

Planning and Development Committee Agenda

Date: Wednesday 20 April 2022

Time: Following the 5.30pm Council Meeting

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

The *COVID-19 Omnibus (Emergency Measures) Act 2020* enables councils to hold meetings electronically. This measure is intended to ensure the safety of members of the public, Councillors and Council staff.

The Council Meeting Room has limited capacity for public attendance. Accordingly, members of the public are encouraged to watch the live broadcast of the meeting at **www.benalla.vic.gov.au**

Any person wishing to participate in Question Time in accordance with Rule 7.2 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning Governance Coordinator Jessica Beaton on (03) 5760 2600.

In accordance with the Governance Rule 6.4 an audio recording will be made of the proceedings of the meeting.

PO Box 227
1 Bridge Street East
Benalla Victoria 3671
Tel: 03 5760 2600
council@benalla.vic.gov.au
www.benalla.vic.gov.au

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Agenda

Chair	Councillor Danny Claridge	
Councillors	Councillor Peter Davis	
	Councillor Don Firth	
	Councillor Bernie Hearn (Mayor)	
	Councillor Punarji Hewa Gunaratne	
	Councillor Justin King	
	Councillor Gail O'Brien	
In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	Joel Ingham	Planning Coordinator
	Jessica Beaton	Governance Coordinator

Acknowledgment 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 and a leave of absence granted.

Confirmation of the Minutes of the Previous Meeting

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 Planning and Development Committee Meeting held on Wednesday 16 March 2022 be confirmed as a true and accurate record of the meeting.

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.

Business

1. Public Question Time

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

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

A question may be on any matter except if it:

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

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

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

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

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

Recommendation:
That the question(s) and answer(s) be noted.

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2. Planning Application For A Multi Lot Subdivision (88 Lots) And The Removal Of Native Vegetation And The Construction Of A Dwelling On Each Lot At Lot 2, PS502039 And Lot 3, PS501382 – Bourke Drive, Benalla

DA6802/2

Joel Ingham – Planning Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

This report assesses a planning application received for a Multi lot subdivision (88 lots), the removal of native vegetation, the creation and variation of easements and the construction of a dwelling on each lot at Lot 2, PS502039 and Lot 3, PS501382, Bourke Drive, Benalla.

BACKGROUND

Site Address	Lot 2, PS502039 and Lot 3, PS501382, Bourke Drive, Benalla.
Existing Use	The land is currently vacant and used for small scale grazing purposes. Scattered native vegetation exists throughout the site.
Proposal	Multi Lot Subdivision (88 Lots), the removal of native vegetation, the variation and creation of easements and the construction of a dwelling on each lot
Applicant	Tomkinson Group
Zone	General Residential Zone (GRZ)
Overlays	Land Subject to Inundation (LSIO)
Referrals	<ul style="list-style-type: none">▪ Country Fire Authority (CFA)▪ Department of Environment, Land, Water and Planning (DELWP)▪ Goulburn Broken Catchment Management Authority (GBCMA)▪ North East Water (NERWA)▪ Ausnet▪ APA Group▪ Department of Transport

PROPOSAL

The proposal seeks approval to subdivide the land into 88 residential lots in four phases (Stage 4 – Stage 7), the remove native vegetation and the construction of a dwelling on each lot. The proposal will have the following characteristics:

The subdivision will link in with an existing approved subdivision to the south-west of the site. The adjoining subdivision was for 76 residential lots in three stages and has access out onto Four Mile Road, Benalla to the south. A road through this subdivision (Livingston Boulevard, Benalla) will extend from Four Mile Road, Benalla linking with the proposed subdivision within the south west portion of the site.

The staging for the proposed subdivision will carry on from the approved subdivision starting from stage four and ending with stage seven.

Stage 4

- Stage 4 of the subdivision will extend from the south west corner of the site through to the north boundary. This stage will allow for Livingston Boulevard, Benalla to connect from the south of the site through to Goomalibee Road, Benalla to the north. This stage also provides road linkages through to Third Avenue, Benalla to the east and a future road to the west of the site.
- Stage 4 will contain a public open space reserve with an area of 9,964m² within the south west corner of the site.
- This stage will also provide for 29 residential lots. Lot sizes within the north east portion of the site will be larger in area to protect existing native trees. Lot sizes will range from 324m² to 4,000m² in area.

Stage 5

- Stage 5 will be located within the south east portion of the site and will link with Bourke Drive, Benalla to the south. This portion of the subdivision will provide for 18 standard residential lots ranging in area from 588m² to 880m².

Stage 6

- Stage 6 will be located centrally to the south boundary of the site. This part of the subdivision will be provided with a court leading south from Livingston Boulevard, Benalla.
- Stage 6 will have a public open space area of 6,925m² facing onto Livingston Boulevard, Benalla.
- This stage will provide for 22 lots ranging in area from 300m² to 876m². The smaller 300m² lots will be designed for dwellings to front onto a public open space area to the west in a terrace style type development.

Stage 7

- Stage 7 will be located within the north west portion of the site and will provide for two roads leading in a east to west direction from Livingston Boulevard, Benalla.
- Stage 7 will have a public open space area of 4,889m² fronting onto Livingston Boulevard, Benalla to the east and an unnamed road to the south.
- This stage will provide for 19 lots ranging in area from 480m² to 4,103m²

Construction of Dwellings

The subject site is located within a Land Subject to Inundation Overlay (LSIO) and as a result once a subdivision for the land is approved a planning permit would be required for a dwelling on each lot created.

To reduce the burden of more planning applications in future the applicant is proposing to construct a dwelling on each lot as part of the subdivision.

The only trigger for the planning permit would be the LSIO which relates to floor levels above the flood level only. As a result, the design of the dwelling is not relevant to the consideration of permits under the LSIO and dwelling designs are not required as part of the proposal.

Native Vegetation Removal

The subdivision layout will require the removal of 68 trees, of which, 15 will be large trees. In addition, six small patches of vegetation will require removal. This represents an area of 2.427ha and requires a vegetation offset of 0.696 General Habitat Units.

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

Site and Surrounds

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

The land is located on the south side of Goomalibee Road, Benalla approximately 81m west of the intersection with Coish Avenue, Benalla. The site forms two parcels of land being Lot 2, PS502039 and Lot 3, PS501382, Bourke Drive, Benalla. Lot 2, PS502039 is located within the northern portion of the site and has frontage to Goomalibee Road, Benalla along its northern boundary. The land is irregular in shape and has a frontage to Goomalibee Road, Benalla of 146.98m and a south boundary length 315.91m, with an overall site area of 6.721ha.

Road connection is provided within the south east portion of this land through to Third Avenue, Benalla. The land is currently used for small scale grazing and contains scattered native trees throughout.

Lot 3, PS501382 is located within the southern portion of the site and has access via an easement of way to Bourke Drive, Benalla within the south east portion of the site and future access to Livingston Boulevard, Benalla within the south west portion of the site. The land is generally rectangular in shape, with the exception of a small portion of land created with two residential lots within the south east portion of the site. The land has a north boundary length of 315.91m, a west boundary length of 160m and a south boundary length of 279.77m, with an overall site area of 4.902ha.

The land is currently used for small scale grazing and contains scattered native trees throughout.

Land to the south and east of the site is located within a General Residential Zone and contains established residential dwellings. Dwellings in the area are generally single storey.

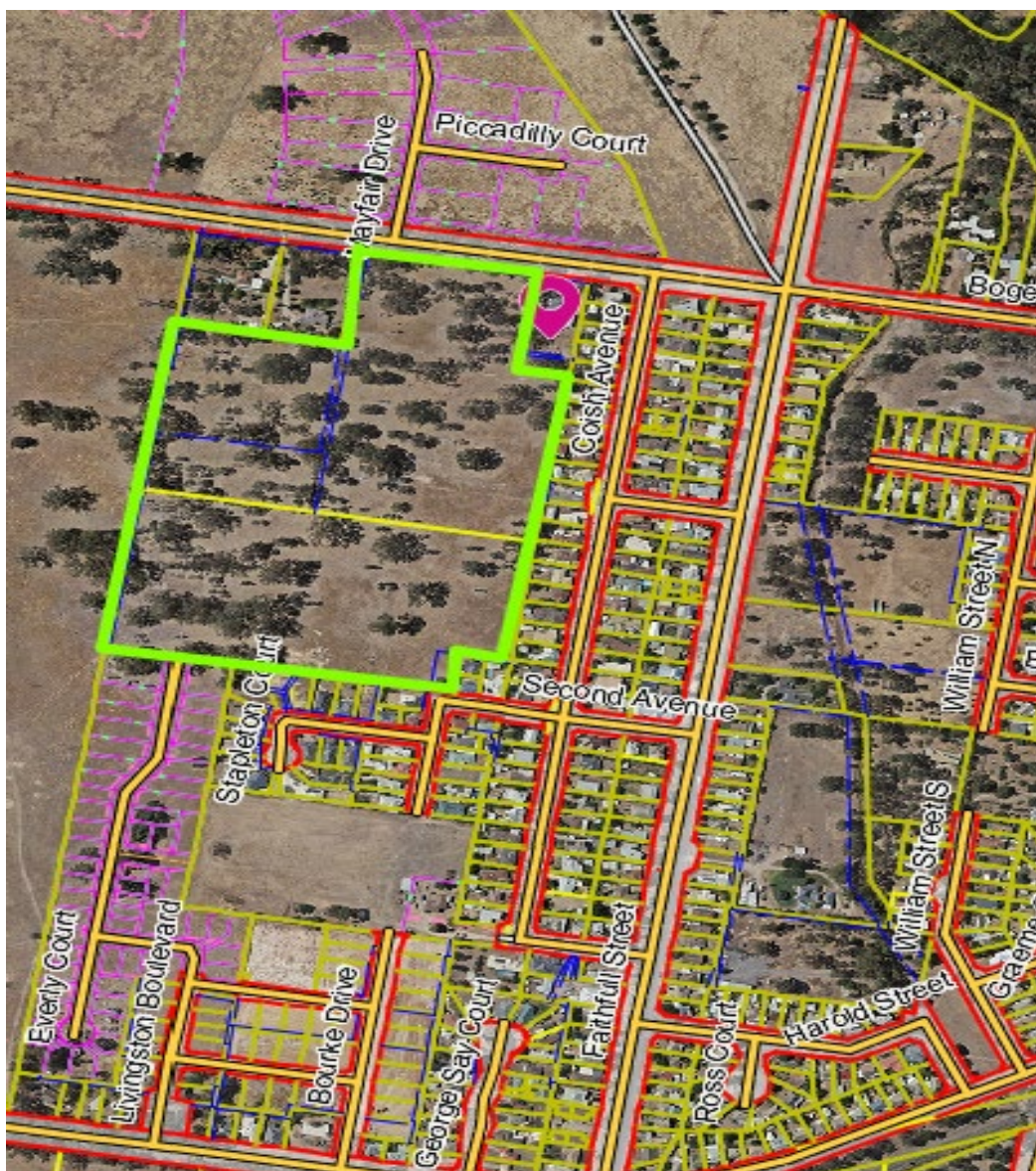
Land to the north of the site across Goomalibee Road, Benalla is zoned Low Density Residential. The land is currently under construction with a 76 lot low density subdivision with lots ranging in area from 2,000m² to 4,000m² in area.

Three lots exist fronting Goomalibee Road, Benalla and directly abut the subject land to the north east and north west. These lots contain single dwellings on large residential lots ranging from 4,000m² to 6,600m² in area.

Land to the west of the site has recently been approved by the Minister for Planning for rezoning from Farming Zone to the General Residential Zone. This land is undeveloped and is currently used for small scale grazing activity. The land contains scattered native trees throughout the site which becomes denser within the north west corner of the site.

Land to the south west of the site forms part of a 76 Lot residential subdivision which is currently under development. A proposed road from this subdivision (Livingston Boulevard, Benalla) will connect with the proposed subdivision within the south west portion of the site.

LOCALITY MAP



Public Notification And Background

Planning application No. P0005/20 was received on 31 January 2020 for the subdivision of land into 92 lots, the removal of native vegetation and the construction of a dwelling on each lot.

The planning application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by:

- placing a sign on the Goomalibee Road, Benalla, Third Avenue, Benalla and Bourke Drive, Benalla frontages of the site.
- sending notices to all adjoining and opposite landowners and occupiers.

Advertising to adjoining and opposite owners and occupiers resulted in at least 58 households being notified in the immediate area.

Four objections, including, a petition containing 53 signatures was received on the proposed planning application.

The objections can be summarised as follows:

- the tree to the rear of 91 Coish Avenue, Benalla be retained
- entry to the subdivision should be provided from Goomalibee Road, Benalla
- connection to Bourke Drive, Benalla will create a poor outcome for existing dwellings
- road safety issues will be created with the connection of Bourke Drive, Benalla and Second Avenue, Benalla
- the need for park and playground areas within the subdivision
- more larger trees should be retained as part of the development
- lack of direct vehicle access into the development for emergency vehicles
- instability of the land caused by swamp yabbies
- land devaluation
- concern about stormwater modelling and flood impacts
- lack of recognition of flora and fauna values on the site
- loss of sites potential use as parkland.

As a consequence of the objections received, further information requested by Department of Environment, Land, Water and Planning (DELWP) and detailed conditions required by the Goulburn Broken Catchment Management Authority (GBCMA).

Council officers wrote to the applicant on 14 July 2020 requesting further information as summarised below:

- Hydraulic flood and water quality modelling in accordance with the GBCMA requirements.
- Any proposed earthworks to consider the impact of native vegetation and take into account tree protection zones.
- Stormwater management plan.
- Details on the creation and removal of easements.

In addition, a response to DELWP's further information request was required separately.

Due to the complexity of the request and the likely need to adjust the subdivision layout as a result of the request and pandemic restrictions it took the applicant a long period of time to resubmit plans to facilitate the above concerns.

The revised plans and reports were submitted by the applicant to Council on 11 October 2021 and included:

- revised subdivision lot layout which includes three road connections to the west and a road connection to Goomalibee Road, Benalla. An internal reconfiguration of road alignments and lots, the retention of additional trees on the land and a reduction of lots from 92 to 88
- the provision of a Flood Impact Assessment Report
- revised Traffic Impact Assessment Report
- Stormwater Management Plan
- revised native vegetation assessment
- response to the objections received above.

The information received was re-advertised in the same manner as detailed above on 28 October 2021. As a result of advertising none of the original objections were withdrawn. However, an additional four objections were received, three of which are from new objectors to the proposal. The further objections can be summarised as follows:

- The proposal to raise the level of lots on Bourke Drive, Benalla will impact on the natural drainage flow and back water up into existing lots on Coish Avenue, Benalla.
- The proposal will have an unreasonable impact to existing flora and fauna.
- The proposal will have an amenity impact to local residents.
- There is no provision for community or essential services.
- Loss of sites potential use as parkland.
- Lack of drainage, kerbing and channeling along Goomalibee Road, Benalla.
- The size of lots 103, 104 and 105 are too small and do not reflect the character of large lots in proximity to Goomalibee Road, Benalla.
- The subdivision will reduce privacy to adjoining dwellings fronting Goomalibee Road, Benalla.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

Clause 11.01-1L of the Benalla Planning Scheme relates to Local settlements- Benalla and has the following strategies:

- *Ensure that use and development is consistent with the Benalla Structure Plan, Benalla CBD Structure Plan, North West Outline Development Plan and West Benalla Outline Development Plan 2005.*
- *Ensure new residential development is fully serviced with electricity, telecommunications, water, stormwater and sewerage.*
- *Create large, strategically located areas of open space that link with other forms of open space.*
- *Encourage infill housing development that maintains the prevailing residential character.*
- *Protect the landscape character and environmental integrity of Lake Benalla and environs.*
- *Retain the built form integrity of heritage areas.*
- *Encourage development that maximises tourism opportunities, including for the Winton Wetlands.*

Clause 11.01-1S (Settlement) of the Benalla Planning Scheme has the objective:

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 11.01-1R (Settlement - Hume) of the Benalla Planning Scheme has the strategy:

Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

Clause 11.02-1S (Supply of urban land) of the Benalla Planning Scheme has the objective:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.02-3S (Sequencing of development) of the Benalla Planning Scheme has the objective:

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Clause 11.03-2S (Growth Areas) of the Benalla Planning Scheme has the objective:

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Clause 12.01-2S (Native vegetation management) of the Benalla Planning Scheme has the objective:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 13.03-1S (Floodplain management) of the Benalla Planning Scheme has the objective:

- *To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
 - *Floodplain areas of environmental significance or of importance to river health.*

Clause 15.01-3S (Subdivision design) of the Benalla Planning Scheme has the objective:

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-4S (Healthy neighbourhoods) of the Benalla Planning Scheme has the objective:

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Clause 16.01-2S (Housing Affordability) of the Benalla Planning Scheme has the objective:

To deliver more affordable housing closer to jobs, transport and services.

Zone

Clause 32.08 General Residential Zone (GRZ)

The site is located entirely within the General Residential Zone. 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.

A permit is required to subdivide land within the General Residential zone. An application for subdivision must be assessed in accordance with Clause 56 of the Benalla Planning Scheme.

Overlay

Clause 44.04 Land Subject to Inundation Overlay (LSIO)

The site partially located within a Land Subject to Inundation Overlay. The overlay affects a small portion of land to the north of the. The purpose of this overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required to subdivide land and construct a dwelling under the provisions of this overlay.

Particular Provisions

Clause 52.17 of the Benalla Planning Scheme relates to the removal of native vegetation. The purpose of this provision is as follows:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the DELWP *Guidelines for the removal, destruction or lopping of native vegetation*:
 - Avoid the removal, destruction or lopping of native vegetation.
 - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
 - Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

A planning permit is required to remove native vegetation under the provisions of this overlay. An application to remove native vegetation must apply the avoid, minimise and offset objectives as outlined above.

Clause 56 – ResCode

The following table provides details on whether the proposal complies with the requirements of Clause 56 of the Benalla Planning Scheme. Under the provisions of Clause 56 of the Benalla Planning Scheme, a development:

- must meet all of the objectives
- should meet all of the standards.

If the Council however is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C1	Strategic Implementation	√	√	The applicant has submitted satisfactory documentation with the proposal outlining how the proposal is compliant with the objectives of the planning scheme.
C2	Compact and walkable neighbourhoods	√	√	The proposed subdivision will create a road network that is permeable for pedestrians and bicycles and is connected to town. The site is also located within 300m of a bus stop in Coish Avenue, Benalla.
C3	Activity centers	√	√	The site is located on the outskirts of Benalla. There is a local supermarket located at the corner of Four Mile Road, Benalla and Faithfull Street, Benalla. A bus stop is located in proximity to this location that provides connection into the CBD of Benalla.
C4	Planning for community facilities	√	√	There are no community facilities designated to be located within the subject site in any strategic plans for the overall area.
C5	Built Environment	√	√	The proposed lot layout is considered to be characteristic of the surrounding area. The proposal provides for a mixture of lot sizes that will provide for residential development consistent with the surrounds. Larger lot sizes have been provided to the north of the site to Goomalibee Road, Benalla in keeping with the low density character of lots fronting onto this road. The larger lots and three public open space reserves also retain a high proportion of native vegetation which will be in keeping with the environmental character of the surrounds.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C7	Lot Diversity and Distribution	√	√	The proposal will provide for a diverse range of lot sizes from 300m ² to 4,100m ² . The variance in lot sizes will lead to a diverse range of housing types and styles to suit individual landholders in the future.
C8	Lot Area and Building Envelopes	√	√	Most of the lots proposed are in excess of 450m ² . A condition of any permit can require either building envelopes or Memorandum of Common Provisions to lot sizes of less than 450m ² to provide for dwellings which meet the area and siting requirements of the planning scheme.
C9	Solar Orientation of Lots	√	√	All sites that have a north-south orientation are of sufficient depth to provide for adequate sunlight to open space areas. Based on the design of any future dwellings it is considered that the proposal can achieve a high degree of solar orientation.
C10	Street Orientation	√	√	Most lots within the subdivision are orientated to front existing or proposed streets. Lots are considered large enough to allow adequate solar access.
C11	Common Area	N/A	N/A	
C12	Integrated Urban Landscape	√	√	Three areas of public open space are provided on the land generally within the south and west portions of the site. A condition of any permit issued will require landscaping and park furniture plans be provided for each open space area prior to certification. The open space areas are adequately located off the main road axis and are easily accessible by with footpath and road linkages.
C13	Public Open Space	√	√	The subject site will provide for well in excess of 5 per cent of land set aside for public open space required by the Benalla Planning Scheme. As above the open space areas will be well connected to the proposed road and footpath network and will be easily accessible.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C14	Integrated mobility	√	√	The design of the subdivision contains a permeable layout, enabling ease of movement for pedestrians and cyclists through the site and into the wider pathway network around Benalla. A Traffic Impact Assessment has been submitted by the applicant detailing that the proposal is an appropriate response to Clause 56.06 of the Benalla Planning Scheme and also to the relevant provisions of the Infrastructure Design Manual.
C15	Walking and cycling network	√	√	The proposal provides for road widths which will encourage pedestrian and bicycle movement through the subdivision and throughout the surrounding area. A condition of the permit will require a footpath along Four Mile Road, Benalla which in future will connect with footpaths to the east of the site.
C16	Public transport network	√	√	The proposal does not include any provision for internal public transport services. An existing bus stop is located within 300m walking distance of the site on Coish Avenue, Benalla. The development of this site within the catchment area of this bus stop will increase demand for this service adding in the viability of the overall public transport network in Benalla, further supported by the permeable layout of the footpaths and roads.
C17	Neighborhood Street network	√	√	<p>The proposed street network will result in a continuation of the established and approved network throughout the area. It will connect with roads approved in the adjacent site to the south west and connect into the existing road network to the east being Bourke Drive, Benalla and Second Avenue, Benalla. Land to the west of the site has recently been rezoned to General Residential and three road linkages are provided from the proposed subdivision to this site.</p> <p>The provision of cul-de-sacs have been minimised with only one provided at the southern end of the subdivision. The length has been reduced to the minimum required to provide adequate road network throughout the subdivision.</p>

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C18	Walking and cycling network detail	√	√	The proposal will be required to provide footpath infrastructure along the Goomalibee Road, Benalla frontage of the site which in future will integrate with existing and proposed residential development to the east and west of the site. All internal road networks will be required to link with existing roads and will contain footpaths on both sides of the street to comply with Infrastructure Design Manual requirements.
C19	Public Transport network detail	√	√	The proposal does not include any provision for internal public transport services. An existing bus stop is located within 300m walking distance of the site on Coish Avenue, Benalla. The development of this site within the catchment area of this bus stop will increase demand for this service supporting the viability of the overall public transport network in Benalla.
C20	Neighborhood street network detail	√	√	The proposed street network will result in a continuation of the established and approved network throughout the area. It will connect with roads approved in the adjacent site to the south west, provide connection points through to undeveloped land to the west and connect with existing points of access to the north and east of the site.
C21	Lot Access	√	√	The proposed subdivision does not front an arterial road nor create lots less than 300m in size. All lots will be required to connect to a crossover in accordance with the Infrastructure Design Manual requirements.
C22	Drinking Water supply	√	√	All lots will be connected to reticulated water.
C23	Reused and Recycled water	√	√	A condition of the permit will require dwellings to connect to water tanks of 10,000l or more capacity to encourage the reuse of water on site.
C24	Waste Water Management	√	√	The subject site will be connected to a reticulated sewer system. North East Water advise of no objection to the proposal subject to conditions.

√ - Compliance X - Non compliance		Objectives	Standards	Comments
C25	Urban Run-off management	√	√	Stormwater run-off from the newly created allotments will be directed into the proposed stormwater drainage network which has been designed to integrate with the existing drainage network surrounding the site.
C26	Site Management	√	√	Can be required as a condition of any permit issued.
C27	Shared Trenching	√	√	Services will be designed and constructed to link in with existing facilities. Reticulated water, sewerage, electricity, gas and telephone services will be connected to the newly created allotments and shared trenching will be utilised where appropriate.
C28	Electricity, Telecommunications and Gas	√	√	The new allotments will be connected to electricity, telecommunications and natural gas. These connections will be from existing infrastructure in proximity to the site.
C29	Fire Hydrants	√	√	Fire hydrants will be provided to the site so that the distance between the fire hydrant and the rear of each lot does not exceed 120m and that they are no more than 200m apart. The detailed location of these will be developed as part of servicing arrangements for the site.
C30	Public Lighting	√	√	Can be required as a condition of any permit issued.

Objectors Concerns

The tree to the rear of 91 Coish Avenue, Benalla should be retained.

Unfortunately, not all native vegetation can be retained on land based on the most practical road and lot layout for a subdivision. As a result, this tree will be located within a proposed lot and cannot be retained. The proposal has retained a majority of the native vegetation on the land, through providing larger lots to the north of the site and open space reserves in areas with a high amount of native vegetation mainly to the west of the site. The proposal has been referred to DELWP who advise of no objection to the proposal subject to conditions.

Entry to the subdivision should be provided from Goomalibee Road, Benalla.

This ground of objection was submitted with the original version of the subdivision which showed no connection from the subdivision to Goomalibee Road, Benalla. The applicant has submitted a revised design showing a direct link from the subdivision to Goomalibee Road, Benalla. It is considered that this link will alleviate traffic pressure on the side road linkages to Bourke Drive, Benalla and Third Avenue, Benalla.

Connection to Bourke Drive, Benalla will create a poor outcome for existing dwellings.

This objection was received with the original version of the subdivision. The revised plan has a direct link vehicle link with Goomalibee Road, Benalla which will reduce traffic volume onto Bourke Drive, Benalla. A Traffic Impact Assessment has been submitted with the application detailing that the traffic volumes proposed can be accommodated within the existing road network. The proposal has also been referred to Council's Engineering Unit who also advise of no objection to the proposal subject to conditions.

Road safety issues will be created with the connection of Bourke Drive, Benalla and Second Avenue, Benalla.

No issues have been raised by the Traffic Impact Assessment and Council's Engineering Unit regarding traffic movements onto Bourke Drive, Benalla and Second Avenue, Benalla. The proposal, however, will increase traffic onto Third Avenue, Benalla to a level which may necessitate the construction of a small roundabout at the intersection of Third Avenue, Benalla and Coish Avenue, Benalla. This will become a condition of any permit that may issue.

The need for park and playground areas within the subdivision.

The proposed subdivision will provide for three public open space reserves within the south and west portions of the site. These public open space areas combined with have a total area of 21,778m². This equates to 18.7 per cent of the land being set aside for public open space area. The public open space area therefore complies with the requirements being 5 per cent and will allow for a high retention rate of native vegetation on the land. A condition of any planning permit will require that details of any pathways, park furniture and fencing of open space areas will be required prior to certification of the subdivision.

More larger trees should be retained as part of the development.

The proposal will result in the removal of 15 large trees. The applicant has shown throughout the process willingness to work with DELWP to retain as many large trees on the site as possible. After many revisions to the design layout DELWP have now advised of no objection to the proposal subject to conditions.

Lack of direct vehicle access into the development for emergency vehicles.

It is considered that the proposal provides adequate vehicle access into the site for emergency vehicles. The land contains vehicle access from Goomalibee Road, Third Avenue and Bourke Drive, Benalla. In addition, future vehicle access is provided to land to the south west and three access to adjoining land to the west.

Instability of the land caused by swamp yabbies.

It is considered that most land can be developed subject to suitable engineering techniques. If this increases the cost of development this is an issue for the developer of the land to take into account. All land must be developed in accordance with the provisions of the Infrastructure Design Manual.

Land devaluation.

Devaluation is not a valid planning consideration and has therefore not been assessed.

Concern about stormwater modelling and flood impacts.

Concern was raised by Council Officers regarding the potential flooding impacts over portions of the site. As a result, the applicant undertook a revision of the original plan based on a Hydrological Assessment from a suitably qualified person. This assessment has been reviewed by the GBCMA who advise of no objections to the proposal subject to conditions.

Loss of sites potential use as parkland.

Although the subject site is currently used for grazing purposes and has an open nature characteristic the land is zoned general residential. The zoning of the land allows for the site to be developed into residential allotments. 18.7 per cent of the land will be allocated to the provision of public open space which is well in excess of the 5 per cent required by the planning scheme and an appropriate balance when taking into account the layout of the subdivision and native vegetation retention.

The proposal to raise the level of lots on Bourke Drive, Benalla will impact on the natural drainage flow and back water up into existing lots on Coish Avenue, Benalla.

A drainage easement has been proposed along the east boundary of the land to ensure that water will not back up onto existing lots fronting onto Coish Avenue, Benalla. Any drainage provision will need to be installed to the requirements of the Infrastructure Design Manual.

The proposal will have an unreasonable impact to existing flora and fauna.

The applicant has submitted a Flora and Fauna Assessment with the proposal which has been referred to DELWP for comment. DELWP advise of no objection to the proposal subject to conditions. The first step in the native vegetation is to avoid its removal. In this instance, the applicant has revised the plan to incorporate six lots in excess of 4,000m², these lots detail building envelopes and tree retention on the land. In addition, the lot yield has been reduced from 92 lots to 88 lots and 18.7 per cent of the land has been set aside for public open space. The lot sizes in excess of 4,000m² retains an additional 50 small trees and 16 large trees on the land. The additional public open space area has retained 50 small trees and 14 large trees. The applicant has advised that there have been 35 layout changes in order to retain more vegetation on the land. It is therefore considered that the applicant has shown adequate measures to avoid as much native vegetation removal as possible. The remainder of native vegetation for removal will be offset in accordance with conditions as required by DELWP.

The proposal will have an amenity impact to local residents.

It is acknowledged that the subdivision will alter the outlook from adjoining properties. The land however is zoned General Residential and has been so for at least 20 years. Therefore it is considered that a conventional residential subdivision such as that proposed will be in keeping with the zone provisions of the land will be consistent with amenity expectations of a residential area. A condition of the permit will require the submission of a construction management plan prior to certification to reduce any potential amenity impact from the subdivision construction to adjoining properties.

There is no provision for community or essential services.

There are no strategic plans in place for the provision of community services on the land which includes the North West Outline Development plan. Community Services as part of the North West Outline Development plan have been earmarked for the corner of Four Mile Road, Benalla and Faithfull Street, Benalla.

Lack of drainage, kerbing and channeling along Goomalibee Road, Benalla.

There is a lack of drainage, kerbing and channeling along Goomalibee Road, Benalla. Infrastructure to rectify this will be a requirement of the conditions of the permit.

The size of lots 103, 104 and 105 are too small and do not reflect the character of large lots in proximity to Goomalibee Road, Benalla.

Lots 103 to 105 will be located to the rear of proposed large lots fronting onto Goomalibee Road, Benalla. The presence of these lots to the streetscape will therefore be limited and will not have a prominent impact on the character of the immediate area.

The subdivision will reduce privacy to adjoining dwellings fronting Goomalibee Road, Benalla.

Concern has been raised that Lots 103 to 105 will reduce the privacy to the existing property adjoining the land to the north west. It should be noted that these lots do not abut the adjoining property and are separated by Lot 102. It is considered that this separation along with any typical boundary fencing will prevent any privacy issues to a reasonable level associated with residential development in a General Residential Zone.

PARTICULAR PROVISIONS

Clause 53.01 – Public Open Space Contribution and Subdivision

18.7 per cent of the total land area will be provided for the purpose of public open space. This complies with the requirement to provide only 5 per cent and will allow for well connected open space that retains a high proportion of native vegetation on the land.

Clause 52.17 – Native Vegetation

A planning permit is required to remove, destroy or lop native vegetation. The proposal includes the removal of native vegetation being 68 scattered trees of which 15 will be large trees and six small patches of native vegetation totaling 2.427ha. The applicant has submitted a revised Flora and Fauna Assessment and Net Loss Report prepared by Treetec. The application has been referred to the Department of Environment, Land, Water and Planning (DELWP). No objection is offered to the granting of a permit subject to conditions. These conditions include the provision of offsets.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
CFA	No objection – Not a Section 55 Referral Authority
North East Water	No objection subject to conditions
DELWP	No objection subject to conditions
AusNet	No objection subject to conditions
APA Gas	No objection
GBCMA	No objection subject to conditions
Department of Transport	No objection

ASSESSMENT

The proposed subdivision is considered to comply with the Planning Policy Framework, the Local Planning Policy Framework as well as the requirements to Clause 56 (subdivision) of the Benalla Planning Scheme. The proposal provides for the infill development of existing residentially zoned land which is located in proximity to all services. The subdivision provides for a range of site sizes varying from 300m² to 4,100m².

Subject to conditions the proposed subdivision can also provide for adequate drainage and road infrastructure. Reticulated water, sewerage, electricity and gas are available to the proposed subdivision.

The proposed lots are considered to be characteristic of a normal residential area and will provide for residential development in keeping with the surrounds. Lots have also been designed to achieve maximum solar orientation.

The subdivision will result in the removal of 68 scattered trees and six small patches of native vegetation. DELWP has considered the application and does not object subject to conditions including appropriate offsets.

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. P0005/20 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as Lot 2, PS502039 and Lot 3, PS501382, Bourke Drive, Benalla, for a multi lot subdivision, the removal of native vegetation, the creation and removal of easements and the construction of a dwelling on each lot in accordance with the endorsed plans, with the application dated 31 January 2021 and subject to the following conditions:

- 1 Prior to certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Concept Development Plan submitted [Drawing No. W1269-CP01/2 Rev P] but modified to show:
 - (a) Alteration to the intersection of Coish Avenue and Third Avenue with the inclusion of a local street roundabout generally in accordance with AS1742.13-2009, Figure 3.4.
 - (b) Road widening on the development side with kerb and channel for the full frontage of the property along Goomalibee Road to match the offset of the existing kerb line near the Coish Avenue intersection or as agreed with the Responsible Authority.
 - (c) Road network and intersection priorities amended to reflect the recommendations shown on the TTM Traffic Facilities Plan [Drawing No. 11405110 Rev A].
- 2 Before certification, or any other such time as agreed by the Responsible Authority, streets within that stage must be named to the satisfaction of the responsible authority in accordance with the Guidelines for Geographic Names 2010.
- 3 The subdivision and staging as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.
- 4 Prior to the issue of a Statement of Compliance for the subdivision, all planning conditions and all other requirements of the responsible authority and the relevant referral authorities must be completed, or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.
- 5 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the permit holder must undertake, or cause to be undertaken for that stage, full construction of all new access ways, drainage and related infrastructure as required by the conditions of this permit.

- 6 All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications that comply with the most recent version of the Infrastructure Design Manual (IDM) published by the Local Government Infrastructure Design Association, and with all relevant permit conditions.**
- 7 No covenant or restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.**
- 8 Prior to the issue of a Statement of Compliance, the Applicant or Owner must provide land or pay to the Council a sum equivalent to five per cent of the undeveloped site value of all land in the subdivision in lieu of open space.**

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

Restrictions and Agreements

- 11 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the owner of the subject land must, at no cost to the Responsible Authority, enter into an agreement (in a form satisfactory to the Responsible Authority) with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement submitted. This agreement must provide that:**

Except with the prior written consent of the Responsible Authority;

- (a) All stormwater falling on the roof of each habitable building on the Lot must be collected and conveyed to a rainwater tank, or series of tanks, with a minimum storage capacity of at least 10,000 litres.
- (b) The required tank(s) must be installed prior to the commencement of the use of the respective buildings or as directed by the Responsible Authority, whichever occurs first.
- (c) Each rainwater tank installed pursuant to this Agreement must incorporate a drawdown outlet, not more than 40mm in diameter (Discharge = 3.9L/s), installed in a manner that ensures that a reserve capacity of at least 5,000 litres will be restored following drawdown.
- (d) The discharge from all drawdown outlets and tank overflow outlets must be collected and conveyed by pipes to a nominated legal point of discharge.
- (e) All works prescribed by this Agreement are to be completed to the satisfaction of the Responsible Authority.
- (f) Works prescribed by this Agreement may not be altered in any shape or form without the prior written consent from the Responsible Authority.
- (g) Each rainwater tank system will be maintained to the satisfaction of the Responsible Authority.
- (h) A duly appointed officer of the Responsible Authority will be allowed to inspect the rainwater tank system at mutually agreed times to ensure compliance with this Agreement.

The owner/operator under this permit must pay full costs of the preparation, execution and registration of the Section 173 Agreement.

- 12 11 Prior to Statement of Compliance for each stage of the subdivision, all building envelopes approved on the endorsed plan must be detailed on the plan of subdivision as a Section 23 restriction, a Section 173 Agreement or a Memorandum of Common Provisions to the satisfaction of the Responsible Authority. The restriction must be recorded on Title at the expense of the owner /developer.
- 13 Prior to Statement of Compliance for Stage six of the subdivision, Lots 137 to 145 of the subdivision must be provided with a Memorandum of Common Provisions detailing the following requirements:
 - All dwellings must be orientated to have their front entrances facing west towards the public open space reserve.
 - All vehicle access to the lots must be via the roadway to the east.
 - Dwellings must be designed to be attached or semi-detached.
 - Front fencing towards the public open space reserve must be no more than 1.2m in height.
 - Dwellings must show compliance with the objectives contained within Clause 54 of the Benalla Planning Scheme.

The memorandum of common provisions must be submitted to and approved by the Responsible Authority. The memorandum of common provisions must be registered on title at the expense of the owner/developer.

General Engineering

- 14** Prior to the issue of a Statement of Compliance, the applicant must undertake, or cause to be undertaken, full construction of all new access way, footpaths, drainage and related infrastructure. All these works must conform to plans and specifications prepared at the expense of the applicant by a qualified engineer, and approved by the Responsible Authority before construction begins.

Earthworks

- 15** Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- (a) where an existing dam, basin or other water body is to be filled, the area has been drained and desilted in accordance with IDM standards before filling commences.
 - (b) any fill required for finished surface levels to comply with drainage, building, parking and/or access requirements has been selected, placed and compacted in layers, in accordance with IDM standards.
 - (c) any batters formed, or retaining walls constructed, whose individual or cumulative height above or below ground level in adjacent properties exceeds one meter, and/or any soil stabilisation measures, have been designed by, and constructed under the supervision of, a qualified engineer, in accordance with IDM standards.
- 16** Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the building envelopes of each lot are located above the 1 per cent AEP flood level and must be placed and compacted in accordance with the requirements of Clause 15.3 of the IDM.
- 17** All filling over 300mm in depth on the site must be supervised, carried out, completed and recorded in accordance with:
- (a) the provisions of any Construction Management Plan; and
 - (b) Australian Standard AS 3798 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority.
- 18** Before the issue of a Statement of Compliance unless otherwise agreed in writing by the Responsible Authority, compaction test results and a report certifying that the filling has been properly carried out shall be provided to the satisfaction of the responsible authority. The land must be filled in a manner that does not:
- (a) cause a nuisance on nearby land through the emission of dust; or
 - (b) adversely affect the drainage of adjacent land through sediment and the like.
 - (c) affect overland flow paths.

Drainage

- 19 Before certification of the plan of subdivision the subdivision, drainage plans and computations, prepared in accordance with IDM procedures and criteria, must be submitted to, and approved by, the Responsible Authority and must demonstrate:**
- (a) Compliance with the Flood Impact assessment prepared by Cardno dated 6th July 2021 and amended to reflect the recommendations outlined by Goulburn Broken Catchment (GBCMA Authority letter dated 20th August 2021.**
 - (b) MUSIC modelling or approved equivalent to ensure compliance with Water Sensitive Urban Design (WSUD) and Best Practice Management Guidelines for stormwater quality.**
- 20 Before construction begins detailed plans, specifications and computations for the proposed drainage basins, pumpstation and rising main to an approved point of discharge to the satisfaction of the Responsible Authority, must be prepared by a qualified engineer in accordance with Clause 16.14 of the IDM, and must be submitted to the Responsible Authority for consideration and approval.**
- 21 Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:**
- (a) a legal point of discharge, connected to the external drainage network in accordance with IDM standards and without reducing the flow capacity or structural integrity of that network, has been established within the boundary of each Lot.**
 - (b) all stormwater runoff originating from or transferred through each Lot in a 20 per cent AEP rainfall event will be collected and conveyed by underground pipes to a legal point of discharge.**
 - (c) all stormwater runoff originating from or transferred through each Lot in a 1 per cent AEP rainfall event will be collected and conveyed to a practical and satisfactory destination, without adversely affecting any person, infrastructure or natural features in or beyond the development.**
 - (d) measures to improve drainage in the surrounding area have been considered, including measures to assist in and making provision for draining all external catchments and the outfall along Goomalibee Road including upgrading of drains and culverts as required.**
 - (e) the finished surface level within all building envelopes associated with each Lot will be above the peak water level in nearby drainage reserves, waterways, floodways or water bodies in a 1 per cent AEP rainfall or flood event.**
 - (f) all fencing installed on any boundary between the Lot and an adjacent drainage reserves, waterway or area subject to inundation is of open construction and does not obstruct natural surface flows into and out of the site.**

- (g) any necessary easements have been created to facilitate future connection to, and maintenance of, drainage infrastructure serving more than one Lot or property, and that no damage to the infrastructure contained in existing easements has been occasioned by the relevant construction processes and activities.

- 22 Prior to the issue of a Statement of Compliance, the applicant must satisfy the Responsible Authority that, where the proposed outlet discharges to an open channel, the integrity of the outfall point has been secured, the kinetic energy of the outflow reduce to levels acceptable to the Authority, the receiving channel protected against erosion, and the flow capacity of the channel maintained.

On-Site Detention

- 23 Before construction begins for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- (a) sufficient on-site detention will be provided to limit the peak discharge from the developed site in a 1 per cent AEP rainfall event to the corresponding pre-development level for each stage as recommended by the IDM.
 - (b) any in-ground infrastructure intended to collect surface runoff and limit the resultant outflow will make provision to protect the relevant control device from blockage so far as reasonably practicable, and to mobilise an alternative flow path should blockage be experienced.
- 24 Before construction begins for each stage of the subdivision, detailed plans and computations for the proposed rainwater tanks, retardation basin, together with access routes and working platforms for maintenance, must be prepared by a Qualified Engineer in accordance with Clause 18 of the IDM, and be submitted to and approved by the Responsible Authority.

Water Sensitive Urban Design

- 25 Before construction begins for each stage of the subdivision, the applicant must satisfy the Responsible Authority that appropriate measures will be taken to enhance the quality of stormwater discharged from the developed site, in accordance with IDM procedures and criteria.

Road Design

- 26 The permit holder must engage a qualified civil engineer to design the roads and intersections serving the development in accordance with IDM standards. The plans must be submitted to and approved by the Responsible Authority prior to the commencement of works.
- 27 All roads within the new subdivision and the Goomalibee Road frontage and intersection must be provided with public lighting in accordance with the requirements of Australian Standard 1158.1 to the satisfaction of the Responsible Authority. New lighting should be located outside the Clear Zones wherever possible, and meet the standards for Category V or Category P lighting, as appropriate.

- 28 Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:**
- (a) all roads and intersections have been constructed in accordance with the approved designs and IDM standards.**
 - (b) all existing or proposed roads within the subject property have been provided with appropriate high-efficiency street lighting in accordance with IDM standards and AS1158.**

Landscaping

- 29 Before construction begins, a detailed landscape plan, must be prepared by a person suitably qualified or experienced in landscape design, and must be submitted to and approved by Council.**

The plan must show:

- (a) New plantings to be provided in any road reserves and municipal reserves;**
 - (b) A detailed planting schedule of all proposed trees, shrubs and ground-covers;**
 - (c) Paths, paved areas, structures and street furniture;**
 - (d) Detailed planting and construction layout drawings, including site contours;**
 - (e) Any changes to existing levels, including elements such as retaining walls;**
 - (f) Certified structural designs or building forms where required; and**
 - (g) Removal of existing infrastructure or stockpiles and weed eradication.**
 - (h) Fencing of all Reserves to be handed over to Council.**
 - (i) Prior to the issue of a statement of compliance for each stage of the subdivision all works shown on the landscape plan for that stage must be completed to the satisfaction of Council.**
- 30 The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the responsible authority.**

Staged Development

- 31 Where the permit holder intends to complete a development in stages, plans and specifications for each stage, including any temporary works required to facilitate traffic movements once that stage is complete, must be submitted to and approved by the Responsible Authority before construction begins, and the permit holder must lodge with the Authority a bond sufficient to cover the full costs of upgrading any temporary works associated with the stage in question.**
- 32 Prior to the issue of a statement of compliance for each stage of the subdivision;**

- (a) should any drainage infrastructure essential to the operation of the completed stages be located outside the boundaries of those stages, the permit holder must satisfy the Responsible Authority that temporary easements must be provided so that the Authority has appropriate legal access to the infrastructure in question.
- (b) should any road terminate before the location of the permanent court bowl on completion of the stage, the permit holder must satisfy the Responsible Authority that a temporary court bowl has been designed and constructed in accordance with IDM standards, and arrangements must be made to ensure that the adjacent permanent sealed road surfaces are not damaged.

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

Infrastructure Transferred to Council

- 33 All civil infrastructure works, other than landscape elements, created by the development, and passing into the ownership and control of Council, must, following practical completion of the works, be maintained by the applicant in good condition and repair for a period of three months, with any subsequent defects being corrected as they become evident for a further period of nine months.**
- 34 All landscape elements, including vegetation integral to the operation of WSUD devices, created by the development, and passing into the ownership and control of Council, must be maintained by the applicant in good condition and repair, with all defects corrected, for a period of at least 24 months, including two complete summers, from practical completion. During this period, any dead, diseased or damaged (other than by intentional action) plants and/or landscaped areas must be repaired or replaced as soon as reasonably possible, rather than upon completion of the maintenance period.**
- 35 Prior to the issue of a Statement of Compliance for each stage of the subdivision:**
 - (a) an itemised statement of the civil construction costs for the current stage, excluding GST, must be submitted to and approved by the Responsible Authority.**
 - (b) the permit holder must provide Council with a maintenance bond equal to 5 per cent of the approved civil construction costs for the current stage. This bond will be held by Council until any and all defects notified to the applicant before or during the maintenance and defects liability period have been made good to the satisfaction of Council.**
 - (c) the permit holder must pay to Council plan checking fees equal to 0.75 per cent, and works supervision fees equal to 2.5 per cent, of the approved civil construction costs for that stage.**

- (d) the permit holder must arrange for CCTV verification of all underground drainage assets which will be handed over to Council at the conclusion of that stage, and must supply the results of that verification to Council at the time, and in the format, specified in the IDM.
- (e) the permit holder must prepare and submit as-constructed drawings covering all civil construction works associated with that stage to Council in DWG or DXF format, geo-referenced to Zone 55, GDA 2020, to the satisfaction of Council or to the satisfaction of the Responsible Authority.

Construction

- 36 Before construction begins for each stage of the subdivision a Site Management Plan for that stage of the subdivision must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:**
 - (a) Implement effective traffic management and environmental controls;
 - (b) Establish and maintain safe construction vehicle access to the site;
 - (c) Maintain vehicle and machinery hygiene;
 - (d) Avoid the spread of soil-borne pathogens and weeds;
 - (e) Minimise erosion, sedimentation and contamination;
 - (f) Reduce the impact of noise, dust and other emissions during construction;
 - (g) Prevent mud, dirt, sand, soil, clay or stones from entering the drainage system;
 - (h) Avoid having such materials deposited on public land by construction vehicles;
 - (i) Establish and maintain all recommended Tree Protection Zones.
- 37 During construction, no excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves, except where the materials are required for any road or footpath construction works in such reserves which are required as part of this permit.**
- 38 As soon as practicable after construction has been completed, all areas disturbed in the course of the works must be restored to their original condition, to the satisfaction of the Responsible Authority.**
- 39 All works must be carried out generally in accordance with the measures set out in the Site Management Plan approved by the Responsible Authority.**
- 40 All construction activities associated with the subdivision must be carried out in such a manner so as to not create nuisance to the satisfaction of the Responsible Authority.**

North East Water Conditions 41-55

- 41 The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:**
 - (a) where the development is staged, a number of agreements may be required for separate stages; and**
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.**
- 42 The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:**
 - (a) where the development is staged, a number of agreements may be required for separate stages; and**
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.**
- 43 Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.**
- 44 The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:**
 - (a) works external to the subject land to allow connection to the North East Water water supply and sewerage systems;**
 - (b) the vesting at no cost of such of those works required by North East Water, to North East Water (“Developer Works”); and**
 - (c) works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works**
 - (d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.**
- 45 Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.**

- 46 Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
- 47 Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
- 48 The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
- 49 The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
- 50 The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
- 51 That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
- 52 Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
- 53 Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
- 54 North East Water's consent to the issue of a Statement of Compliance under the Subdivision Act 1988 is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
- 55 The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the Subdivision Act 1988.

AusNet Conditions 56-57

- 56 The Plan of Subdivision submitted for certification must be referred to Ausnet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
- 57 The applicant must –
 - Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.

- Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
- Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of “Power Line” in the favour of “Ausnet Electricity Services Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
- Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Goulburn Broken Catchment Management Authority Conditions 58-61

58 Revised flood modelling is provided to the Goulburn Broken CMA which demonstrates the following:

- (a) Flood depths along access/egress paths are no greater than 0.5 metres, and
- (b) No off-site flood level or flood velocity impacts.

- 59 The Flood Impact Report is updated to include details of the change in floodplain storage due to the proposed subdivision development.**
- 60 Revised documentation addressing Conditions 1 and 2 (above) are provided to the Goulburn Broken CMA for its consideration and approval prior to certification of the proposed subdivision.**
- 61 The Finished Floor Level of any proposed dwelling must be constructed at least 300 millimetres above the applicable 100-year ARI flood level. As the 100-year ARI flood level varies across the Site, the finished floor levels will also need to vary.**

Department of Environment, Land, Water and Planning Conditions 62-67

Notification of permit conditions

- 62 Before any works start, the permit holder must advise all persons undertaking works on site of all relevant permit conditions and associated statutory requirements or approvals.**

Protection of retained vegetation

- 63 Before works start, a plan to the satisfaction of the Benalla Rural City Council identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.**
- 64 Except with the written consent of the Benalla Rural City Council, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:**
 - (a) vehicular or pedestrian access**
 - (b) trenching or soil excavation**
 - (c) storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products**
 - (d) entry and exit pits for the provision of underground services**
 - (e) any other actions or activities that may result in adverse impacts to retained native vegetation.**

Native Vegetation Offsets

- 65 To offset the removal of 2.427 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017:**
 - (a) A general offset of 0.696 general habitat units:**
 - i) located within the Goulburn Broken Catchment Management boundary or Benalla Rural City Council municipal area**
 - ii) with a minimum strategic biodiversity value of at least 0.734**

The offset(s) secured must also protect 15 large trees.

66 Before any native vegetation is removed evidence that the offset required by this permit must be provided to the satisfaction of Benalla Rural City Council. This evidence must be following:

- credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

67 A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning and Approvals at the Department of Environment, Land, Water and Planning Hume regional office via P&A.north@delwp.vic.gov.au.

Permit Expiry

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

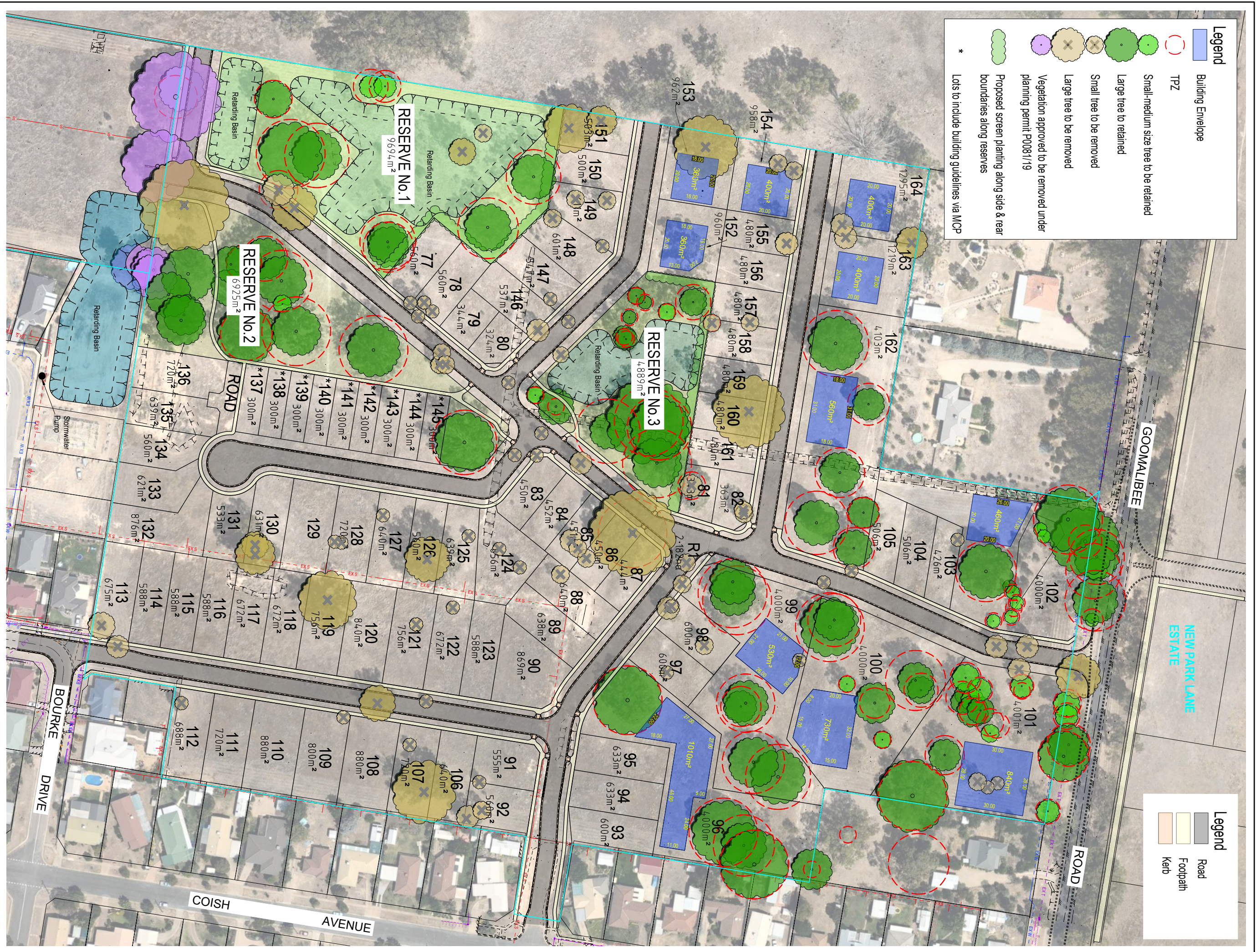
- (a) Stage 4 of the plan of subdivision is not certified within 2 years of the date of this permit;
- (b) Stage 5 of the plan of subdivision is not certified within 4 years of the date of this permit; or
- (c) Stage 6 of the plan of subdivision is not certified within 6 years of the date of this permit; or
- (d) Stage 7 of the plan of subdivision is not certified within 8 years of the date of this permit.
- (e) Each stage of the plan of subdivision is not registered at Land Registration Services within 5 years of the certification of the respective stage.

The Responsible Authority may extend the time for certification if a request is made in writing before the permit expires or within six 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.

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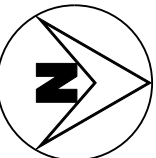
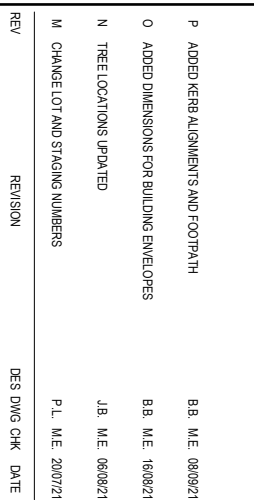


STAGE FOUR - 29 LOTS

STAGE FIVE - 18 LOTS

STAGE SIX - 22 LOTS

STAGE SEVEN - 19 LOTS



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LIVINGSTON BENALLA

DWG STATUS:

PROJECT & DWG NO:

CONCEPT

W1269-CP02 / 02

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3. Planning Application No. P0202/21 – Four Lot Subdivision – 73 Cowan Street, Benalla

DA7298

Joel Ingham – Planning Coordinator

PURPOSE OF REPORT

This report assesses a planning application (P0202/21) received for a four lot subdivision at 73 Cowan Street, Benalla.

BACKGROUND

Site Address	73 Cowan Street, Benalla
Existing Use	Single dwelling
Proposal	Four lot subdivision
Applicant	Pennypacker Family Trust c/- Oxley and Company
Zone	General Residential Zone
Overlays	Nil
Referrals	External: Section 55 Referrals <ul style="list-style-type: none">▪ North East Regional Water Authority▪ SP Ausnet▪ APA Group Internal: <ul style="list-style-type: none">▪ Engineering
Date Received	23 December 2021

PROPOSAL

The applicant is seeking to subdivide the land having an area of 2,977m² into four residential lots. The proposal will have the following characteristics:

Lot 1:

Lot 1 will be located in the north west corner of the site with frontage to both Cowan Street, Benalla and Senator Drive, Benalla. The lot will be generally rectangular in shape with a frontage to Cowan Street, Benalla of 15.10m and 30.33m to Senator Drive, Benalla resulting in an area of 588m². Access will be via Senator Drive, Benalla.

Lot 2:

Lot 2 will be located in the north east portion of the site and contains an existing brick dwelling. The lot will be generally rectangular in shape having a frontage to Cowan Street, Benalla of 30.29m, a depth of 34.84m along the east boundary resulting in an area of 1165m². Access will be via the existing access off Cowan Street, Benalla.

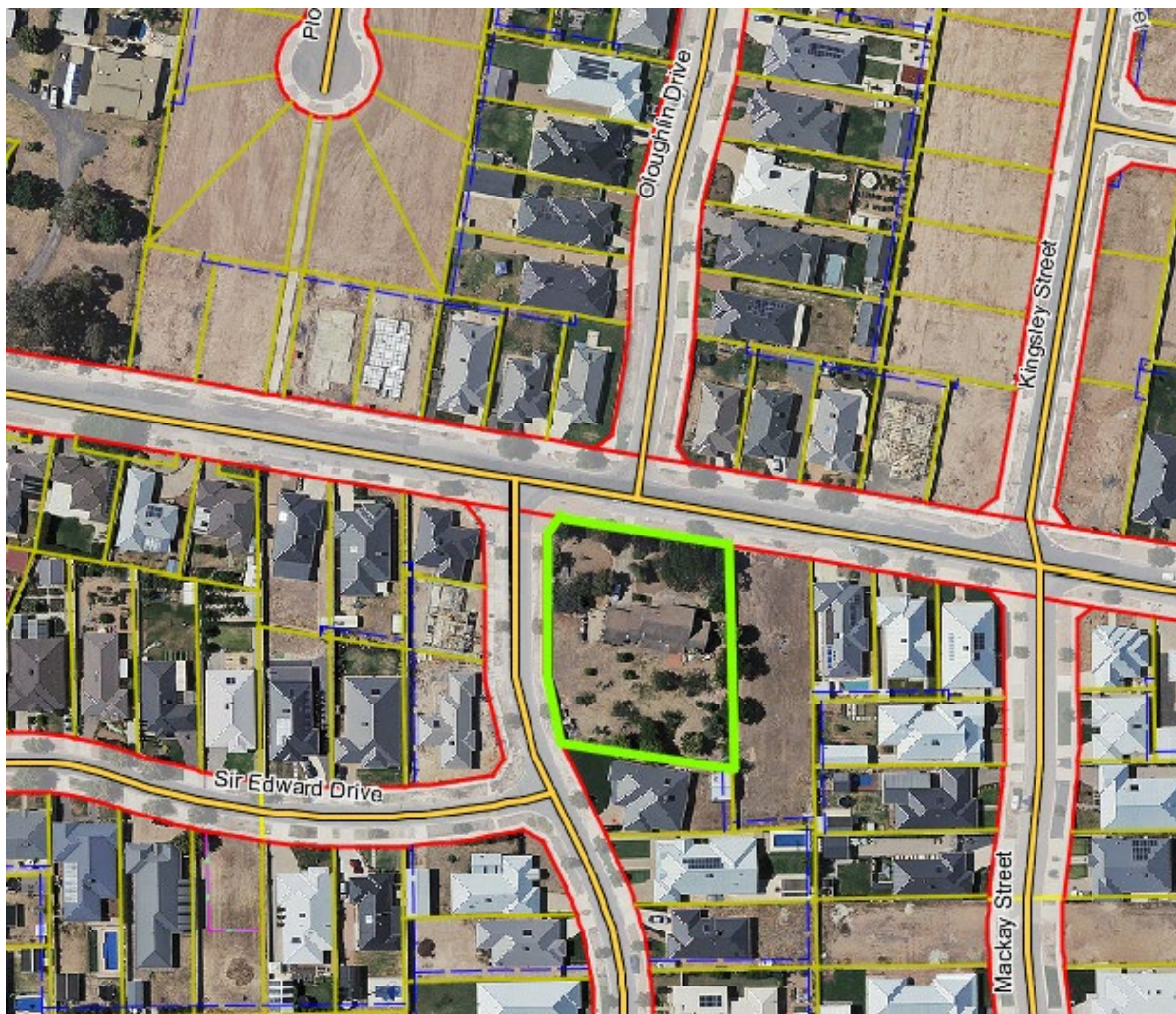
Lot 3:

Lot 3 will adjoin the southern boundary of lots 1 and 2 and will be generally rectangular in shape with a frontage of 12.95m to Senator Drive, Benalla and a depth of 50.91m along the north boundary resulting in an area of 627m². Access will be off Senator Drive, Benalla.

Lot 4:

Lot 4 will be located along southern boundary of the site and will also be generally rectangular in shape. The lot will have a frontage to Senator Drive, Benalla of 13.41m and a depth along the northern boundary of 49.67 resulting in an area of 597m². Access will be off Senator Drive, Benalla.

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

LOCALITY MAP

Site and Surrounds

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

The site is located at the south east corner of the intersection of Cowan Street, Benalla and Senator Drive, Benalla. The land includes a two storey brick dwelling located towards the north east corner of the site.

The site has a frontage of 45.39m to Cowan Street, Benalla (northern boundary) and 56.69m to Senator Drive, Benalla (western boundary). The eastern boundary length is 60.59m and the southern boundary length is 46.78m. The area of the site is 2,977m².

The land to the east at 71A is vacant. This land was the subject of a recent VCAT decision involving a proposal for seven two storey dwellings. The proposal was subsequently refused by VCAT.

There is an existing dwelling adjoining to the south at 7 Senator Drive, Benalla. The land opposite in Cowan Street, Benalla and Senator Drive, Benalla are all developed with single dwellings.

The surrounding area contains a mixture of existing housing stock to the west of the site and newly developed residential subdivisions to the north, south and east of the site. Dwellings in the newly developed areas contain a mixture of materials including weatherboard, brick and render. These dwellings generally have colourbond pitched roofs.

Public Notification

The planning application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by:

- placing a sign on the Cowan Street, Benalla and Senator Drive, Benalla frontages of the site
- sending notices to all adjoining and opposite landowners and occupiers.

Four objections were received to the application. The issues raised in the objections can be summarised as follows:

- query whether the size of the smaller lots is consistent with the character of the neighbourhood.
- request that the development of the vacant lots is restricted to a single dwelling and outbuildings normal to a dwelling.
- request that the development of the vacant lots is restricted to single storey dwellings.
- request that transportable dwellings not be permitted.
- concerns about parking of vehicles on street due to the small size of the lots, particularly on Senator Drive, Benalla which is considered to be a narrow street.
- concerns about the removal of established trees on the site.
- request that the subdivision be refused on neighbourhood character grounds based on VCAT decision re 71A Cowan Street, Benalla.

- request that the subdivision be reduced from four to three lots
- request that the lots proposed include a condition preventing further subdivision.

PLANNING SCHEME PROVISIONS

The Planning Policy Framework (PPF)

Clause 11.01-1R (Settlement - Hume) of the Benalla Planning Scheme has the strategy:

Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

Clause 11.01-1L (Local Settlements) of the Benalla Planning Scheme has the strategy:

Encourage infill housing development that maintains the prevailing residential character.

Clause 15.01-1S (Urban Design) of the Benalla Planning Scheme has the objective:

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S (Building Design) of the Benalla Planning Scheme has the objective:

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S (Neighbourhood Character) of the Benalla Planning Scheme has the objective:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

This clause also includes the following strategies:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Neighbourhood character values and built form that reflect community identity.*

Clause 15.01-5L (Neighbourhood Character) of the Benalla Planning Scheme has the strategy:

Support development that is consistent with the precinct controls identified in the Benalla Neighbourhood Character Study (Planisphere, 2002).

Clause 16.01-1S (Housing Supply) of the Benalla Planning Scheme has the objective:

To facilitate well-located, integrated and diverse housing that meets community needs.

This clause also includes the following strategies:

- *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

Clause 16.01-3S (Housing diversity) of the Benalla Planning Scheme has the objective:

To provide for a range of housing types to meet diverse needs.

Zone

The subject site is located within a General Residential Zone. The purpose of the General Residential Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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 nonresidential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-3 of the Benalla Planning Scheme, a planning permit is required to subdivide land.

The proposal is required to be assessed against the objectives and standards outlined in Clause 56 of the Benalla Planning Scheme.

Overlays

Nil

PARTICULAR PROVISIONS**Clause 56 – Residential Subdivision**

A development:

- must meet all the objectives.
- should meet all the standards.

A table outlining this assessment is detailed below:

√ - Compliance X - Non Compliance		Objectives	Standards	Comments
C6	Neighborhood Character	√	√	The proposed development is considered to be consistent with the requirements of the General Residential Zone as they apply to the design and siting requirements. All lots are orientated to front a street and are generally rectangular in shape in keeping with the consistent alignment of surrounding properties. The proposed lots will also encourage any future dwelling development to front a street which will be in keeping with the character of the surrounds.
C7	Lot diversity and distribution	√	√	The proposed subdivision provides a diversity of lot sizes whilst retaining the local characteristics.
C8	Lot area and building envelopes	√	√	Lots are all greater than 500sqm and capable of supporting dwellings and garages whilst providing adequate open space.
C9	Solar orientation	√	√	The subdivision design enables appropriate solar exposure for each lot.
C10	Street orientation	√	√	All lots front directly on to a street.
C11	Common area	√	√	Not applicable.
C12	Integrated urban landscape	√	√	Not applicable
C15	Walking and cycle network	√	√	The proposal is not extensive enough to require walking and cycling tracks.
C17	Neighbourhood street network	√	√	The proposal does not create any roads.
C18	Walking and cycling network detail	√	√	Not applicable

√ - Compliance X - Non Compliance		Objectives	Standards	Comments
C20	Neighbourhood street network detail	√	√	Not applicable
C21	Lot Access	√	√	The existing crossover will be used to access the existing dwelling for lot 2, with new crossovers to be provided for the remaining lots. The proposal has been referred to Council's Engineering Unit who advise of no objection to the proposal crossovers onto Senator Drive, Benalla.
C22	Drinking Water supply	√	√	The subject site will be connected to reticulated water.
C23	Reused and Recycled water	√	√	Complies.
C24	Waste Water Management	√	√	Reticulated sewer will be connected to all lots.
C25	Urban Run-off management	√	√	Stormwater runoff from all allotments will be directed to the existing drainage network. The proposal has been referred to Council's Engineering Unit who advise of no objections subject to complying with the drainage requirements of the Infrastructure Design Manual.
C26	Site management	√	√	This will be a condition of the permit with regard to a construction management plan.
C27	Shared trenching	√	√	Shared trenching will be utilised where appropriate.
C28	Electricity, telecommunications and gas	√	√	New allotments will be connected to electricity, telecommunications and gas.
C29	Fire Hydrants	√	√	Existing fire hydrants are sufficient to serve this proposal.
C30	Public lighting	√	√	Existing public lighting is sufficient to serve this proposal.

The proposal meets all the objectives of Clause 56.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
North East Regional Water Authority	No objection subject to conditions
SP AusNet	No objection subject to conditions
APA Group	No objection

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

Objector's Concerns

Query whether the size of the smaller lots is consistent with the character of the neighbourhood.

Lots are all greater than 500sqm and capable of supporting dwellings and garages whilst providing adequate open space in accordance with Clause 56 of the *Benalla Planning Scheme*. There are other lots in the neighbourhood of similar size. It is not considered that the proposed subdivision is inconsistent with the character of the neighbourhood as outlined in the above table as it provides for rectangular lots that front a street.

Request that the development of the vacant lots is restricted to a single dwelling and outbuildings normal to a dwelling.

Any development of multiple dwellings would be assessed on its individual merit based on the requirements of clause 55. Development of Lots 3 and 4 are restricted by building envelopes.

Request that the development of the vacant lots is restricted to single storey dwellings.

There is no planning basis for limiting lots to single storey dwellings. Council cannot impose restrictions on a development that are contrary to what is allowable in the *Benalla Planning Scheme*. In this instance the minimum height of a dwelling within the General Residential Zone is 11 meters.

Request that transportable dwellings not be permitted.

There is no planning basis for restricting transportable dwellings. It should be noted that there are many constructed transportable dwellings in Benalla that present well to the street.

Concerns about parking of vehicles on street due to the small size of the lots, particularly on Senator Drive, Benalla which is considered to be a narrow street.

The size of the lots is considered sufficient to provide adequate onsite parking for a dwelling in accordance with the parking provisions to Clause 52.06 of the *Benalla Planning Scheme*.
Concerns about the removal of established trees on the site.

The proposal will result in the removal of some non-native trees and shrubs from the land. As the trees are not native the tree controls in the planning scheme do not provide protection for the trees.

Request that the subdivision be refused on neighbourhood character grounds based on VCAT decision re 71A Cowan Street.

It is not considered that the proposed subdivision is contrary the existing neighbourhood character of the area. The proposed development is vastly different from the proposal that existed at 71A Cowan Street, Benalla which provided for seven attached double storey dwellings. The development provides for lots in excess of 500m², that are rectangular in shape and all have street frontage in keeping with the surrounding neighbourhood character.

Request that the subdivision be reduced from four to three lots.

It is not considered that the lots are undersized, with the smallest lot being 588m² and the density of the proposed subdivision is one lot per 744m² which is consistent with General Residential Zone.

Request that the lots proposed include a condition preventing further subdivision.

There is no planning basis for restricting further subdivision. Any proposal for the future subdivision will be considered on its merits as will any existing residential zoned 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.

A Council officer in the Development Department declared a material conflict of interest due to owning an adjacent property to the purposed subdivision. The officer has had no role in the assessment of this application.

Recommendation:

That Council having caused notice of Planning Application No. P0202/21 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 73 Cowan Street, Benalla, to subdivide the land into four lots in accordance with the endorsed plans, with the application dated 23 December 2021 and subject to the following conditions:

- 1 The subdivision as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.
- 2 Prior to the issue of a Statement of Compliance for the subdivision, all planning conditions and all other requirements of the responsible authority and the relevant referral authorities must be completed, or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.
- 3 Prior to the issue of a Statement of Compliance, the permit holder must undertake, or cause to be undertaken for that stage, full construction of all new access ways, drainage and related infrastructure as required by the conditions of this permit.
- 4 All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications that comply with the most recent version of the Infrastructure Design Manual (IDM) published by the Local Government Infrastructure Design Association, and with all relevant permit conditions.
- 5 No covenant or restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.
- 6 The owner of the land must enter into an agreement with:
 - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 7 Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

General

- 8 Plans and specifications must be prepared at the permit holder's expense by a suitably qualified and/or registered engineer and approved by the Responsible Authority before construction begins. The Authority will only approve plans and specifications complying with the current edition of the Local Government Infrastructure Design Association's Infrastructure Design Manual (IDM) and drawn in AutoCAD or equivalent.
- 9 The permit holder must undertake, or cause to be undertaken, full construction of all new access ways, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the permit holder by a qualified engineer and approved by the Responsible Authority before construction begins.

Drainage

- 10 Before construction begins or plan certification, whichever comes first, drainage and on-site detention plans and computations, prepared according to IDM procedures and criteria, must be submitted to the Responsible Authority for approval.
- 11 Prior to the issue of a statement of compliance the permit holder must satisfy the Responsible Authority that:
 - (a) A legal point of discharge has been established within the boundary of each lot and connected to the external drainage network according to IDM standards without reducing the flow capacity or structural integrity of the external network.
 - (b) All stormwater runoff originating from or transferred through each Lot in a 18 per cent Annual Exceedance Probability (AEP) rainfall event will be collected and conveyed by underground pipes to a legal point of discharge. In a 1 per cent AEP rainfall event all stormwater runoff will be collected and conveyed to a satisfactory destination, without adversely affecting any person, infrastructure, or natural features in or beyond the property.
 - (c) Any easements required to facilitate future connection to, and maintenance of, drainage infrastructure serving more than one Lot or property have been created.

Water-Sensitive Urban Design

- 12 Before construction begins, the permit holder must satisfy the Responsible Authority that appropriate measures will be taken to enhance the quality of stormwater discharged from the developed site, according to the procedures and criteria outlined in the Water Sensitive Urban Design Guidelines for the Benalla Rural City Council and IDM Clause 20.**

Property Access

- 13 Prior to the issue of a statement of compliance the permit holder must satisfy the Responsible Authority that a vehicle crossing providing each Lot with safe and convenient access has been designed, constructed, sealed and drained to IDM standards.**

Restrictions and Agreements Registered on Title

- 14 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the owner of the subject land must, at no cost to the Responsible Authority, enter into an agreement (in a form satisfactory to the Responsible Authority) with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement submitted. This agreement must provide that:**

Except with the prior written consent of the Responsible Authority;

- (a) All stormwater falling on the roof of each habitable building on the Lot must be collected and conveyed to a rainwater tank, or series of tanks, with a storage capacity of at least 5,000 litres.**
- (b) The required tank(s) must be installed prior to the commencement of the use of the respective buildings or as directed by the Responsible Authority, whichever occurs first.**
- (c) Each rainwater tank installed pursuant to this Agreement must incorporate a drawdown outlet, not more than 25mm in diameter, installed in a manner that ensures that a reserve capacity of at least 2,500 litres will be restored following drawdown.**
- (d) The discharge from all drawdown outlets and tank overflow outlets must be collected and conveyed by pipes to a nominated legal point of discharge.**
- (e) All works prescribed by this Agreement are to be completed to the satisfaction of the Responsible Authority.**
- (f) Works prescribed by this Agreement may not be altered in any shape or form without the prior written consent from the Responsible Authority.**
- (g) Each rainwater tank system will be maintained to the satisfaction of the Responsible Authority.**
- (h) A duly appointed officer of the Responsible Authority will be allowed to inspect the rainwater tank system at mutually agreed times to ensure compliance with this Agreement.**

Prior to the issue of a statement of compliance the permit holder must pay the full costs of preparing, executing, and registering the Agreement, and provide the Authority with written confirmation that the Agreement has been lodged according to Section 181 of the Act.

Construction

- 15 Before construction begins, and during construction, a Site Management Plan and Traffic Management Plan must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to a) Secure occupational health and safety; and**
- (a) Locate any existing underground services; and**
 - (b) Implement effective traffic management and environmental controls; and**
 - (c) Establish and maintain safe construction vehicle access to the site; and**
 - (d) Maintain vehicle and machinery hygiene; and**
 - (e) Avoid the spread of soil-borne pathogens and weeds; and**
 - (f) Minimise erosion, sedimentation, and contamination; and**
 - (g) Reduce the impact of noise, dust, and other emissions; and**
 - (h) Prevent mud, dirt, sand, soil, clay, or stones from entering the drainage system; and**
 - (i) Avoid having such materials deposited on public land by construction vehicles.**
- 16 No excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves or nature strips.**
- 17 No tree may be removed, aside from trees clearly designated for removal in the approved plans, except with the prior written agreement of the Responsible Authority.**
- 18 Prior to the issue of a statement of compliance, all areas, Council assets and underground services disturbed in the course of works must be restored to their original condition, to the satisfaction of the Responsible Authority.**

North East Water Conditions 19-33

- 19 The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:**
- (a) where the development is staged, a number of agreements may be required for separate stages; and**
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.**

- 20 The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owner's cost, to the satisfaction of North East Water, provided:**

 - (a) where the development is staged, a number of agreements may be required for separate stages; and**
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.**
- 21 Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.**
- 22 The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:**

 - (a) works external to the subject land to allow connection to the North East Water water supply and sewerage systems;**
 - (b) the vesting at no cost of such of those works required by North East Water, to North East Water ("Developer Works"); and**
 - (c) works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works**
 - (d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.**
- 23 Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.**
- 24 Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.**
- 25 Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.**
- 26 The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.**

- 27 The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
- 28 The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
- 29 That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
- 30 Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
- 31 Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
- 32 North East Water's consent to the issue of a Statement of Compliance under the Subdivision Act 1988 is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
- 33 The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the Subdivision Act 1988.

AusNet Conditions 34-35

- 34 The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
- 35 The applicant must –
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Permit Expiry

- 36 This permit will expire if one of the following circumstances applies:
 - (a) The plan of subdivision is not certified within 2 years of the date of this permit; or

(b) The registration of the subdivision is not completed within 5 years of the date of Certification.

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

Notes:

- **Before undertaking any works that cross onto Council land or roads, the permit holder must obtain a Consent to Work within a Road Reserve permit.**

Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.

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LEGEND

ZONING

----- OVERLAY

OVERLAY

SITE BOUNDARY - SEE NOTES

EASEMENT

NOMINAL DCMB BOUNDARY

BUILDING ENVELOPE

MINIMUM RECTANGLE

ACCESS

GARDEN AREA

 SECLUDED PRIVATE OPEN SPACE:
LOT 1 219m²

EXISTING TREE

EXISTING PROSE

REKD

LEGEND | SERVICES

— W — EXISTING WATER MAIN

— S — EXISTING SEWER MAIN

EXISTING STORMWATER PIPE

EXISTING UNDERGROUND TELECOMMUNICATIONS CABLE

— P — EXISTING UNDERGROUND ELECTRICITY CABLE

EXISTING OVERHEAD ELECTRICITY CABLE

— G — EXISTING GAS SERVICE

GARDEN AREAS

LOT	TOTAL AREA	GARDEN AREA	% GARDEN AREA
1	588m ²	370m ²	63%
2	1165m ²	797m ²	68%
3	627m ²	338m ²	54%
4	597m ²	317m ²	53%

NOTATIONS

SEE PS513545V FOR BOUNDARY AND EASEMENT DETAILS

DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY

UNDERLYING AERIAL PHOTOGRAPHY LOCATION IS APPROXIMATE AND
FOR ILLUSTRATIVE PURPOSES ONLY

THE PROPOSAL SHOWN IS SUBJECT TO COUNCIL & AUTHORITY
APPROVAL (AS APPROPRIATE)

LOCATION OF TITLE BOUNDARIES IS APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY



OXLEY + CO

**SURVEYORS ENGINEERS PLANNERS
DEVELOPMENT CONSULTANTS**
45 OVENS STREET, WANGARATTA 3677
(03) 5721 6255 | oxlevco.com.au | admin@oxlevco.com.au

REFERENCE:	S9563
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VERSION: 2

DATE: 24/11/2021

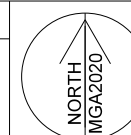
PROPOSED SUBDIVISION

73 COWAN STREET, BENALLA

SUBJECT LAND:

TITLE DETAILS
PLAN
PARISH
TOWNSHIP
SECTION
CROWN ALLOTMENT
AREA

VOL.10794 FOL.046
PS513545V (LOT 1)
BENALLA
—
A
1 (PART)
2977m²



SHEET 1 OF 1 SHEETS

SCALE

LENGTHS ARE IN METRES

SCALE	SHEET SIZE
1:400	A3

FILE PATH: \$FILEL\$

4. Building And Planning Approvals – January, February and March 2022

SF/255

Joel Ingham – Planning Coordinator

Sarah Ford – Building Coordinator

Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report details planning permit applications and building approvals for January, February, and March 2022.

Planning Permit Applications Determined under Officer Delegation

January 2022

File No	Description	Property Address	Decision
1 DA7284	Two lot subdivision	55 Coish Avenue, Benalla	Approved
2 DA2547	Construction of a shade sail	2 Hiscock Court, Benalla	Approved
3 DA7297	Development of land for a shed	28 Yellum Track, Swanpool	Approved
4 DA3674	Construction of a carport	163 Samaria Road, Benalla	Approved
5 DA7290	Alterations and first floor additions to the existing dwelling	136 Arundel Street, Benalla	Approved
6 DA6060	Removal of a street tree within a Heritage Overlay	Within the Road Reserve to the front of 17 Church Street, Benalla	Approved
7 DA3691	Extension to the existing outbuilding	229 Watchbox Creek Road, Molyullah	Approved
8 DA2332	Construction of a dwelling extension	165 Tulley Road, Lima East	Approved
9 DA7295	Use and development of a replacement dwelling and the construction of a Dependent Persons Unit	473 Benalla Warrenbayne Road, Benalla	Approved
10 DA6910	Removal of native vegetation	188 Kelleher Road, Baddaginnie	Approved
11 DA6440/2	Construction of a verandah	84 Kilfeera Road, Benalla	Approved
12 DA2173/2	Use and development of a carport	93-101 Waller Street, Benalla	Approved
13 DA5999/3	Removal of native vegetation	652 and 668 Lake Mokoan Road, Winton North	Approved
14 DA7278	Use and development of a dwelling	112 Lakeside Drive, Chesney Vale	Approved

File No	Description	Property Address	Decision
15 DA6218	Three lot subdivision	233 Embling Road, Glenrowan West	Approved
16 DA7261	Development of a replacement second dwelling	152 Ethell Road, Lima	Approved
17 DA5738	Two lot subdivision	521 Molyullah Tatong Road, Molyullah	Approved
18 DA4778	External painting (platform safety strip)	Benalla Train Station, Mackellar Street, Benalla	Approved
19 DA7247	Re-subdivision of land into two lots	683 Goomalibee Road, Goomalibee	Approved
20 DA4830	Construction of a spa	1450 Lima East Road, Lima East	Approved

February 2022

File No	Description	Property Address	Decision
1 DA7094	Construction of a shed	7 Hall Drive, Benalla	Approved
2 DA7323	Construction of a dwelling and carport	64 Mackellar Street, Benalla	Approved
3 DA4871	Extension to the existing dwelling and carport	10 Davey Street, Benalla	Approved
4 DA7083	Construction of a dwelling	509 Whites Road, Warrenbayne	Approved
5 DA5999/3	Construction of buildings and works (covered area)	668 Lake Mokoan Road, Winton North	Approved
6 DA5703	Alterations and additions to the existing dwelling and the construction of a garage and carport	50 Smythe Street, Benalla	Approved
7 DA7295	Use and development of a replacement dwelling and the construction of a Dependent Persons Unit	473 Benalla Warrenbayne Road, Benalla	Approved
8 DA5769/2	Use and development of land for a dwelling	2187 Benalla Tatong Road, Tatong	Refused
9 DA7240	Construction of a shed	528 Four Mile Road, Benalla	Approved
10 DA6187	Use and development of a dwelling	165 Racecourse Road, Benalla	Approved
11 DA7254	Installation of a shipping container and prefabricated toilet	Pistol Club Track, Benalla	Approved
12 DA6011	Construction of a building extension	156 Bridge Street East, Benalla	Approved

File No		Description	Property Address	Decision
13	DA6631	Use and development of land for a dwelling	6 Lakeside Drive, Benalla	Approved

March 2022

File No		Description	Property Address	Decision
1	DA5196	Change of use of existing second dwelling to group accommodation	700 Benalla Tatong Road, Benalla	Approved
2	DA6751	Use of land to sell and consume liquor	113 Golden Vale Road, Benalla	Approved
3	DA31/5	Construction and display of business identification signage	41-49B Carrier Street, Benalla	Approved
4	DA7095	Use and development of land for an extractive industry	240 Asbury Road, Lurg	Refused
5	DA7276	Alterations and additions to the existing dwelling, construction of a garage and the removal of nine trees within a heritage overlay	27 Nunn Street, Benalla	Approved
6	DA5070	Construction of a verandah	35 Deas Street, Benalla	Approved
7	DA3792	A re-subdivision of 4 lots including common property (boundary realignment)	9, 9A, 1/11 and 2/11 Egmont Street, Benalla	Approved
8	DA6494	Amendment of condition Nos. 4(c), 4(d) and 7	553 Bostock Road, Lurg	Refused
9	DA7299	Use and development of a retail plant sales	19 Railway Place, Benalla	Approved
10	DA4478	Alterations and additions to the existing dwelling	345 O'Dea Road, Molyullah	Approved
11	DA7325	Construction of a dwelling, shed and swimming pool	4 Piccadilly Court, Benalla	Approved
12	DA4874	Use and development of land for a dwelling	236 Granite Road, Upper Lurg	Approved
13	DA7308	Use and development of land for a dwelling and shipping container	69 Lakeside Drive, Chesney Vale	Approved
14	DA6743	Construction of an inground swimming pool	13 Hall Drive, Benalla	Approved
15	DA7327	Construction of a shed	6 Avon Street, Benalla	Approved
16	DA7303	Construction of an outbuilding	11 Quantrill Avenue, Benalla	Approved

Planning Permit Amendments Determined Under Officer Delegation

There were no planning permit amendments determined under officer delegation during the month of January 2022.

February 2022

File No		Description	Property Address
1	DA7295	Use and development of a replacement dwelling and the construction of a Dependent Persons Unit	473 Benalla Warrenbayne Road, Benalla
2	DA7291	Construction of a shed	42 Lowens Lane, Benalla
3	DA373	Construction of an outbuilding	15 Market Street, Benalla

March 2022

File No		Description	Property Address
1	DA7230	Use and Development of a dwelling	824 Benalla Warrenbayne Road, Warrenbayne

Planning Permits Issued Under VicSmart**January 2022**

File No		Description	Property Address
1	DA3691	Extension to the existing outbuilding	229 Watchbox Creek Road, Molyullah
2	DA2332	Construction of a dwelling extension	165 Tulley Road, Lima East
3	DA6440/2	Construction of a verandah	84 Kilfeera Road, Benalla
4	DA4778	External painting (platform safety strip)	Benalla Train Station, Mackellar Street, Benalla

February 2022

File No		Description	Property Address
1	DA7291	Construction of a shed	42 Lowens Lane, Benalla
2	DA373	Construction of an outbuilding	15 Market Street, Benalla
3	DA7291	Construction of a shed	42 Lowens Lane, Benalla

March 2022

File No		Description	Property Address
1	DA6494	Amendment of condition Nos. 4(c), 4(d) and 7	553 Bostock Road, Lurg
2	DA7230	Use and Development of a dwelling	824 Benalla Warrenbayne Road, Warrenbayne

Planning Permit Applications Determined by the Council

There were no planning permit applications determined by the Council during the months of January, February, and March 2022.

Planning Permit Applications Withdrawn or Lapsed**January 2022**

	File No	Description	Property Address	Withdrawn/ Lapsed
1	DA6952	Two lot subdivision and construction of a second dwelling	37 Ballintine Street, Benalla	Withdrawn

February 2022

File No		Description	Property Address	Withdrawn/ Lapsed
1	DA6517	Construction of three single storey dwellings	81 Thomas Street, Benalla	Lapsed
2	DA3438/2	Construction of a shed	86 Faithfull Street, Benalla	Lapsed
3	DA7233	Use and development of land for accommodation purposes	15 School Road, Warrenbayne	Lapsed
4	DA4615	Construction of a second dwelling	6 Perth Street, Benalla	Lapsed

5	DA284/2	Development and operation of a quarry and minerals processing plant	184 Williams Road, Lima South	Lapsed
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March 2022

	File No	Description	Property Address	Withdrawn/ Lapsed
1	DA4063	Construction of a shed	723 Lake Mokoan Road, Benalla	Withdrawn

Notices of Decision

There were no Notices of Decision during the months of January, February, March 2022.

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

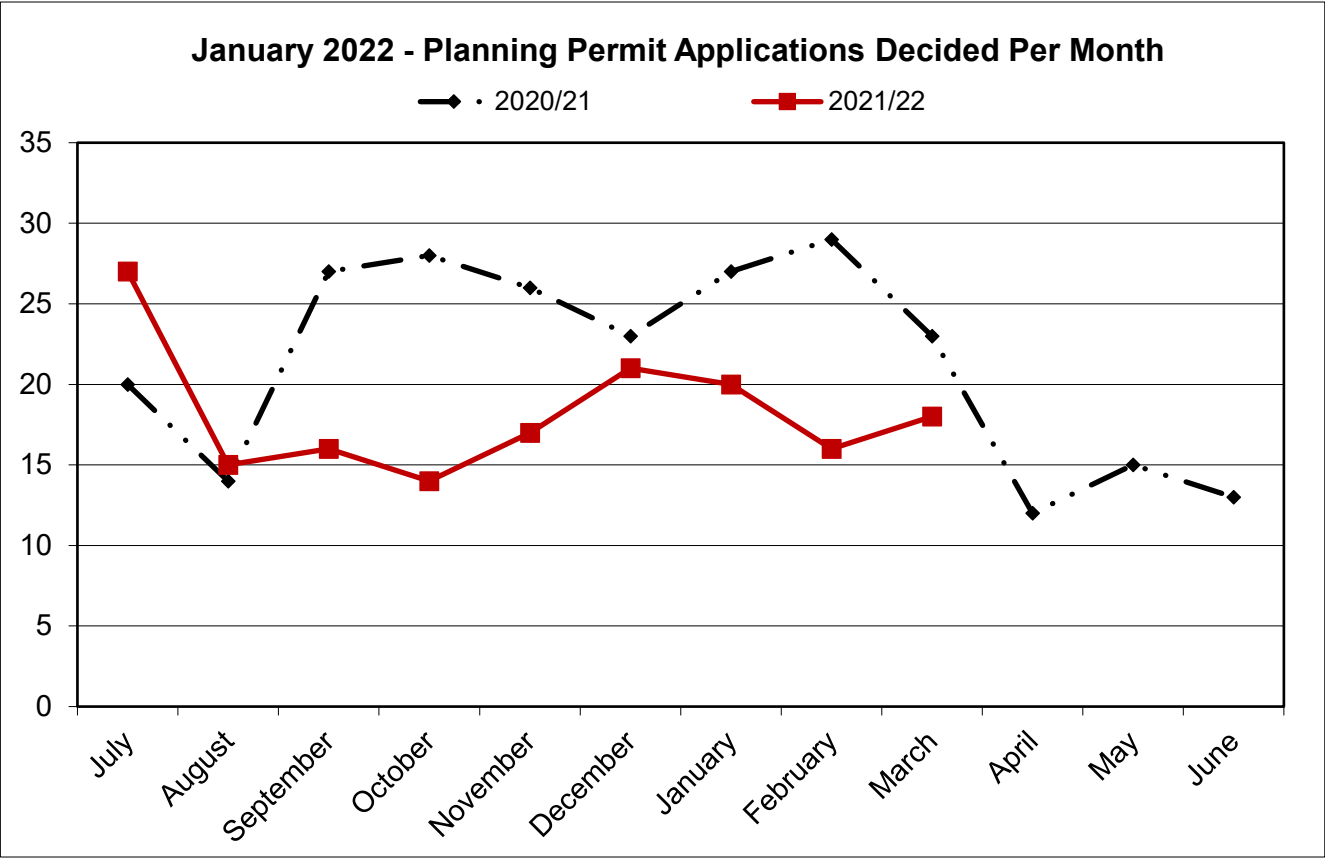
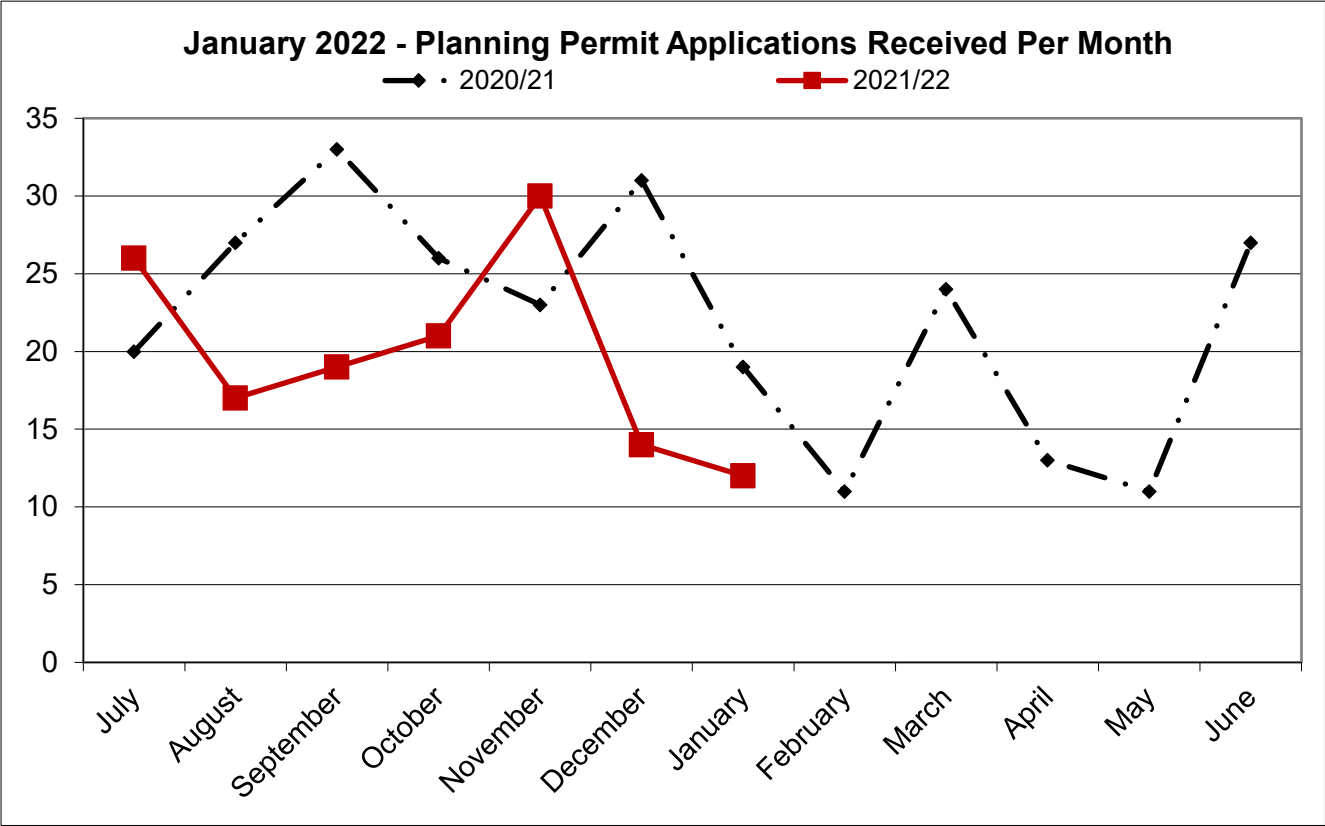
There were no planning permit applications determined by VCAT during the month of January, February and March 2022.

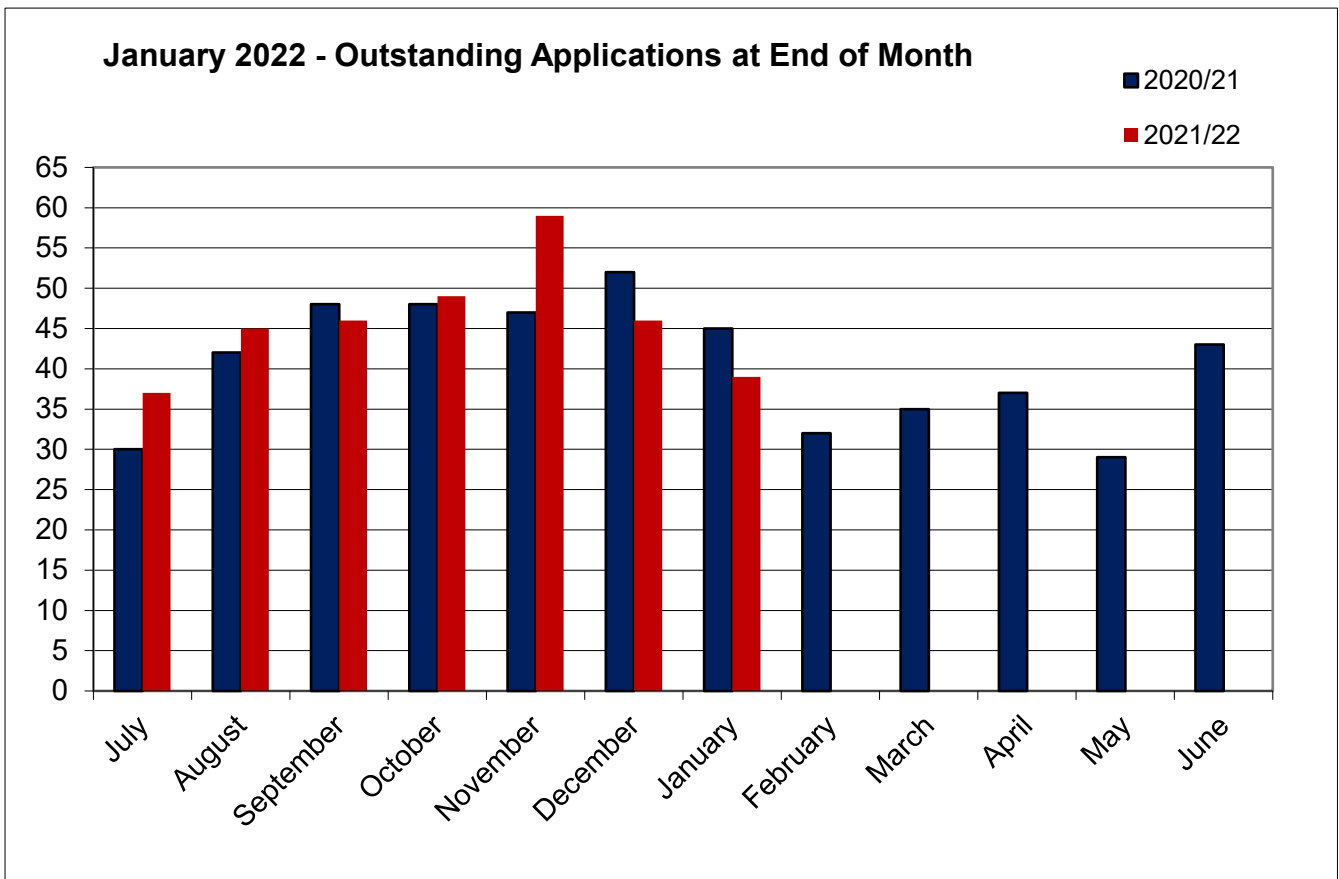
Matters Before VCAT

There were no matters before VCAT during the month of January, February, and March 2022

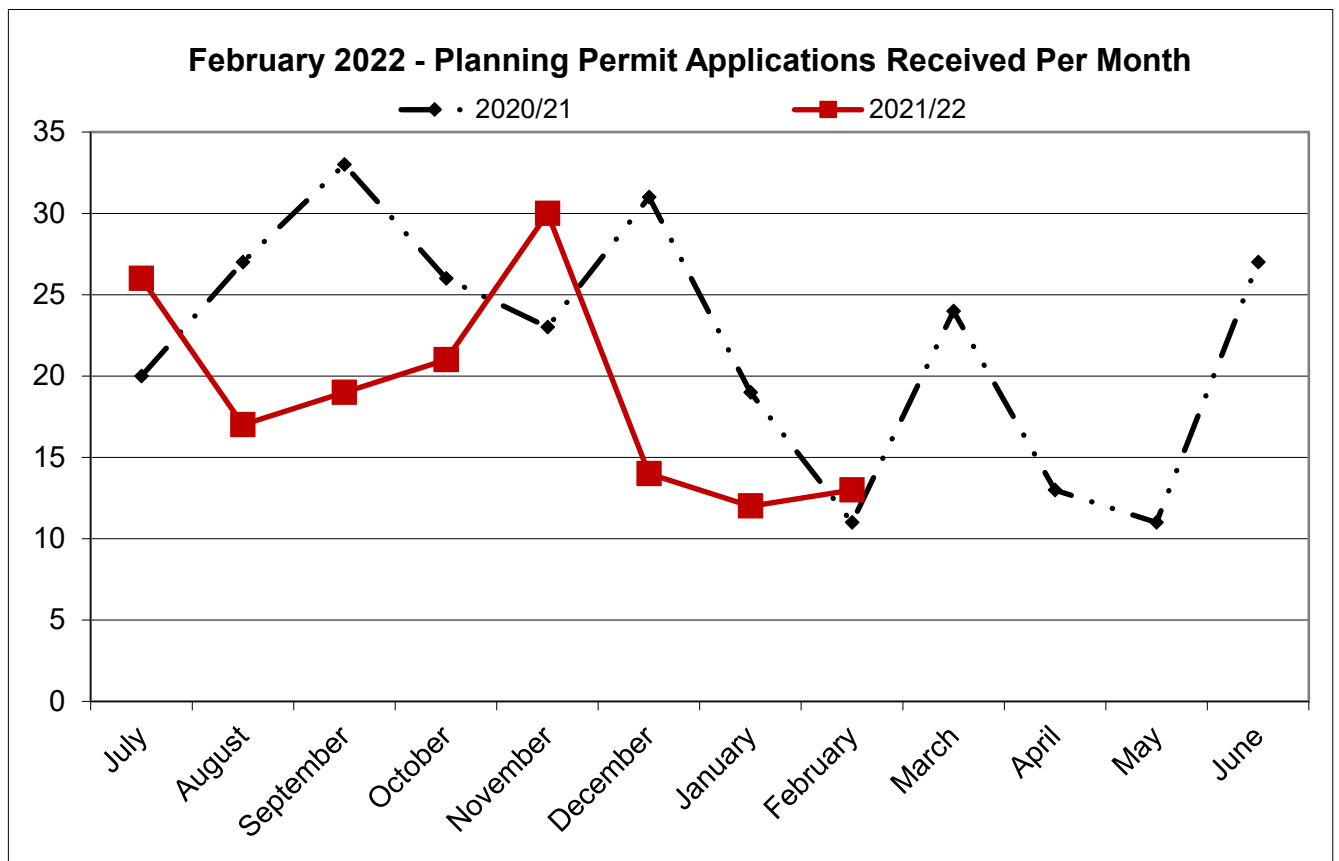
Planning Permit Applications

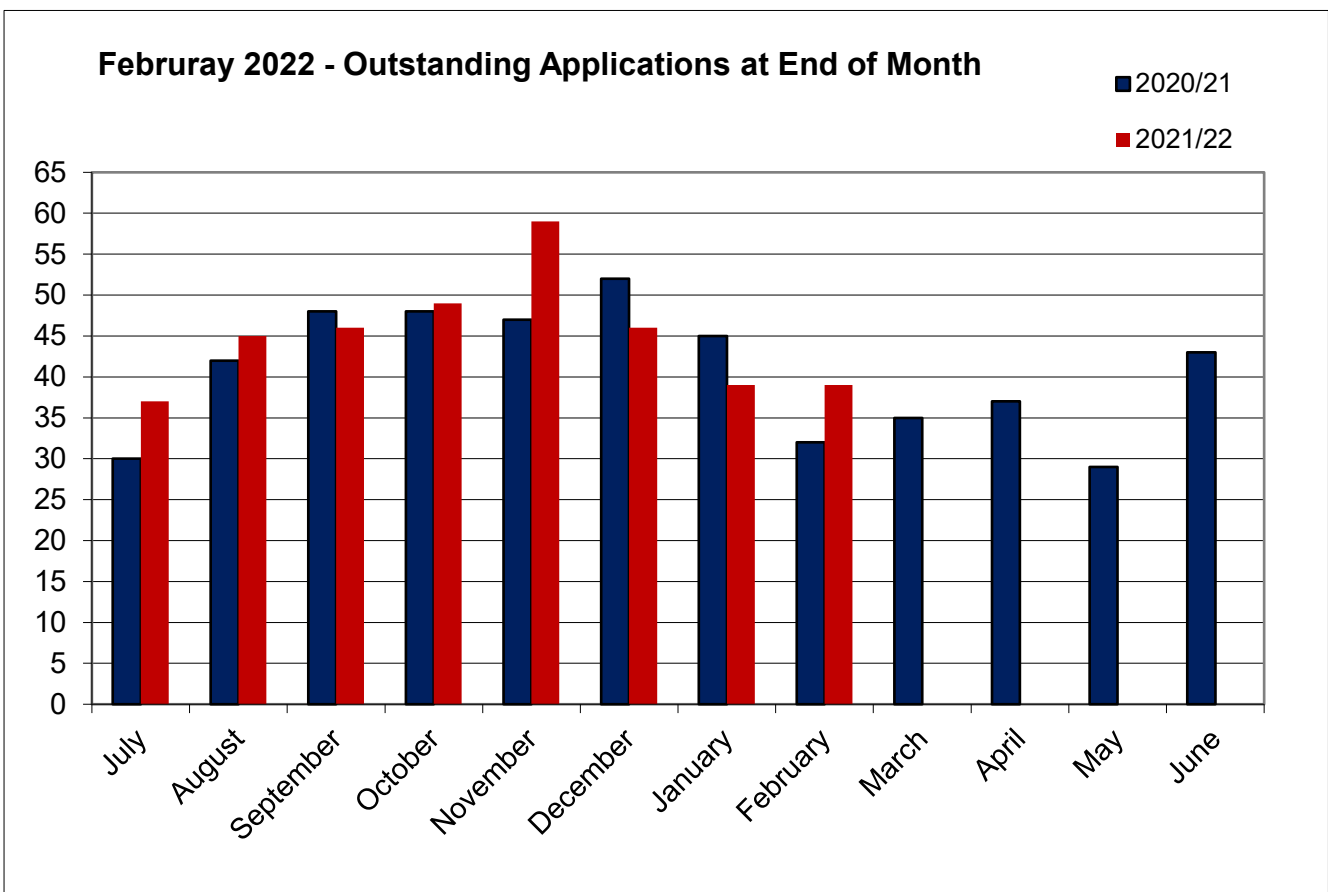
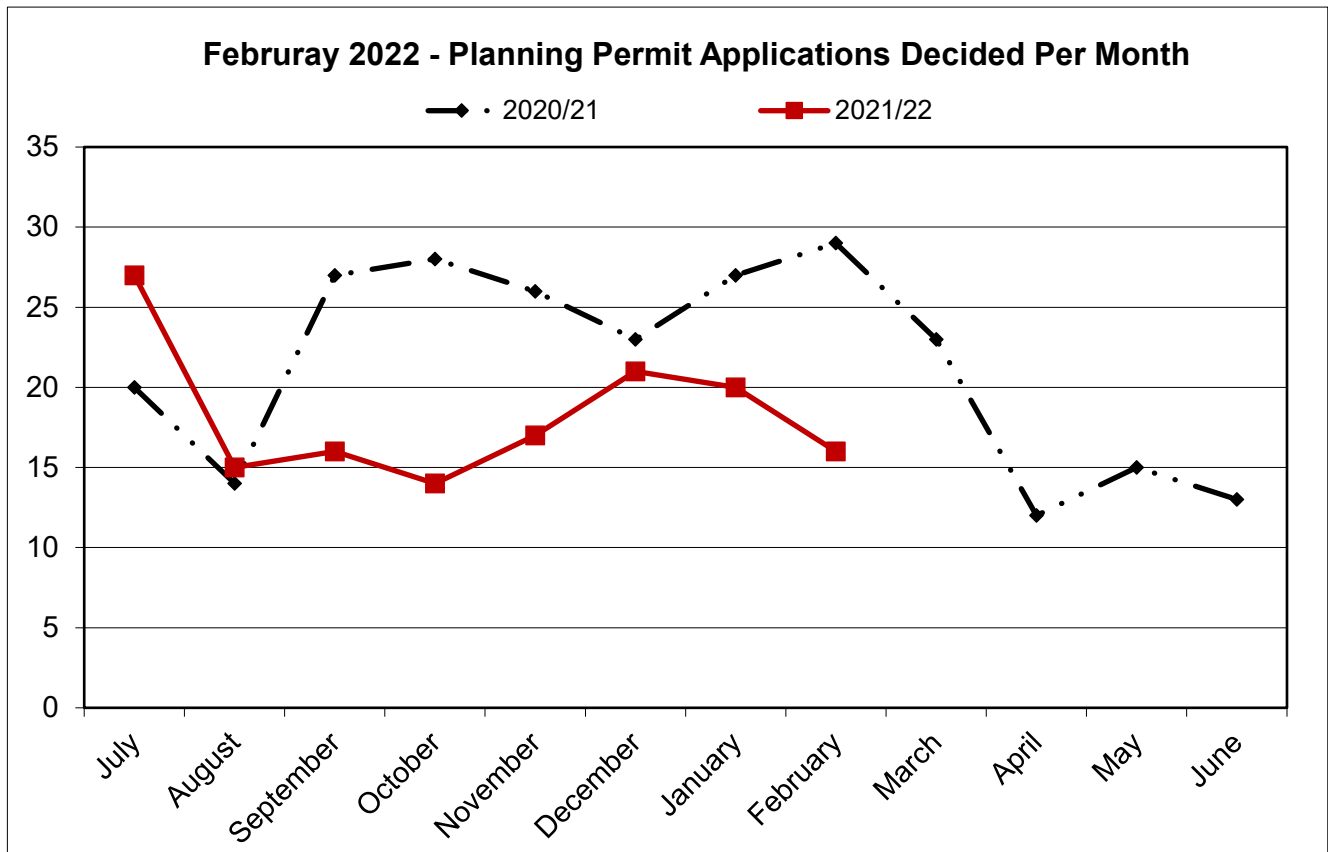
January 2022



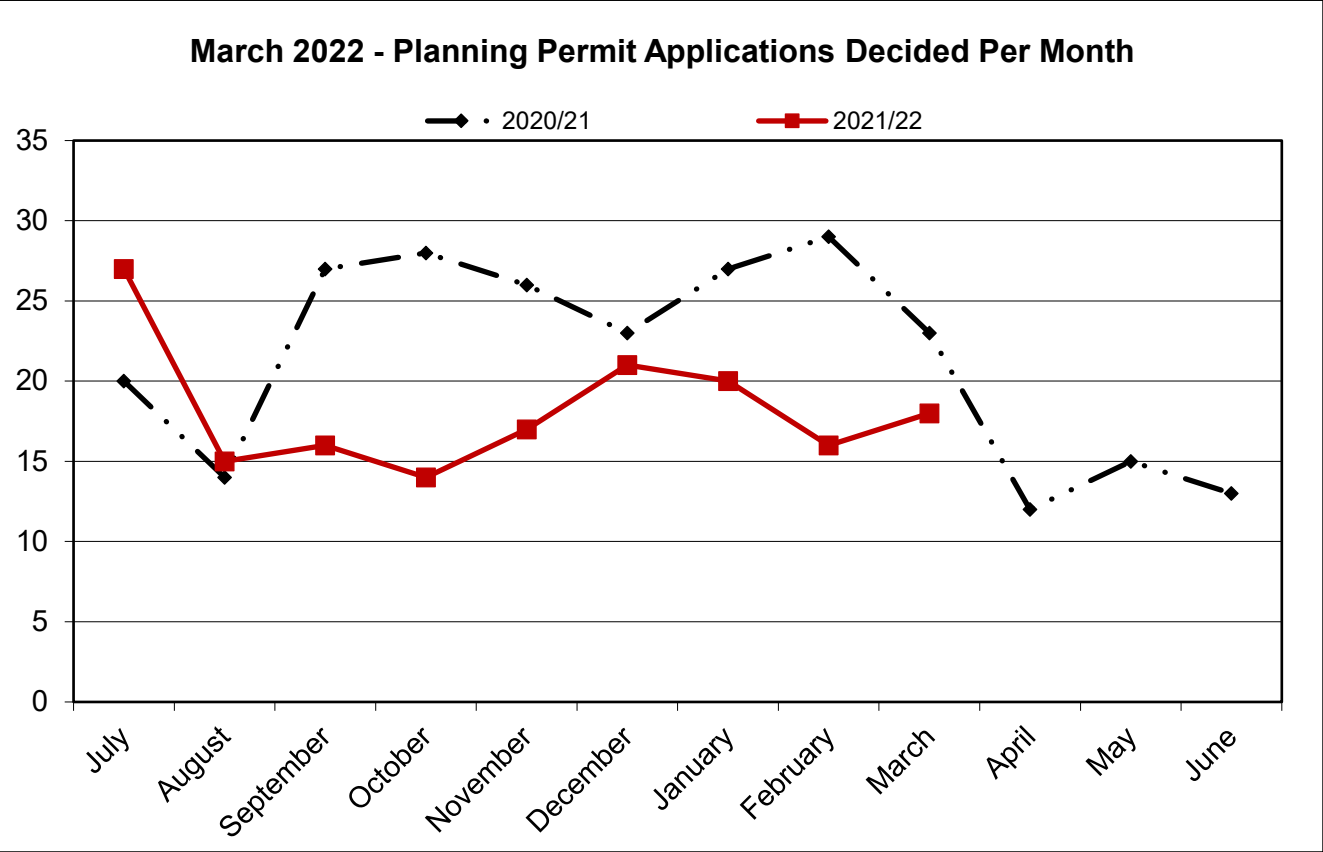
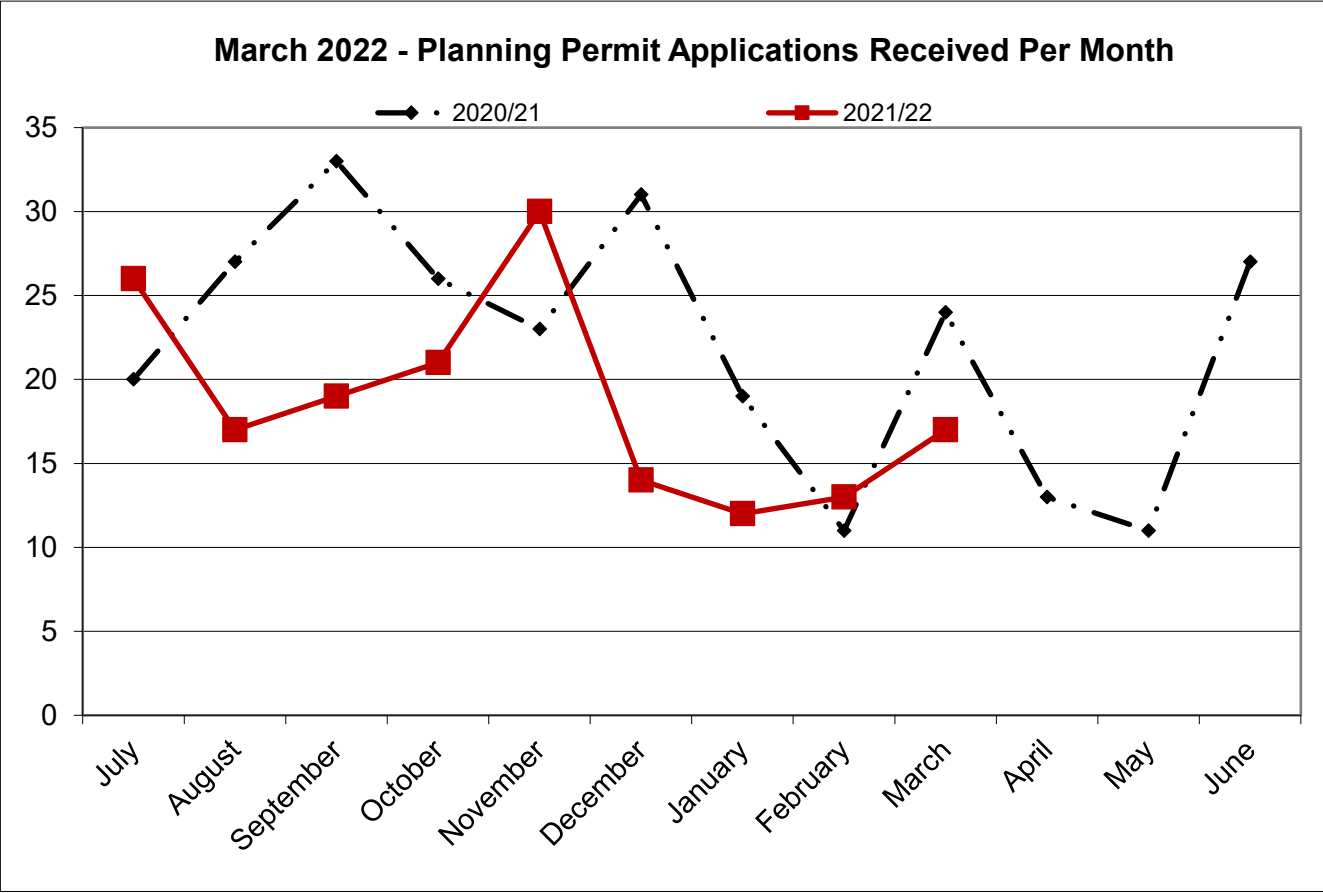


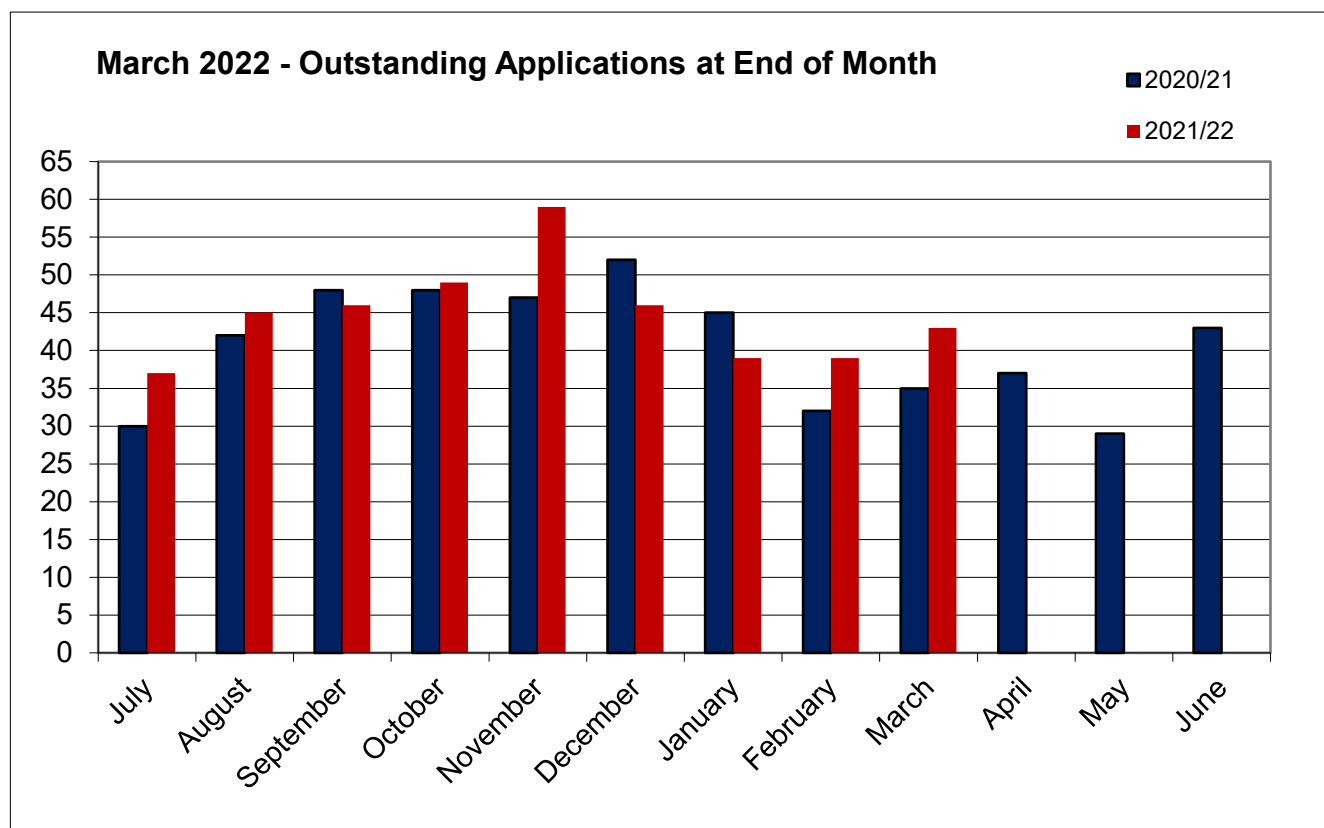
February 2022





March 2022





Building Approvals Issued by Council and Private Practitioners

January to March 2022

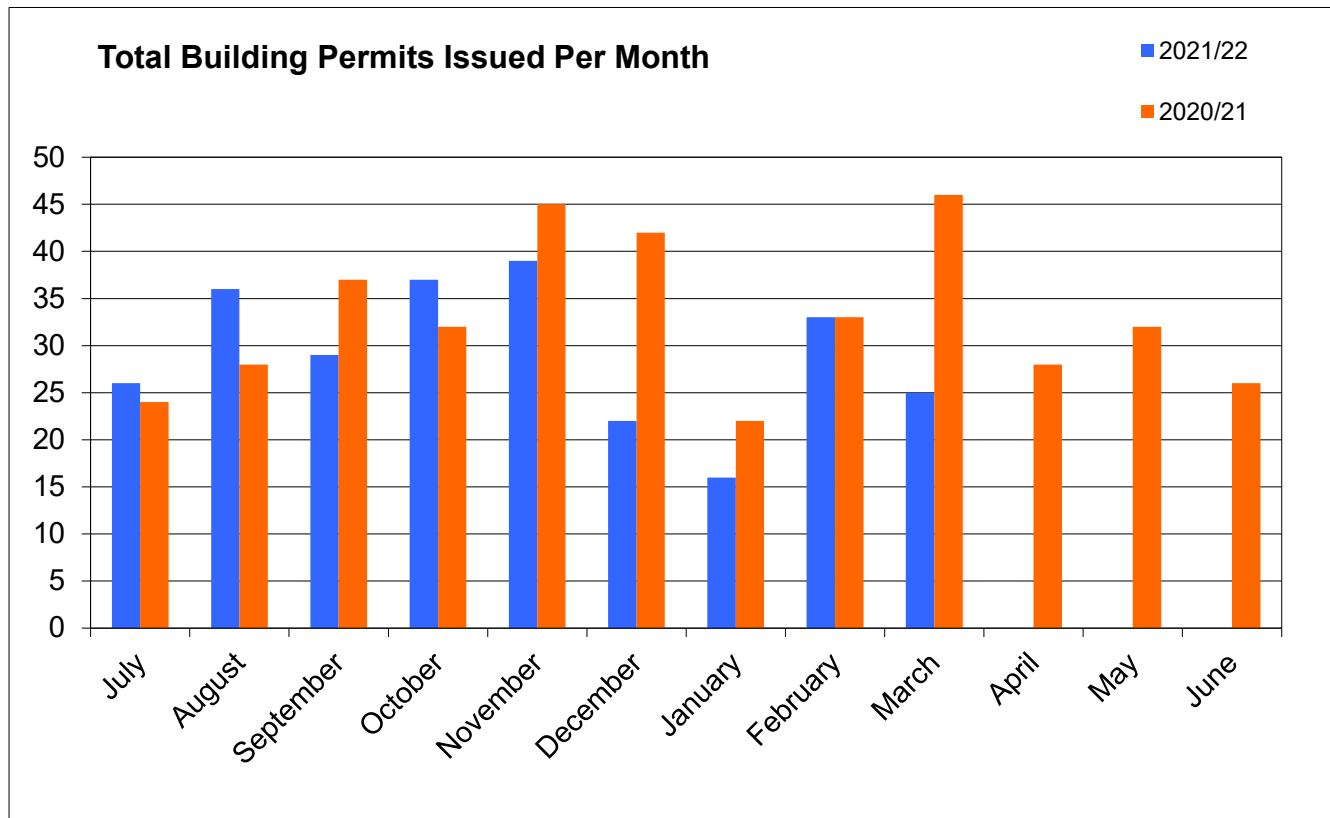
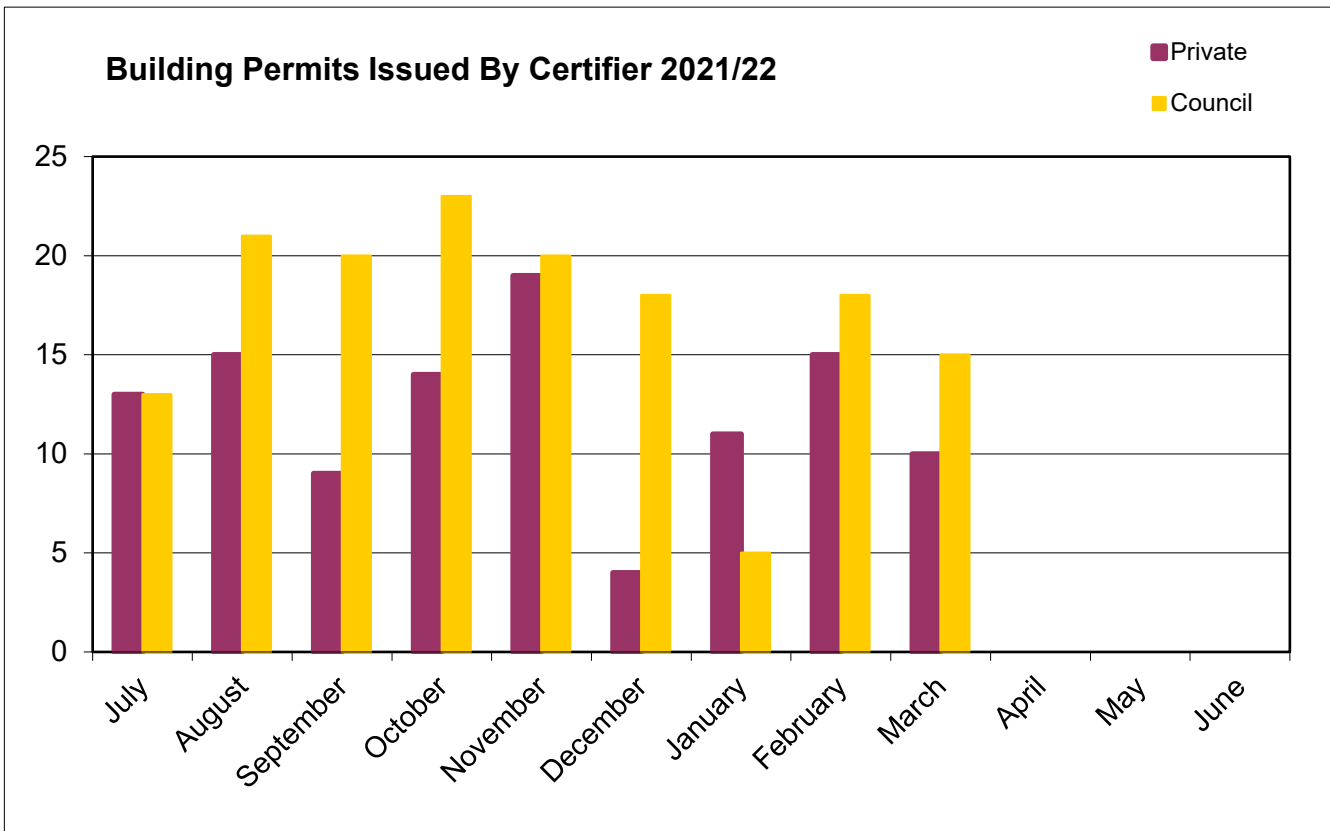
File No	Description	Property Address	Value
1 DA7267	Construction of Farm Shed	576 Samaria Road, Benalla	\$53,371
2 DA7205	Construction of Shed	26 Weary Dunlop Drive, Benalla	\$7,000
3 DA7125	Construction of Shed	7 Mackay Street, Benalla	\$15,000
4 DA7034	Construction of Carport	11 Nixon Street, Benalla	\$14,295
5 DA5521	Construction of Farm Shed	298 Sloan Road, Tarnook	\$92,333
6 DA7183	Construction of Dwelling and Garage	438 Four Mile Road, Benalla	\$448,696
7 DA6351	Construction of Dwelling	500 Embling Road, Upper Lurg	\$450,000
8 DA6186	Removal of Dwelling	3 Jensen Court, Benalla	\$3,550
9 DA4855	Construction of Carport	634 Basin Road, Tarnook	\$38,408
10 DA218	Construction of Alfresco, pavilion, retaining wall	21 Schoolhouse Road, Samaria	\$321,000

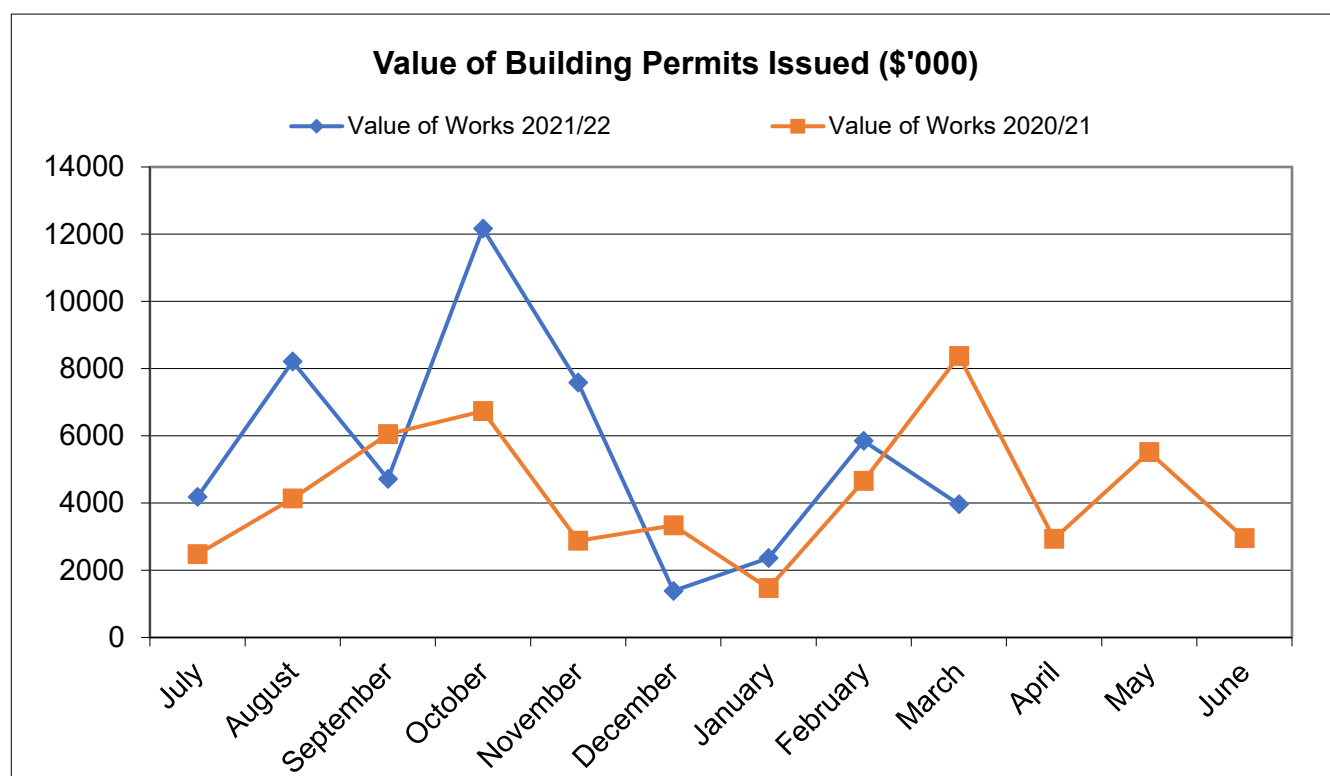
File No		Description	Property Address	Value
11	DA6446	Construction of Dwelling	246 Griffiths Track, Mount Bruno	\$336,274
12	DA3091/3	Proposed Shade Sail	17 Wedge Street, Benalla	\$31,130
13	DA7312	Construction of Dwelling and Garage	9 Reidy Street, Benalla	\$271,864
14	DA4510	Construction of Patio and Verandah	51 North Street, Benalla	\$36,630
15	DA7282	Construction of Dwelling and Garage	37 Simkin Drive, Benalla	\$244,690
16	DA6256	Swimming Pool and Safety Barrier	12 Sir Edward Drive, Benalla	\$48,138
17	DA7135	Construction of Dwelling	13 Levy Court, Benalla	\$444,890
18	DA4815	Re-Erection of Dwelling	251 Baddaginnie-Benalla Road, Benalla	\$80,000
19	DA743/3	Construction of Bathroom / fit out	3028 Midland Highway, Lima South	\$5,617
20	DA7291	Construction of Factory excluding Fire Services	42 Lowens Lane, Benalla	\$180,000
21	DA6835	Construction of Shed	78 Dennis Road, Benalla	\$48,111
22	DA2173/2	Construction of Carport	93 Waller Street, Benalla	\$11,866
23	DA6398	Construction of Farm Shed	2882 Midland Highway, Lima South	\$18,725
24	DA7028	Construction of Dwelling and Shed	494 Lima Road, Lima	\$550,000
25	DA343/2	Construction of Inground Swimming Pool	30 Cecil Street, Benalla	\$15,654
26	DA2430	Construction of roof over Golf Range	170 Mansfield Road, Benalla	\$50,000
27	DA5420	Construction of Dependent Persons Unit	7 Norman Place, Benalla	\$65,050
28	DA7321	Construction of Farm Shed	249 Four Mile Road, Benalla	\$80,150
29	DA7292	Construction of Dwelling	11 Livingston Boulevard, Benalla	\$438,940
30	DA3867	Construction of Dwelling and Shed	9A Egmont Street, Benalla	\$399,381
31	DA6014	Removal of Dwelling	51 Nelson Road, Benalla	\$14,250

File No		Description	Property Address	Value
32	DA6494	Construction of Swimming Pool and Pool House	553 Bostock Road, Lurg	\$65,000
33	DA6523	Construction of Dwelling and Carport	2440 Samaria Road, Moorngag	\$581,628
34	DA7310	Removal of DHHS Sleepout	1 Nicholson Court, Benalla	\$11,000
35	DA2429	Construction of Dwelling	892 Mansfield Road, Benalla	\$229,029
36	DA7273	Demolition of Dwelling and Outbuildings	20 Melrose Street, Benalla	\$17,300
37	DA7309	Construction of Dwelling and Garage	2 Reidy Street, Benalla	\$228,283
38	DA7272	Construction of Dwelling and Garage	8 The Culdesac, Benalla	\$271,887
39	DA7268	Construction of Dwelling and Attached Garage	64 Lakeside Drive, Chesney Vale	\$349,635
40	DA7326	Construction of Dwelling	2 Livingston Boulevard, Benalla	\$282,350
41	DA7312	Construction of Dwelling and Garage	9 Reidy Street, Benalla	\$271,864
42	DA6856/2	Construction of Dwelling and Garage	32 Four Mile Road, Benalla	\$330,000
43	DA7164	Construction of 2 Units and Carports	42 Coster Street, Benalla	\$430,000
44	DA4320	Construction of Shed and Carport	23 McNulty Drive, Benalla	\$15,000
45	DA7226	Construction of Dwelling and Garage	43 Noarana Drive, Benalla	\$438,793
46	DA7132	Habitable Outbuilding	29A Charles Street, Benalla	\$92,710
47	DA3926/1	Construction of Farm Shed	25 Bracks Lane, Taminick	\$85,954
48	DA6085	Construction of Carport	47 Benson Street, Benalla	\$14,949
49	DA4367	Construction of Farm Shed	2604 Yarrawonga Road, Benalla	\$79,400
50	DA7193	Construction of Domestic Shed	10 Plowman Court, Benalla	\$14,295
51	DA1836	Dwelling extension (Dining Room)	460 Kilfeera Road, Benalla	\$50,000
52	DA7083	Construction of Dwelling	509 Whites Road, Warrenbayne	\$237,000
53	DA6187	Demolition of Dwelling	165 Racecourse Road, Benalla	\$14,700

File No		Description	Property Address	Value
54	DA4088	Dwelling Re-Stump	35 Barkly Street, Benalla	\$12,500
55	DA5920	Construction of Verandah	63 Baines Lane, Benalla	\$6,780
56	DA7266	Construction of Farm Shed	19 Hammond Road, Goorambat	\$18,846
57	DA4063	Construction of Farm Shed	723 Lake Mokoan Road, Chesney Vale	\$24,500
58	DA4331	Construction of Swimming Pool	7 Schulz Street, Bemalla	\$15,044
59	SF/2845	Construction of Dwelling and Attached Garage	10 Reidy Street, Benalla	\$269,725
60	DA7264	Re-Erection of Dwelling	437 Lima East Road, Lima East	\$247,500
61	DA6631	Construction of Dwelling and Garage	6 Lakeside Drive, Chesney vale	\$203,776
62	DA31/5	Alterations to Coles Layout	41 – 49B Carrier Street, Benalla	\$100,201
63	DA7094	Construction of Detached Shed	7 Hall Drive, Benalla	\$30,000
61	DA7278	Construction of Dwelling and Attached Garage	112 Lakeside Drive, Chesney Vale	\$336,810
62	DA6283	Construction of Verandah	31 Helms Court, Benalla	\$15,000
63	DA7082	Swimming Pool and Safety Barrier	6 Levy Court, Benalla	\$42,900
64	DA3798	Alterations to an Office	52 Carrier Street, Benalla	\$85,750
65	DA7336	Construction of Dwelling and Garage	1 Iva Street, Benalla	\$253,645
66	DA6379	Construction of Covered Area	668 Lake Mokoan Road, Winton North	\$90,000
67	DA796	Reconstruction of Stairs	60 – 64 Bridge Street, Benalla (Comm Bank)	\$210,000
68	DA7314	Construction of Farm Shed	97 Granite Road, Lurg	\$50,000
69	DA7311	Construction of Dwelling and Attached Garage	30 Bourke Drive, Benalla	\$325,000
70	SF/2845	Construction of Dwelling and Attached Garage	45 Bourke Drive, Benalla	\$250,260
Total				\$11,514,027

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.*

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 the report be noted.

Closure of Meeting