain English
- use a friendly and informal tone
- use words that the target audience understands
- consider feedback from the community and update content accordingly
- use best practice website and social media content principles
- use shortened URLs to meet character limit restrictions

Best practice website and social media content principles are outlined in the Australian Government Digital Service Standard and the Web Content Accessibility Guidelines (WCAG)

Council Elections and Caretaker Period

Council's official social media channels may continue to provide regular communication with the community during the caretaker period.

Council will not respond to any political comments made or posted during the caretaker period and Council retains the right to remove messages which contravene caretaker conventions, whether from Councillors, candidates or members of the community.

Councillors will not be provided with assistance in social media channels in relation to election campaign matters or publicity. Councillors must not promote their own social media channel or websites via Council's official social media channels.

Social Media for personal use

Council recognise Council staff use personal social media accounts for private purposes. Personal social media use includes any use that is not sanctioned by Council or defined as official work use.

All officers have an obligation to act responsibly and ethically when communicating about matters relating to the Council when using social media. When using social media in a personal capacity, it is important that personal comments are not interpreted as representing the Council. Commenting from personal accounts on Council posts or posts discussing Council matters is strongly discouraged.

Comments made via social media are treated as public comments and will be treated the same as comments made to the media.

The *Local Government Act 2020*, the Staff Code of Conduct and other relevant Council policies apply to the official and personal use of social media during and outside office hours.

Monitoring personal social media accounts and usage

Council respects everyone's privacy. Council does not specifically monitor or moderate personal social media accounts or usage on personal equipment outside work hours.

Complaints received regarding statements on social media which do not follow the above principles or breach policy obligations will be investigated. This includes references to policy, operations, customers, officers, the Mayor and Councillors.

Applying for an ongoing or campaign account

Campaign social media accounts are externally facing social media accounts which are developed and maintained for one specific project or campaign. Campaign channels are intended to be established for a specific purpose, on a specific social media platform and for a specific time period. Once established, campaign accounts are considered an official social media tool and are the property of Council.

Ongoing accounts are externally facing social media accounts which are developed and maintained in an ongoing way and for an indefinite period of time. They are generally related to an area of specialisation within Council and once established, as considered an official social media tool and are the property of Council.

Application for a campaign or ongoing social media account must be made by the Department Manager to the Chief Executive Officer. The application is in the form of a social media business case signed by the relevant Department Manager.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Relevant legislation includes the following:

- *Defamation Act 2005 (Vic)*
- *Freedom of Information Act 1982 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Racial and Religious Tolerance Act 2001 (Vic)*
- *Wrongs Act 1958 (Vic)*
- *Protected Disclosure Act 2012*

Council Policies:

- *Benalla Rural City Council Staff Code of Conduct*
- *Benalla Rural City Council employment contracts*
- *Benalla Rural City Council Prevention of Discrimination, Harassment and Victimisation Policy*
- *Benalla Rural City Council Disciplinary Guideline*
- *Benalla Rural City Council Customer Service Policy*
- *Benalla Rural City Council Information Privacy Policy*
- *Benalla Rural City Council Records Management Policy*
- *Benalla Rural City Council Community Engagement Policy*
- *Benalla Rural City Council Social Media Protocol*

Other References:

- Web Content Accessibility Guidelines (WCAG)
- Digital Service Standard, Digital Transformation Agency

8. Urgent Business

Closure of Meeting