

Finance and Planning Committee

Minutes

Date: Wednesday 5 April 2023

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

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

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

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Contents

Opening and Acknowledgment of Country	3
Apologies.....	3
Confirmation of the previous Meeting Minutes	4
Business	5
1. Planning Application For The Use and Development of Land For an Extractive Industry Sand Quarry – 1726 Dookie-Devenish Road, Devenish	5
2. Planning Application For For A Multi-Lot Subdivision (22 Lots) and Removal of Native Vegetation – 51 Hairs Lane, Benalla	12
3. Planning And Building Approvals – February 2023	26
4. 2022/2023 Quick Response Grants Program and Major Event Funding	26
Closure of Meeting.....	27

PC

Minutes

Chair Councillor Danny Claridge

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

In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	Tom Arnold	Community Development Coordinator
	Joel Ingham	Planning Coordinator
	Jess Pendergast	Governance Coordinator

Opening and Acknowledgment of Country

The Chair opened the meeting at 5.30pm and recited the following Acknowledgement of Country.

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

Apologies

No apologies were submitted to the meeting.

PC

Governance Matters

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

Disclosures of Conflict of Interest

See item 4.

Confirmation of the previous Meeting Minutes

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

Cr Hearn / Cr Firth:

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

Carried

DC

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

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

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

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

Cr Davis / Cr O'Brien:

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

Carried

Cr Davis / Cr O'Brien:

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

Carried

Cr Davis / Cr Firth:

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

Carried



Cr Davis / Cr Firth:

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

Endorsed Plans

- 1 All works constructed or carried out must be in accordance with the endorsed plans to the satisfaction of the responsible authority.
- 2 Prior to commencement of use and development hereby approved, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Site Plan [Job ref.1065_UD_SP1_V2] Plan submitted but modified to show:
 - a) A revised landscaping plan, prepared by a qualified person, detailing the location of planting or establishment, botanical and common names, height at maturity of the vegetation (locally indigenous species) and ongoing management of the vegetation to be planted for the purposes of landscaping and screening.
 - b) The height of the bund wall to be at least 2.5m.
- 3 Prior to commencement of use and development hereby approved, an Environmental Management and Monitoring Plan (EMMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must include (but not be limited to):
 - a) Legislative framework
 - b) Responsibilities
 - c) Environmental training
 - d) Reporting and documentation procedures
 - e) Environmental controls, stormwater management
 - f) Materials handling and storage procedures
 - g) Establishment of groundwater monitoring network, consisting of at least three groundwater bores
 - h) Surface water / run off monitoring; and
 - i) Reporting

Hours of Operation

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

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

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

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

Plans to include the following:

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

Vehicle Access

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

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

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

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

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

Parking

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

Sediment Control Plan

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

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

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

Prior to Commencement of Construction

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

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

Rehabilitation Plan

- 16 Prior to the commencement of works, a staged enforceable rehabilitation plan must be submitted to the Responsible Authority for approval. The plan must include the proposed techniques used during the use and outlining the rehabilitation works proposed at the conclusion of the use.
- This plan or strategy can be endorsed with the permit or registered by agreement (section 173) to ensure there is an enforceable measure to ensure rehabilitation is completed.
- 17 Prior to the commencement of buildings and works, a rehabilitation bond to the amount of 100% of the estimated cost of rehabilitation works as required by the rehabilitation plan under Condition No. 16 of this permit must be paid to the Responsible Authority.
- 18 Prior to commencement of works, a 'Quarry Operations Plan' must be submitted to the Responsible Authority for review and records. This plan may also be required for submission to DELWP or other agencies. The operations plan should outline:
- a) How excavation will occur on site
 - b) Site operations and safety management
 - c) Spatial identification (location) and depth of proposed cells
 - d) Management of sediment, erosion and water management within cells
 - e) Rehabilitation plan
- 19 The landscaping works shown on the approved landscape plan and the bund wall required by Condition No. 1 (b) of this permit must be carried out and completed to the satisfaction of the responsible authority prior to commencement of operations or any other time as agreed in writing by the responsible authority.

VicTrack Conditions

- 20 The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land during and post construction and access can be applied for through the Internet web site:
<https://www.artc.com.au/work/externalparties/property/>.
- 21 The permit holder must at all times ensure the common boundary with the railway land is fenced with a 1.8m paling or black chain mesh fence at the permit holder's expense to prohibit unauthorized access to the rail corridor.

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

22 The permit holder must not at any time:

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

Permit Expiry

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

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

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

General Notes

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

Motion Lost

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

The motion was lost.

Cr Hearn / Cr King:

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

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

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

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

Cr King / Cr Firth:

That Council having caused notice of Planning Application No. P0152/22 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to grant a permit under the provisions of the *Benalla Planning Scheme* in respect of the land known and described as 51 Hairs Lane, Benalla, for a multi lot subdivision and the removal of native vegetation, in accordance with the endorsed plans, with the application dated 25 October 2022 and subject to the following conditions:

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

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

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

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

submitted for certification under the *Subdivision Act 1988*.

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

Fencing

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

General Engineering

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

Earthworks

15. Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
 - a) where an existing dam, basin or other water body is to be filled, the area has been drained and desilted in accordance with IDM standards before filling commences. any fill required for finished surface levels to comply

with drainage, building, parking and/or access requirements has been selected, placed and compacted in layers, in accordance with IDM standards.

- b) any batters formed, or retaining walls constructed, whose individual or cumulative height above or below ground level in adjacent properties exceeds one meter, and/or any soil stabilisation measures, have been designed by, and constructed under the supervision of, a qualified engineer, in accordance with IDM standards.
16. Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the lots must be placed and compacted in accordance with the requirements of Clause 15.3 of the IDM.
17. All filling over 300mm in depth on the site must be supervised, carried out, completed and recorded in accordance with:
- a) the provisions of any Construction Management Plan; and
 - b) Australian Standard AS3798 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority.
18. Before the issue of a Statement of Compliance unless otherwise agreed in writing by the Responsible Authority, compaction test results and a report certifying that the filling has been properly carried out shall be provided to the satisfaction of the responsible authority. The land must be filled in a manner that does not:
- a) cause a nuisance on nearby land through the emission of dust
 - b) adversely affect the drainage of adjacent land through sediment and the like
 - c) affect overland flow paths.

Drainage

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

AEP without any inundation affecting any lots or surrounding properties.

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

Water Sensitive Urban Design

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

Road Design

23. The permit holder must engage a qualified civil engineer to design the roads and intersections serving the development in accordance with IDM standards. The plans must be submitted to and approved by the Responsible Authority prior to the commencement of works.

24. All roads within the new subdivision and the Hairs Lane road frontage and the intersection with Olivers Road must be provided with public lighting in accordance with the requirements of Australian Standard 1158.1 to the satisfaction of the Responsible Authority. New lighting should be located outside the Clear Zones wherever possible and meet the standards for Category V or Category P lighting, as appropriate.
25. Prior to the issue of a statement of compliance for the relevant stage of the subdivision the permit holder must satisfy the Responsible Authority that the unsealed section of Hairs Lane must be upgraded for the full length generally in accordance with Table 2 of the Infrastructure Design Manual (IDM) in particular:
- a) to a Collector Street Level 1 standard generally in accordance with Table 2 of Councils Infrastructure Design Manual (IDM) standards or to the satisfaction of the Responsible Authority
 - b) the applicant will be required to construct two 3.5m through lanes and a 2.4m wide parking lane (total 9.4m) with barrier kerb and channel and 2.5m wide shared path on the development side only.
26. Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- a) all roads and intersections have been constructed in accordance with the approved designs and IDM standards
 - b) all existing or proposed roads within the subject property have been provided with appropriate high-efficiency street lighting in accordance with IDM standards and AS1158.

Property Access

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

Landscaping

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

The plan must show:

- a) new plantings to be provided in any road reserves and municipal reserves
- b) a detailed planting schedule of all proposed trees, shrubs and ground-covers
- c) paths, paved areas, structures and street furniture
- d) detailed planting and construction layout drawings, including site contours

- e) any changes to existing levels, including elements such as retaining walls
- f) certified structural designs or building forms where required
- g) removal of existing infrastructure or stockpiles and weed eradication
- h) fencing of all Reserves to be handed over to the Council.

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

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

Staged Development

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

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

Infrastructure Transferred to Council

32. All civil infrastructure works, other than landscape elements, created by the development, and passing into the ownership and control of Council, must, following practical completion of the works, be maintained by the applicant in good condition and repair for a period of three months, with any subsequent defects being corrected as they become evident for a further period of nine months.

33. All landscape elements, including vegetation integral to the operation of WSUD devices, created by the development, and passing into the ownership and control of Council, must be maintained by the applicant in good condition and repair, with all defects corrected, for a period of at least 24 months, including two complete summers, from practical completion. During this period, any dead, diseased or damaged (other than by intentional action) plants and/or landscaped areas must be repaired or replaced as soon as reasonably possible, rather than upon completion of the maintenance period.
34. Prior to the issue of a Statement of Compliance for each stage of the subdivision:
- a) an itemised statement of the civil construction costs for the current stage, excluding GST, must be submitted to and approved by the Responsible Authority
 - b) the permit holder must provide Council with a maintenance bond equal to five per cent of the approved civil construction costs for the current stage. This bond will be held by the Council until any and all defects notified to the applicant before or during the maintenance and defects liability period have been made good to the satisfaction of the Council.
 - c) the permit holder must pay to Council plan checking fees equal to 0.75 per cent, and works supervision fees equal to 2.5 per cent, of the approved civil construction costs for that stage
 - d) the permit holder must arrange for CCTV verification of all underground drainage assets which will be handed over to Council at the conclusion of that stage and must supply the results of that verification to Council at the time, and in the format, specified in the IDM.
35. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following “as constructed” drawings and information are required to be submitted to Benalla by the developer/consultant.
- a) Copies of engineering drawings/data in MapInfo Tab or MIF_MID format with a Projection GDA94/MGA55
 - b) Copies of engineering drawings/data in PDF format
 - c) “As Constructed Information” of the Road, Drainage, Kerb and Footpath information component of the subdivision as well as information of all of Benalla’s assets in accordance with the current versions of D-Spec & R-Spec
 - d) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotment;
 - e) An assets statement for each street.

Please refer to the A-SPEC website for further information
www.a-specstandards.com.au

Construction

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

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

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

Native Vegetation

41. During construction works on the site, any remnant vegetation must be protected by an appropriate Tree Retention Zone (TRZ), free of digging, trenching, excavation, stockpiles, chemical or material mixing and storage, parking or any other disturbance, and marked with a physical barrier on site. The TRZ will have a radius from the tree of at least 12 DBH (diameter of the tree at breast height) (as per Australian Standards). By default, a tree will be considered lost and require an offset if one of the above activities occurs over more than 10 per cent of the total area of the TRZ.

If these exclusion zones are not put in place or construction works cannot be physically carried out without impacting these zones, these trees, whilst still retained must be counted as removed and an appropriate offset plan produced. Consideration should be given to trees adjoining existing and new road reserves and adjoining the site boundaries which may be impacted by improvements to access to the site and construction of the subdivision. If any vegetation is removed, destroyed or lopped to provide access to any of the site or construction of the subdivision, or the appropriate TRZ is not adhered to, an

amended Biodiversity Assessment Report must be submitted to the satisfaction of the responsible authority. This may change the assessment pathway that the application has been assessed against.

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

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

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

43. Prior to the issue of a Statement of Compliance of the subdivision, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. The offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Guidelines for the removal, destruction or lopping of native vegetation. Offset evidence can be either:

- a security agreement, to the required standard, for the offset site or sites, including a 10-year management plan; or
- a credit register extract from the Native Vegetation Credit Register.

Country Fire Authority

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

44. Hydrants

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

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

45. Roads

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

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

North East Water

46. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:
 - a) where the development is staged, a number of agreements may be required for separate stages; and
 - b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
47. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:
 - a) where the development is staged, a number of agreements may be required for separate stages; and
 - b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
48. Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.
49. The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of North East Water:
 - a) works external to the subject land to allow connection to the North East Water water supply and sewerage systems;
 - b) the vesting at no cost of such of those works required by North East Water, to North East Water (“Developer Works”)

- c) works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works, and
- d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
50. Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.
51. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
52. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
53. The applicant must create easements to the satisfaction of and in favour of North East Water over all existing and proposed sewerage facilities within the proposed subdivision.
54. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
55. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
56. That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
57. Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
58. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
59. North East Water's consent to the issue of a Statement of Compliance under the *Subdivision Act 1988* is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
60. The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the *Subdivision Act 1988*.
61. 150mm diameter water main to be extended along Hairs Lane to the eastern

boundary of the development.

Ausnet Services

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

The applicant must:

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

- Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services PTY LTD to allow the new network assets to be safely connected to the distribution network.

APA Group

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

Permit Expiry

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

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

Advice Notes:

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

Carried

3. Planning And Building Approvals – February 2023

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

Cr Hearn / Cr King:

That the report be noted.

Carried

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

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

Cr Davis / Cr Hearn:

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

Carried

Cr Hearn / Cr King:

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

Carried

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

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

Cr Firth / Cr King:

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

Carried


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

Closure of Meeting

The committee meeting closed at 7.27pm.

Confirmed this tenth day of May 2023.

Signed:


Cr Danny Claridge (Chair)