

Benalla Rural City Council

Finance and Planning Committee

Agenda

Date: Wednesday 27 August 2025

Time: 6pm

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

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Agenda

Chair Councillor Peter Davis

Councillors Councillor Bernie Hearn (Mayor)
Councillor Justin King (Deputy Mayor)
Councillor David Blore
Councillor Puna Hewa Gunaratne
Councillor Jillian Merkel
Councillor Nathan Tolliday

In attendance Peter Keane Chief Executive Officer
Robert Barber General Manager Corporate
Grant Banks Acting Manager Community
Cathy Fitzpatrick Manager Finance
Courtney Naughton Manager Economic Development and Sustainability
Nilesh Singh Manager Development
Joel Ingham Planning Coordinator
Wayne Rich Compliance Coordinator
Jess Pendergast Governance Coordinator

Opening and Acknowledgement of Country

The Chair will open the meeting and recite the following Acknowledgement of Country.

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

Apologies

Recommendation:

That apology/ies be accepted.

Governance Matters

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

Public Submissions

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

Recording of Council Meetings

In accordance with Rule 6.4 of the *Governance Rules 2020* the Committee Meeting will be livestreamed via the Council's website. An audio recording will be made of the proceedings and made available for public access, with the exception of matters identified as confidential items in the agenda.

Members of the public can watch the live broadcast of the meeting at www.benalla.vic.gov.au

Behaviour at Meetings

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

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

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

Disclosures of Conflict of Interest

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

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

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

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

Confirmation of the 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 Finance and Planning Committee meeting held on 23 July 2025 be confirmed as a true and accurate record of the meeting.

Business

1. Planning Permit Application For The Use And Development Of The Land For Extractive Industry (Sand Mine) At 223 Cooper Road And 1726 Dookie-Devenish Road, Devenish

Ref: 171377025-4252

PO64-25

Nilesh Singh – Manager Development

Joel Ingham – Planning Coordinator

PURPOSE OF REPORT

This report assesses a planning application received for extractive industry at 223 Cooper Road Devenish and 1726 Dookie-Devenish Road, Devenish.

BACKGROUND

Site Address	223 Cooper Road and 1726 Dookie Devenish Road, Devenish
Existing Use	An existing dwelling, outbuildings and a dam.
Proposal	Use and development of the land for an extractive industry (sand quarry)
Applicant	BCA Asset Management Group Pty Ltd
Zone	<ul style="list-style-type: none">▪ Farming Zone (FZ)▪ Rural Living Zone (RLZ) Permit trigger <ul style="list-style-type: none">▪ Clause 35.03-1 (RLZ) extractive industry use▪ Clause 35.03-1 (RLZ) buildings and works▪ Clause 35.07-1 (FZ) extractive industry use▪ Clause 35.07-4 (FZ) buildings and works
Overlays	Nil
Municipal Planning Strategy	<ul style="list-style-type: none">▪ Clause 02.03-2 Environmental and landscape values▪ Clause 02.03-3 Environmental risks and amenity▪ Clause 02.03-4 Natural resource management▪ Clause 02.03-7 Economic development▪ Clause 02.03-9 Infrastructure
Planning Policy Framework	<ul style="list-style-type: none">▪ Clause 12 Environmental and Landscape Values▪ Clause 13 Environmental risks and amenity▪ Clause 14 Natural resource management▪ Clause 17 Economic development▪ Clause 19 Infrastructure
Particular Provisions	<ul style="list-style-type: none">▪ Clause 52.06 (Car Parking)▪ Clause 52.08 (Earth and Energy Resources Industry)▪ Clause 52.09 (Extractive Industry and Extractive Industry Interest Areas)▪ Clause 53.10 (Uses and Activities With Potential Adverse Impacts)▪ Clause 65.01– Decision Guidelines Permit trigger <ul style="list-style-type: none">▪ Clause 52.08-1
Referrals	<ul style="list-style-type: none">▪ Vic Track▪ Heritage Victoria▪ Earth Resources▪ Engineering

PLANNING HISTORY

Planning Permit No. P0112/10 was previously issued 5 November 2010 at the subject site for extractive industry (Sand Mine). It is understood that sand extraction took place on the land from about January 2011 until about August 2014.

A further application for extractive industry at the subject site, Planning Permit application P008/22, has previously been considered by Council and refused. The applicant appealed this decision to the Victorian Civil and Administrative Tribunal (VCAT). A VCAT Order dated 16 April 2024 subsequently upheld the Council decision and determined that no permit be granted.

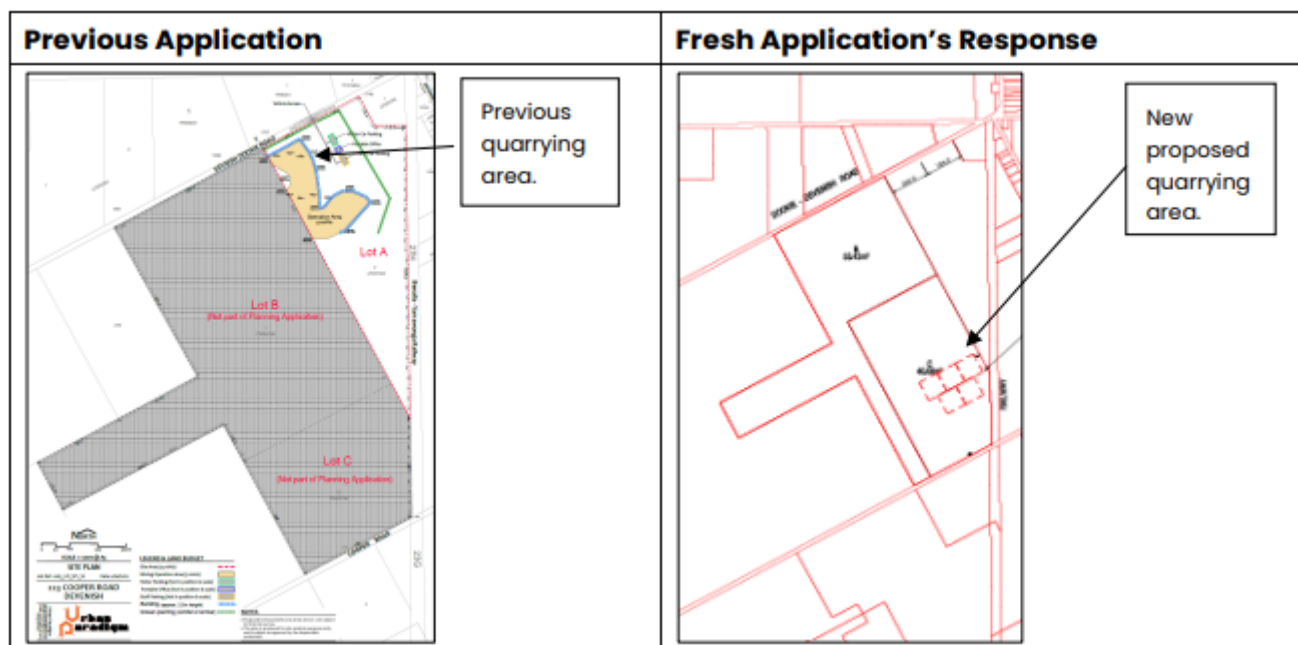
The above VCAT decision was quite instructive and provided clear reasons for their decision that were essentially related to a lack of information provided by the permit applicant with respect to off-site amenity impacts such as dust and noise, impact of vehicular traffic, hours of operation and inconsistencies in the application material.

The Tribunal considered the competing policies and objectives in the planning scheme and based on the information before them, determined that the proposal did not achieve a net community benefit.

Following the VCAT determination the applicant applied for a re-subdivision of the subject site to facilitate a new planning permit application for extractive industry and to confine the quarrying activity to the southern portion of the subject site, closer to Cooper Road, Devenish which has the effect of increasing setbacks to nearby dwellings.

Planning Permit P0067-24 was issued 18 July 2024 for a two-lot subdivision of the subject site which realigned boundaries.

The figure below demonstrates the differences between the earlier proposed extractive industry and the current proposal, based upon the newly realigned boundaries.



PROPOSAL

It is proposed to use and develop the subject site for extractive industry for a sand quarry. The proposal has the following characteristics:

- The area to be used for the sand quarry extraction is located in the south/east of the subject site and is wholly contained within Lot C PS928413.

- The proposed extraction area is 5 hectares with a depth not exceeding 5 metres.
- There will be five extraction areas of 1 hectare each.
- The separate areas will be extracted one at a time, with rehabilitation commencing once an area has been completed.
- For each 1-hectare stage 2,000 metres cubed of topsoil will be stockpiled for revegetation and 25,000 metres cubed of sand will be extracted.
- Total sand extraction is estimated at 75,000 metres cubed – 125,000 metres cubed over the five stages.
- Sand extraction will be via mechanical means.
- There will be no blasting.
- Hours of operation will be:
 - Monday to Friday 7am to 4pm
 - Saturday, Sunday, Public Holidays Closed
- Maximum of four staff at any one time.
- Vehicle access for trucks and heavy vehicles will be via a haul road through Lot C and Lot B PS928413, to Dookie-Devenish Road, Devenish with a new vehicular access to be constructed at Dookie-Devenish Road, Devenish.
- Light vehicles will enter from Cooper Road, Devenish (which is a gravel surface road).
- Seven trucks will enter and exit the site each day resulting in 14 truck movements per day, from Dookie-Devenish Road, Devenish.
- Mobile plant and equipment will be used.
- A temporary site office will be located in the southern area of the site adjacent to Cooper Road, Devenish.
- On site car parking for six cars will be provided in the southern area of the site adjacent to Cooper Road, Devenish.
- Stockpiles won't exceed 4 metres in height.
- A water truck will be available to suppress dust on the haul road.
- Stockpiles will be fitted with sprinklers for dust suppression.
- A rehabilitation plan is provided as part of the submitted Operations Plan.
- Two existing sand pits will be used to store water discharged from the pits as they are excavated.
- A 1ML sump dam will be located in the Stage 5 pit.
- Each 1 hectare pt will provide:
 - A works area
 - A 0.2ML minimum sediment pond
 - A spillway with rock beaching at the outlet. Excess flow from high rain events to be pumped to the stormwater holding basin.
 - Sand stockpiles
 - Plant and equipment
 - Screen
 - Topsoil stockpiles will be located adjacent to the 1ha work area.

The planning permit application was supported by:

- Planning Report prepared by WPA, Rev 03, dated May 2025
- Operations Plan prepared by Malkin Consulting, Rev C dated 26/03/2025
- Traffic Impact Assessment Report prepared by Trafficworks dated 13/03/2025
- Desktop Hydrogeological Study prepared by Geotesta, dated 13/03/2025
- Stormwater Management Plan prepared by Axiom Consulting Engineers, Rev B dated 26/03/2025
- Environmental Noise Assessment prepared by Marshall Day Acoustics, Rev 01 dated 12/05/2025
- Town Planning Drawings prepared by Whiteman Property & Associates including:
 - Cover Page
 - Existing conditions & Proposed Site Layout
 - Development Plan
 - Development Plan Section A.

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

Site and Surrounds

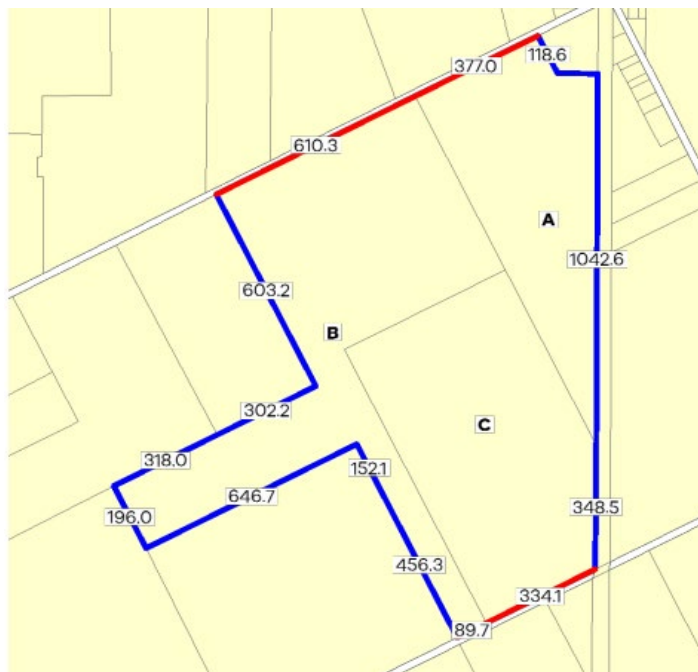
An inspection of the site and the surrounding area has been undertaken.

The overall site has a land area of approximately 122 hectares and comprises three parcels:

Parcel A Lot 2 LP207243

Parcel B Lot B PS928413

Parcel C Lot C PS928413



The subject site for the proposed extractive industry comprises the following two properties:

- 223 Cooper Road, Devenish – Lot C PS928412
- 1726 Dookie-Devenish Road, Devenish – Lot 2 LP207243

Parcel A (Lot 2 LP207243) does not form part of the proposal.

223 Cooper Road, Devenish/Lot C PS928413 has the following characteristics:

- It is generally rectangular in shape.
- It is located on the north side of Cooper Road, Devenish approximately 789 metres west of Devenish Road, Devenish.
- It has a frontage to Cooper Road, Devenish of 334 metres and depth of 861 metres along the western boundary and an area of 40.08 hectares.
- The site currently contains a dwelling, outbuildings and a dam.
- The south/east portion the site was previously used for a quarry (P0112/10) by the former landowner and operator.
- Cooper Road, Devenish is an unsealed road

1726 Dookie Devenish Road, Devenish (Lot B PS928413A) has an area of 53.43 hectares a frontage of 606.7 metres to Dookie-Devenish Road, Devenish is irregular in shape and largely cropped.

Dookie-Devenish Road, Devenish is a sealed road with unsealed shoulders.

The subject site is located approximately 2.8km south/west of the Devenish township and approximately 35km north of Benalla. The Benalla-Oaklands Railway Line abuts the eastern boundary of the subject site, with Rural Living Zone (RLZ) land to the east of Devenish Road, Devenish.

Surrounding parcels of land are generally used for agricultural purposes with some smaller parcels to the north of Devenish Road, Devenish with areas in the order of 6.5 hectares – 10 hectares.

LOCALITY MAP



Public Notification

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

- placing a sign on each of the frontages (Dookie-Devenish Road and Cooper Road)
- a notice in the newspaper
- sending notices to all adjoining, opposite and some properties east of Devenish Road, landowners and occupiers.

Ten objections were received and are summarised later in this report.

Planning Scheme Provisions

Municipal Planning Strategy (MPS)

Clause 02.03-2 Environmental and landscape values provides a policy basis for the protection of native flora and fauna and landscapes. In conserving native flora and fauna Council seeks to:

- Protect and enhance the environment and biodiversity.
- Encourage the control of pest plants and animals through land management conditions.
- Minimise vegetation removal for new development and infrastructure, including roads and drainage.
- Encourage the linking of remnant native vegetation to improve habitat.

In managing and protecting landscape character Council seeks to:

- Protect large areas of public land, including Mount Samaria Park and Warby Ranges Park.
- Protect significant landscape features, ridges and viewlines.

Clause 02.03-3 Environmental risks and amenity includes the consideration of land use conflicts. In minimising the potential for land use conflicts Council seeks to:

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

Clause 02.03-4 Natural resource management provides the policy basis to protect agricultural land and Council seeks to:

- Discourage non-agricultural uses where they will impact agriculture.
- Support proposals for non-agricultural uses in rural areas only when they are compatible with surrounding agricultural use and can be justified in terms of broader community benefit.

Clause 02.03-7 Economic development encourages industrial development in appropriate locations. In managing industrial development, Council seeks to:

- Protect industrial development from residential and other sensitive uses.
- Support industrial development in locations that does not compromise existing assets and uses.

Clause 02.03-9 Infrastructure recognises a range of infrastructure considerations including stormwater drainage and the long term issue in some parts of Benalla subject to seasonal flooding.

Planning Policy Framework (PPF)

Clause 12 Environmental and landscape values has the objective to protect and enhance landscapes and open spaces that contribute to character, identity and sustainable development.

Strategies include:

- Ensure significant landscape areas such as forests, the bays and coastlines are protected.
- Ensure development does not detract from the natural qualities of significant landscape areas.
- Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system.
- Ensure important natural features are protected and enhanced.

Clause 13 Environmental risks and amenity recognises that planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach. Planning should identify prevent and minimise the risk of harm to the environment and human health and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

Clause 14 Natural resource management recognises the role planning has in conservation and the wise use of natural resources including stone to support both environmental quality and sustainable development. Planning should also ensure agricultural land is managed sustainably while acknowledging the economic importance of agricultural production.

Clause 17 Economic development encourages planning to provide for a strong and innovative economy. An objective is to strengthen and diversify the economy and strategies include supporting rural economies to grow and diversity.

Zone

Clause 35.07 Farming Zone (FZ)

Pursuant to the Benalla Planning Scheme the area of extraction is wholly contained within the Farming Zone (FZ). The purpose of the FZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

A planning permit is required to use the site for 'extractive industry' under Clause 35.07-1 of the FZ and for the associated works under Clause 35.07-4 of the FZ.

Relevant decision guidelines in the FZ include:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- Whether the use and development will require traffic management measures.

Clause 35.03 Rural Living Zone (RLZ)

The internal haul road is included in both the FZ and the Rural Living Zone (RLZ). The purpose of the RLZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

A planning permit is required for the proposed use under Clause 35.03-1 and for the associated works (haul road) under Clause 35.03-4.

Overlays

The subject site is not included in any planning overlays.

Particular Provisions

Clause 52.06 Car Parking

The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1 in Clause 52.06-5 prescribes carparking requirements for various defined uses. If a use is not listed in Table 1 of Clause 52.06-5, 'Earth and Energy Resources Industry' is not listed in Table 1 and in accordance with Clause 52.06-6 of the Benalla Planning Scheme car parking spaces must be provided to the satisfaction of the responsible authority (Council).

Clause 52.08 Earth and Energy Resources Industry

The purpose of Clause 52.08 of the Benalla Planning Scheme is:

- To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.
- To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.
- To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Clause 52.08-1 requires a planning permit to use and develop land for earth and energy resources industry unless the table to this clause specifically states that permit is not required. This includes extractive industry that complies with Section 77T of the *Mineral Resources (Sustainable Development) Act 1990*.

Section 77T of the *Mineral Resources (Sustainable Development) Act 1990* relates to an Environment Effects Statement (EES). A planning permit is not required for extractive industry if:

- a) *an Environment Effects Statement has been prepared under the Environment Effects Act 1978 on the work proposed to be done under the work authority; and*
- b) *an assessment of that Statement by the Minister administering the Environment Effects Act 1978 has been submitted to the Minister; and*
- c) *the work authority was granted by the Minister following the Minister's consideration of that assessment.*

An application for planning permit must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990*.
- The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*.
- Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990*.
 - An application to use or develop land for mining must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.
 - Unless the referral authority is the Head, Transport for Victoria, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

The application was referred to Earth Resources and followed up but no response has been received.

Clause 52.09 – Extractive Industry and Extractive Industry Interest Areas

The purpose of this particular provision is:

- To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.
- To ensure that excavated areas can be appropriately rehabilitated.
- To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

This clause applies to an application to use or develop land for extractive industry.

Decision guidelines at Clause 52.09-4 include:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.

- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the *Mineral Resources (Sustainable Development) Act 1990*.

Pursuant to Clause 52.09-5 the permit must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A planning permit for extractive industry must include:

- A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.

Conditions that are consistent with the requirements specified in Clause 52.09-6.

General Provisions

Clause 65 Decision Guidelines

Relevant decision guidelines include:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
VicTrack	Conditional consent
Earth Resources	No response
Heritage Victoria	No objection
Engineering	Conditional consent
Environmental Health	Conditional consent

CONSIDERATION OF OBJECTIONS

Ten objections were received to the proposed use and development.

The objections raised mainly common concerns relating to:

- Impact of heavy vehicles upon the local road network and site access safety concerns.
- Off-site impacts from noise and the proximity to homes.
- Off-site impacts from dust including silica.
- No demonstrated need for a sand quarry.
- Impact on the local tourism industry including the silo art trail.
- Impacts on groundwater.
- Not compatible with the land use zones.
- Rehabilitation of the site.
- Impact on agricultural land and productivity.

The objections are largely relevant planning considerations and reflect Council's and VCAT's earlier concerns with application P008/22 and the Council refusal to grant a planning permit being upheld by VCAT.

These are all addressed in more detail in the assessment below, however, it is evident that the applicant has provided a comprehensive response to these matters in the application material before Council, with the preparation of background reports prepared by various suitably qualified firms.

These reports, including the Operations Plan, provide more details on the operations and provide recommendations to ensure an appropriate land use outcome is achieved. The recommendations can be facilitated by planning permit conditions.

The two-lot subdivision approved under P0067-24 and relocation of the area of extraction has also had a significant impact on the proposal by increasing the setbacks of the operation from dwellings.

The objection relating to there being no demonstrated need for a quarry is not considered a relevant planning consideration. This is an economic decision for the applicant.

ASSESSMENT

Proximity of Dwellings and Noise

An Environmental Noise Assessment (Marshall Day Acoustics) submitted with the application material identifies the nearest noise receptors as:

- 935 Devenish Road, Devenish approximately 770m to the north/east of the operation (NB: the correct street address is 955 Devenish Road, Devenish.
- 1689 Dookie Devenish Road, approximately 1120m north of the operation
- 1707 Dookie Devenish Road, approximately 1100m north of the operation
- 1748 Dookie Devenish Road, approximately 1100m north of the operation.

The image below shows the area of extraction and location of the above nearest sensitive noise receptors (dwellings).

It is noted that this image does not show the location of the haul track through Lots B and C. It also shows the nearest sensitive receptor at 935 Devenish Road, however, the correct street address is 955 Devenish Road.

Residents of the above sensitive receptors are all objectors to the proposal.

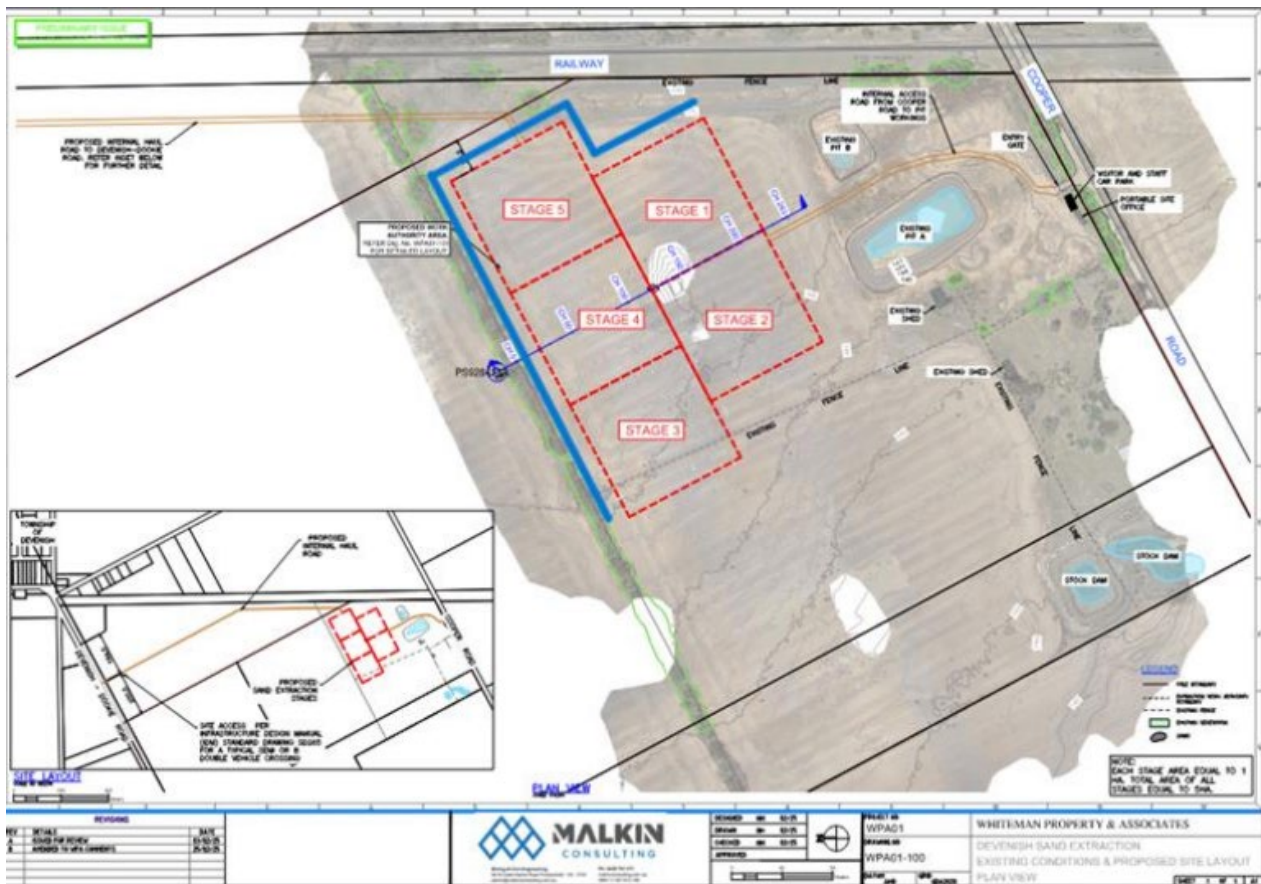


Noise protocols allow a temporary period for preliminary works to occur such as constructing the haul road and establishing earth bunds.

Predicted operation noise levels are as follows:

Receiver	Without bunding	With bunding	Noise limit
955 Devenish Road	47	43	45
1689 Dookie Devenish Road	44	38	46
1707 Dookie Devenish Road	44	40	46
1748 Dookie Devenish Road	46	43	45

For all sensitive receptors the day period noise limit is achieved with bunding in place. Provision of the bunding as proposed in the Environmental Noise Assessment can be facilitated by a condition of planning permit.



The Environmental Noise Assessment recommends a Noise Management Plan be prepared to manage noise related risks over the life of the project. It recommends matters to be addressed in a Noise Management Plan including:

- Nomination of maximum allowable noise levels for equipment items.
- A requirement for updated noise modelling if any assumptions made in the Environmental Noise Assessment were to change.
- A procedure for handling noise complaints.
- A process of investigating noise complaints.
- Ongoing measures to reduce the risk of harm due to noise.

Dust

The operations plan submitted with the application nominates various methods to manage dust emissions and these include:

- Increased setbacks to the nearest dwellings.
- A water truck will be onsite at all times for dust suppression along the haul road and process areas.
- Sprinklers will be fitted to stockpiles.
- Operations will cease on days when high winds could be in a direction to impact neighbours.
- Truck movements are limited to fourteen (14) per day with the majority of movements completed by midday.
- Trucks will be fitted with tarps which will be closed before exiting the site.
- An environmental dust monitor will be on site at all times and regular dust measurements will be recorded.
- The site manager will inspect plant dust control systems daily and will ensure dust monitoring of the site is completed.

Traffic impact

A Traffic Impact Assessment Report (TIAR) has been prepared by Traffic Works to support the application. The TIAR assessed traffic volumes and impact on the local road network, site access and carparking. The report noted the following increased traffic movements at intersections:

- Dookie-Devenish road and Benalla-Tocumwal Road, Devenish – no more than a 1.5 per cent increase.
- Cooper Road and Benalla-Tocumwal Road, Devenish – no more than 2.8 per cent increase.

The TIAR did make five recommendations which can be included in planning permit conditions:

1. Trim vegetation to ensure Safe Intersection Sight Distance for both approaches at the proposed driveway to Dookie-Devenish Road, Devenish.
2. At the site access to Cooper Road and the Cooper Road/Benalla-Tocumwal Road, Devenish intersection check to ensure the Safe Intersection Sight Distance is satisfied. If required, remedial actions such as trimming vegetation must occur before extraction commences.
3. Construct the heavy vehicle access to Dookie-Devenish Road, Devenish in accordance with Infrastructure Design Manual requirements.
4. If security gates are proposed to access the development they should be set back at least 20 metres from the edge of the traffic lane on Dookie-Devenish Road, Devenish.
5. Provide six car spaces for staff and visitors.

The additional traffic volumes are minimal and safe access and egress can be managed with some trimming of trees as required.

Council's engineer has also provided consent to the proposal subject to conditions. These conditions relate to drainage protection of Council assets and the recommendations provided in the TIAR by Traffic Works.

Rehabilitation

The submitted Operations Plan includes a Rehabilitation Proposal that includes the following:

- It notes the area of excavation is on land not currently being cropped and after the use has ceased the land shall be returned to be fit for an agricultural use.
- Rehabilitation includes previously disturbed areas outside the proposed 5ha extraction area.
- Rehabilitation will occur on a staged basis as each 1ha pit is completed.
- The excavation will be re-profiled with stockpiled overburden and topsoil, then reseeded to pasture.
- Rehabilitation of each stage will be completed prior to commencing the next stage.
- Reseeding will occur by spreading rye grass hay and the seeds within the hay will be allowed to germinate through natural processes. Uptake will be monitored weekly and watering shall occur if required.
- Once a minimum of 60 per cent grass cover is achieved silt dams will be decommissioned by:
 - Removal of water
 - Allow dam base to dry out
 - Re-profile silt dam wall material and cover with topsoil
 - Re-seed

- A 1ML dam will be constructed at the completion of works to act as a sum and drain surrounding lower area.

Flora and Fauna

The site has been used for cropping and grazing and also previously used for sand mining. The subject site is therefore disturbed and won't result in any impact on existing native vegetation. Once the activity has been completed all areas of disturbance will be rehabilitated and reseeded for pasture to enable it to return to productive agricultural use.

With the absence of native vegetation on site it does not provide habitat for native fauna. It is not considered there will be any impact on native flora and fauna.

Management of Waterways and Groundwater

The Hydrogeological report (Geotesta) identifies the groundwater table at 10m below surface level and the excavation will be up to 5m below surface level. Given this circumstance it is not anticipated there will be any impact on groundwater.

A Stormwater Management Plan (Axiom) accompanied the planning permit application and considered various matters including stormwater retention/detention, stormwater treatment and stormwater conveyance.

With respect to stormwater retention the report contends that due to the small increase in impervious surfaces and the sand quarry itself which will prevent stormwater runoff of rain that falls within its immediate area, there will be an overall reduction in surface runoff within and from the subject site.

Local increases in runoff from impervious surfaces can be managed with a 2,000 Litre water tank to be plumbed into the water fixtures associated with the building. Any dewatering of the pit should be retained on site in an ancillary basis and permitted to naturally infiltrate into the ground.

Due to the sandy soils being inherently susceptible to erosion any drainage channel or swale constructed to convey flows should have a flat, horizontal base of 1m minimum width and batter slopes no steeper than 1:6.

The Stormwater Management Plan recommends various measures to manage the effects of stormwater which include:

- De-watering of the quarry pit should be done to an on-site holding basin.
- Rainwater tanks be located adjacent to each building to capture roof drainage and re-use within the building.
- Drainage channels and swales be constructed to have a broad base and 1:6 batter slopes.

These recommendations can be implemented via a planning permit. It is also noted that due to the proximity of the groundwater to the area of disturbance, that dewatering of the quarry pit from the groundwater is not expected to be an issue. The only building proposed is a site office but this could readily be provided with a water tank.

PREVIOUS VCAT DECISION

Issue	Response
Nearest dwelling was 132m.	The area of extraction has changed and the nearest dwelling is now 684m. The re-subdivision of land has also facilitated this outcome.
Previous hours of operation were: Monday – Friday 7am – 7pm Saturday – 7am – 1pm Sunday – closed <i>(no reference to public holidays)</i>	Proposed hours of operation now are: Monday – Friday 7am to 4pm Saturdays, Sundays and Public Holidays - closed
No noise assessment	Environmental Noise Assessment provided demonstrates that noise to the nearest sensitive receptors is within acceptable limits. Reduced hours of operation also reduce potential impact to sensitive receptors.
No dust or air quality assessment	Section 8.0 in the submitted Operations Plan outlines management measures to mitigate the offsite impact from dust such as a water truck, sprinklers to stockpiles and dust monitoring. Operations will also cease on windy days that could impact nearby sensitive receptors. Reduced hours of operation also reduce potential impact to sensitive receptors.
No adequate detail of staging	Staging has clearly been identified – five x 1ha stages. Each to be rehabilitated before the next stage commences.
No environmental management plan	Section 8.0 in the submitted Operations Plan provides details on topsoil management, protection of native flora and fauna, management of waterways and groundwater, receptor impacts (noise, dust, ground vibrations), waste management and minimisation and fire management.
No adequate detail of proposed excavation methods, storage of material and other operational guidance	Section 7.0 in the submitted Operations Plan provides detail on the method of working including staging, topsoil and overburden, extraction method, hours of operation and personnel, dewatering, dangerous goods and community impacts.
No assessment of drainage impacts on the site or beyond	A hydrogeological assessment identifies the groundwater at 10m below ground level and the excavation depth is 5m above this. As such, there is not expected to be any impact on groundwater.
Lack of supporting documentation – some documents submitted after the VCAT application had been lodged – not in accordance with PNPE9 or as expert evidence	This application was accompanied by: <ul style="list-style-type: none"> ▪ Planning Report prepared by WPA, Rev 03, dated May 2025. ▪ Operations Plan prepared by Malkin Consulting, Rev C dated 26/03/2025 ▪ Traffic Impact Assessment Report prepared by Trafficworks dated 13/03/2025. ▪ Desktop Hydrogeological Study prepared by Geotesta, dated 13/03/2025. ▪ Stormwater Management Plan prepared by Axiom Consulting Engineers, Rev B dated 26/03/2025. ▪ Environmental Noise Assessment prepared by

Issue	Response
	Marshall Day Acoustics, Rev 01 dated 12/05/2025. <ul style="list-style-type: none"> Town Planning Drawings prepared by Whiteman Property & Associates.
Ability to rehabilitate the land	The submitted Operations Plan provides some detail on rehabilitation which is to occur on a staged basis as each area of extraction is completed and also includes already disturbed areas on the site. The rehabilitation plan can also be implemented by a Section 173 Agreement to ensure it is on title and makes clear the obligations to any future land owners.
Conflicting information in various reports	Greater consistency now. There are still some minor discrepancies or typographical errors but these can be confirmed via permit conditions.

It is evident that the applicant has taken on board the VCAT feedback from the previous application and the application before Council now is far more considered.

Some of the background reports have made various recommendations and these can be included as planning permit conditions. The submitted reports can also form part of the planning permit or be amended to provide additional requirements under a planning permit.

This will help ensure the suitable operation of the site for the proposed extractive industry and appropriate rehabilitation of the site.

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.*
- 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. P064-25 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 223 Cooper Road and 1726 Dookie Devenish Road, Devenish for the use and development of land for extractive industry in accordance with the plans as lodged with the application dated 28/03/2025 and subject to the following conditions:

- 1. Before the use and development starts, plans must be approved and endorsed by the responsible authority. The plans must:**
 - a. Be prepared to the satisfaction of the responsible authority.**
 - b. Be drawn to scale with dimensions.**
 - c. Submitted in electronic form.**
 - d. Be generally in accordance with the approved Operations Plan Revision C (prepared by Malkin Consulting) and submitted with the application, but amended to show the following details:**
 - i. Car parking spaces are to be a minimum of 4.9m x 2.6m and in accordance with the requirements of Clause 52.06 of the Benalla Planning Scheme.**
 - ii. Car parking spaces must be properly formed and drained and constructed of compacted crushed rock.**
 - iii. Shrubs and trees planted to screen the activity on the land.**
 - iv. Location and details of bunding including height and width along the north and east sides of the extraction areas.**
 - v. Location of drainage channels and swales.**
 - vi. The location of security gates if provided setback at least 20m from the edge of the traffic lane on Dookie-Devenish Road.**
 - vii. A Noise Management Plan as recommended in Section 5.5 of the Environmental Noise Assessment prepared by Marshall Day Acoustics dated 12 May 2025.**
 - viii. An Environmental Management and Monitoring Plan as recommended in Section 7.0 of the Geotesta Hydrogeological Study dated 13 March 2025.**
 - ix. Recommendations of the Stormwater Management Plan prepared by Axiom Consulting Engineers (Rev B) including:**

- That de-watering of the quarry pit should be done to an on-site holding basin that has sufficient capacity to entirely hold discharged water until it infiltrates.
- That rainwater tanks be located adjacent to each building so that roof drainage can be harvested and used within the building.
- That drainage channels and swales be constructed so that they have a broad base and 1:6 batter slopes.

x. Recommendations in Section 6 of the Traffic Impact Assessment Report prepared by Traffic Works dated 13 March 2025.

- 2. The layout of the proposed development must not be altered from the layout on the approved endorsed plans without the written consent of the responsible authority.**
- 3. Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.**
- 4. Prior to the commencement of extraction, the operator must lodge a bond equivalent to 120 per cent of the costs of rehabilitation of the site. A cost estimate is to be provided and the bond amount is to be calculated on:**
 - a. The cost of rehabilitating disturbed areas.**
 - b. CPI adjustments over time to reflect inflation.**

Progressive rehabilitation must occur on a staged basis during the life of the quarry. The bond amount must be reviewed every three years and updated to reflect current costs.
- 5. Shrubs and trees must be planted and maintained to screen activity on the land.**
- 6. The use and development must be managed so 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. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, team, soot, ash, dust, waste water, waste products, grit or oil.**

to the satisfaction of the responsible authority.
- 7. At all times noise emanating from the land must comply with the requirements of the Environmental Protection Regulations 2021 (as amended from time to time) as measured to the satisfaction of the responsible authority.**
- 8. Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.**
- 9. Before the use starts, the operator must install and maintain to the satisfaction of the responsible a Noise Monitor and Limiter (“the Device”). The Device must be set at a level by a qualified acoustic engineer to ensure the escape of noise from the land does not exceed the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol.**

10. Within 6 months of the use starting, a report prepared at the permit holders expense must be submitted to the responsible authority. The report must:
- Be prepared to the satisfaction of the responsible authority.
 - Be prepared by a suitably qualified engineer.
 - Confirm that the Device is operating and has the following characteristics which are also operating:
 - The Device limits noise levels to ensure compliance with the *Environment Protection Regulations 2021*.
 - The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the owner of the land and notified to the responsible authority.
 - The monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person).
 - The Device demonstrates compliance with noise limits in the *Environment Protection Regulations 2021*.

If the monitoring finds compliance is not being achieved with NIRV additional noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.

11. The use must only operate between the following times:
- 7am and 4pm Monday to Friday
 - Closed Saturdays, Sundays and Public Holidays

The responsible authority may consent in writing to vary these requirements.

12. No fewer than six (6) car parking spaces must be provided on the land.
13. No native vegetation may be removed from the land unless with the further written consent of the responsible authority.
14. Before the use starts, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:
- Details of site rehabilitation including from previous and proposed extractive industry activities.

The owner of the land must pay all the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Engineering Conditions

15. The proposed works must not cut off natural drainage from adjacent properties.
16. All stormwater generated from the proposed quarry shall be discharged on to the subject allotment.
17. Prior to the commencement of the Work Authority, a new access to the Dookie-Devenish Road shall be constructed. The vehicle accesses must be constructed at the applicant's expense and be in accordance with the Infrastructure Design Manual drawing SD265 for a rural entrance. Gate access shall be setback 20m from the Dookie-Devenish Road traffic lanes.

18. Prior to the commencement of use, vegetation trimming is required at the proposed access with the Dookie-Devenish Road to achieve safe intersection sight distance as recommended by the Trafficworks Transport Impact Assessment Report 240497.
19. Parking be provided as recommended in the Trafficworks Transport Impact Assessment Report 240497.
20. Any damage to Council assets (i.e. roads, table drains etc) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.
21. No additional vehicle accesses may be constructed apart from those endorsed on the approved plan.
22. Access to and from the site from Dookie-Devenish Road must be designed and constructed in accordance with the Council's IDM and SD265 and include a sealed pavement up to the boundary of the site. This must be maintained for the duration of the use to the satisfaction of the Responsible Authority.

Environmental Health Conditions

23. All sewage and sullage wastewater from the proposed development site must be discharged into a new on site wastewater management system which is approved in accordance with the Joint Accreditation System of Australia and New Zealand (JASANZ), retain all wastes within the boundaries of the land, and is located to the satisfaction of the Responsible Authority.

VicTrack Conditions

24. No entry to railway land is permitted without the written consent of VicTrack
25. At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, all at no cost to VicTrack to prohibit unauthorised access to the rail corridor.
26. Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.
27. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to railway land.
28. No lighting (permanent or temporary) may be erected at any time that spills unreasonable light onto the railway tracks, or which interferes with the visibility of signals and rail lines by train drivers.
29. Any damage to railway infrastructure or disruption to the rail operations, arising out of or in connection with the development must be reported and rectified to the satisfaction of the Head, Transport for Victoria, and VicTrack within fourteen (14) days of such damage or disruption occurring or such other time agreed by the Head TfV, and VicTrack.

Expiry

30. This permit will expire if use and development is not started within 5 years of the issued date of this permit.
The Responsible Authority may extend the commencement date if a request is made in writing by the owner or the occupier of the land to which the permit applies before the permit expires or within 6 months afterwards.

General Notes

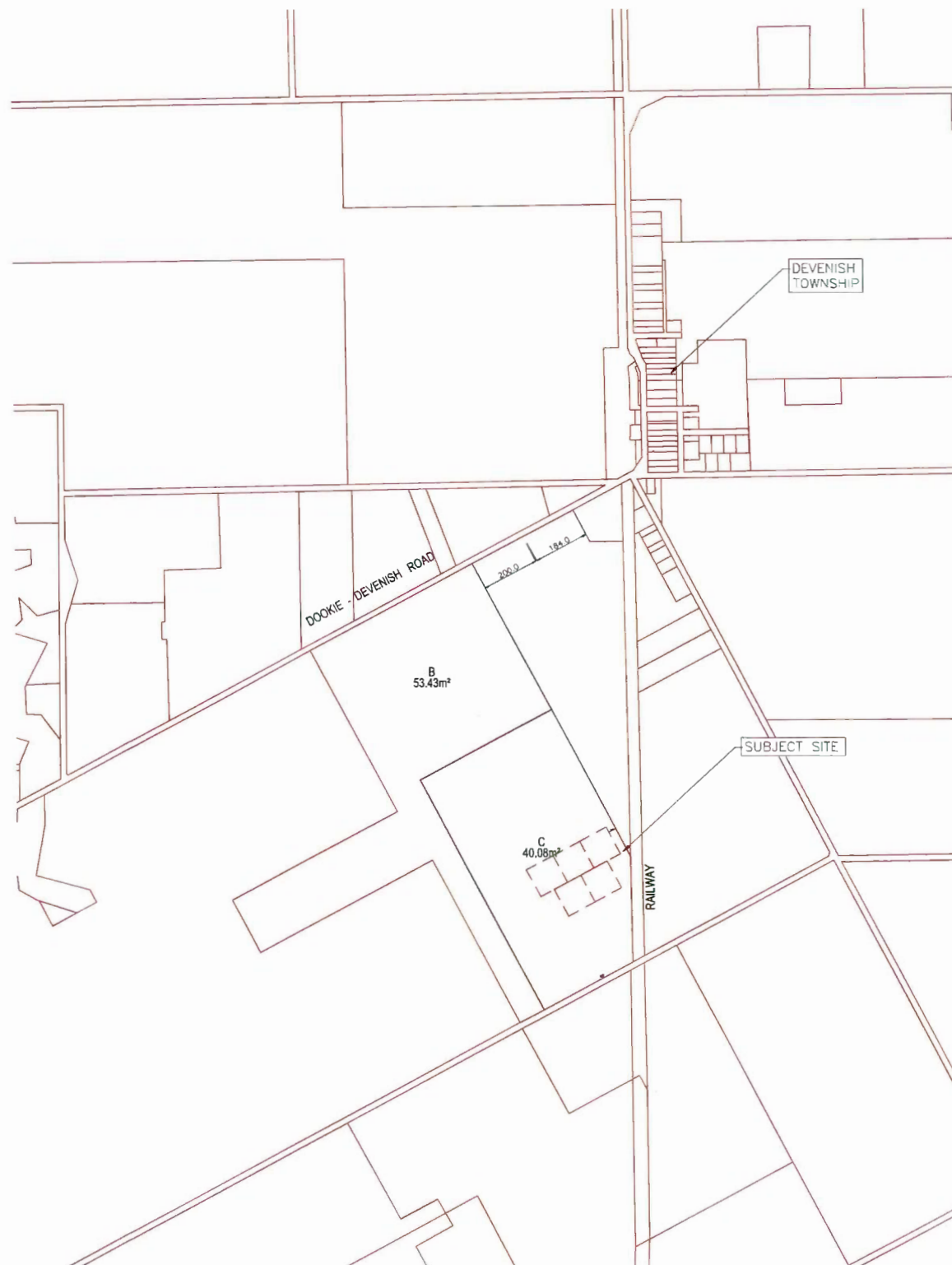
- 1. The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**
- 2. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.**
- 3. A consent to work within a road reserve must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.**
- 4. It should be noted that the Victorian Heritage Inventory is not a comprehensive list of all archaeological sites in the state. The absence of sites in the VHI is not necessarily reflective of the distribution of archaeological sites on the ground. Please note that the Heritage Act 2017 provides blanket protection for all historical archaeological sites in Victoria. If archaeological deposits are identified at any stage during works, Heritage Victoria (DTP) must be notified immediately.**

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DEVENISH SAND EXTRACTION QUARRY

OPERATIONS PLAN

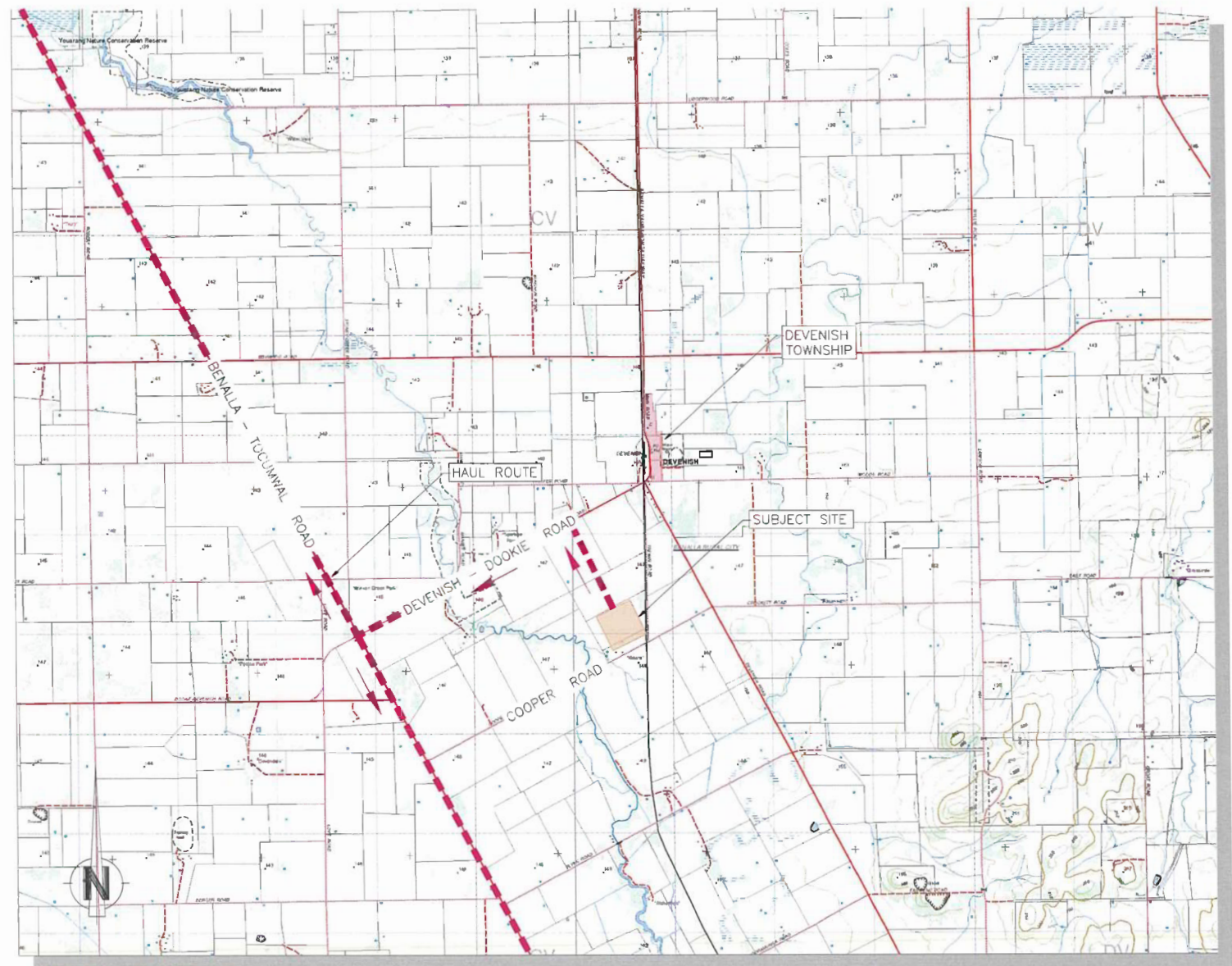
COOPER ROAD, DEVENISH



PLAN VIEW - EXISTING LAND PARCELS
SCALE 1:10000

PRELIMINARY ISSUE
NOT TO BE USED FOR CONSTRUCTION

Appendix 1



PLAN VIEW - LOCALITY PLAN
NOT TO SCALE

Drawing Index

- 100: LOCALITY PLAN AND AERIAL
- 101: STAGE PROPOSAL
- 102: SECTION A & TYPICAL STAGE LAYOUT

Client:	WHITEMAN PROPERTY & ASSOC.
Job:	DEVENISH SAND EXTRACTION
Job No:	WPA01
Drawing No:	WPA01 - COVER
Revision:	C - FOR SUBMISSION
Date:	26th MARCH 2025



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PRELIMINARY ISSUE
NOT TO BE USED FOR CONSTRUCTION

PROPOSED INTERNAL HAUL ROAD TO DEVENISH-DOOKIE ROAD. REFER INSET BELOW FOR FURTHER DETAIL.

LEGEND

- TITLE BOUNDARY
- EXTRACTION WORK AUTHORITY BOUNDARY
- EXISTING FENCE
- EXISTING VEGETATION
- DAMS

NOTE:
EACH STAGE AREA EQUAL TO 1 HA. TOTAL AREA OF ALL STAGES EQUAL TO 5HA.

STAGE 5

STAGE 1

STAGE 2

STAGE 3

STAGE 4

PS928413A

RAILWAY

EXISTING FENCE LINE

INTERNAL ACCESS ROAD FROM COOPER ROAD TO PIT WORKINGS

EXISTING PIT B

ENTRY GATE

VISITOR AND STAFF CAR PARK - 6 SPACES MIN.

PORTABLE SITE OFFICE

EXISTING PIT A (DEWATERING HOLDING BASIN)

EXISTING SHED

EXISTING SHED

COOPER ROAD

STOCK DAM

STOCK DAM

EXISTING FENCE LINE

EXISTING FENCE LINE

EXISTING FENCE LINE

CH 0

CH 50

CH 100

CH 150

CH 200

CH 245

PROPOSED WORK AUTHORITY AREA. REFER Drg. No. WPA01-101 FOR DETAILED LAYOUT.

TOWNSHIP OF DEVENISH

DEVENISH - DOOKIE ROAD

COOPER ROAD

PROPOSED SAND EXTRACTION STAGES

SITE ACCESS PER INFRASTRUCTURE DESIGN MANUAL (IDM) STANDARD DRAWING SD265 FOR A TYPICAL SEMI OR B DOUBLE VEHICLE CROSSING

SITE LAYOUT
SCALE AS BELOW

0 200 400 Meters

PLAN VIEW
SCALE 1:1250

SCALE 1:1250



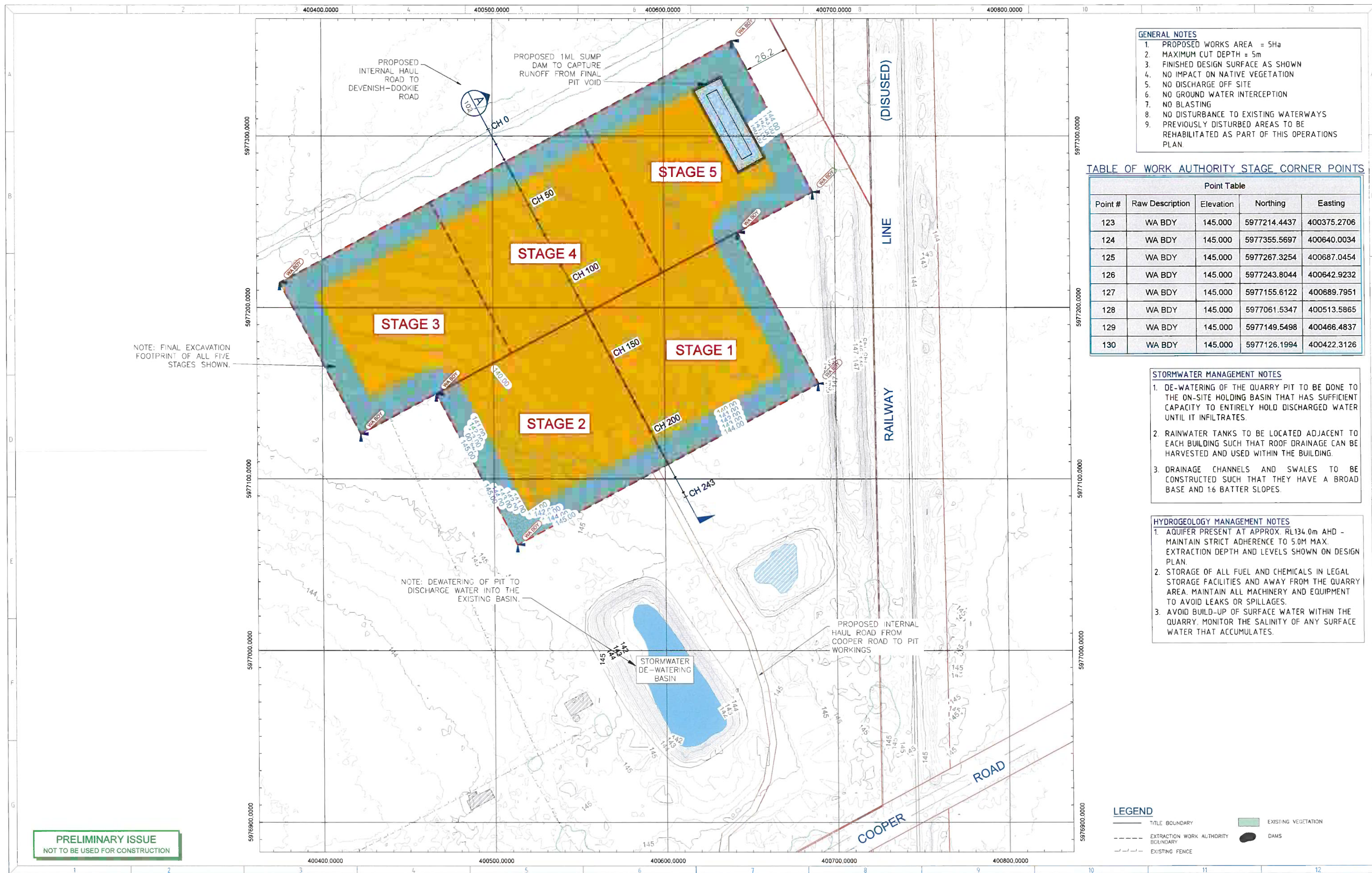
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WHITEMAN PROPERTY & ASSOCIATES

DEVENISH SAND EXTRACTION
EXISTING CONDITIONS & PROPOSED SITE LAYOUT
PLAN VIEW



- GENERAL NOTES**
1. PROPOSED WORKS AREA = 5Ha
 2. MAXIMUM CUT DEPTH = 5m
 3. FINISHED DESIGN SURFACE AS SHOWN
 4. NO IMPACT ON NATIVE VEGETATION
 5. NO DISCHARGE OFF SITE
 6. NO GROUND WATER INTERCEPTION
 7. NO BLASTING
 8. NO DISTURBANCE TO EXISTING WATERWAYS
 9. PREVIOUSLY DISTURBED AREAS TO BE REHABILITATED AS PART OF THIS OPERATIONS PLAN.

TABLE OF WORK AUTHORITY STAGE CORNER POINTS

Point Table				
Point #	Raw Description	Elevation	Northing	Easting
123	WA BDY	145.000	5977214.4437	400375.2706
124	WA BDY	145.000	5977355.5697	400640.0034
125	WA BDY	145.000	5977267.3254	400687.0454
126	WA BDY	145.000	5977243.8044	400642.9232
127	WA BDY	145.000	5977155.6122	400689.7951
128	WA BDY	145.000	5977061.5347	400513.5865
129	WA BDY	145.000	5977149.5498	400466.4837
130	WA BDY	145.000	5977126.1994	400422.3126

- STORMWATER MANAGEMENT NOTES**
1. DE-WATERING OF THE QUARRY PIT TO BE DONE TO THE ON-SITE HOLDING BASIN THAT HAS SUFFICIENT CAPACITY TO ENTIRELY HOLD DISCHARGED WATER UNTIL IT INFILTRATES.
 2. RAINWATER TANKS TO BE LOCATED ADJACENT TO EACH BUILDING SUCH THAT ROOF DRAINAGE CAN BE HARVESTED AND USED WITHIN THE BUILDING.
 3. DRAINAGE CHANNELS AND SWALES TO BE CONSTRUCTED SUCH THAT THEY HAVE A BROAD BASE AND 1:6 BATTER SLOPES.

- HYDROGEOLOGY MANAGEMENT NOTES**
1. AQUIFER PRESENT AT APPROX. RL134.0m AHD - MAINTAIN STRICT ADHERENCE TO 5.0M MAX. EXTRACTION DEPTH AND LEVELS SHOWN ON DESIGN PLAN.
 2. STORAGE OF ALL FUEL AND CHEMICALS IN LEGAL STORAGE FACILITIES AND AWAY FROM THE QUARRY AREA. MAINTAIN ALL MACHINERY AND EQUIPMENT TO AVOID LEAKS OR SPILLAGES.
 3. AVOID BUILD-UP OF SURFACE WATER WITHIN THE QUARRY. MONITOR THE SALINITY OF ANY SURFACE WATER THAT ACCUMULATES.

- LEGEND**
- TITLE BOUNDARY
 - EXTRACTION WORK AUTHORITY BOUNDARY
 - EXISTING FENCE
 - EXISTING VEGETATION
 - DAMS

PRELIMINARY ISSUE
NOT TO BE USED FOR CONSTRUCTION

REVISIONS		
REV	DETAILS	DATE
A	ISSUED FOR REVIEW	10/02/25
B	UPDATED TO SW AND HYDROGEOLOGICAL COMMENTS	26/03/25

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ABN 71 087 815 166

DESIGNED NM 03/25
DRAWN NM 03/25
CHECKED 03/25
APPROVED

1:1000 (A1) 0 25 50m
1:2000 (A3) SCALEBAR (m)

PROJECT NO
WPA01

DRAWING NO
WPA01-101

DATUM AHD GRID GDA2020

WHITEMAN PROPERTY & ASSOCIATES

**DEVENISH SAND EXTRACTION
DEVELOPMENT PLAN
PLAN VIEW**

SHEET 1 OF 1 A1

2. Planning Application To Construct And Display An Electronic Promotion Sign At 26 Bridge Street, Benalla

Ref: 683252461-91
Nilesh Singh – Manager Development
Joel Ingham – Planning Coordinator

PURPOSE OF REPORT

This report assesses a planning application received to construct and display an electronic promotion sign at 26 Bridge Street East, Benalla.

BACKGROUND

Site Address	26 Bridge Street East, Benalla
Existing Use	<p>The site is currently used as a real estate office and is located within the retail centre of Benalla. The intersection of Bridge Street East and Nunn Street is signalised.</p> <p>The site has an area of 334.91m² and is developed for a commercial building fronting Bridge Street East. An at grade car park exists to the southern (rear) portion of the site fronting Nunn Street and Fawckner Drive.</p> <p>A two storey podium is located at the Bridge Street East frontage and wraps around the sideage to Nunn Street.</p>
Proposal	To construct and display an electronic promotion sign and buildings and works to alter the facade
Applicant	Aimee Trew – Gawk Outdoor
Zone	<ul style="list-style-type: none">Commercial1 Zone (C1Z)Transport Zone Schedule 2 (TRZ2) abutting the site along Bridge Street East. <p>Permit trigger:</p> <ul style="list-style-type: none">Clause 34.01-4 (C1Z) buildings and works
Overlays	<ul style="list-style-type: none">Design and Development Overlay Schedule 1 (DDO1)Design and Development Overlay Schedule 6 (DDO6)Land Subject to Inundation Overlay (LSIO)Parking Overlay – Precinct 1 Schedule (PO1)
Particular Provisions	<ul style="list-style-type: none">Clause 52.05 – SignsClause 65.01– Decision Guidelines <p>Permit trigger:</p> <ul style="list-style-type: none">Clause 52.05-11
Referrals	<ul style="list-style-type: none">Department of Transport and PlanningHeritage

PROPOSAL

The proposal is for the construction and display of an electronic promotion sign at the subject site to include the display of third party advertising.

The proposed sign has the following characteristics:

- 16-meters squared (2-meter x 8-meter) of display area to be located on the west facing façade (Nunn Street, Benalla) on the podium wall above the verandah.
- Existing sign on the west facing façade is to be removed.
- Will primarily be viewed by eastbound traffic on Bridge Street East, Benalla.
- Will also be visible for southbound traffic on Nunn Street, Benalla.
- An additional 0.27-meters squared of advertising for Gawk (applicant).
- The sign will be electronic and the messaging can be changed.
- The sign will be installed with a two way brightness sensor based on a maximum calibrated screen brightness of 7000-candelas per square meter.
- Black paint finish to all features, trims and lighting.
- Skirting board of colorbond with night sky finish.
- The proposed sign extends approximately 3-meters beyond the existing parapet.

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

SITE AND SURROUNDS

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

The subject site is located on the south east corner of Bridge Street East and Nunn Street, Benalla a key intersection and location within the retail hub of the town centre. The building forms an important part of the built form fabric within the town centre.

The extensive parklands associated with Lake Benalla are immediately south of Fawckner Drive, Benalla to the rear of the site and the Benalla Library is located to the south west of the subject site.

Bridge Street East, Benalla is the key vehicular and pedestrian link through the town centre and is an attractive thoroughfare with mature trees on each side of the street. The mature tree planting continues on both sides of Nunn Street, Benalla north of Bridge Street East, Benalla and on the east side of Nunn Street, Benalla south of Bridge Street East, Benalla.

The subject site has some existing signage above the verandah, however this is not electronic or illuminated and is contained within the existing parapet wall.

The two storey building located on the north/east corner of Bridge Street East and Nunn Street, Benalla (25 Bridge Street East, Benalla) is an iconic building within the streetscape and has limited signs to help preserve its heritage integrity.

The adjoining and nearby properties are all contained within the same planning controls, except the subject site and adjoining properties to the east up to 44 Bridge Street East, Benalla are not included within a Heritage Overlay. However properties to the north and west are included in Heritage Overlay 26 Benalla Central Urban Conservation Area.

Heritage Overlay

HERITAGE OVERLAY (HO)



Image 1 – view showing context of subject site and heritage overlay to north and east.



Image 2 – view from library towards proposed sign

LOCALITY MAP



PUBLIC NOTIFICATION

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

- placing a sign on each of the frontages (Bridge Street East and Nunn Street, Benalla)
- sending notices to all adjoining and opposite landowners and occupiers.

One objection was received and is summarised later in this report.

PLANNING SCHEME PROVISIONS

Municipal Planning Strategy (MPS)

Clause 02.03-1 of the Benalla Planning Scheme recognizes Benalla as the major urban centre of the municipality and provides the focus for most residential, commercial, retain and industrial opportunities.

Clause 02.03-5 of the Benalla Planning Scheme recognizes Benalla's neighbourhood character and that Lake Benalla provides a significant natural attraction in the centre of the town.

"Together with the Benalla Botanical Gardens, established in 1887, this setting provides an attractive focus for the town".

In promoting development that respects neighbourhood character, Council seeks to:

- *Protect established neighbourhood character while providing for urban growth.*
- *Ensure that new development responds to the established neighbourhood character of an area.*

Planning Policy Framework (PPF)

Clause 11.03-1L Benalla Central Business District applies to retail and office use and development in Benalla (city).

The objective of this policy is:

- *To reinforce the structure and function of the Benalla Central Business District (CBD).*

Relevant strategies include:

- *Protect and enhance the existing character of commercial centres.*
- *Encourage 'landmark' and 'gateway' buildings on Bridge Street/Sydney Road, Coster Street, and Midland Highway that provide visual interest, are distinguished from surrounding buildings and that use a variety of quality finishes made from robust, durable and attractive materials.*

Clause 12 Environmental and Landscape Values seeks to protect, restore and enhance sites and features of landscape value.

Clause 12.05-2S Landscapes has the objective:

- *To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

Relevant strategies include:

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 15.01-1S Urban design 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.*

Relevant strategies include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

Clause 15.01-5S Neighbourhood character has the objective:

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

Relevant strategies include:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *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:*
 - *Underlying natural landscape character and significant vegetation.*
 - *Neighbourhood character values and built form that reflect community identity.*

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 34.01 Commercial 1 Zone (C1Z)

The site is wholly located within the Commercial 1 Zone. The purpose of the Commercial 1 Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

A permit is required for buildings and works within the Commercial 1 Zone. Sign requirements are at Category 1 of Clause 52.05.

OVERLAYS

Clause 43.02 Design and Development Overlay Schedule 1 – Aerodrome Environs Area Benalla

Clause 43.02-4 of the DDO states that sign requirements are at Clause 52.05 unless specified in a schedule to the overlay.

No sign provisions are specified in the DDO1 and therefore a planning permit is not required for the proposed sign under these provisions.

Clause 43.02 Design and Development Overlay Schedule 6 – Fawckner Drive and Lowry Place – Business 1 Zone.

Clause 4.0 of the DDO6 states that:

- *In addition to decision guidelines at Clause 52.05.02, signs must be designed to integrate with the architectural style and character of the building and streetscape image and should be included as an integral part of the design theme of the development or shopfront façade treatment.*

Planning permit considerations include:

- *An assessment of urban design and landscape context of the site and adjoining land.*
- *How the proposal will impact on and enhance views to and from the Lake environs.*
- *How the proposal will enhance visual, pedestrian and cycle links to Lowry Place.*
- *How the proposal protects environmental qualities of the riverine environment and floodplain.*

The subject site is also included within the Parking Overlay Precinct 1 Schedule (PO1) and Land Subject to Inundation Overlay (LSIO), however these have no bearing upon the application.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Department of Transport and Planning (DTP)	No objection subject to conditions
Heritage Advisor	Recommends refusal

PARTICULAR PROVISIONS

Clause 52.05 – Signs

The purpose of Clause 52.05 is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Relevant decision guidelines include:

- *The character of the area.*
- *Impacts on views and vistas*
- *The relationship to the streetscape, setting or landscape.*
- *The impact of any illumination.*
- *The need for identification and the opportunities for adequate identification on the site or locality.*
- *The impact on road safety.*

As the site is in a C1Z the provisions of Category 1 of Clause 52.05 apply which is minimum limitation with the following purpose:

- *To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.*

No signs are prohibited.

Pursuant to Clause 73.02 Sign Terms of the Benalla Planning Scheme, the proposed sign is defined as an electronic promotion sign. As the sign is internally illuminated and exceeds 1.5-meters squared a planning permit is required.

Clause 52.05-3 requires an application for an animated or electronic sign within 60 metres of an arterial road to be referred under the *Road Management Act 2004* in accordance with Section of 55 of the Act to the referral authority specified in Clause 65.03 or a schedule to the clause. Accordingly the application was referred to the Department of Transport and Planning.

CONSIDERATION OF OBJECTIONS

One objection was received to the proposed development.

This objection raised the following concerns:

1. Safety for pedestrians and vehicles due to distraction from the sign.
2. An eyesore to the town, particularly in the context of the beautiful street art.

The application was referred to Department of Transport and Planning who requested further information from the applicant including a Traffic Impact Assessment, Traffic Safety Audit and a Lighting Impact Assessment. This information has been submitted by the applicant for review and is currently back with the Department of Transport and Planning for assessment.

In addition to quite extensive street art there have been other streetscape improvements such as feature lighting and the proposed sign will detract from these improvements.

ASSESSMENT

The proposed subdivision is considered to not comply with various policy objectives of the Municipal Planning Strategy and Planning Policy Framework, as well as the considerations of the DDO6 of the Benalla Planning Scheme.

Following a request for further information a Visual Impact Assessment was prepared and submitted by the applicant. This report has analysed views to the proposed sign from various aspects nearby. The Visual Impact Assessment is considered flawed for various reasons:

- Photo montages do not show the proposed sign and instead rely upon views based on the existing sign.
- It does recognise views into the site are filtered by deciduous trees, but underplays the impact of views when the trees have no foliage.
- It does not recognise that the proposed sign extends beyond the existing façade.
- It does not have regard to the heritage context and surrounds of the site and impact on views towards buildings with heritage value.
- Typically a Visual Impact Assessment would be prepared by a suitably qualified expert such as a landscape architect. This report has been prepared by the applicant which is an outdoor billboard company.

If approved the sign would have a negative impact on the streetscape, particularly with regard to the heritage values in the immediate environs of the subject site. It will also have a negative impact on views in the environs of Lake Benalla and the surrounding parkland.

There are no other electronic billboards in the commercial hub of the town centre and if approved the sign would create an undesirable precedent.

The existing sign, although above verandah, is contained within the existing parapet. The proposed sign extends beyond the existing parapet by approximately three metres and has no relationship to the existing built form.

The City of Benalla Conservation Study, prepared by Trevor Budge and Associates, dated January 1992 identifies the building at the north west corner of Bridge Street East, Benalla and Nunn Street, Benalla (25 Bridge Street East, Benalla) as a significant building.

The Conservation Study notes the Central Benalla Historic Area as being local significant for its role as the commercial centre of the City since 1850.

Heritage Advice

The subject site is adjacent to significant places within The Central Benalla Urban Conservation Area (HO26). The proposed location for the signage is also proximate to the lake and a number of places included in the Victorian Heritage Register.

Statement of Significance

The Central Benalla Urban Conservation Area (HO26) is locally significant for its role as the commercial centre of the City since 1850s. This significance is demonstrated by the surviving physical evidence of the following formative influences:

- The river crossing, its importance now being recalled by the remaining hotels and the bridge.
- The railway, its role being recalled by the buildings situated on the Station ground as well by the hotels and shops nearby.
- The exploitation of Bridge and Nunn Streets, Benalla as the principal shopping streets, supported by Carrier and Mair Streets, Benalla.
- The development of favoured residential areas in Nunn, Mitchell and Mair Streets, Benalla and of less prestigious areas in Carrier Street to the east of Carrier Street, Benalla.
- Property investment, undertaken by important citizens and companies in Benalla including George Sharpe, William Blackburne, A Miller and co. and others.
- Local government, through its offices and hall and by virtue of its street management works including street trees and drainage.

(Source City of Benalla Conservation Study Vol 3, p26)

The proposed electronic signage is 8-meters long and 2-meters high and it is proposed to locate this signage on the upper wall area of a commercial building which sits on the north western corner of Bridge Street East and Nunn Street, Benalla.

The proposed signage catchment area lies within the Benalla Urban Conservation Area (Nunn Street and Bridge Street East, Benalla). Its proposed location lies within a discrete area not included in the Conservation Area. There is also a peripheral impact when approaching the proposed signage location from the Monash Bridge and the lakeside areas.

The prevailing historic built form within the immediate catchment area, which includes the conservation areas, has a distinct commercial character. This is articulated through ground floor shop fronts, single storey buildings with parapets and canopies and two storey buildings with canopies/verandahs. The signage for these buildings is largely found at traditional locations such as the parapet, canopy fascia, under awning signage and shop front signage.

The signage is proportionate to these locations and is largely of a similar extent and scale. This is legible and provides a visual consistency. Compatible locations for signage and appropriately scaled signage is supportive of the aesthetic and historic significance of the conservation area. The signage is proposed to be located on an upper wall section which is not typical or representative of typical locations for signage.

The proposed scale of the signage as a proportional area to built form has no comparison or precedent within these areas. This is exacerbated by the medium – LED electronic signage that will constantly change.

This divergent character will have a significant impact on the visual amenity and the aesthetic significance of the catchment area. Through a non-traditional language - both location, scale and medium it will provide a significant visual change to what is an important cultural area for the city of Benalla and will compromise the heritage values of this area.

In a broader sense this development is proximate to Lake Benalla and this area has a high cultural value with large areas included on the Victorian Heritage Register. As a shoulder development within this area it is not sympathetic to the identified values instead it will provide a jarring contrast to the extant aesthetic values.

Any deviation from what is a clearly identified and established character has the capacity to become the defining element in what is a sensitive interface with a discrete commercial area and conservation area. This is not ideal if the aspiration is for a quality public environment that has a consideration for its heritage values as well as the broader commercial character of any area.

The prevailing character is evident in the commercial areas (both the heritage overlay areas and commercial areas). Signage is found at traditional locations such as the parapet, canopy fascia, under awning signage and shop front signage. The signage is generally proportionate to these locations and is largely of a similar extent and scale. This can be compared to the atypical location proposed for the new sign, the scale and visual impact provided by electronic signage.

It is considered the proposed signage will have a marked impact on the adjacent heritage buildings and conservation area in general. It has the capacity to overwhelm the prevailing historical and aesthetic character of the conservation area as it will become a dominant feature through its scale, location and electronic medium. It also has the potential to become a defining feature because it is contradictory to the prevailing signage character.

The Council's Heritage Advisor recommends the application be refused in its current form as it does not satisfy the DDO6 objectives and decision guidelines.

Traffic Impact

The proposal is for an electronic sign located within 60m of an arterial road. As a result the proposal required referral to the DTP based on traffic and pedestrian safety principles. DTP have advised of no objection to the proposal subject to conditions which include the following:

- Any mitigation measures identified in the Traffic Impact Assessment and the Lighting Impact Assessment must be provided.
- A Lighting Compliance Report must be submitted to and approved by the Responsible Authority and Head, Transport for Victoria.
- The sign must meet applicable luminance levels.
- No display may be displayed for less than 30 seconds.
- Any display change must occur in 0.1 seconds or less.
- The operator must keep a compliance record for the operation of the sign.

Subject to the DTP conditions it is considered that the proposal will not have an unreasonable impact to vehicle and pedestrian safety using the road arterial road network.

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.*
- *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. P012-25 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse a Permit under the provision of the Benalla Planning Scheme in respect of the land known and described as 26 Bridge Street East, Benalla for the erection and display of an electronic promotion sign subject to the following grounds:

1. The proposed sign does not meet the Municipal Planning Strategy including Clause 02.02-5 of the Benalla Planning Scheme as it will have a detrimental impact upon views from Lake Benalla.
2. The proposed sign does not meet the objective of Clause 11.03-1L of the Benalla Planning Scheme as it will have a detrimental impact upon the nearby landmark building at the intersection of Bridge Street East and Nunn Street Benalla.
3. The proposed sign does not meet the objective of Clause 12.05-2S of the Benalla Planning Scheme as it will have a detrimental impact upon nearby parkland.
4. The proposed sign does not meet the objective of Clause 15.01-1S of the Benalla Planning Scheme as it will have a detrimental impact on amenity, the natural and built environment.
5. The proposed sign does not meet the objective of Clause 15.01.1S of the Benalla Planning Scheme as it does not promote good urban design along the abutting transport corridor.
6. The proposed sign does not meet the objective of Clause 15.01-5S of the Benalla Planning Scheme as it will have a detrimental impact on the character of the Benalla town centre.
7. The proposed sign does not accord with the requirements of the Design and Development Overlay Schedule 6 in the Benalla Planning Scheme as it does not integrate with the architectural style and character of the building and streetscape.
8. The proposed sign does not accord with the requirements of the Design and Development Overlay Schedule 6 in the Benalla Planning Scheme as it will have a marked impact on the adjacent heritage buildings and conservation area in general.
9. The proposed sign does not meet the purpose Clause 52.05 of the Benalla Planning Scheme as it is not compatible with the existing or desired future character and will adversely affect both the natural and built environment.

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BENALLA - PROPOSED DEVELOPMENT OF A
SINGE SIDED, ELECTRONIC, WALL-MOUNTED
PROMOTION SIGN AND FAÇADE ALTERATION

26 BRIDGE STREET EAST,
BENALLA VIC 3672

TOWN PLANNING DRAWINGS

- A01 COVER PAGE
- A02 SITE PLAN
- A03 FLOOR PLAN & ELEVATIONS
- A04 PERSPECTIVE VIEWS



PHOTO 01

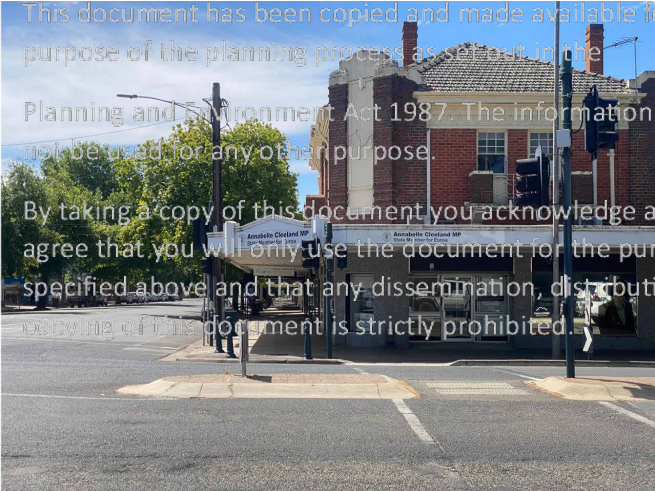


PHOTO 02



PHOTO 03



PHOTO 04



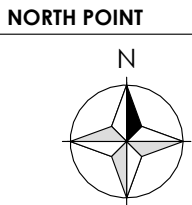
KEY PLAN
SCALE 1 : 1000

PHOTO LEGEND	
NO.	DESCRIPTION
01	PHOTOGRAPHIC VIEW OF THE PROPOSED LOCATION FOR THE SIGN FROM NUNN STREET.
02	PHOTOGRAPHIC VIEW NORTH FROM PROPOSED LOCATION FOR THE SIGN.
03	PHOTOGRAPHIC VIEW WEST FROM PROPOSED LOCATION FOR THE SIGN.
04	PHOTOGRAPHIC VIEW SOUTH FROM PROPOSED LOCATION FOR THE SIGN.

ISSUE/AMMENDMENTS SCHEDULE	
01	21/11/2024 TOWN PLANNING ISSUE
TOWN PLANNING	
NOT FOR CONSTRUCTION	



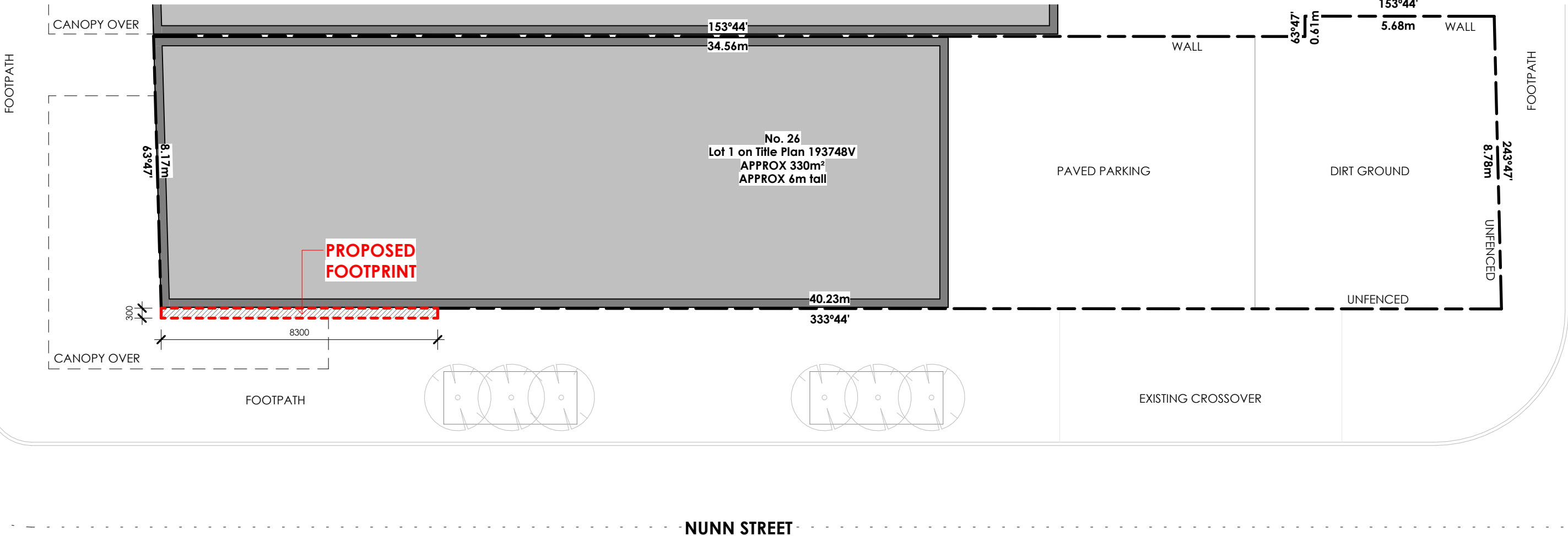
PROJECT
BENALLA - PROPOSED DEVELOPMENT OF A SINGE SIDED, ELECTRONIC,
WALL-MOUNTED PROMOTION SIGN AND FAÇADE ALTERATION
ADDRESS
26 BRIDGE STREET EAST,
BENALLA VIC 3672



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PROJECT NO. 24-085	PAGE SIZE A3	ISSUE NO. 01

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BRIDGE STREET



SITE PLAN
SCALE 1 : 125

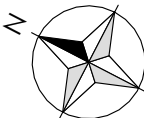
LEGEND	ISSUE/AMMENDMENTS SCHEDULE
<div><div></div>PROPERTY BOUNDARY</div> <div><div></div>EXISTING BUILDINGS ONSITE</div> <div><div></div>PROPOSED ADVERTISING & PROMOTION SIGN FOOTPRINT</div>	<div>01 21/11/2024 TOWN PLANNING ISSUE</div> <div>TOWN PLANNING NOT FOR CONSTRUCTION</div>



PROJECT
BENALLA - PROPOSED DEVELOPMENT OF A SINGE SIDED, ELECTRONIC, WALL-MOUNTED PROMOTION SIGN AND FAÇADE ALTERATION

ADDRESS
26 BRIDGE STREET EAST,
BENALLA VIC 3672

NORTH POINT



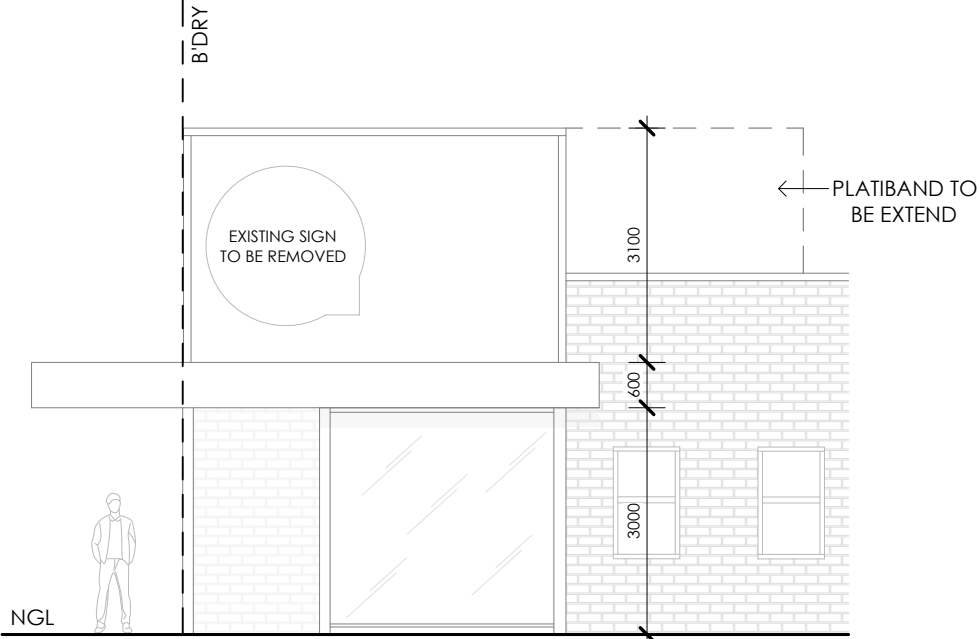
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PROJECT NO. 24-085	PAGE SIZE A3	ISSUE NO. 01

GAWK OUTDOOR

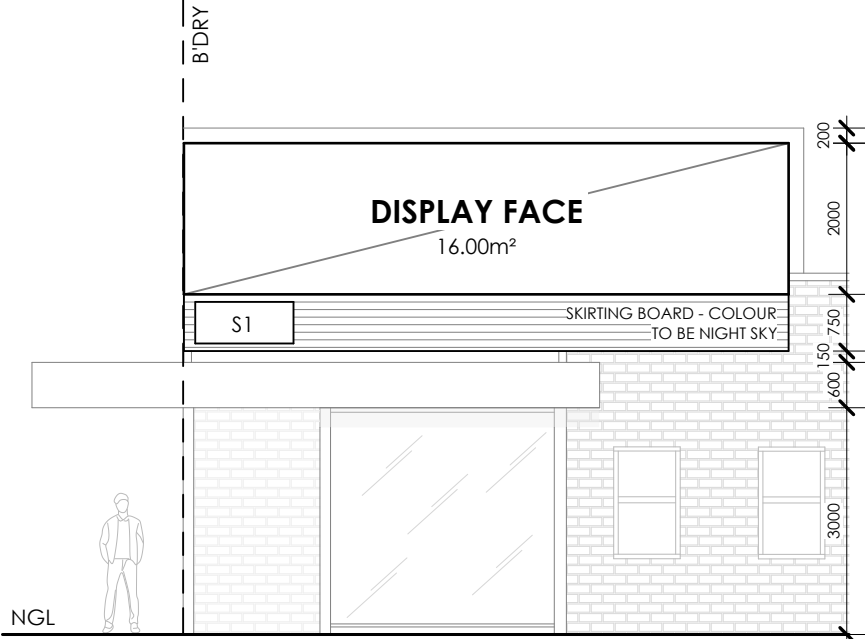
SUITE 3/281 BRUNSWICK ST, FITZROY VIC 3065

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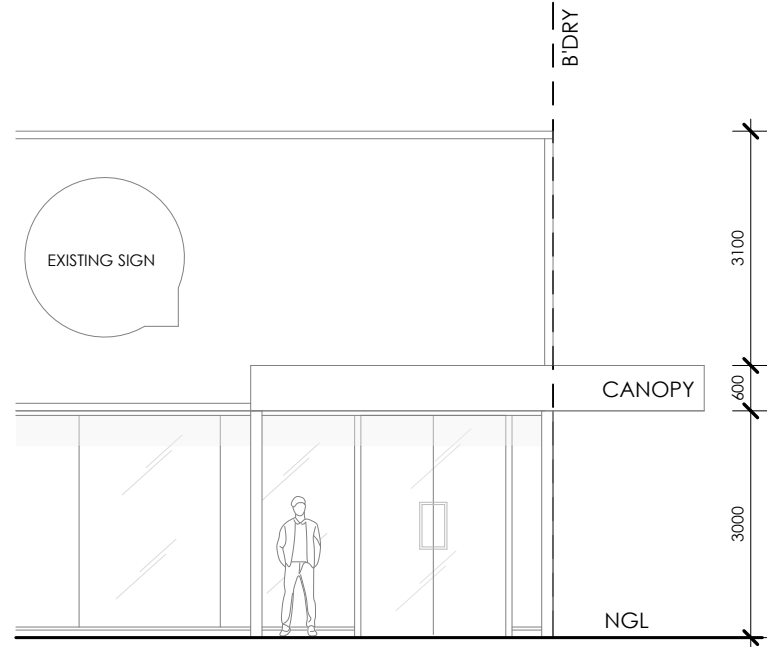
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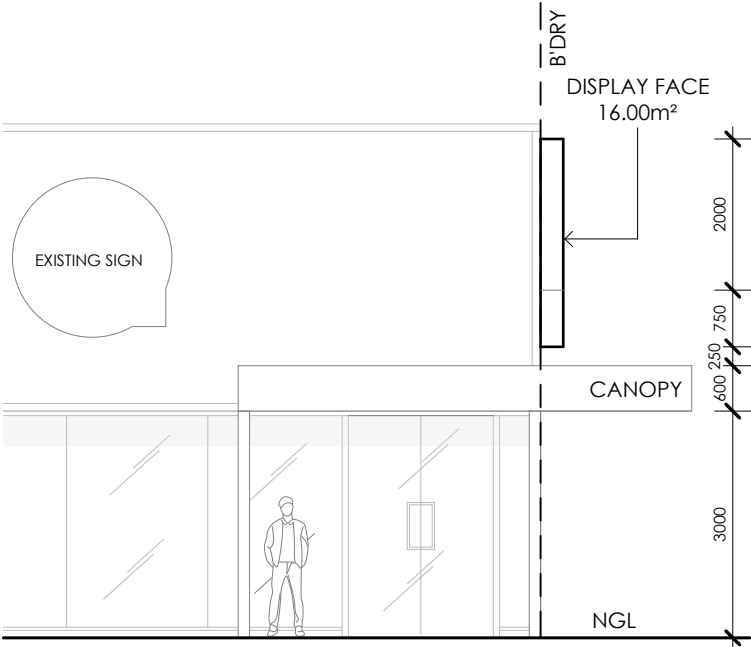
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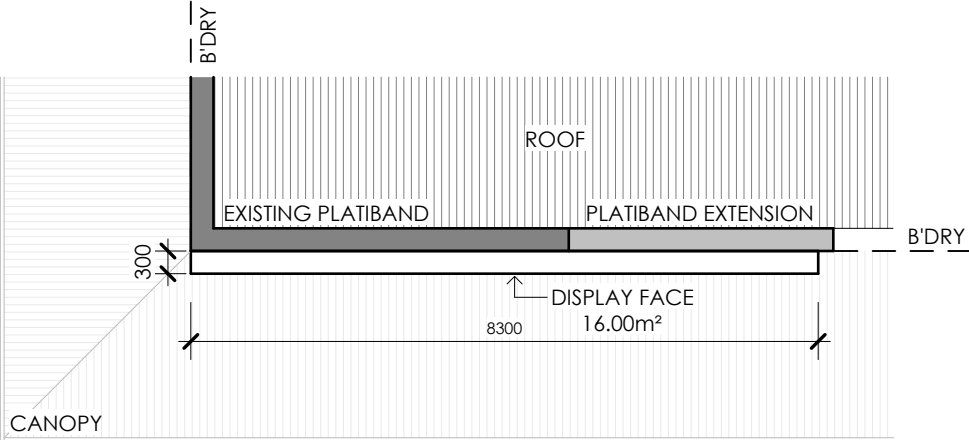
S1 - SIGNAGE DETAIL
SCALE 1 : 20



EXISTING NORTH ELEVATION
SCALE 1 : 100

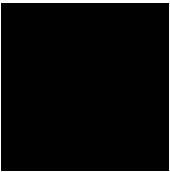


PROPOSED NORTH ELEVATION
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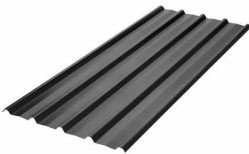


FLOOR PLAN
SCALE 1 : 100

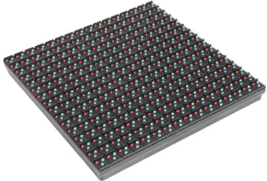
MATERIALS BOARD



BLACK PAINT
PROPOSED BLACK PAINT
FINISH TO ALL FEATURES,
TRIMS AND LIGHTING



SKIRTING BOARD
PROPOSED COLORBOND
SKIRTING BOARD WITH
NIGHT SKY FINISH



LED SCREEN
DISPLAY

LEGEND

- NGL NATURAL GROUND LINE
S1 PERMANENT SIGN 1 - REFER TO DETAIL

ISSUE/AMMENDMENTS SCHEDULE

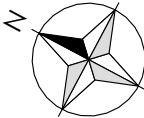
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PROJECT
BENALLA - PROPOSED DEVELOPMENT OF A SINGE SIDED, ELECTRONIC,
WALL-MOUNTED PROMOTION SIGN AND FAÇADE ALTERATION
ADDRESS
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BENALLA VIC 3672

NORTH POINT

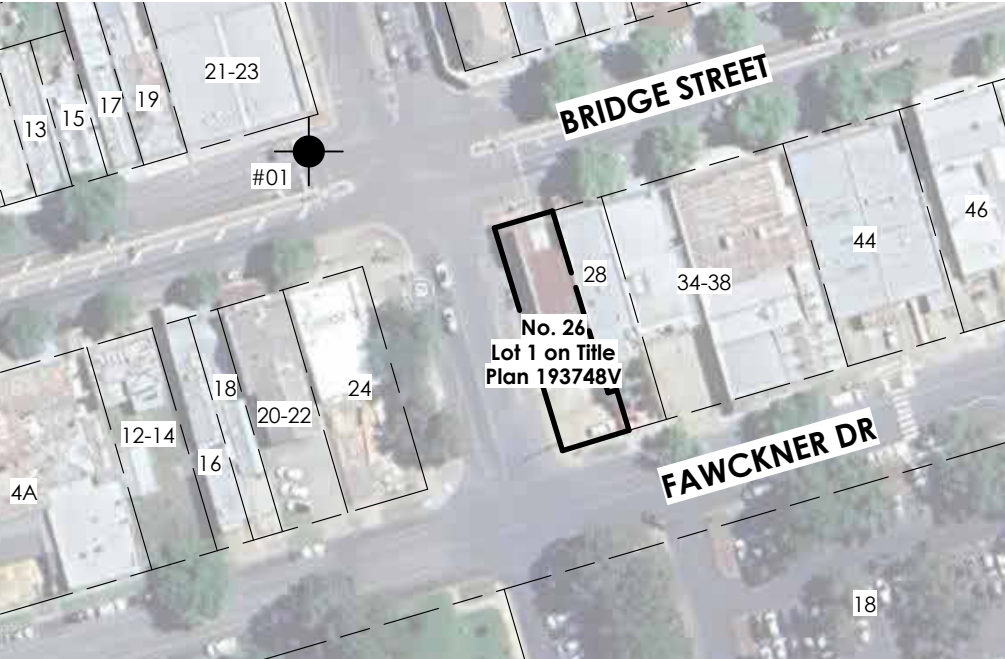


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24-085
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ISSUE NO.
01

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EXISTING PERSPECTIVE VIEW #01 - EASTBOUND TRAFFIC



PERSPECTIVE VIEW REFERENCE
SCALE 1 : 1000



PROPOSED PERSPECTIVE VIEW #01 - EASTBOUND TRAFFIC


GENERAL NOTES

PROPOSED PERSPECTIVE VIEW IS AN ARTISTS IMPRESSION OF THE PROPOSAL ONLY. SIZE AND SCALE ARE REFERENCED ON THE FLOOR PLANS AND ELEVATIONS.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE SUPPLIED TOWN PLANNING REPORT

REFER TO THE TOWN PLANNING REPORT FOR THE WRITTEN STATEMENT REGARDING THE METHODOLOGY DURING THE PREPARATION OF PERSPECTIVE VIEWS

LEGEND

 #00 PERSPECTIVE VIEW - LOCATION IN WHICH PHOTOGRAPHIC VIEWS WERE TAKEN

ISSUE/AMMENDMENTS SCHEDULE

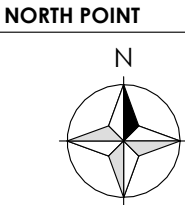
01 21/11/2024
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PROJECT
BENALLA - PROPOSED DEVELOPMENT OF A SINGE SIDED, ELECTRONIC, WALL-MOUNTED PROMOTION SIGN AND FACADE ALTERATION

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BENALLA VIC 3672



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PROJECT NO. 24-085	PAGE SIZE A3	ISSUE NO.

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3. Planning Permit Application for Buildings and Works to the Existing Office Building at 18 Bridge Street East, Benalla

Ref: 683252461-120

PO40-25

Nilesh Singh – Manager Development
Joel Ingham

PURPOSE OF REPORT

The report discusses the planning application received for buildings and works at 26 Bridge Street East, Benalla to replace the door and window and repaint a section of the front façade

BACKGROUND

A report on the planning application was presented to the Finance and Planning Committee meeting on Wednesday 23 July 2025, where the committee resolved:

That business item 3. Planning Permit Application for Buildings and Works to the Existing Office Building at 18 Bridge Street East, Benalla be deferred to the Finance and Planning Committee meeting on Wednesday 27 August 2025 for the provision of additional information.

DISCUSSION

The application seeks retrospective approval for buildings and works within a Heritage Overlay that have been undertaken without a planning permit. The works undertaken include:

1. Repainting the front façade in Monument Grey.
2. Replacement of the existing timber-framed front door and associated trim with a new aluminum-framed glazed door.
3. Replacement of the front steel-framed window with a new aluminum-framed window to match the new door.

Following the Finance and Planning Committee meeting on Wednesday 23 July 2025 an on-site meeting was undertaken with the proponent on site with Council representatives including the planning coordinator and heritage advisor.

It was agreed that the proponent would seek alternative designs to be more in-line with the historical significance of the building. More time has been given to the proponent to seek assistance and advice from others, including Council's heritage advisor, to submit an appropriate design response.

In light of the above, it is recommended that the application be next considered by the Council in December 2025.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A connected, involved and inclusive community.*

Liveability

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

Economy

- *Thriving business and industry.*
- *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.

CONCLUSION

Additional time has been granted to the proponent to seek advice and submit an alternative design that is more in-line with the historical significance of the building.

Recommendation:

- 1. That the report be noted.**
- 2. That a report on Planning Permit Application for Buildings and Works to the Existing Office Building at 18 Bridge Street East, Benalla be presented to the Finance and Planning Committee meeting on Wednesday 10 December 2025.**

4. Building and Planning Approvals – July 2025

Ref: 2005329054-537
Sarah Ford – Building Coordinator
Joel Ingham – Planning Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report details planning permit applications and building approvals for July 2025.

Planning Permit Applications Determined under Officer Delegation

Permit No.		Description	Property Address	Decision
1	P089-25	Construction of a shed	104 Benalla Street, Benalla	Approved
2	P0088-24	Use and development of land for extractive industry	263 Greta Road, Winton	Approved (Notice of Decision)
3	P068-25	Construction of a shed	6 Riverview Road, Benalla	Approved
4	P090-25	Construction of a dwelling	14 Honeyeater Street, Benalla	Approved
5	P084-25	Construction of a dwelling	10 Kookaburra Street, Benalla	Approved
6	P081-25	Construction of a dwelling	9 Kookaburra Street, Benalla	Approved
7	P074-25	Construction of a dwelling	13 Honeyeater Street, Benalla	Approved
8	P0127-24	Use and development of land for extractive industry	Tiger Hill Road, Archerton (Crown Allotment 4M, Parish of Toombullup)	Approved
9	P073-25	Construction of a shed	113 Racecourse Road, Benalla	Approved
10	P0081-24	Use and development of land for a dwelling	21 Forshaw Road, Baddaginnie	Approved

Planning Permit Amendments Determined Under Officer Delegation

There were no planning permit amendments determined under officer delegation during the month of July 2025.

Planning Permits Issued Under VicSmart

Permit No.		Description	Property Address	Decision
1	VS010-25	Construction of a shed	635 Basin Road, Tarnook	Approved
2	VS009-25	Construction of a shed	3233 Midland Highway, Lima South	Approved

Planning Permit Applications Determined by the Council

There were no planning permit applications determined by the Council during the month of July 2025.

Planning Permit Amendments Determined by the Council

There were no planning permit amendments determined by the Council during the month of July 2025.

Planning Permit Applications Withdrawn or Lapsed

Permit No.		Description	Property Address	Decision
1	P067-25	Construction of a verandah	164 Racecourse Road, Benalla	Withdrawn

Notices of Decision

Permit No.		Description	Property Address
1	P0088-24	Use and development of land for extractive industry	263 Greta Road, Winton

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.

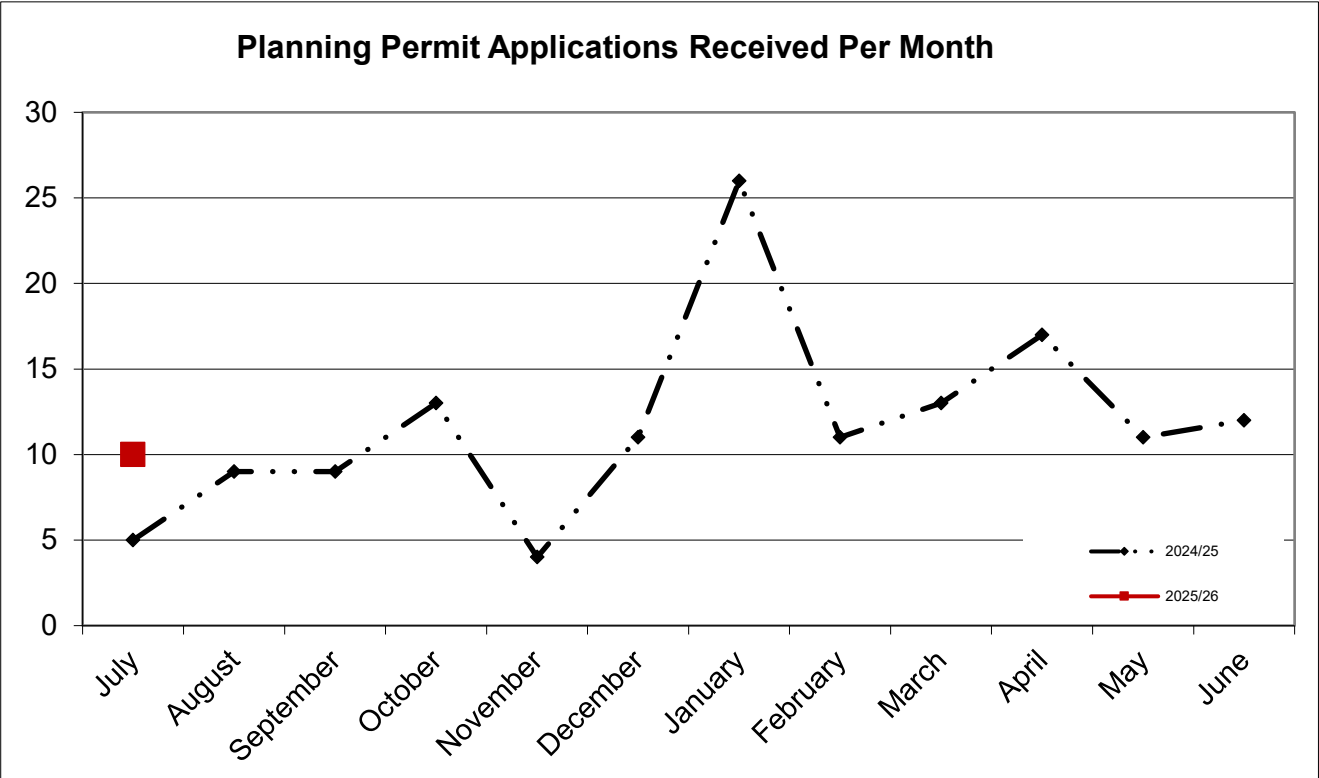
Planning Permit Applications Determined by VCAT

There were no planning permit applications determined by VCAT during the month of July 2025.

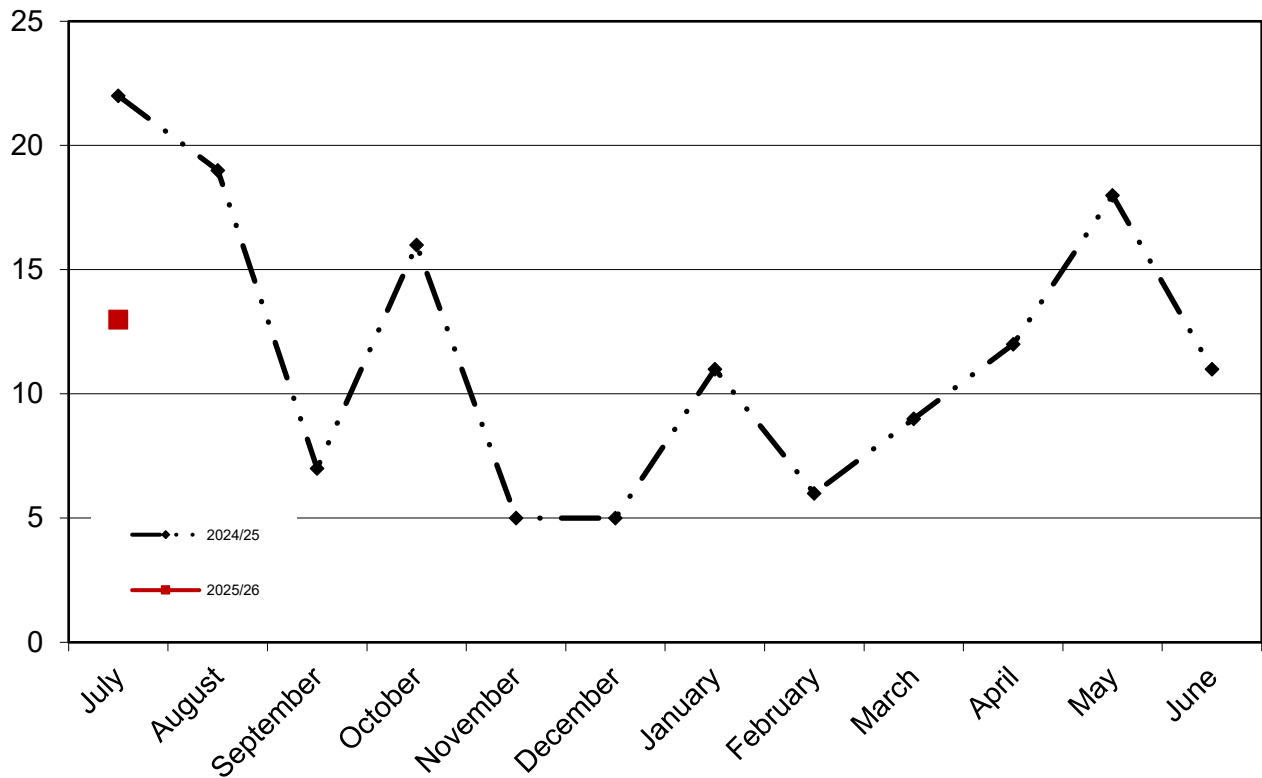
Matters Before VCAT

There are currently no planning matters before VCAT.

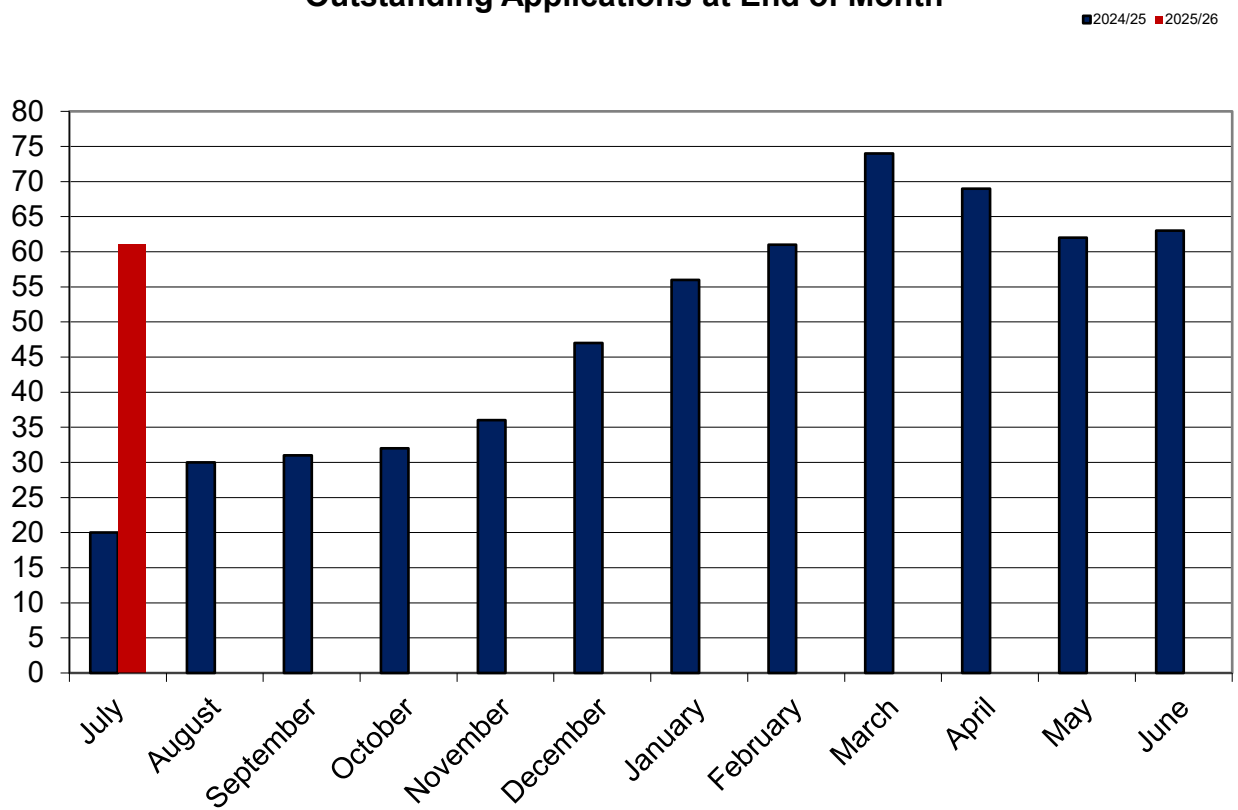
Planning Permit Applications



Planning Permit Applications Decided Per Month



Outstanding Applications at End of Month

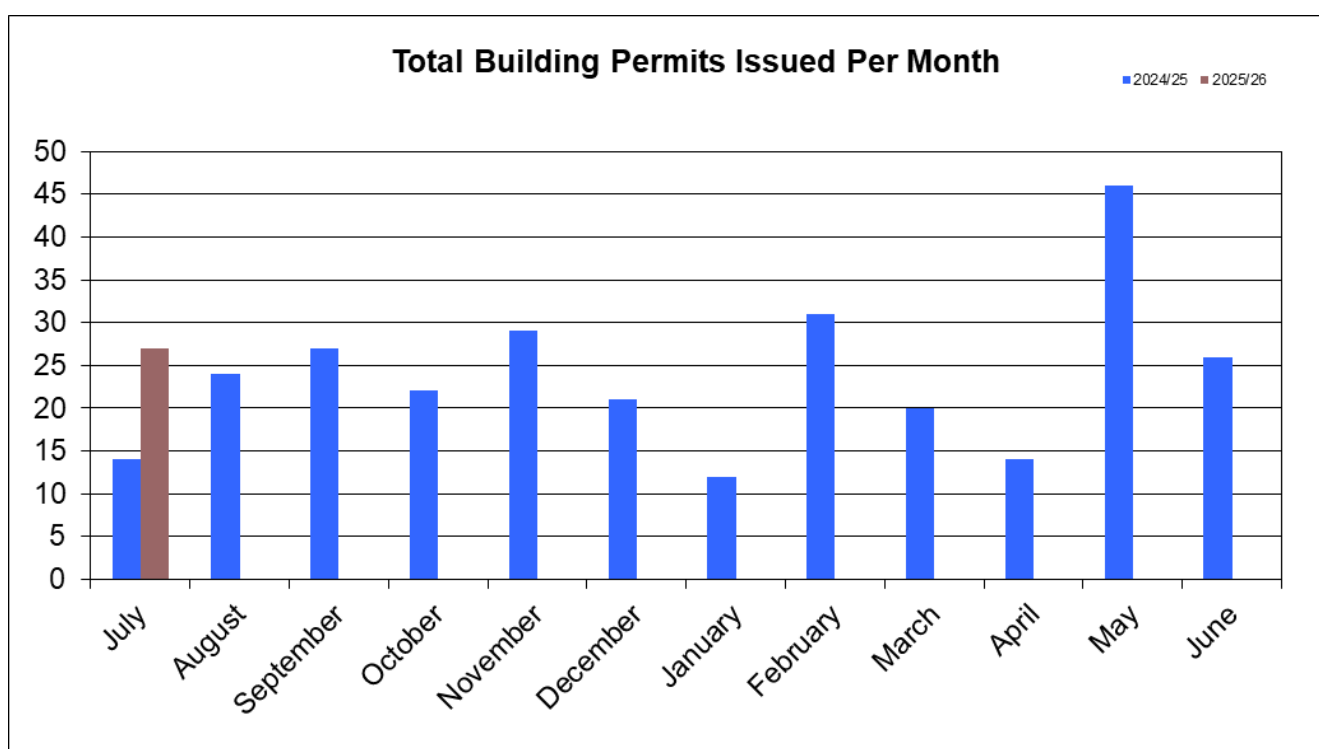
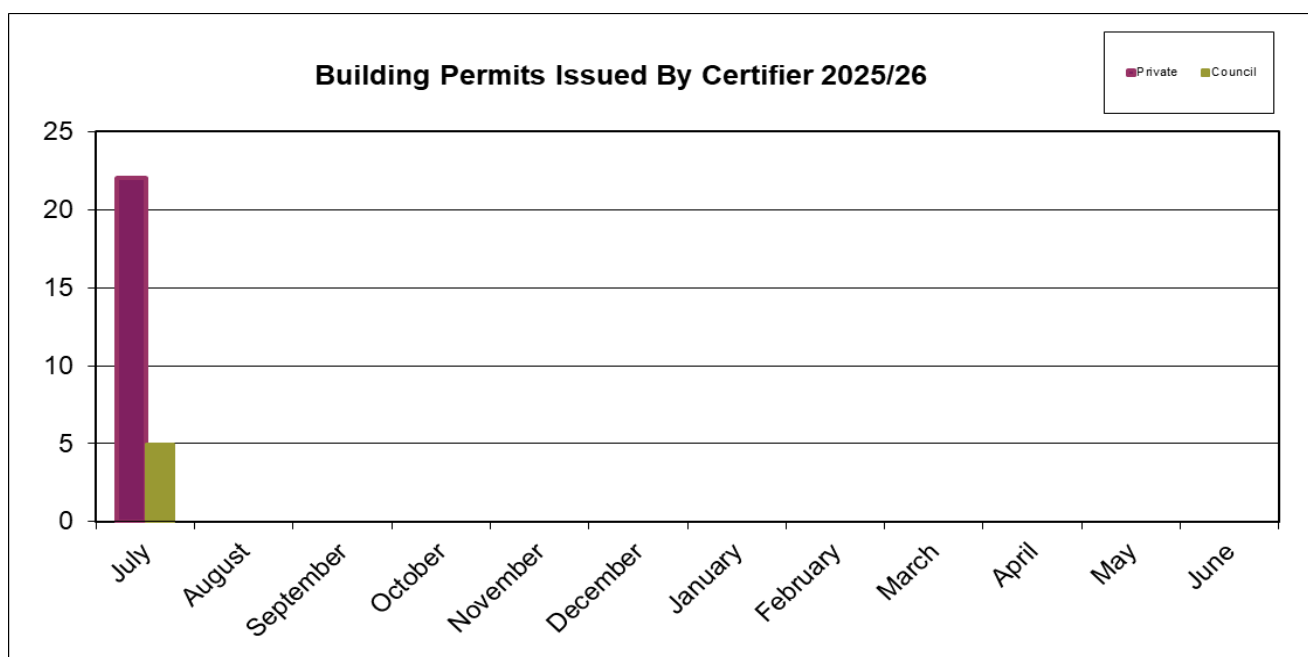


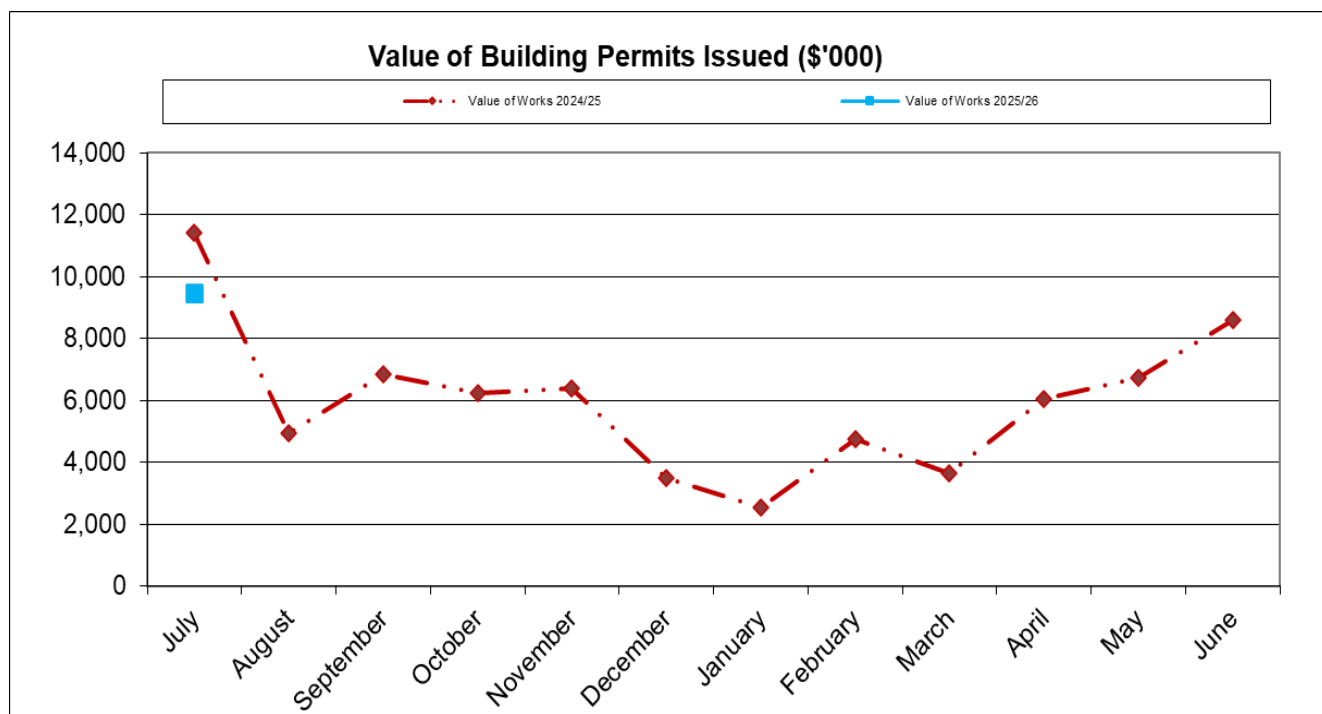
Building Approvals Issued by Council and Private Practitioners

Permit No.		Description	Property Address	Value
1	8314544927288	Construction of a shed	55 Lakeside Drive, Chesney Vale	\$47,776
2	7751873791739	Construction of a new shed	69 Lakeside Drive, Chesney Vale	\$14,276
3	2480094074881	Construction of 2 gantry cranes - Infill of shed walls and increase footing size to allow gantry cranes	270 Murray Road, Benalla	\$1,500,000
4	7787224106946	To construct a domestic shed	4 Russell Street, Benalla	\$61,254
5	6134508977786	To construct a shed and slab	5 Ascot Court, Benalla	\$31,881
6	9445099922876	Beverage to Albury (B2A) Tranche 2 Project - Benalla Station - New Building	45 MacKellar Street, Benalla	\$1,261,426
7	8359411302741	Construction of a new dwelling and garage	15 Bourke Drive, Benalla	\$382,261
8	8994893012087	Construction of a swimming pool & safety barrier	449 Benalla-Tatong Road, Benalla	\$120,000
9	7128479147543	Construction of a swimming pool or spa	93 Lakeside Drive, Chesney Vale	\$76,210
10	9963267531427	Construction of a swimming pool or spa	2496 Samaria Road, Moorngag	\$58,700
11	7016756860980	Construction of a single storey dwelling and garage	1 Kookaburra Street, Benalla	\$377,150
12	7910478381763	Construction of a shed	10 The Culdesac, Benalla	\$39,347
13	5396305194473	Construction of a new dwelling and garage	17 Mayfair Drive, Benalla	\$537,230
14	7838922161243	Construction of a single storey dwelling and garage	21 Honeyeater Street, Benalla	\$384,900
15	9756186747948	Construction of patio	62 Clarke Street, Benalla	\$30,500
16	5711892840654	Additions and alterations	351 Glenrowan West Road, Glenrowan West	\$250,000
17	8406669652905	Additions and alterations	10 Davey Street, Benalla	\$430,205
18	4470339768940	Construction of office - Stage 1 - footings only	379 Goorambat-Chesney Road, Goorambat	\$20,000
19	6424113153586	Construction of a carport	10 McConnan Street, Benalla	\$138,796
20	6574176412922	Construction of a single storey dwelling and garage	13 Honeyeater Street, Benalla	\$400,850
21	5287170793005	Construction of a new building	9 Kookaburra Street, Benalla	\$387,750
22	1593415326467	Construction of a single storey dwelling and garage	46 Livingston Boulevard, Benalla	\$370,228
23	8136662881231	Construction of a single storey dwelling and garage	33 Livingston Boulevard, Benalla	\$383,350

Permit No.		Description	Property Address	Value
24	5176795242359	Construction of a single storey dwelling and garage	10 Kookaburra Street, Benalla	\$397,599
25	7282499818954	Construction of office - Frame to completion	379 Goorambat-Chesney Road, Goorambat	\$963,183
26	9267328530645	Construction of a single storey dwelling and garage	3 Ambridge Avenue, Benalla	\$374,400
27	9365232673038	Single storey dwelling and garage	36 Senator Drive, Benalla	\$431,480
Total				\$9,470,752

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.

5. Draft Benalla Rural City Council Domestic Animal Management Plan 2026-2029

Ref: 6755727-97

Wayne Rich – Compliance Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report presents for consideration the draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029*.

BACKGROUND

The current *Benalla Rural City Council Domestic Animal Management Plan 2021-2025* was developed as an operational document by Authorised Officers of the compliance team, over-viewed by the Manager Development, utilising current data and statistics available through Council and publicly accessible research and reporting. It was adopted by Council at its meeting on 23 February 2022.

Under Section 68A of the *Domestic Animals Act 1994* (the Act), Council is required to prepare and implement a Domestic Animal Management Plan (the Plan) every four years on 4 December. The Plan deals with strategies and services that Council must provide with regards to dogs and cats, which are the only domestic animals identified and dealt with by the Act.

The purpose of the Plan is to evaluate and monitor if Council animal management strategies and services are meeting community needs and adequately addressing the requirements of the Act and the *Domestic Animal Regulations 2015* (the Regulations).

A Domestic Animal Management Plan must:

- a. set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations.
- b. outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district.
- c. outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - i. to promote and encourage the responsible ownership of dogs and cats; and
 - ii. to ensure that people comply with this Act, the regulations and any related legislation
 - iii. to minimise the risk of attacks by dogs on people and animals
 - iv. to address any over-population and high euthanasia rates for dogs and cats
 - v. to encourage the registration and identification of dogs and cats
 - vi. to minimise the potential for dogs and cats to create a nuisance
 - vii. to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations.
- d. provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable.

- e. provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary.
- f. provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

In addition to this, Every Council must:

- a. review its domestic animal management plan annually and, if appropriate, amend the plan
- b. provide the Secretary with a copy of the plan and any amendments to the plan
- c. publish an evaluation of its implementation of the plan in its annual report.

DISCUSSION

The draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029* (refer **Appendix 1**) has been compiled to address all subjects listed by the *Domestic Animals Act 1994* and is presented in the standardised format required by the secretary.

Whilst this format should be used for submission of the official Plan, consideration could be given to production of an additional summary document in a brochure style format similar to the previous Plan, for easier public consumption.

The draft Plan will require a community consultation period to assess the viewpoint of the Benalla Rural City populace and ascertain any changes.

Following the consultation period and consideration of submissions, the final Plan will be presented to the Council for consideration.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Liveability

- *Vibrant public spaces and places.*

Environment

- *Healthy and protected natural environment.*

Leadership

- *Engaged and informed community.*
- *Effective and responsive advocacy.*

FINANCIAL IMPLICATIONS

There are currently no financial impacts associated with the development of the draft Plan. However, some of the identified future initiatives may have cost implications to be considered as part of the annual budget development process.

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Consult' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Consult	We will provide information and consider feedback prior to making a decision.	<ul style="list-style-type: none">▪ Draft Plan presented in a public report to the Council.▪ Draft Plan to be published on Council's website.▪ Feedback and submissions invited via the Council's website and social media.▪ Public Notice of community consultation in the <i>Benalla Ensign</i> and on Council website.▪ 'Pop-up' information sessions at the Benalla Farmers Market and CBD area by Council Authorised Officers.

Community consultation on the draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029* will open Wednesday 3 September 2025 and close 5pm 1 October 2025.

Community feedback will be invited via the Council's website and social media channels and through a formal public notice in the *Benalla Ensign*.

LEGISLATIVE AND STATUTORY IMPLICATIONS

Under Section 68A of the *Domestic Animals Act 1994*, Council is required to prepare and implement a Domestic Animal Management Plan every four years.

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Submissions relating to the *Benalla Rural City Council Domestic Animal Management Plan 2026-2029* will be heard at the Additional Finance and Planning Committee meeting on Wednesday 15 October 2025.

Following consultation and consideration of submissions, the final plan will be presented to Council for consideration.

Recommendation:

That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve that the draft *Benalla Rural City Council Domestic Animal Management Plan 2026-2029* be endorsed and placed on public exhibition for a period of at least 28 days.

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Benalla Rural City Council Domestic Animal Management Plan

2026-2029

Version Control Table

Version number	Date of issue	Author(s)	Brief description of change
1	1-Aug-2025	W. Rich	Draft

Draft

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1. Introduction and Context

1.1 Purpose of Domestic Animal Management Plan

Under Section 68A of the *Domestic Animals Act 1994* (the Act), Council is required to prepare and implement a Domestic Animal Management Plan (the Plan) every four years. The Plan deals with strategies and services that Council must provide with regards to dogs and cats, which are the only domestic animals identified and dealt with by the Act.

The purpose of The Plan is to evaluate and monitor if Council animal management strategies and services are meeting community needs and adequately addressing the requirements of the Act and the *Domestic Animal Regulations 2015* (The Regulations).

A domestic animal management plan prepared by a Council must -

- a. Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations.
- b. Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district.
- c. Outline programs, services and strategies which the Council intends to pursue in its municipal district -
 - i. to promote and encourage the responsible ownership of dogs and cats.
 - ii. to ensure that people comply with this Act, the regulations and any related legislation.
 - iii. to minimise the risk of attacks by dogs on people and animals
 - iv. to address any over-population and high euthanasia rates for dogs and cats.
 - v. to encourage the registration and identification of dogs and cats.
 - vi. to minimise the potential for dogs and cats to create a nuisance.
 - vii. to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with the Act and the regulations.
- d. Provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable.
- e. Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary.
- f. Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Every Council must -

- a. Review its domestic animal management plan annually and, if appropriate, amend the plan.
- b. Provide the Secretary with a copy of the plan and any amendments to the plan.
- c. Publish an evaluation of its implementation of the plan in its annual report.

1.2 Process Applied in Developing the Plan

The Benalla Rural City Domestic Animal Management Plan (The Plan) was developed as an operational document by Authorised Officers of the compliance team, over-viewed by the Manager Development, utilising current data and statistics available through Council and publicly accessible research and reporting.

The draft document will be subject to a community consultation process and Council review for further evaluation and adjustment before presentation to Council for approval and adoption before submission to the Minister.

1.3 Demographic and Profile of Council

Benalla Rural City is located approximately 214 kilometres north east of the city of Melbourne, Victoria's capital, making it easily accessible by road or rail in about two hours. Benalla Rural City Council comprises 235,264 hectares covering 41 localities, in whole or in part. It has a population of approximately 14,635 with an average median age of 51.5 years, and approximately 10890 people living in the Benalla urban area (2021-2024 census data).

Benalla Rural City includes the towns and rural districts of Archerton, Baddaginnie (part), Barjarg (part), Benalla, Boho South (part), Boweya (part), Boxwood (part), Bridge Creek (part), Broken Creek, Bungeet, Bungeet West, Chesney Vale, Creek Junction (part), Devenish, Glenrowan (part), Glenrowan West, Goomalibee, Goorambat, Lima, Lima East, Lima South, Lurg, Major Plains (part), Molyullah, Moorngag, Mount Bruno, Myrree (part), Samaria, Stewarton (part), Strathbogie (part), Swanpool, Taminick, Tarnook, Tatong, Thoona, Tolmie (part), Upper Lurg (part), Upper Ryans Creek, Warrenbayne, Winton and Winton North.

Benalla Rural City was formed in 2002, following the de-amalgamation of Delatite Shire into Benalla Rural City and Mansfield Shire. Benalla Rural City is predominantly a rural area but has substantial residential areas in and around the city of Benalla.

Most of the City's retail space is in shopping strips in central Benalla. There is some industrial land use to the north-east and east of the city. Most of the rural area is used for agricultural purposes, including wool and meat production, dairying and cropping.

1.4 Context and Current Situation

Program/Service:	Service Level:
Education programs by means of media releases, community notices, mailing of renewal notices and placement of A-frame signs in high-risk areas.	Number of dogs and cats per year.
Monitor registration renewals and follow up enquiries for previously registered animals	Desktop audit and follow up (phone or visit) commencing in June.
Enforcement activities for unregistered animals when located via complaint or impounded strays	All impounded animals must be registered prior to reclaim. Enforcement action taken upon receipt of reclaim reports
Dog attack complaints	Procedures manual requires response to dog attack complaint within 30 minutes.

Program/Service:	Service Level:
Routine street patrols	Dedicated “dog truck” vehicle for regular daily patrols during business hours and in response to after-hours callouts. Secondary compliance vehicle (Toyota Hiace van) containing 2 dog cages for animal management duties.
Pound	Contracted Municipal Pound facility (RSPCA Victoria) open for public at the Burwood facility, between 8:00am and 5:00pm Weekdays and weekends. RSPCA provide vehicles and drivers for collection and transport of impounded animals to and from RSPCA Burwood facility.
Advertise located animals on social media and hold locally for up to 24 hours before transport to pound facility	All animals found at large are posted on Council social media pages to try and identify owner and may be kept in holding pens locally for reclaim for up to 24 hours, when operationally viable, if not registered or owner unable to be identified through microchip.
Policy of one “free” return per year for any registered animal located at large without penalty	Currently registered pets returned to owner without release fee and warning once per year if located at large. Any further offences attract’s a release fee and possible enforcement action depending on the circumstances.
After hours emergency service	Officers on rotational roster for on call duties between 5:00pm and 8:00am Monday to Friday and 24 hours over weekends and public holidays.

1.5 Domestic Animal Statistics

Dogs	2022	2023	2024
Number Registered	3229*	2820*	3054*
Declared Dogs (dangerous, menacing, restricted)	Dangerous - 0 Menacing - 1 Restricted - 0	Dangerous - 3 Menacing - 1 Restricted - 0	Dangerous - 1 Menacing - 0 Restricted - 0
Seized for dog attack	2	1	0
Impounded wandering at large	38*	30*	62
Seized for animal welfare/abandoned	0	0	2
Surrendered by owners	23	31	46
Total	63	62	110
Adopted for the year	32 (50.7%)	33 (53.2%)	53 (48.18%)
Euthanized for the year	9 (14.28%)	9 (14.5%)	6 (5.45%)
Reclaimed for the year	22 (34.92%)	20 (32.2%)	51 (46.36%)

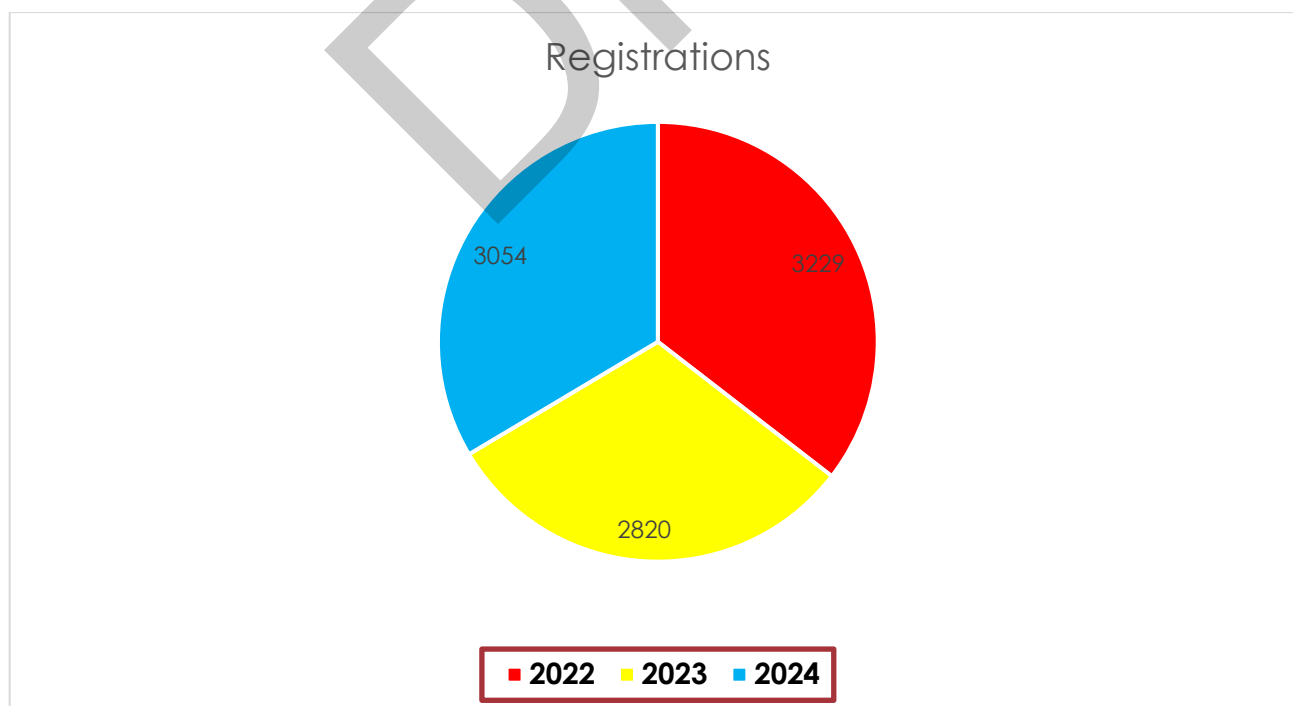
Cats	2022	2023	2024
Number Registered	<i>Included in dog numbers</i>	<i>Included in dog numbers</i>	<i>Included in dog numbers</i>
Impounded wandering at large	74*	202*	153
Seized for animal welfare/abandoned	0	0	0
Surrendered by owner	16	18	42
Total	90	220	195
Adopted	54 (60%)	90 (40.9%)	139 (71.28%)
Euthanized	23 (25.5%)	116 (52.7%)	46 (23.5%)
Reclaimed	13 (14.4%)	13 (5.9%)	10 (5.12%)
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* - Numbers estimated not accurate due to insufficient data available.

Registration

Registration figures for dogs and cats dipped slightly from 2022 to 2024, likely due to cost-of-living pressures and the aftermath of the global pandemic which limited Council's ability to publicise the registration renewal period or make follow up enquiries by doorknock to chase up renewals 2019 to 2023.

Registration numbers are expected to rise for the 2025 period as Compliance Officers continue to follow up renewals and educate the community through portable signs, vehicle decals, social media, phone calls and doorknocks.



Animal Fate Data

There has been a dramatic increase in the impound of stray dogs and cats over the 2023 to 2024 period, which is attributed to better record keeping via the RSPCA Victoria “Sheltermate” system and targeted feral cat trapping programs in the outer rural areas of the municipality in 2023 and 2024.

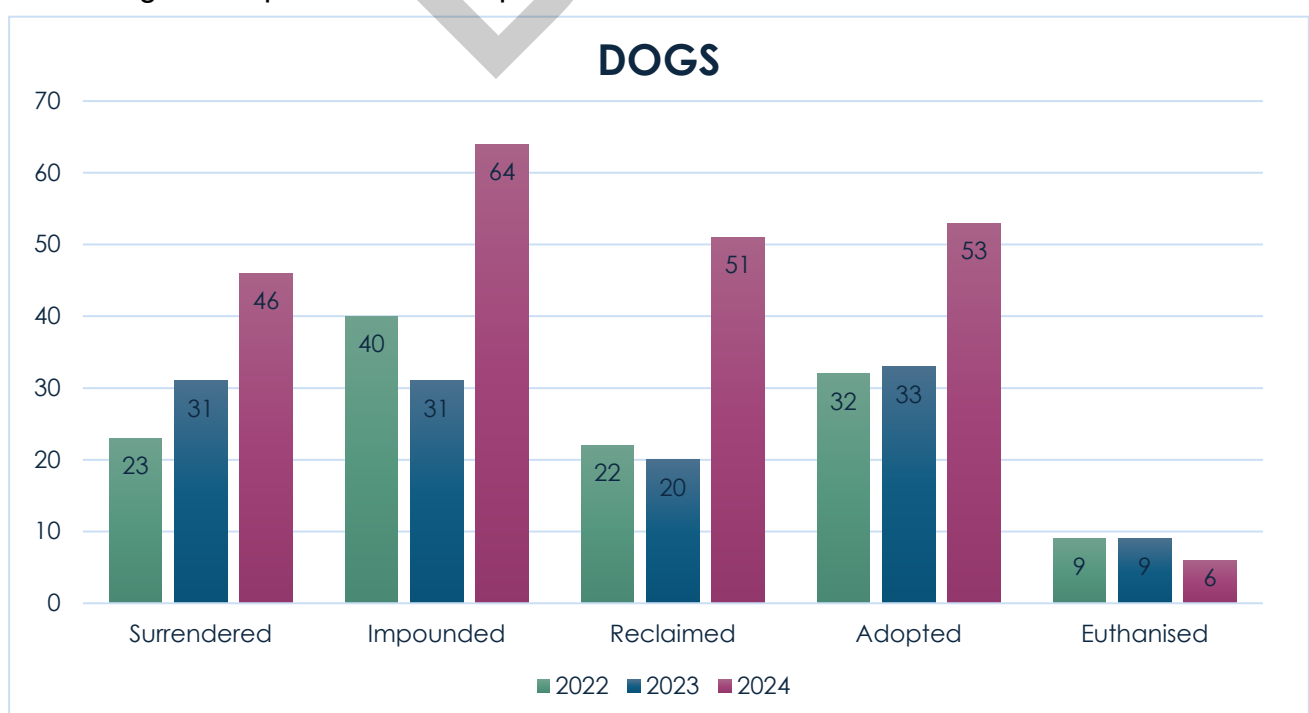
Reclaims and adoptions have remained fairly stable, with a slightly upward trend toward 2025, this can be attributed in part to public education and social media posts publicizing found and impounded animals.

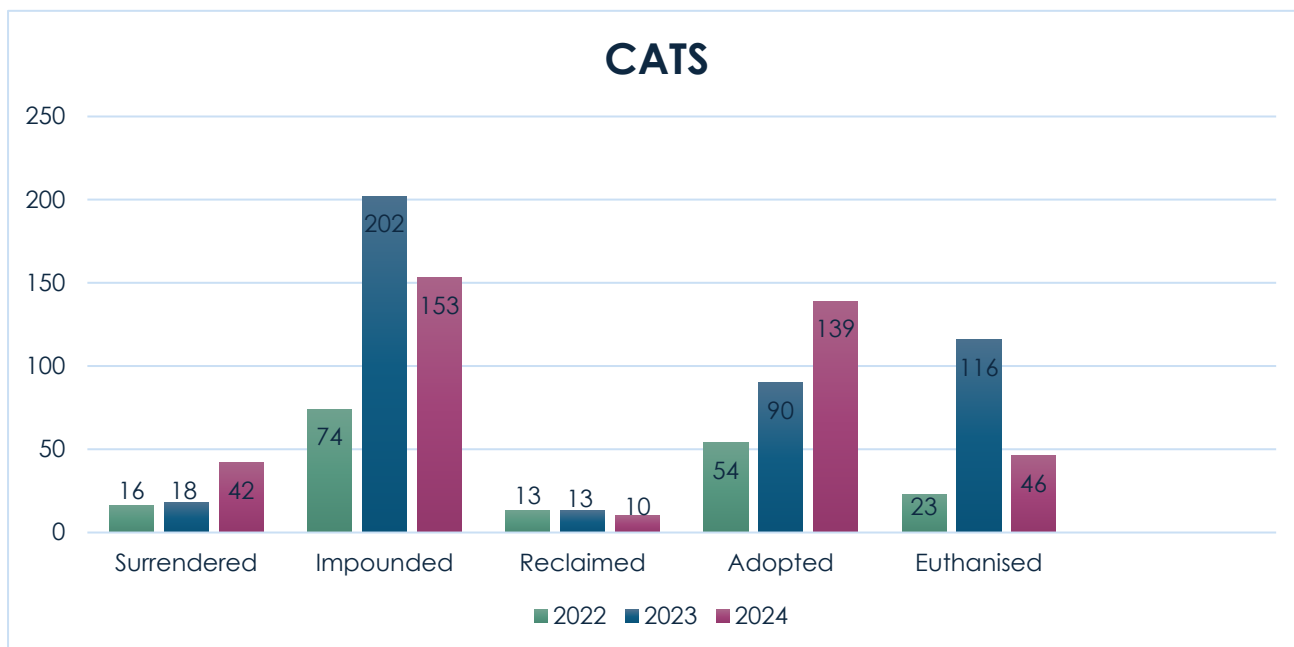
The practice of holding dogs in Benalla for up to 24 hours (when operationally viable) whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA.

The use of social media can delay or frustrate animals being repatriated with their owners as well-meaning community members hold on to lost animals for extended periods instead of handing them in to Council as required by The Act, for return to their owners. A remedy is available under Section 84D of The Act, which requires a found or seized dog to be delivered up to Council with a penalty of up to 5 penalty units for noncompliance. This has been somewhat relieved by changes in The Act, permitting dogs and cats to be handed to participating Veterinary Clinics for return to owners, without the need for an agreement under Section 84Y of the Act to be in place.

Euthanasia rates for dogs have fallen over the last three years from 14 per cent down to 5 per cent, whilst reclaims have climbed from 34 per cent to 46 per cent. The euthanasia statistics include dogs surrendered or seized for dog attacks that have been euthanised at the request of the owners.

The statistics for cats have remained constant with euthanasia rates slightly dropping from 25 per cent to 23 per cent, with a spike in 2023 due to targeted feral cat trapping program in rural areas, and reclaims dropping from 14 per cent to 5 per cent, although adoptions remain high at 71 per cent of all impounded cats in 2024.





- Surrendered – Owner has surrendered dog or cat for any reason under Section 33A of the *Domestic Animals Act 1994*.
- Stray – Animal located wandering at large or not securely confined to the property and returned to owner upon registration or impounded at RSPCA Burwood.
- Reclaimed – Animal reclaimed by owner (includes dogs returned to owner without impound).
- Adopted – Animal adopted after eight days impound and not reclaimed.
- Euthanised – Animal assessed as feral, suffering untreatable illness or injury or at request of the owner (usually due to attack).

2. Training of Authorised Officers

2.1 Context and Current Situation

The Benalla Rural City Council's Compliance Department consists of a Compliance Coordinator and three full-time Compliance Officers. All Compliance Department staff take part in the after hours on-call five week rotating roster attending to incidents involving dogs at large, dog attacks and livestock on roads.

As well as Animal Management, the compliance team are responsible for investigation and enforcement in several areas covering various Acts including, Environment Protection Act complaints including illegal dumping and residential noise, Planning and Environment Act, Building Act and Regulations, Community Local Laws, Bushfire Prevention, Tobacco Act and Regulations, Impounding of Livestock Act, Prevention of Cruelty to Animals Act (POCTA) and Regulations, Road Safety Act and Road Rules, Local Government Act and Council prosecutions.

The Compliance department is responsible for providing an animal management service, for Council, as required by The Act, which includes:

- Seizure and impounding of domestic animals
- Managing of complaints relating to domestic animals
- Promoting responsible pet ownership in the community
- Investigating dog attacks and nuisance complaints
- Enforcement and compliance with legislation and various codes of practice relevant to domestic animals.
- Domestic animal registration process
- Investigating animal welfare issues
- Management and inspection of domestic animal businesses
- Providing advice to owners and the general community in relation to domestic animals
- After hours animal emergencies.

2.2 Our Planned Training for Authorised Officers

A variety of training is available for all Authorised Officers. Training options are annually reviewed to ensure relevant and up to date material is provided.

Training options include:

- Animal handling and behaviour
- Dog and cat management
- Investigation and statement taking
- Enforcement and prosecution
- Conflict and time management
- Information technology

Officers are also eligible to attend industry related seminars, conferences and briefings from Animal Welfare Victoria (Department of Energy Environment & Climate Action (DEECA)), RSPCA Victoria, Municipal Association of Victoria (MAV), Australian Institute of Animal Management (AIAM) and other relevant Associations.

2.3 Our Plan

Objective 1: Develop and maintain a training register for Compliance Officers to enhance skills and knowledge.

Activity	When	Evaluation
a) Record each officer's name, completed training along with proposed additional training opportunities.	Ongoing	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each Officer.
b) Staff attendance at industry related seminars such as RSPCA training, Animal Welfare Victoria training and animal specific training as opportunities present.	As available	Annually review to see if training objectives are being met.
c) Membership of professional bodies within the animal management industry, such as Australian Institute of Animal Management and attendance at conferences and discussion groups as they become available.	Ongoing	Annually review to see if training objectives are being met.

Objective 2: Develop existing authorised officers to multi-skill to ensure adequate backfilling or additional staffing when necessary.

Activity	When	Evaluation
a) Identify minimum level of experience and training required to build skill set.	Ongoing	Review and ensure all criteria are met prior to commencement of Officer out in the field.
b) Allocate a "buddy" to the Officer being developed and to ensure accurate information and training is being provided whilst on the job.	Ongoing	Review and ensure all criteria are met prior to commencement of Officer out in the field.
c) Allocate a variety of milestones for the Officer to reach during the development period.	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.
d) Officers to follow up complaints and provide feedback to improve skills and systems	Ongoing	Review each milestone as achieved to ensure Officer is developing adequate skill sets required

3. Programs to Promote and Encourage Responsible Pet Ownership and Compliance with Legislation

3.1 Context and Current Situation

Council use various methods to promote and encourage responsible pet ownership and compliance with legislation within the Benalla Rural City.

These methods include, but are not limited to:

- Provision of an internally resourced after hours emergency animal service.
- Display of A-frame signs and magnetic decals on Council vehicles.
- Stock and display information pamphlets in the foyer of the Customer Service Centre and regularly review information contained on Council website.
- Installation and stocking of poo bag dispensers at strategic locations within the Municipality.
- Regular media releases regarding benefits and requirements for dog and cat registration.
- Use of facebook and social media to advertise unidentified impounded animals to assist with speedy return to owners.
- Conduct investigations and enforcement options as offences are detected or complaints received.

3.2 Our Orders, Local Laws, Council Policies and Procedures

Current Orders

Benalla Rural City currently has orders under Section 25 and 26 of the Domestic Animals Act, resolved by Council on 23 February 2022 and published in the Government Gazette.

Cat Curfew

Pursuant to Section 25 of the Act, cats within the municipality are to be securely confined to the owner's property, or the property where they are kept for the time being, always.

Control of Dogs

Pursuant to Section 26 of the Act, dogs and cats within the municipality must be kept under effective control by means of a chain, cord or leash, not exceeding three meters in length, held by the owner and attached to the animal whilst the animal is in a reserve or public place.

Owners Obligations

A dog may be exercised off leash in a designated area if the owner:

- Carries a chain, cord, or leash, not exceeding three meters in length, sufficient to bring the dog under effective control if the dog behaves in a manner which may worry, threaten or harass any person or animal.
- Remains in effective control of the dog by voice and/or hand command to promptly bring the dog under control by chain, cord, or leash if it becomes necessary.
- Does not allow the dog to worry, threaten or harass any person or animal.

Exceptions

If a dog is being exercised off leash in a designated area, it must be brought under effective control of the owner by means of chain, cord, or leash if:

- within 30 metres of the principal location of an organised sporting event
- within 30 metres of the principal location of an organised public meeting
- within 30 metres of a permanent barbecue or picnic area when in use
- within 10 metres of the perimeter of a playground
- within 5 metres of a shared pathway.

Prohibited Areas

Areas where dogs and cats are not permitted at any time:

- Dogs and cats, restrained or otherwise, are prohibited within the perimeter of any playground at any time.
- Dogs and cats, restrained or otherwise, are not permitted within any prohibited area declared by Council.

Current Local Laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

Type of Animal	Maximum allowed in residential areas
Dogs	2
Cats	2

**Actual list contains other animals and birds but has been edited for this document to improve clarity.*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 53 – Accommodation for Animals

An owner or occupier of land must ensure that all animals on that land are housed:

- (1) In a clean, inoffensive and sanitary condition
- (2) So as not to cause nuisance
- (3) In an adequate and appropriate manner for the type of animal being housed.

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats.

Local Law No. 60 – Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- (1) Not allow the excrement of the dog to remain on that road or in that municipal place.
- (2) Carry a device suitable for the removal of any excrement that may be deposited by the dog.
- (3) Produce the device on demand by an Authorised Officer.

Current Policies and Procedures

Cats And Dogs At Large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal and are detailed in the Compliance Procedures Manual.

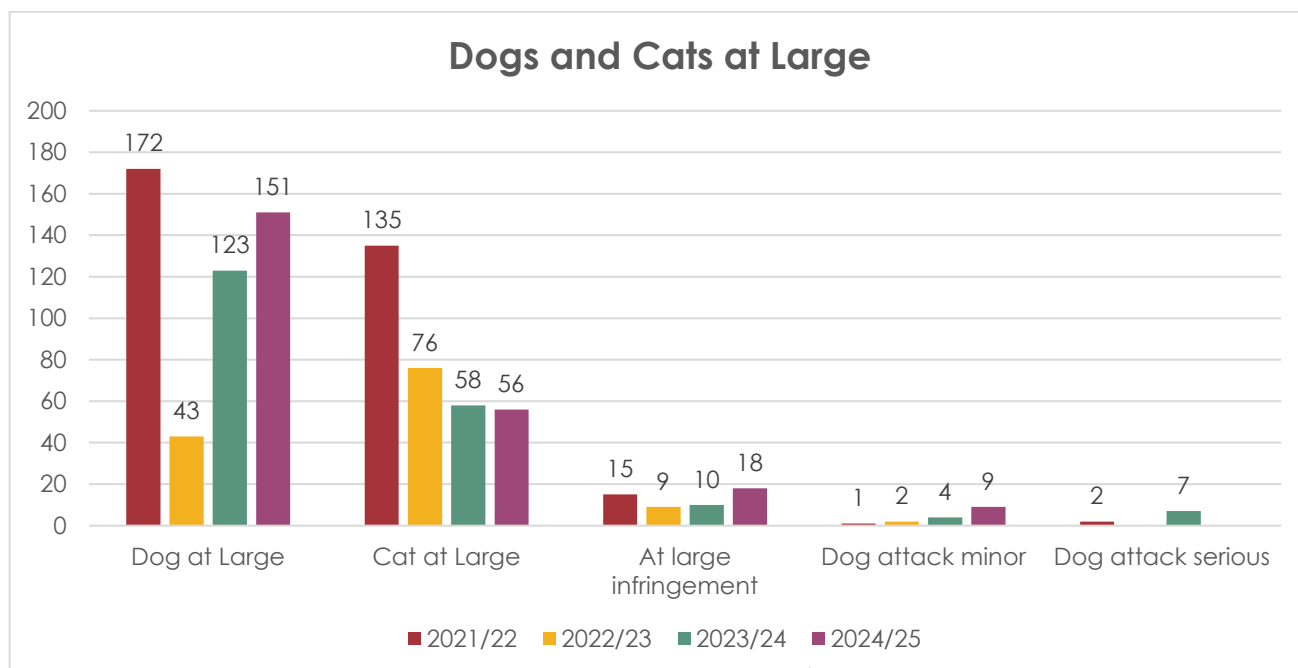
When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per registration year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, when operationally viable, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is collected by a driver from Councils contracted pound facility, RSPCA Victoria, and transported to their Burwood facility, where it is held for the Statutory designated period of eight days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed after this period, it may be adopted by Councils contracted pound facility as per the requirements of section 84O of The Act.

The owner of any reclaimed dog or cat may be dealt with by way of infringement or Magistrates Court for failing to securely contain the animal at the property where it is kept, fail to apply to register or any other applicable offence. As cats are subject to an order under Section 25 of the *Domestic Animals Act 1994*, owners that reclaim may be dealt with by infringement for a breach of that order, or by Notice of Objection under Section 23 of The Act, if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court under Section 84W of The Act, to require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.



After Hours Service

Council provides an after-hours service to respond to urgent calls for service outside of normal business hours. The contracted after hours call service is monitored and controlled by the Customer Relations Coordinator and the after-hours roster by the Compliance Coordinator.

Compliance Officers are rostered for after-hours duties on a five week rotational basis. The on-call officer has custody of the compliance animal collection vehicle during their time rostered for after-hours call out and will ensure they remain physically and legally able to respond to calls for service during their roster period.

The officer on call must utilise the Council compliance vehicle, appropriate PPE and take all reasonable steps to ensure the safety of themselves and others when attending to out of hours calls for service. The on-call officer must call for assistance from other officers and/or authorities where the incident involves dog attack, livestock on a road, or where, in the opinion of that officer, the situation warrants assistance.

The officer is to acknowledge all calls received through the after-hours service, contacting the customer to advise what action is to be taken and/or by turning out within 15 minutes of the phone call.

The officer on duty must respond to the following after-hours situations reported on the after-hours service, by attendance or advice where appropriate:

- Any Victoria Police call requesting assistance to control or contain domestic animals
- Dog attack
- Where a dog is at large or causing immediate danger to safety of people or animals
- Stray dog that has been securely confined for collection
- Injured or deceased stray animals (in coordination with the RSPCA inspectorate where available)
- Livestock at large and/or on the road
- Any other situation(s) that the Compliance Coordinator, Manager Development, General Manager Corporate or the Chief Executive Officer instructs the officer to attend to.

3.3 Our Plan

Objective 1: Reduce the number of compliance actions and complaints by educating the community about their legislative obligations.

Activity	When	Evaluation
a) Develop engaging fact sheets and web content regarding legislative obligations.	Ongoing	Monitor complaints and enforcement actions quarterly.
b) Re-visit messaging on A-Frame signs that are displayed at various locations within the municipality.	2026 and annually	Assess if number of registrations and renewals increase and number of complaints received.
c) Explore opportunities for educational “pop up” stalls at community events and expos to deliver responsible pet ownership and educational material to pet owners.	As opportunities present	Community engagement and materials distributed.
d) Education campaign regarding the requirements of the Council order under Section 25 of the Act for containment of cats, via web pages and social media.	June 2026 and annually	Complaints and enforcement statistics regarding cats at large and trapped.

Objective 2: Encourage dog owners to clean up after their pets and maintain effective control when in public areas.

Activity	When	Evaluation
a) Continue to maintain poo bag dispensers in areas with high dog walker presence.	Ongoing	Amount of dispensers requiring change weekly.
b) Continue to identify changing demographics for areas where new dispensers and patrols may be required.	Quarterly	Monitor complaints regarding failing to pick up after animals and patrol observations.
c) Education campaign on Section 26 order for effective control in public areas via webpage and social media.	June 2026 and annually	Monitor complaints and enforcement action regarding dog behaviour in public places.

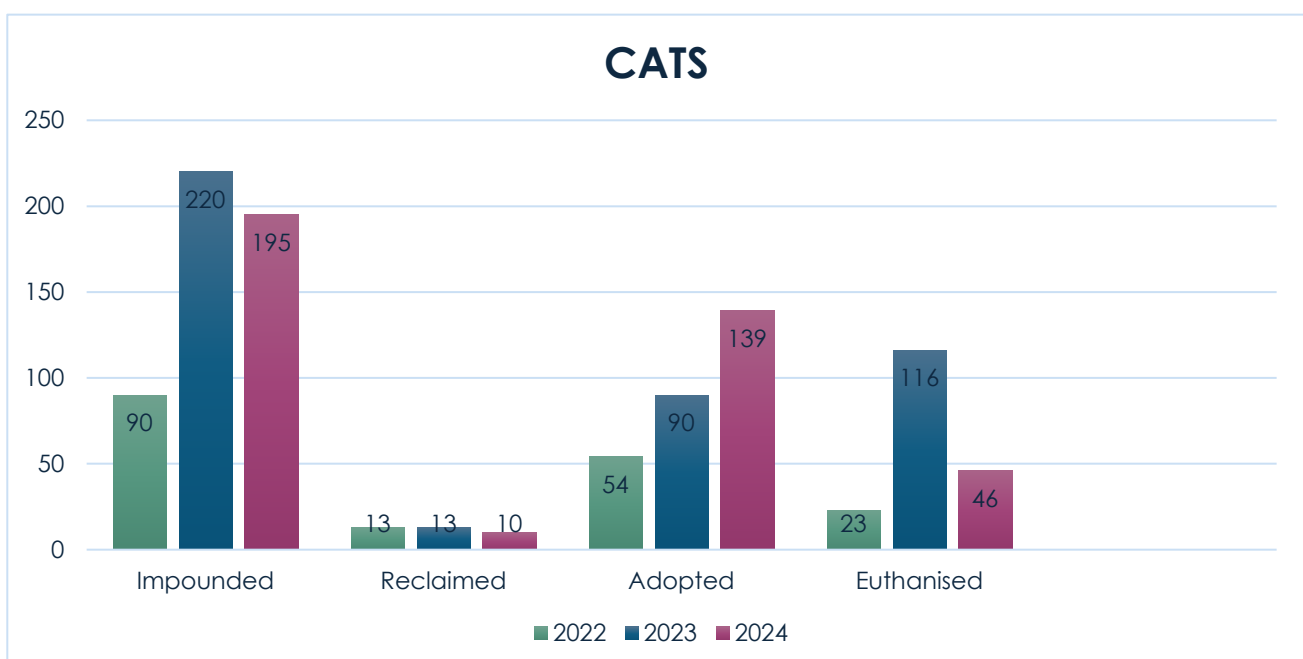
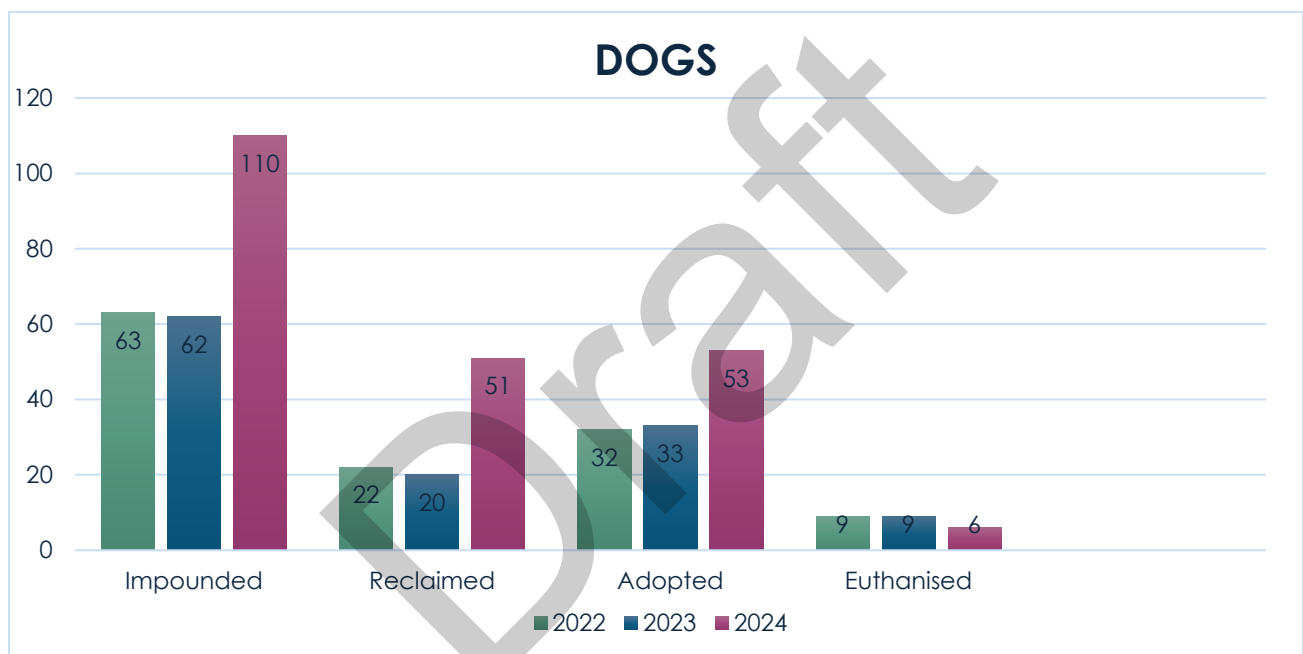
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4. Programs to Address Over-Population Rates and any High Euthanasia Rates

4.1 Context and Current Situation

There has been a significant increase in the impounding of stray dogs and cats, including those surrendered by owners and abandoned animals, rising from 63 dogs up to 110, and 90 cats up to 195. This can be attributed to better record keeping through use of the RSPCA sheltermate software commencing in 2024, although the dramatic increase for the 2024 period is also likely to have been heavily influenced by the increase in cost of living expenses.

Euthanasia rates for dogs have fallen over the last 3 years from 14.28 per cent down to 5.45 per cent, whilst reclaims have climbed from 34.92 per cent to 46.36 per cent. The statistics for cats have remained fairly constant with euthanasia rates dropping slightly from 25.5 per cent to 23.5 per cent and reclaims dropping from 14.4 per cent to 5.12 per cent, although adoptions remain high climbing from 60 per cent to 71.28 per cent of all impounded cats.



4.2 Our Orders, Local Laws, Council Policies and Procedures

Current Orders

There are currently no orders regarding domestic animal population rates.

Current Local Laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

Type of Animal	Maximum allowed in residential areas
Dogs	2
Cats	2

**Actual list contains other animals and birds but has been edited for this document to improve clarity.*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

Current policies and procedures

Cats

The seizure of cats is regulated by the provisions of the DAA. Council passed an order under Section 25 of the DAA to declare cats must be confined to the property at which they are kept at all times on 23 February 2022.

Residents may use an approved cat trap, or hire a free cat trap from Council, in order to trap cats trespassing on their property. Authorised Officers may conduct trapping programs if circumstances dictate or a problem area is identified requiring targeted intervention. Use of cat traps and trapping programs are detailed in the Compliance Procedures Manual.

When a cat is trapped or seized by a person on private property, the officer must check for Council tag and scan for microchip details. If an owner is identified and the cat is registered, it should be returned to the owner, who is advised to keep the cat contained as per Council Order, and not allow it to trespass onto other person's property. If the cat is not registered or has no microchip details, it should be impounded and transported to the Council pound facility. If the cat is injured, unwell or obviously feral, Officers should contact Council's contracted pound facility for advice and assessment.

Any unidentified cat should be photographed and the Compliance Coordinator notified of the location time and date of seizure. The animal may then be posted on Councils social media pages to try and identify an owner.

Owned cats found at large or trespassing on private property are to be handled as a stray under Council Section 25 Order, or as per Section 23 of the Act if a Notice of Objection has been submitted and served.

Owners of cats that are impounded without microchip or registration and are later claimed may be infringed for failing to apply to register or renew.

Officers may also be required to collect cats surrendered by their owner. Under Section 33A of The Act, Council must accept any dog or cat in the municipal district that is surrendered by the owner. In this case, officers should ensure that the surrendering owner fills out a surrender form and acknowledges that upon surrender, the ownership of the animal passes on to Council, to be dealt with or disposed of in accordance with The Act, Regulations or any relevant Code of Practice.

Excess Animal Permits

Benalla Rural City Council Community Local Law 2017 restricts the number and type of animal/s that may be kept in a residential area. Generally speaking, residential areas are limited to two dogs and/or two cats whilst rural areas are allowed five dogs or three cats. Refer to Clause 52 (1) of the Community Local Law 2017 for the complete table.

A person who wants to keep more than the permitted number of or type of animals on a property must apply for an excess animal permit. The form can be obtained from customer service, posted to the applicant upon request or completed online when available.

When the completed application and fee are received, a survey will be conducted with neighbouring properties who might reasonably be affected by the keeping of excess animals. The officer must also undertake an inspection of the property to ensure the animals can be kept in accordance with the permit conditions, the requirements of POCTA and address any reasonable and verifiable issues raised by the neighbourhood survey. The officer will advise the applicant of the result of the inspection as soon as reasonably practicable.

If granted, a permit remains valid for twelve months subject to compliance with conditions. A permit may be reviewed, suspended or revoked if the permit conditions are not adhered to. Each individual permit granted is subject to a separate fee and registration. Following issue of a permit, if a verifiable complaint or information is received by Council, inspections may be required to ensure compliance with permit conditions. If a permit holder is found in breach of any permit conditions, an office may take any appropriate action to remedy the situation, including enforcement action.

4.3 Our Plan

Objective 1: Encourage desexing of animals and facilitate affordable desexing programs.

Activity	When	Evaluation
a. Discount registration fees for cats and dogs that are de-sexed to encourage registration of animals over 3 months of age.	2028	Monitor number of registered dogs and cats within the municipality.

Activity	When	Evaluation
b. Discount initial registration for cats and dogs that are both micro-chipped and de-sexed under 6 months of age.	2027	Monitor number of desexed registered dogs and cats within the municipality.
c. Report to Council in relation to conducting a cost/benefit analysis regarding; free initial registration fees for cats that participate in the AVA subsidised de-sexing voucher scheme.	July 2026	Monitor number of desexed registered dogs and cats within the municipality.
d. Explore grant opportunities to provide free or discounted microchipping and desexing for pets of disadvantaged or low income members of municipality.	July 2026	Monitor number of desexed registered dogs and cats within the municipality

Objective 2: Reduce number of impounded unregistered cats and reports of wild/unowned cats.

Activity	When	Evaluation
a) Education campaign regarding semi-owned and wild cats.	July 2026 and ongoing	Monitor number of cat trap requests and cat impound statistics.
b) Conduct targeted trapping operations in areas identified as cat nesting areas, particularly in areas of high biodiversity.	July 2026 and ongoing	Monitor number of cat trap requests and cat impound statistics.
c) Promote health and safety benefits for containing cats to property.	Ongoing as opportunities present	Monitor number of cat trap requests and cat impound statistics.
d) Explore options for education on building or installation of low-cost cat containment systems.	Ongoing and in conjunction with community groups	Monitor number of cat trap requests and cat impound statistics.
e) Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	July 2026 and ongoing	Monitor number of cat trap requests and cat impound statistics.

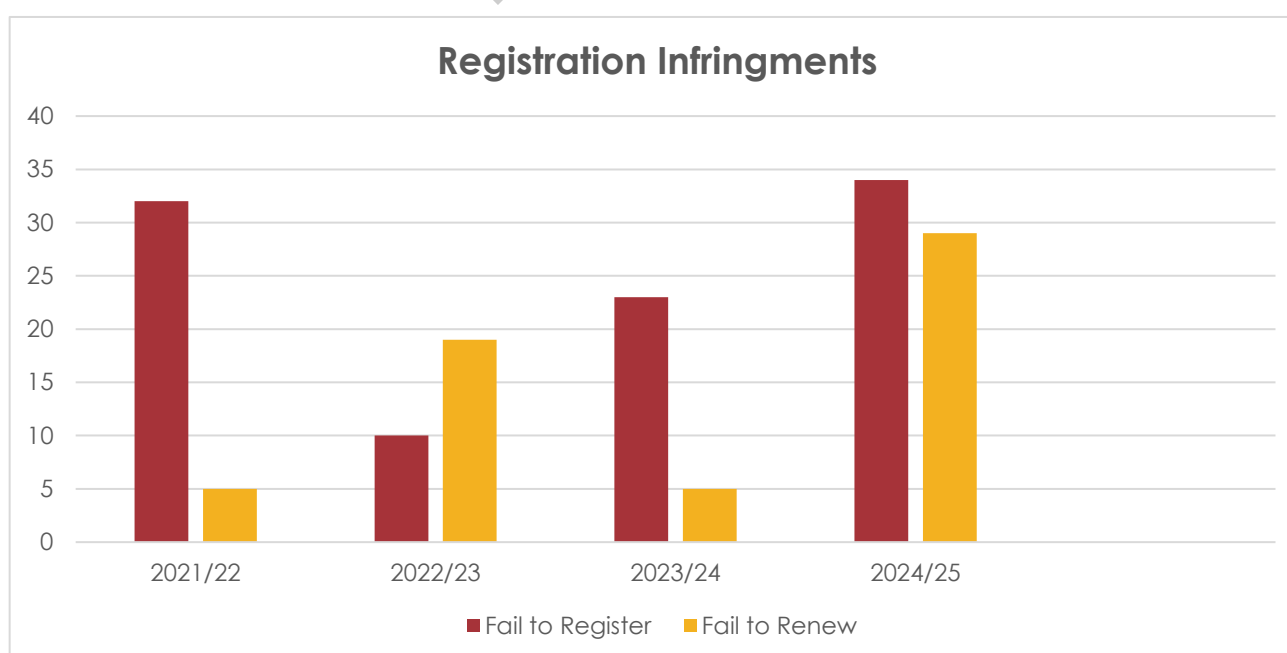
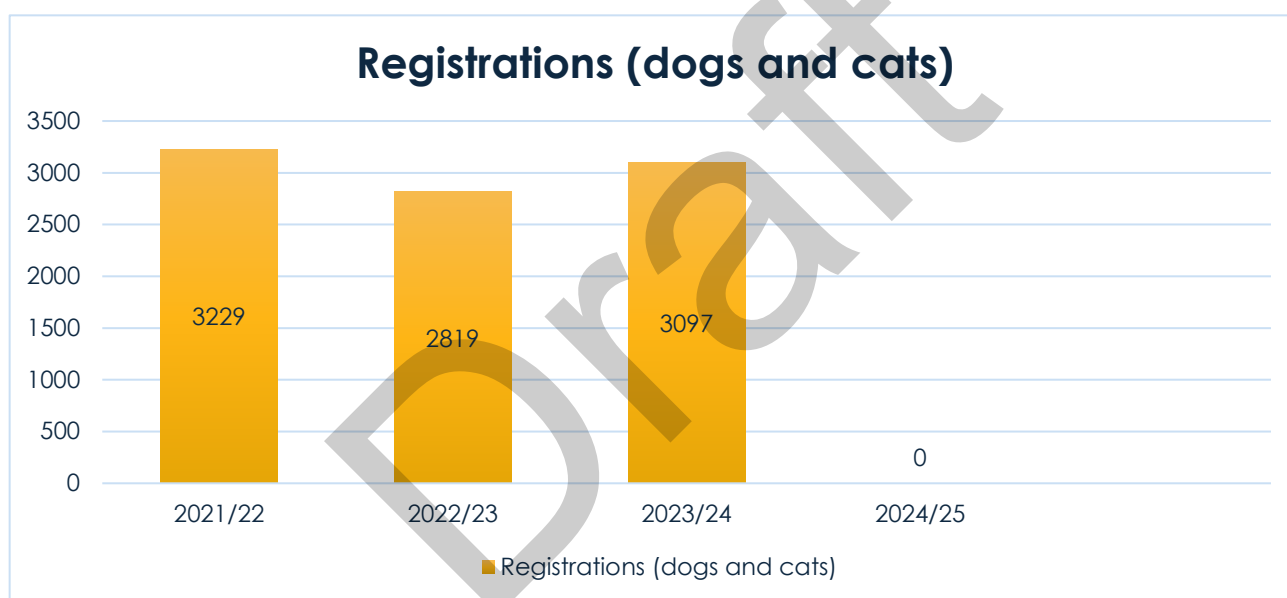
5. Registration and Identification

5.1 Context and Current Situation

All dogs and cats over the age of three months must be registered with the Benalla Rural City Council as per Section 10 (1) of the Act; newly registered animals must also be micro-chipped before registration can be accepted.

All dog and cat registrations commence on the 10 April each year and expire on the 9 April the following year. All statistics referred to in the following charts relating to dog and cat registration are between those dates.

	2021/22	2022/23	2023/24	2024/25
Dogs and Cats registered	3229	2819	3097	No Data
Fail to register infringements	32	10	23	34
Fail to renew infringements	5	19	5	29



Summary

Registration figures for dogs and cats climbed slightly from 2023 to 2024, but Council software systems are unable to supply overall figures for current or historical registration levels. Figures for 2023 and 2024 were estimated using hard copies of renewal reminder invoices located within the compliance office.

Infringements for failing to register or renew have remained reasonably consistent over the past four years with a slight rise in the last registration year attributable to better record keeping through external agency programs (RSPCA Sheltermate).

The Australian Companion Animal Council, in their report (7th Edition), found that the overall pet population (including all pets such as birds and fish etc) in Australia was approximately 33 million.

The report showed that there are 3.41 million dogs, or 36 per cent of households owning a dog and 2.35 million cats, or 23 per cent of households. With an estimated population of 14000 people, according to 2021 Census data, Benalla has 3097 dogs and cats registered within the municipality in the 2023/2024 period, a percentage of 22 per cent registered pets per head of population.

2021 Census data shows 5118 private dwellings in Benalla, which gives a percentage of 60 per cent of dwellings having a registered dog or cat. This would indicate that registrations are slightly above the average number of dogs and cats currently kept in Australia.

5.2 Our Orders, Local Laws, Council Policies and Procedures

Current Orders

There are no current local laws for registration in Benalla Rural City. We rely on Section 10(1) of the *Domestic Animals Act* for enforcement of registration.

Current Local Laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

Type of Animal	Maximum allowed in residential areas
Dogs	2
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- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (3) five (5) dogs; or
- (4) three (3) cats

Current Policies And Procedures

Current education/promotion of registration and identification activities includes:

- (1) Publicising the requirement to register pets over the age of three months in the Benalla Ensign, Benalla Rural City Community Connect, Benalla Rural City website and the Council's on hold phone messages.
- (2) A-frame signs placed at high traffic intersections and areas reminding pet owners of requirement to register and renew.
- (3) Animal registration renewal notices are mailed out in late February or early March each year for currently registered animals.
- (4) Lifetime registration tags are issued to pet owners upon registration of dogs or cats.
- (5) Brochures included in newly registered animal notices to provide information regarding the importance and requirements of registration.

5.3 Our Current Compliance Activities

Current compliance activities for registration and identification include:

- (1) A door knock or telephone audit conducted each year for animal registrations that have lapsed.
- (2) Enforcement through infringement or prosecution where animals kept within the municipality are not registered or renewed.
- (3) Ensuring impounded and unregistered animals are micro-chipped and registered prior to release.
- (4) Investigating Domestic Animal Business (DAB) notifications of animals being sold or given away to residents in the municipality.
- (5) Monitoring advertisements relating to animals for sale to ensure microchip numbers or DAB numbers are provided.
- (6) Proactive and reactive park and street patrols to follow up registration and ensure identification tags are being worn.

Animals found unsecured or 'at large' from their property and are identifiable by means of an allocated Benalla Rural City Council identification tag have a higher chance of being reunited with their owners and therefore not impounded. When dogs and cats are outside of the owner's premises, Council identification tags must be worn as outlined in section 20 of the Act.

The registration of animals provides the Benalla Rural City Council with an understanding of the level of pet ownership in the community and in turn this helps Council plan for services, information and programs associated with pets in particular areas of the community.

Registration fees help fund the services provided by the Council in relation to animal management and Animal Welfare Victoria (AWV) responsible pet ownership campaigns and programs provided within the municipality.

5.4 Our Plan

Objective 1: To minimise the number of properties required for the desktop and door knock audit and increase numbers of registrations and renewals in the municipality.

Activity	When	Evaluation
a) Educate residents of the animal registration renewal period by means of advertising/media releases, mailing of renewal notices and by placing A frame sign in areas where high levels of un-registered animals are kept.	March – May annually	Demonstrate increase or decrease in numbers of pets registered with council following annual registration and renewal period.
b) Ensure each property is audited and issued infringements where animals found to be unregistered.	July – August annually	Infringements issued.
c) Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to each release	Registrations.
d) Proactive door knocking in areas believed to have high number of unregistered animals via impound stats, to check for unregistered and un-identified dogs and cats. Effective advertising prior audit commencing.	Annually	Enforcement actions
e) Utilise Council social media to promote benefits of registration, microchipping and desexing.	Ongoing	Registrations.

Objective 2: Facilitate registration for lower socio-economic areas and increase awareness among culturally and linguistically diverse communities of pet registration requirements.

Activity	When	Evaluation
a) Brochures and articles explaining registration requirements and benefits in languages other than English for the CALD community.	February – April annually	Demonstrate increase or decrease in numbers of pets registered with council following annual registration and renewal period.
b) Offer responsible pet ownership rewards to pet owners found doing the right thing.	Ongoing	Public Feedback.
c) Explore options for grants and subsidies for discounted microchipping and desexing programs for pension card holders	Ongoing	Annual Registrations.
d) Educate local Vet clinics on their role as agents for stray animal collection and release on behalf of Council under section 84D, DA, DB, DC & DD of the Act.	As opportunities arise March 2026	Annual Registrations.

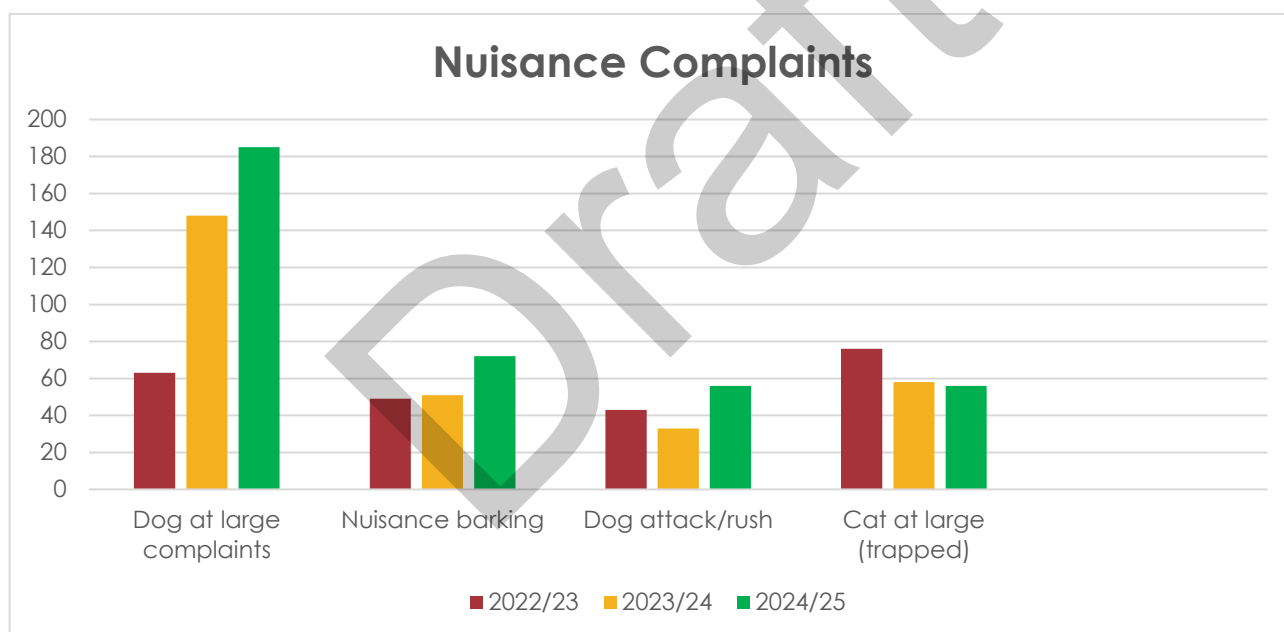
6. Nuisance

6.1 Context and Current Situation

Council's current policies and procedures regarding nuisance animals are positively weighted encouraging a community-based resolution before involving Council enforcement.

To this end, nuisance barking complaints are required to discuss the issue with neighbours or utilise a dispute settlement service, prior to reporting the matter to Council. Council offers a 24/7 call out service for collection of lost and wandering dogs and will return registered dogs and cats to their owners without penalty once a year, in order to encourage prompt registration and renewal.

	2022/23	2023/24	2024/25
Dog at large complaints	63	148	185
Nuisance barking complaints	49	51	72
dog attack/rush complaints	43	33	56
Cat at large (trapped)	76	58	56



6.2 Our Orders, Local Laws, Council Policies and Procedures

Current Orders

Benalla Rural City currently has orders under Section 25 and 26 of the Domestic Animals Act, resolved by Council on 23 February 2022 and published in the Government Gazette to deal with nuisance animals within the Municipality.

Cat Curfew

Pursuant to Section 25 of the Act, cats within the municipality are to be securely confined to the owner's property, or the property where they are kept for the time being, at all times.

Control of Dogs

Pursuant to Section 26 of the Act, dogs and cats within the municipality must be kept under effective control by means of a chain, cord or leash, not exceeding 3 m in length, held by the owner and attached to the animal whilst the animal is in a reserve or public place.

Owners Obligations

A dog may be exercised off leash in a designated area if the owner:

- carries a chain, cord, or leash, not exceeding 3 m in length, sufficient to bring the dog under effective control if the dog behaves in a manner which may worry, threaten or harass any person or animal.
- remains in effective control of the dog by voice and/or hand command to promptly bring the dog under control by chain, cord, or leash if it becomes necessary.
- does not allow the dog to worry, threaten or harass any person or animal.

Exceptions

If a dog is being exercised off leash in a designated area, it must be brought under effective control of the owner by means of chain, cord, or leash if:

- within 30 metres of the principal location of an organised sporting event
- within 30 metres of the principal location of an organised public meeting
- within 30 metres of a permanent barbecue or picnic area when in use
- within 10 metres of the perimeter of a playground
- within 5 metres of a shared pathway.

Prohibited Areas

Areas where dogs and cats are not permitted at any time:

- Dogs and cats, restrained or otherwise, are prohibited within the perimeter of any playground at any time.
- Dogs and cats, restrained or otherwise, are not permitted within any prohibited area declared by Council.

Current Local Laws

Section 53. Accommodation for Animals

An owner or occupier of land must ensure that all animals on that land are housed:

- (1) in a clean, inoffensive and sanitary condition
- (2) so as not to cause nuisance; and
- (3) in an adequate and appropriate manner for the type of animal being housed.

Section 60. Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- (1) Not allow the excrement of the dog to remain on that road or in that municipal place.
- (2) Carry a device suitable for the removal of any excrement that may be deposited by the dog.
- (3) Produce the device on demand by an authorised officer.

Current policies and procedures

Nuisance Barking

The Council has a procedure for nuisance barking complaints, as detailed in the Compliance Procedures Manual, to ensure all complaints received are handled in a consistent manner by all authorised Officers. The procedure outlines processes involved to investigate a complaint and ensure all elements of a nuisance barking offence is able to be proven as required by the Act. This includes neighbourhood mediation, noise logs, statements and an approach to encourage compliance at the earliest stage possible.

Where a nuisance barking offence is found to exist pursuant to section 32 of the Act, Council will take enforcement action that may include negotiation, warnings, infringements, notice to comply and prosecution to obtain orders from the Magistrates Court as a last resort.

This procedure is regularly reviewed and updated as legislation and community expectations evolve over time.

Cats and Dogs at Large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal can be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at RSPCA Victoria and held for eight days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it becomes property of Council and is assessed for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept or any other applicable offence. Cats are currently subject to an order under Section 25 of the *Domestic Animals Act 1994*, so owners that reclaim may be dealt with by way of infringement for failing to confine the animal or Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works under Section 84W of The Act, to ensure the animal is not able to escape from the owner's premises.

6.3 Our Plan

Objective 1: Educate and enforce dog owners within the Municipality regarding Council Order pursuant to Section 26 of the Act relating to the control of dogs in public places.

Activity	When	Evaluation
a) Educate dog owners in public areas and include brochures in animal registration renewal notices.	Ongoing	Ensure appropriate time and level of education has been provided before enforcement of order.
b) Update signs in parks, reserves and municipal places identifying dogs off and on leash areas.	Ongoing	Regular audits to be conducted of parks, reserves and municipal places to monitor placement and effectiveness of signs.
c) Proactive patrols of public areas to identify high risk areas and conduct enforcement activities as appropriate.	Ongoing	Ensure appropriate time and education has been provided before enforcement of order.

Objective 2: Educate and enforcement of cat containment order pursuant to Section 26 of The Act.

Activity	When	Evaluation
a) Educate cat owners and include brochures in animal registration packs and renewal notices.	Ongoing	Ensure appropriate time and education has been provided before enforcement of order.
b) Explore grants and subsidies available to assist residents to have cats desexed to prevent wandering and spraying nuisance.	March 2026	Monitor emerging grants through DEECA (Animal Welfare Victoria) and other appropriate bodies as they are advertised.
c) Provide education material about cat enclosures and provide a DIY cat enclosure workshop.	July 2027	Monitor cat at large and trapping statistics to ascertain level of education required.
d) Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Ongoing	Monitor cat at large and trapping programs statistics.

7. Dog Attacks

7.1 Context and Current Situation

Incidents of dog attacks and dog rush in Benalla Rural City are at the lower end statistically and have remained constant, over the last three years. Dog attacks are considered where a dog has physically contacted another person or animal, generally causing some kind of injury as a result and dog rush where there has been no contact or injury.

Dog attacks are categorised by determining if they caused minor injuries, serious injury or death as defined under The Act.

Serious injury means –

- (a) An injury requiring medical or veterinary attention in the nature of –
 - i. A broken bone; or
 - ii. A laceration; or
 - iii. A partial or total loss of sensation or function in a part of the body; or
- (b) An injury requiring cosmetic surgery.

Laceration means a wound caused by –

- (a) The tearing of body tissue
- (b) Multiple punctures caused by more than one bite from a dog.

Rush at, in relation to a dog, means to approach a person to a distance of less than three metres in a menacing manner, displaying aggressive tendencies that may include snarling, growling and raised hackles.

It is important to note that only attacks reported to Council are recorded, which tend toward attacks by dogs at large and not those that occur in the home by dogs known to or owned by the victim. This is explained in the report, “Dangerous dogs, a sensible solution” published by the Australian Veterinary Association in 2012, which states:

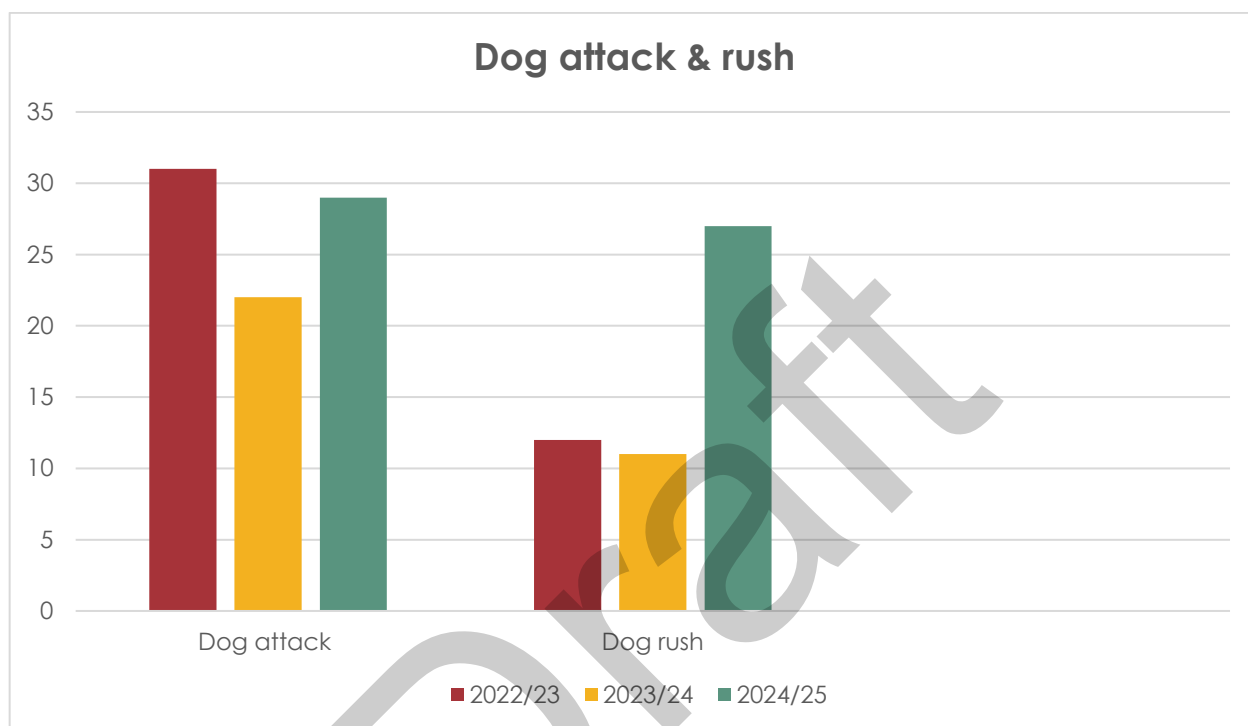
“Dog bite incidents generally occur either in domestic settings where the animal is known to the victim, or by dogs at large ... unknown to the victim. While dogs at large are responsible for a minority of dog bites, they attract disproportionate media and political interest. They are the public face of the dog bite problem, and most legislation is designed to control this part of the problem. However, most bites occurred in the dog’s own home and involve victims bitten by their own dog (Kizer 1979 cited in Overall and Love 2001). In Australia, 73 per cent to 81 per cent of attacks occur in the domestic environment (Ashby K 1996 quoted in Ozanne-Smith et al 2001)”

“Not surprisingly, Council data report that 62 per cent of dog attacks occurred in public places (Anon 2012) because few people will report bites by their own dog to council. Research has shown that owned dogs delivered more bites, were larger, bit more victims on the head and neck, delivered more bites needing medical treatment, and, in short, were more dangerous than strays (Harris et al 1974 cited in Overall and Love 2001).”

Dog attacks in Benalla are generally directed at other animals, dogs and cats, and particularly attacks on farming stock, such as sheep, cattle, poultry and alpaca.

Attacks on livestock can be particularly brutal, often resulting in the death or euthanising of valuable stock animals. Attacks on livestock are not just restricted to large or packs of animals, as even a smaller dog can cause terrified sheep or horses to run into fencing, causing injuries resulting in the animal being put down.

	2022/23	2023/24	2024/25
Dog attack	31	22	29
Dog rush	12	11	27



7.2 Our Orders, Local Laws, Council Policies and Procedures

Current Orders

Benalla Rural City does not have any current orders in place under the *Domestic Animals Act 1994*. We rely on Part 3 Division 1 of the Act for containment of dogs and cats (including stray animals) & Part 3 Division 2 of the Act for control of dogs and cats (including dog attacks).

Current Local Laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

Type of Animal	Maximum allowed in residential areas
Dogs	2
Cats	2

**Actual list contains other animals and birds but has been edited for this document to improve clarity.*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

Current Policies And Procedures

A report of a dog attack is regarded as a priority job and should receive an immediate response with an officer attending at the scene to assess, take details and seize the attacking dog if warranted. Dog attacks are entered onto the CRMS system by the officer taking the initial report.

The compliance procedures manual details steps to be taken upon report of a confirmed dog attack in line with the requirements of The Act:

- Upon arrival, officers should take details of all persons involved, including dog owners, victims and witnesses, including best contact numbers. If possible, a basic statement should be taken from the victim or witnesses at the time, or at least a brief description of the incident, where and when it took place. Photographs should be taken of the scene, any injuries and dogs involved.

When deciding if the offending dog should be seized, an officer should consider the following:

- The seriousness of the attack. Were there serious injuries (as defined in the Act) involved or an element of intentionally setting the dog to attack or reckless indifference.
- Is the dog still at the scene and acting aggressively or not under control
- Is the dog registered or does it have a history of attacks or aggressive behaviour.
- Is the dog able to be securely contained at the owners residence and is the owner responsible to keep the dog securely contained.
- Any other details relevant to public safety or community expectations.

If the dog is to be seized, the officer should follow the instructions for impounding, and a Notice of Seizure must be issued to the dog owner within four days after the dog is seized.

The officer should obtain signed statements from the victim, complainant, witnesses and a veterinary or medical report as soon as possible after the attack. It is often advisable to wait until after any necessary medical or veterinary attention is completed before taking a statement so that all relevant details can be included. The officer should note on the file if the owner of the offending dog has reimbursed or offered to reimburse the victim for expenses as a result of the attack.

When all the preliminary information is obtained and signed, the officer should offer the owner or person in charge of the offending dog, the opportunity to take part in an electronically recorded formal interview. This offer should be made in writing and recorded on the CRMS. If the owner accepts the offer, they should be interviewed as per the interview procedure. If the owner declines the offer, then the officer should proceed with the information at hand.

When the file is completed, the officer should make a decision to proceed with prosecution or take no further action in accordance with Benalla Rural City Regulatory Compliance and Enforcement policy. The investigating officer must be able to justify their decision with reference to the facts obtained in the investigation and the likelihood of a successful prosecution.

Non serious attack or rush offences may be dealt with by way of infringement or prosecution, depending on the circumstances as per Section 85 of The Act. An attack involving serious injury or death must be heard and determined by the Court and is not able to be dealt with by infringement.

Our Current Compliance Activities

- Investigating dog attacks promptly upon report
- Seizing and holding dogs responsible for serious injury attack
- Providing an afterhours service to respond to reports of aggressive or attacking dogs
- Prosecuting matters pursuant to the Act
- Issuing infringements for wandering dogs
- Issuing infringements for rush and attacks where non serious injury sustained
- Declarations for Menacing or Dangerous Dogs
- Seeking destruction Orders from Magistrates' Court where necessary
- Seeking confinement Orders from Magistrates' Court for dogs continually found wandering or not confined to property
- Proactive patrols of parks and streets for wandering dogs
- Proactive patrols for guard dogs on non-residential premises
- Recording data of reported dog attacks in the municipality

7.3 Our Plan

Objective 1: Provide targeted education and compliance campaigns in areas where data reporting shows incidents of dog attack against stock and other animals.

Activity	When	Evaluation
a) Collate and record data for dog attacks reported including, date/time, suburb, animal type, stock attacked, dog unsecured/off lead, dog unregistered, sex, entire/de-sexed.	Ongoing	Evaluate data annually to determine areas requiring specific education/compliance activities.
b) Initiate education and compliance activities in targeted areas to encourage reduction of roaming or uncontrolled dogs to prevent attacks occurring.	Annually	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign.

Objective 2: To minimise the incidence of dog attacks in the community.

Activity	When	Evaluation
a) Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents. Educating key dog attack prevention messages (e.g. confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.	Ongoing	<ul style="list-style-type: none"> Compare number of reported dog attack incidents pre and post campaign. Consider a community survey pre and post campaign, to measure any changes in knowledge about dog attack prevention. Record type and number of education materials distributed. Numbers of campaign patrols conducted. Number of media articles published
b) Inform the community of outcomes of dog attacks prosecuted in Court.	Ongoing	As occurs.
c) Set key performance indicators for Officers to complete dog attack investigations within a six week timeframe.	2027	Review complaints annually to evaluate percentage completed within timeframe.

Draft

8. Dangerous, Menacing and Restricted Breed Dogs

8.1 Context and Current Situation

Benalla Rural City Council has the following declared dogs currently registered within the municipality:

Registered restricted breed dogs	0
Registered declared dangerous dogs	1
Registered declared menacing dogs	0

The Act defines restricted breed dogs as any one of the following breeds:

- American Pit Bull Terrier (or Pit Bull Terrier)
- Perro de Prasa Canario (or Presa Canario)
- Japanese Tosa
- Fila Brasileiro.

Benalla Rural City Council has no restricted breed dogs registered. Owners of restricted breed dogs must abide conditions specified in the Act, including:

- Must not consent to, arrange or recklessly allow the dog to breed
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council has one declared dangerous dog. A dangerous dog is one that has been declared dangerous by Council or the Courts, a guard dog kept for the purpose of guarding non-residential property or a dog that has been trained to attack or bite any person or thing worn or attached to a person.

Owners of declared dangerous dogs must abide conditions specified in the Act, including:

- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council currently has no declared menacing dogs within the municipality. A menacing dog is one that has been declared menacing by Council or the Courts. Owners of menacing dogs must abide by conditions specified by the Act, including:

- Must notify Council if dog rushes or chases a person
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must always be muzzled and on leash outside the premises

Council must register all dangerous/menacing/restricted breed dogs with the Victorian Dangerous Dog Register (VDDR). This is a database that records all declared dogs for all relevant parties to see. Any dangerous, menacing and restricted breed dog entered into the VDDR is declared for the life of the animal and cannot be revoked by the Council. Microchip registries are also updated.

8.2 Our Policies and Procedures

Current Policies And Procedures

Council may declare a dog to be dangerous under Section 34 or menacing under Section 41A of the DAA. If a dog meets the criteria specified in the Act and the officer is of the opinion that a declaration is in the public interest, they may apply for a declaration to be made through the Compliance Coordinator.

If a dangerous or menacing declaration is to be made, the process as listed in Sections 35 and 36 of the Act must be strictly followed using the documentation approved by Council for this purpose.

In order to avoid any apprehension of bias in the declaration process (*ref: Isbester v Knox City Council (2015) HCA 20*), Council utilises a panel system for all declaration applications, where at least three Council staff members, with no connection to the investigation or application, will consider the application based on the merits of the case alone.

Current Compliance Activities

- Ensuring all declared dogs are registered on the VDDR
- Regularly conducting inspections on premises housing declared dogs to ensure compliance
- Seizing dogs suspected of being Restricted Breed Dogs
- Dog declarations made where applicable
- Prosecution/Infringements issued for any determined breach
- Assessing suspected restricted breed dogs via the gazetted standard
- Flagging certain breeds from registration database for assessment.
- Conduct proactive patrols after hours for unregistered guard dogs (dangerous dogs)

8.3 Our Plan

Objective 1: Developing a policy to assist in decision to declare a dog dangerous, menacing provides assurance to local residents the decision making is fair and nonbiased.

Activity	When	Evaluation
a) continue to review and update procedure for dangerous and menacing dog declarations in order to make equitable decisions.	Ongoing	Number of dangerous and menacing dog declarations made within the municipality as reported in annual reporting figures.
b) Review all dog attack investigations upon completion and complete a declaration application to the panel to assess if an order is required..	Ongoing	
c) Maintain dangerous and menacing dog register both locally and at a State level by maintaining the Victorian Declared Dog Registry	Ongoing	

Objective 2: Ensure declared dogs are compliant to relevant legislation and regulations.

Activity	When	Evaluation
a) Random property inspections of declared dogs to ensure compliance.	Ongoing	Review actions as offences detected.
b) Prosecute repeat offenders or serious breaches detected.	As occurs	Monitor offences and prosecutions.
c) Patrols for unregistered guard dogs in industrial areas.	As occurs	Review actions as offences detected.
d) Educate the community about what is a declared dog.	Ongoing	Review complaints raised as result of heightened awareness.

Draft

9. Domestic Animal Businesses

9.1 Context and Current Situation

There are four registered domestic animal businesses (DAB) within the Benalla Rural City Council, these include one boarding business, one breeding business, one combination boarding/breeding business and one training based business.

Council has a short-term animal holding facility located at the rear of the works depot and RSPCA Victoria is contracted to provide pound services for Council from its Burwood premises. As part of the contract additions, RSPCA Victoria transport impounded animals from Benalla to Burwood and returned to Benalla upon reclaim. This contract expires in December 2026.

Registered domestic animal businesses are audited both randomly and on receipt of complaints. Council also proactively investigates the presence of animal businesses to ensure compliance with the relevant codes of practice and legislation.

9.2 Our Policies and Procedures

In accordance with the provisions under Part 4 of the Act, DAB must be registered with Council. Currently there are five types of DAB that must be registered, which are:

- Pet shops
- Boarding establishments
- Breeding and rearing establishments
- Dog training establishments
- Dog and cat shelters and pounds.

Council must refuse to register renew or revoke a DAB registration if any of the conditions under Part 4, Division 3 of the Act are met. DAB is subject to Council inspection prior to registration, and annually thereafter, to ensure they are complying with the Code of Practice applicable to that Business. Current Codes of Practice are available on the Agriculture Victoria website or via Animal Welfare Victoria, along with audit checklists and factsheets to assist DAB operators to remain compliant.

Codes of Practice for the operation various DAB are made under the provisions of Section 59 of Division 4 of the Act. The purpose of the Code is to specify the minimum standards of accommodation, management, breeding and care that are appropriate to the physical and behavioural needs of dogs and cats affected by businesses operating as DAB. The Council is responsible for inspection, audit and ensuring compliance with the relevant code of practice.

Where an inspection has revealed that the DAB is not operating in accordance with the Code of Practice, the officer must notify the proprietor of the breaches and issue a Notice to Comply directing the proprietor to undertake all work necessary to meet compliance with the Code within a given time.

In the event the proprietor does not comply with the Notice to Comply, the Compliance Officer shall prepare a report for consideration by the Compliance Coordinator who will determine if Council should take legal or further action.

Planning requirements may exist for an animal business. These are in addition to the requirements of the Act and Benalla Planning Scheme. The application should be forwarded to the Planning Department for comment prior to proceeding.

9.3 Our Plan

Objective 1: Ensure Domestic Animal Businesses are compliant with relevant legislation and codes of practice.

Activity	When	Evaluation
a) Identify all businesses that should be registered DABs in the municipality, including businesses selling pets, products or services. Follow up to determine if they should be registered with Council.	Ongoing	Compare number of registered DABs before and after activity.
b) Monitor the Council's registration database for owners with more than 3 fertile females	Annually	
c) Conduct searches for unregistered Domestic Animal Businesses via internet, social media and newspapers	Ongoing	

Objective 2: Annually inspect and audit all registered DAB's.

Activity	When	Evaluation
a) Media campaigns to raise awareness of DAB definition, Council responsibilities and code of practices that must be adhered to.	Annually	Number of DAB registered each year.
b) Investigate advertisements of pets for sale.	Ongoing	Unlawful DAB prosecutions or enforcement actions.
c) Audit DAB's randomly to ensure compliance.	Annually	Number of successful audits showing compliance with the relevant code of practice.

10. Annual Review of Plan and Annual Reporting

Under section 68A(3) of the Act, Council must review its DAMP annually and, if appropriate, amend the plan. Council must provide the Department of Jobs, Precincts and Regions Secretary with a copy of the plan, including any amendments, and publish an evaluation of the plan's implementation in its annual report.

Evaluation of Implementation of the Domestic Animals Management Plan

Complete for each activity	
Was each activity completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe any changes you will make if you do that activity again.	
Was an activity not done or is now not planned to be done? If so, why?	
If an activity was unsuccessful and you don't plan to do it again, outline insights you have into why it didn't work.	
Complete for each objective	
Did you meet your objective by carrying out the planned activities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe your level of success/progress in meeting the objective.	

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6. Appointment Of A Council Representative To The *Heritage Advisory Working Group*

Ref: 1192341156-47
Nilesh Singh – Manager Development
Joel Ingham – Planning Coordinator

PURPOSE OF REPORT

The report discusses the appointment of a Council Representative to the *Heritage Advisory Working Group*.

BACKGROUND

In October 2022, Council resolved to adopt the *Benalla Heritage Study Stakeholder Engagement Plan* to assist with the *Benalla Heritage Gap Study* and *Heritage Policy Review*. The Engagement Plan was drafted in conjunction with the Department of Transport and Planning (DTP).

In accordance with the *Benalla Heritage Study Stakeholder Engagement Plan* a *Heritage Advisory Working Group* was formed.

The *Heritage Advisory Working Group* represents local property owners, architects, and business owners and assists with the *Benalla Heritage Gap Study* and *Heritage Policy Review*.

The *Heritage Advisory Working Group* provided valuable feedback during Stage 1 of the *Benalla Heritage Study* (completed in 2023). The *Benalla Heritage Study Stakeholder Engagement Plan* requires the group to hold a meeting at least three times throughout the course of the study. Stage 2 of the study has commenced.

The previous Councillor representative for the 2023/24 council year was Cr Danny Claridge.

The Manager Development and Planning Coordinator are the Council Staff representatives on the *Heritage Advisory Working Group*.

DISCUSSION

The *Heritage Advisory Working Group* requires a replacement Councillor Representative for the remainder of the 2024/25 council year.

***COUNCIL PLAN 2021-2025* IMPLICATIONS**

Leadership

- *Good governance.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information.	<ul style="list-style-type: none">▪ Report presented in a public report to the Council.▪ Report published on Councils website.

FINANCIAL IMPLICATIONS

There are no material financial implications with appointing a Councillor representative to the *Heritage Advisory Working Group*.

LEGISLATIVE AND STATUTORY IMPLICATIONS

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

Recommendation:

That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve that Cr be appointed as the Council representative on the *Heritage Advisory Working Group* for the balance of the 2024/25 Council Year.

7. 2025/26 Quick Response Grants Program

Ref: 1536132109-952

Tom Arnold – Community Development and Recreation Coordinator
Jane Archbold – Manager Community

PURPOSE OF REPORT

The report presents funding applications for 2025/26 Quick Response Grants.

BACKGROUND

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

The program distributes grants up to \$750 allowing local clubs, groups and organisations the opportunity to seek funds when the need arises.

DISCUSSION

Applications for consideration under the 2025/26 Quick Response Grant program are detailed in the table below.

Applicant	Details	Amount Requested	Proposed Assistance
Tatong Market and More Inc	<i>Tatong Market and More - Entertainment</i> Funding is to support live music at the 2025 Tatong Market and More, a free community event scheduled for Sunday, 2 November 2025 at the Tatong Footy Oval. The grant will cover the band Rattler. By providing live entertainment the event aims to encourage people to stay longer, enjoy the entertainment and connect with others. Council has supported entertainment at this event through Quick Response Grants for the past two years.	\$750	\$750
Benalla and District Preschool Partnership - Bernard Briggs Kindergarten	<i>Kindergarten - Oven Replacement</i> The kindergarten seeks funding to purchase a new oven to replace their current faulty one, which burns food and limits use. A functioning oven will support cooking activities for both current and future enrolled children, complementing their existing garden and chicken programs.	\$749	\$750
Total		\$1,499	\$1,500

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

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

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

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

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

FINANCIAL IMPLICATIONS

The *2025/26 Budget* allocates \$15,000 to the Quick Response Grant program. To date \$2,000 in Quick Response Grant funds have been awarded, leaving \$13,000 in the funding pool.

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

Recommendation:

That \$750 grants from the *2025/2026 Quick Response Grant program* be awarded to the Tatong Market and More Inc and to Benalla and District Preschool Partnership - Bernard Briggs Kindergarten.

8. Benalla Street Art Festival Advisory Committee Terms of Reference

Ref: 870788216-219

Alison Angus – Visitor Economy Coordinator

Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The report presents the updated and reviewed *Benalla Street Art Festival Advisory Committee Terms of Reference*.

BACKGROUND

The *Benalla Street Art Festival Advisory Committee* (the Committee) was established by the Council at its meeting on 24 May 2023. The committee was formed to deliver the Benalla Street Art Festival event in Benalla Rural City.

Street Art Festivals have been delivered in 2024 and 2025, with planning underway for a 2026 festival.

The Council at its meeting on 18 December 2024 appointed two Councillor representatives to the Committee:

- Cr Jillian Merkel
- Cr Nathan Tolliday

The *Benalla Street Art Festival Advisory Committee Terms of Reference* (Terms of Reference) were adopted by Council at its meeting on 11 October 2023.

DISCUSSION

The *Benalla Street Art Festival Advisory Committee Terms of Reference* have been reviewed by the Committee. Feedback was received from the committee members and the committee's chair.

The following proposed changes have been made to the Terms of reference following discussions with Council staff and the *Benalla Street Art Festival Advisory Committee*.

Current wording	Proposed Changes
2. Purpose The purpose of the Committee is to facilitate and deliver the Benalla Street Art Festival 2024-2027.	2. Purpose The purpose of the Committee is to assist in the delivery of the Benalla Street Art Festival.
3. Duties and Functions The Committee has the following duties and functions: 3.1. Organise and deliver the Benalla Street Art Festival 2024 to 2027 (BSAF). 3.2. Develop a <i>Benalla Street Art Reactivation Strategy</i> to determine the scope and cost of a similar sized Festival as held in 2019. 3.3. Facilitate a BSAF of international standard to establish Benalla Rural City as a world leader in public art.	3. Duties and Functions The Committee has the following duties and functions: 3.1 Assist Council in the delivery of the Benalla Street Art Festival. 3.2 Support visitation to the festival. 3.3 Actively promote the Benalla Street Art Festival. 3.4 Assist with consultation and evaluation activities as they arise.

Current wording	Proposed Changes
<p>3.4. Deliver a BSAF aimed at attracting increased visitation and generate increased economic benefit to Benalla Rural City.</p> <p>3.5. Engage members of the community to assist in the delivery and promotion of the BSAF.</p> <p>3.6. Ensure the successful engagement of the community and other stakeholders.</p> <p>3.7. Support and facilitate ongoing communication between the Council and local community.</p> <p>3.8. Assist with consultation and evaluation activities as they arise.</p> <p>3.9. Assist with securing funding for the BSAF.</p> <p>3.10. The Committee is an Advisory Committee of Council. It has no delegated power from the Council.</p>	<p>3.5 Assist with funding and sponsorship as directed by Council.</p> <p>3.6 Community representatives are encouraged to volunteer during the Benalla Street Art Festival.</p>
<p>5. Membership</p> <p>5.1. The Committee will comprise of up to nine members:</p> <ul style="list-style-type: none"> ▪ Up to two Councillor representatives. ▪ Up to two Council officers nominated by the Chief Executive Officer. ▪ Community representatives with skills in festivals, events, creative arts, community engagement, marketing, fundraising and governance. ▪ Representatives from key stakeholder groups. <p>5.2. The Council will appoint Councillors and community and key stakeholder representatives.</p> <p>5.3. The members of the Benalla Street Art Advisory Committee are appointed for the term of the project (2024-2027).</p> <p>5.4. The Committee will elect a chairperson and a deputy chairperson.</p> <p>5.5. The committee may seek the involvement of additional members with interests and expertise relevant to the task at hand.</p> <p>5.6. A member of the Benalla Street Art Advisory Committee may resign from their position at any time.</p> <p>5.7. Members are encouraged to attend all meetings of the Benalla Street Art Advisory Committee. If a member fails to attend three consecutive meetings of the Committee without obtaining a leave of absence that member shall be deemed to have resigned from the Committee.</p>	<p>5. Membership</p> <p>5.1. The Committee will comprise of up to nine members:</p> <ul style="list-style-type: none"> ▪ Up to two Councillor representatives. ▪ Up to two Council officers nominated by the Chief Executive Officer. ▪ A maximum of five community representatives with skills in festivals, events, creative arts, community engagement, marketing, fundraising and governance. <p>5.2 The Council will appoint Councillors and community representatives.</p> <p>5.3 Any community representatives appointed to the Committee shall hold office for a period of three years.</p> <p>5.4 Following the completion of their term of appointment, community representatives of the Advisory Committee shall be eligible for re-appointment for a further term.</p> <p>5.5 A member of the Committee may resign from their position at any time in writing.</p> <p>5.6 If the member who resigns is a community representative as specified in 5.1, the Council shall invite nominations for community representatives to fill the vacancy.</p> <p>5.7 Members are encouraged to attend all meetings of the Benalla Street Art Festival Advisory Committee. If a member fails to attend three consecutive meetings of the Committee without obtaining a leave of absence that member shall be deemed to have resigned from the Committee. The Council shall follow the procedure set out in Clause 5.6 to fill the vacancy.</p>

Current wording	Proposed Changes
	<p>5.8 The Council may in its absolute discretion decline to appoint to the committee any such person who has been nominated or recommended for appointment – removed.</p> <p>5.9 At its October meeting each year the Committee will nominate a chairperson for the Councils consideration.</p> <p>5.10 The Committee may appoint any sub-committees which it considers necessary to carry out its functions.</p> <p>5.11 The role of Chairperson shall be:</p> <ol style="list-style-type: none"> To chair all meetings of the Advisory Committee. To act as official spokesperson for the Advisory Committee. To act as the liaison person between the Advisory Committee and the Council.

The proposed *Benalla Street Art Festival Advisory Committee Terms of Reference* are attached as **Appendix 1**.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, due to administrative nature of the Terms of Reference, community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Terms of Reference presented in a public report to the Council. ▪ Report published on the Council's website. ▪ Adopted Terms of Reference to be published on the Council's website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the Committee's Terms of Reference.

LEGISLATIVE AND STATUTORY IMPLICATIONS

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

Recommendation:

That the *Benalla Street Art Festival Advisory Committee Terms of Reference – August 2025* be adopted.

Terms of Reference

Benalla Street Art Advisory Committee

August 2025

Document Control

Draft terms of reference created:

July 2025

Terms of Reference adopted by Council:

Version Number:

V3

1. Title

The advisory committee will be known as the Benalla Street Art Advisory Committee (the Committee).

2. Purpose

The purpose of the Committee is to assist in the delivery of the Benalla Street Art Festival.

3. Duties and Functions

The Committee has the following duties and functions:

1. Assist Council in the delivery of the Benalla Street Art Festival.
- 3.1 Support visitation to the festival.
2. Actively promote the Benalla Street Art Festival.
- 3.2 Assist with consultation and evaluation activities as they arise.
- 3.3 Assist with funding and sponsorship as directed by Council.
- 3.6 Community representatives are encouraged to volunteer during the Benalla Street Art Festival.

4. Delegations

The Committee has no delegated power to act on behalf of the Council or commit the Council to any expenditure.

5. Membership

- 5.1. The Committee will comprise of up to nine members:
 - Up to two Councillor representatives.
 - Up to two Council officers nominated by the Chief Executive Officer.
 - A maximum of five community representatives with skills in festivals, events, creative arts, community engagement, marketing, fundraising and governance.
- 5.2 The Council will appoint Councillors and community representatives.
- 5.3 Any community representatives appointed to the Committee shall hold office for a period of three years.
- 5.4 Following the completion of their term of appointment, community representatives of the Advisory Committee shall be eligible for re-appointment for a further term.
- 5.5 A member of the Committee may resign from their position at any time in writing.

- 5.6 If the member who resigns is a community representative as specified in 5.1, the Council shall invite nominations for community representatives to fill the vacancy.
- 5.7 Members are encouraged to attend all meetings of the Benalla Street Art Festival Advisory Committee. If a member fails to attend three consecutive meetings of the Committee without obtaining a leave of absence that member shall be deemed to have resigned from the Committee. The Council shall follow the procedure set out in Clause 5.6 to fill the vacancy.
- 5.8 At its October meeting each year the Committee will nominate a chairperson for the Councils consideration.
- 5.9 The Committee may appoint any sub-committees which it considers necessary to carry out its functions.
- 5.10 The role of Chairperson shall be:
 - a. To chair all meetings of the Advisory Committee.
 - b. To act as official spokesperson for the Advisory Committee.
 - c. To act as the liaison person between the Advisory Committee and the Council.

6. Reporting

The frequency of meetings will be determined by the Committee.

7. Quorum

The quorum of the Committee will be no less than a majority of the members appointed to the Committee.

8. Reporting

- 8.1. The business of the Committee shall be recorded in proper minutes.
- 8.2. Agendas and notes of each meeting will be distributed to all members.
- 8.3. The Committee will provide reports on its activities as required.
- 8.4. The Council will be responsible for providing administration support to the Committee.
- 8.5. In accordance with *Local Government Act 2020*, committee members must not improperly direct or influence a member of council staff in the exercise of any power or in the performance of any duty or function.

9. Review of Terms of Reference

- 9.1. The Committee's terms of reference may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.
- 9.2. The Council shall consult with the Committee prior to amending the Committees terms of reference.

9. Economic Development And Sustainability Department Activity Report For The Quarter Ended 30 June 2025

Ref:1545273666-206

Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The report presents the activity of the Economic Development and Sustainability Department for the quarter ending 30 June 2025.

ECONOMIC DEVELOPMENT

Future of Benalla and District Project – Community Development Fund

- Midland Freight were awarded a \$1million grant through the State Government's *Forestry Transition Fund* to create a new freight facility with the creation of ten new jobs. Midland Freight runs a freight delivery service in Victoria's northeast for companies including Australia Post, Fischer & Paykel and Team Global Express.
The Forestry Transition Fund supports job creation and business development in towns or communities affected by the end of native timber harvesting in Victoria.
- Grant applications for the Benalla Future Economy and Employment Precinct and Benalla Creative Collaboration Hub were submitted. These projects are derived from the *Local Development Strategy*.
- Interviews for the Project Manager – Community Development Fund position were completed. Melissa Reid has been appointed to the temporary full-time position, commencing on Monday 21 July 2025 until Friday 22 January 2027.
- The Grant application for the *Future Economy Employment Precinct* was submitted in April 2025 and has been approved through the *Community Development Fund - Round 2 - Stream 2*. Final Ministerial sign off to occur before works commence for this project.
- The Expression of Interest (EOI) submitted for the Creative Hub was approved as part of the *Community Development Fund - Round 2 – Stream 2*. The full application for the Creative Hub is pending finalisation by the Industry Working Group (IWG) and will then be submitted in the Round 3 application process due to open in early July 2025.
- The EOI for the Migrant Camp is almost ready for submission in Round 3 of the *Community Development Fund*. This will allow a feasibility study to be completed on the Migrant Camp, which will underpin the Creative Hub and ensure longevity.

BUSINESS DEVELOPMENT

- Transport Victoria completed resurfacing on Bridge Street East, Benalla between Nunn Street, Benalla and Smythe Street, Benalla in late June 2025. Nightworks ensured there was minimal disruption to businesses.
- The Small Business Bus attended Benalla on 18 June 2025 and was located outside the Benalla Town Hall from 10am-4pm offering 1:1 support and confidential advice for small businesses to help identify clear directions, discuss issues and priorities and develop a business action plan to achieve your goals
- New business *Noodle Mas* opened in June 2025, expanding their Wangaratta footprint to the Bridge Street East, Benalla location.

Business Networking and Upskilling

- Three *Coffee Connections* meetups were organised by Council Staff in collaboration with the Benalla Business Network this quarter. Meetups are held before work on the second Wednesday of the month. The free networking event is shared around different local cafes/venues with more than 14 people attending each session.

The April 2025 meetup was held at Stella Stella Café. May 2025 meetup was hosted by the Early Bird Cafe with BBN discussing “How to create a strong business network”. The June 2025 meetup was held at Ruby Blue Cafe to hear guest speaker Andrew Yeoland, CEO Foott Waste who discussed “Innovations in smart waste tech and how businesses can benefit”.

Business webinars and events

- The Council continues to promote the Business Victoria, Innovation Melbourne and the ATO webinars via the monthly “In the Loop” business e-newsletter and all webinars and relevant business events are posted on the Supporting Benalla Business Facebook events page.
- An Artificial Intelligence Forum titled “Leveraging AI to Create and Grow Regional Businesses” was held in Wangaratta on 11 June 2025. Developed as part of the Ovens Murray Digital Taskforce’s objectives, Regional Development Australia brought the successful event held in Bendigo last year to our region. In collaboration with Rural City Wangaratta and Department of Jobs, Skills, Industry and Regions. The Forum was a chance to hear from industry leaders exploring the opportunities and practical solutions for AI in regional Victoria. More than 100 people attended the day with more sessions planned later in the year.
- Many more businesses were actively involved in the Benalla Street Art Festival held April 11-13 2025, decorating windows, purchasing customised T-shirts for staff, hosting fringe events, exhibitions, sponsoring both cash and in-kind and extending trading hours. A survey was distributed after the Festival to gather business feedback and ideas for next year albeit with limited take-up. One key outcome was the need for businesses to collect postcodes of customers.

Benalla Business Network (BBN)

- Twelve months on from the BBN’s re-activation it is timely to reflect on the achievements of the new Executive Committee in the past year. Membership has grown to 80.
- Revised fee structure (\$50 for micro and small businesses to \$300 for big business)
- Hosted Business After Hours events –Hospitality Spaces in June 2025.
- Digitized Benalla dollars with ‘Why Leave Home’.
- Supported the ‘buy local campaign’ by offering \$2,000 Benalla Business network dollars prizes for the Benalla Street Art Festival in April 2025.
- Collaborated with Council on Coffee Connections, hosting the May and June 2025 events.
- Published monthly BBN E-news.

VISITOR ECONOMY

Events

Benalla Street Art Festival

Benalla Street Art Festival was held from Friday 11 to Sunday 13 April 2025. The Festival was a vibrant celebration of contemporary street art. Professionally curated by Eddie Zammit, the Festival lineup featured ten leading artists from Victoria and interstate, including artists with international reputations.

The Festival attracted considerable numbers of visitors from intra and interstate, and positively engaged the regional community, owing to a comprehensive communications strategy and the diversity of Festival experiences.

Experiences Included live painting, major exhibitions at Benalla Art Gallery, artist talks, cinema sessions, Festival Hub with live music, painting activities, and food and beverage options, children's workshops, guided tours, and a substantial fringe program including youth activities and fine dining experiences showcasing Benalla food and wine.

Planning has now commenced for the 2026 festival.

Benalla Heritage Festival

Benalla Heritage Festival was held from 2 to 4 May 2025. Both the opening and closing of the festival were held in the Benalla Visitor Information Centre. A highlight of these events was *Reel History – Benalla's History on Screen*, a compelling film showcase that brought the town's rich heritage to life for audiences.

To support the delivery of this unique component, major event grant funding was awarded to the Benalla Heritage Network, contributing to the event's success and enhancing the festival's cultural depth.

Benalla Historic Vehicle Tour – Flowers, Farms and Racing.

Benalla Historic Vehicle tour offered visitors a unique and immersive experience showcasing the diverse attractions of the Benalla region. The tour combined natural beauty, rural charm, and high-octane excitement in a seamless one-day itinerary. Participants explored picturesque gardens, experienced authentic farm life, and visited the iconic Winton Motor Raceway where participants got to take in all the action on the track —offering a distinctive blend of nature, heritage, and motorsport.

The tour celebrated both the serenity of the countryside and the legacy of racing legends, providing a balanced mix of relaxation and excitement.

Stops on the tour included:

- My little potting shed
- Dunmore Farm
- Winton Motor Raceway
- Benalla Cinema.

Citizenship Ceremony

On Thursday 19 June 2025, during Refugee Week, Benalla Rural City Council welcomed 14 new Australian citizens, during a special citizenship ceremony held at the Benalla Art Gallery.

The newest citizens, from seven different countries including India, China, the United Kingdom, Samoa, Zimbabwe, Sri Lanka, and the Philippines, were welcomed by Benalla Rural City Council Mayor, Cr Bernie Hearn, who was the presiding officer for the ceremony.

BENALLA CINEMA

'Reel History: Benalla's Story on Screen' was an immersive exhibit showcasing Benalla's rich history through short films and documentaries and played on the big screen in Benalla Cinema as a part of the Benalla Heritage Festival.

Patrons were able to enjoy historical footage, personal stories, and interactive elements, offering a comprehensive and engaging look at the town's heritage. It offered an engaging and immersive experience that brought our history to life through the magic of film. Patrons were transported back in time as they watch historical footage, and reenactments of significant moments in Benalla Rural City's past.

Benalla Cinema Comparison 2024-2025

Month	Sessions 2025	Patrons 2025	Sessions 2024	Patrons 2024
April	117	1522	103 sessions	942
May	130	866	104 sessions	523
June	108	1176	131 sessions	1409

**Some session weeks have overlapped into the next month.*

Benalla Visitor Information Centre

Visitor numbers for the quarter:

Month	2025 Visitors	2024 Visitors
January	1,219	1,401
February	951	963
March	1,389	1,832
April	1,736	1,401
May	1,174	1,786
June	787	1,811
Total	7,256	9,194

TOURISM

Benalla Rural City Destination Management Plan 2025-2029

A community and industry workshop was held at the Benalla Cinema on Monday 5 May 2025. Attendees were able to discuss the draft *Benalla Rural City Destination Management Plan 2025-2029*.

The workshop provided an opportunity to hear back from community members and local industry representatives about what tourism looks like now, and what it could be in the future. The workshop played a vital role in producing the final *Benalla Rural City Destination Management Plan 2025-2029*.

Visitor Information Centre

In June, the Visitor Services team participated in a familiarisation (famil) tour to enhance their knowledge of the Ned Kelly story and the surrounding region, ultimately enhancing the support and information they provide to visitors.

The itinerary included key sites of historical and natural significance, such as:

- Stringybark Creek Historic Reserve, Archerton
- Jones Camping Reserve, Archerton
- Paradise Falls, Cheshunt
- William Hovell Dam, Cheshunt South.

This experience enabled both staff and volunteers to better understand the visitor journey and offer more informed and engaging recommendations.

Benalla Art Gallery

- For the quarter 1 April to 30 June 2025, Benalla Art Gallery welcomed 21,690 exhibition visitors and staged 54 public and education programs for 1,492 participants.
- Benalla Art Gallery launched five new major exhibitions in this quarter:
 - Baby Guerrilla: Dancing with Gravity
 - Jason Parker: Rise, Ruin, Renew, Repeat
 - Anna Mackrell: A Well Structured Nature
 - Mary Tonkin: Rambles
 - Ntaria and beyond, the Hermannsburg School of Art
- Benalla Art Gallery Advisory Committee met on 3 June 2025 confirming the acquisition of 22 new works by Gareth Sansom, Kirstin Berg, Wes Walters, Guy Stuart, Clifford Possum Tjapaltjarri, Hugh Sawrey, Anniebell Marrngamarrnga, and Bill Henson.
- The Munro & Sargeant café at Benalla Art Gallery ceased operations on Monday 28 April 2025. Benalla Art Gallery is currently utilising this space for expanded retail presence, and communications for the upcoming *Benalla Art Gallery Redevelopment Project Stage 1*, and event delivery as required.
- As part of the Customer Request Management System project with the Benalla Art Gallery Foundation the Benalla Art Gallery has now activated online membership. This will enable new members to join and renew via the Benalla Art Gallery website.
- Benalla Art Gallery submitted a multi-year funding application to the Ian Potter Foundation to support the underlying need for Business Development enabling income diversification, reduced reliance on government agencies (as recommended in the Social Ventures Australia 2023 report) and to allow the organisation to raise the bar of aspiration and achievement. The application was developed in partnership with the Benalla Art Gallery Foundation.
- Benalla Art Gallery submitted a funding application to the State Government's Department of Education 'Strategic Partnerships Program', seeking to engage a qualified educator to develop education resources for major exhibitions and educate staff to deliver these resources via excursions and incursions.
- Benalla Art Gallery submitted a multi-year funding application to the Balnaves Foundation to engage a Collection Manager. The application was developed in partnership with the Benalla Art Gallery Foundation.

Sustainable Environment

- The *2024/25 Roadside Weed and Pest Program* treatments and mapping have been completed and funding for the 2025/26 program has been received.
- The Powering Resilience in the Regions Project (Library Battery Storage) which is being led by the Central Victorian Greenhouse Alliance with support from the Goulburn Murray Climate Alliance, have been working towards the tender process for the operation and maintenance of the batteries and solar systems. The RFT will be open from the first week of August 2025.
- The Environment Sustainability Coordinator (ESC) has been working with Tesla to assess potential sites for electric vehicle chargers in Benalla. Council's Planning team has also been involved to explore suitable sites.

- Completed changeover of remaining Mercury Vapour and Compact florescence streetlights to LED's. Following completion of the project the Council received a rebate of \$58,475 from Ausnet.
- The ESC has been attending meetings for the *Goulburn Valley Food System Framework Reference Group*. The Framework has been put together by the Goulburn Valley Public Health Unit in collaboration with a reference group consisting of people from a number of organisations in the region. Consultation for the framework will be undertaken with key stakeholders.
- Council's Sustainability team are planning its third annual clothes swap. This event will be run during the 2025 Benalla Festival in November.

COUNCIL PLAN 2021-2025 ACTION PLAN

Liveability

Vibrant public spaces and places		
Strategy	Action	June Quarter Update
Beautify streetscapes, landscaping, signage and town entrances.	Upgrade town signage and entry gateways.	Branding strategy to be developed in the 25/26 financial year and put out for community consultation.

Economy

Thriving business and industry		
Strategy	Action	June Quarter Update
Work together with key stakeholders to engage, support, strengthen, enhance and diversify local business.	Develop the Economic Diversification plan.	Final Draft of the Local Development Strategy (LDS) completed. Second stage funding applied for to support the projects out of the LDS has been successful.
	Develop a Benalla Rural City Small Business Attraction and Assistance program.	This will be an outcome of the Economic Development Strategy to be delivered in 25/26 Financial Year.
Attract new investment, business and industry to the Benalla Rural City to facilitate business growth and job creation.	Develop an Economic Diversification plan.	This is an outcome of the Community Development Fund.

Flourishing tourism		
Strategy	Action	June Quarter Update
Strengthen the visitor economy through growth of events and promotion of unique assets and experiences and visitor attractions.	Review and update the Events and Tourism strategy.	The <i>Benalla Rural City Destination Management Plan</i> has been adopted.

Environment

Healthy and protected natural environment		
Strategy	Action	June Quarter Update
Partner with agencies and the community to manage and enhance our natural environmental assets, water quality and river health across Benalla Rural City and support the Goulburn Broken Catchment Management Authority Regional Catchment Strategy and other regional environmental strategies.	Review and update the Environmental Strategy and the Climate Change Adaptation Plan.	Council officers continue to take part in the Goulburn Broken Catchment Management Authority Biodiversity Roundtable meetings. Council also continues to work with GeckoClan Landcare Network and the Goulburn Valley Food System Framework Governance Group.

Sustainable practices		
Strategy	Action	June Quarter Update
Partner with business, industry and community to plan and implement local approaches and initiatives that respond to climate change.	Review, update and adopt Benalla Rural City Council Environment Strategy.	The draft <i>Benalla Rural City Climate and Environment Strategy</i> is currently going through Council processes.
Advocate, promote, support and encourage the use of renewable and clean energy and technology.	Encourage and facilitate the installation of more electric vehicle chargers in and around the Benalla CBD.	Council is continuing to work with businesses to provide Electric Vehicle charging infrastructure within the municipality. Currently the Denny Street carpark has two charging stations.

Recommendation:

That the report be noted.

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10. Finance Department Activity Report For The Quarter Ended 30 June 2025

Ref: 19809025-2626
Cathy Fitzpatrick – Manager Finance

PURPOSE OF REPORT

The report presents an overview of the functions of the Finance Department for the quarter ended 30 June 2025.

Finance

- Quarter 4 review of forecast result for 30 June 2025 considering impacts against budget.
- Upon adoption of 2025/26 Budget Program loaded budget into finance systems and generated 25/26 procurement processes for Purchase Orders.
- External Audit Preparedness program commenced – finalizing introduction of associated software for Financial Statement 2025
- Three Finance staff member attended Finpro training day and Victorian Audit General Office update.
- Ongoing involvement with 4 council CODI system mapping of data for new computer system.
- Throughout 2024/25 Council's procurement payment system has utilised Eftsure services to onboard Suppliers payment details. A snap shot of the creditors processed in 24/25 Financial year is outlined below:
 - 1033 Business/Individuals paid
 - 6094 individual payments
 - \$31.211m total payments
 - 249 New Creditor Onboardings
 - 2294 Total Creditors in EFTSURE

Sundry Debtors

An analysis of the unpaid sundry accounts as at that date with comparative data for the previous year is as follows:

Debtors Balances:

Date	90 days	60 days	30 days	Current	Total
30/06/25	\$81,853	\$125,758.78	\$190,679.48	\$705,701.56	\$1,103,993
31/03/25	\$5,733,543	\$7,601	\$250,034	\$484,545	\$6,471,176
31/12/24	\$100,090	\$170,671	\$232,105	\$307,885	\$810,752
30/09/24	\$0	\$40,510	\$97,293	\$145,170	\$282,973
30/06/24	\$38,726	\$0	\$391,383	\$265,867	\$695,977

Investment Portfolio

In accordance with the Investment Policy, details of investments held at 30 June 2025 are provided in the following table.

Table 1. Investments held at 30 June 2025

Bank	Short-term credit rating	Investment type	Amount invested '000	Interest rate	Term (days)	Maturity date
Rabo	A1+	TD	\$4,000	4.90%	182	03-Feb-25
NAB	A1+	TD	\$1,027	4.75%	182	21-Mar-25
NAB	A1+	TD	\$4,000	4.75%	152	21-Mar-25
Westpac	A1+	TD	\$2,261	4.37%	91	30-Apr-25
NAB	A1+	TD	\$3,379	4.45%	184	07-May-25
ANZ	A1+	TD	\$4,158	4.10%	92	24-May-25
Rabo	A1+	TD	\$2,000	4.47%	183	12-Jun-25
Rabo	A1+	TD	\$2,000	4.38%	185	27-Jun-25
Westpac	A1+	TD	\$3,061	4.09%	122	30-Jun-25
Subtotal			\$25,886			
CBA	A1+	Operating	\$9,178	4.05%		
Subtotal			\$9,178			
Total			\$35,064			

*TD refers to general term deposits where the use of interest earned is not restricted.

These funds are required to meet the Council's short-term commitments, including capital and operating supplier payments, employee payroll costs and loan repayments.

Loan Portfolio

Details of existing loans held at 30 June are attached in **Appendix 1**.

Loan terms are:

Loan Number	Type	Term
18	Fixed – principal and interest	10 years
19	Variable	10 years
20	Fixed	10 years
21	Fixed	10 years
22	Variable	10 Years

Revenue, Property and Valuations

- Fourth instalment notices were issued to all ratepayers, with reminder notices subsequently sent for any overdue balances.
- End of Financial Year processes were completed smoothly and without issues.
- The fourth instalment remittance return for the Fire Services Property Levy was submitted to the State Revenue Office.
- E-notice stats:
 - EzyBill – 679 (+28)
 - BPAY View – 394 (-7)

EzyBill enables ratepayers to access their notices from any device, providing a convenient and user-friendly payment option.

BPAY offers a secure and straightforward method for managing and paying bills via online banking.

As of the end of September 2025, all active BPAY View arrangements through ANZ Internet Banking will be deactivated. This change will be communicated in the annual rate notices, with encouragement for ratepayers to transition to EzyBill.

Rates and Charges Revenue

Fourth instalment notices were issued on 8 April 2025, with payments due by 31 May 2025. Reminder notices were issued on 10 June 2025.

A total of 1,137 reminder notices were sent for outstanding debts amounting to over \$2.128 million. This figure includes properties with larger balances that would not typically receive reminder notices.

The focus now shifts to updating the system with new valuations, applying rates and charges accordingly, and preparing additional reporting for State Government, including Rate Cap and ESVF obligations.

Appendix 2 details the overall rates and charges generated and collected and apportions the unpaid balance between arrears from previous years of roughly \$600,000 and unpaid charges levied in the current year amounting to roughly \$740,000.

Rate arrears collected in the current quarter amount to \$103,000. This figure is similar to the previous quarter.

Collections, as a proportion of overall debt, are up compared to the same quarter last year (+0.61%), but down on same quarter of 2022/23 (-0.53%).

Increased debt collection activity is scheduled to occur over the coming months which will likely see these figures improved upon in future periods.

Appendix 3 provides a graph summary comparing the 2024/25 rate instalments due with the total instalments paid as at 30 June 2025.

Procurement

Contracts and Works Awarded Under Delegation

The purpose of this section is to inform the Council and Community of publicly advertised tenders which have been awarded under delegation for the period 1 April 2025 to 30 June 2025.

Six contracts awarded for the period 1 April 2025 to 30 June 2025.

Details of contracts awarded are attached in confidential business **Appendix 4**.

Delegation of Procurement Authority to Chief Executive Officer

As per the *Procurement Policy*, instances where the Chief Executive Officer approved expenditure for statutory charges or other matters, generally consistent with the approved or revised budget, be reported quarterly.

The following table provides a summary of approvals by date of invoice (including GST)

Invoice Date	Type	Details	Amount
28/06/2025	State Revenue Office	Fire Services Property Levy 24/25 Q4	\$491,853

COUNCIL PLAN 2021-2025 ACTION PLAN

Leadership

Good Governance		
Strategy	Action	June Quarter Update
Deliver responsible budget outcomes linked to strategy that maintain financial sustainability and deliver value for money and rating fairness.	Ongoing development of <i>Financial Plan</i>	Preparation of BRCC Financial Statements as at 30 June 25.

Recommendation:

That the report be noted.

Loans held at 30 June 2025

Interest to be paid:

Loan Number	2025/2026 Year	2026/2027 Year	2027/2028 Year	2028/2029 Year	2029/2030 Year	2030/2031 Year	Totals
18	\$1,372	-	-	-	-	-	\$1,372
19	\$4,969	\$1,088	-	-	-	-	\$6,058
20	\$7,457	\$4,544	\$1,629	-	-	-	\$13,630
21	\$6,070	\$4,343	\$2,565	\$716	-	-	\$13,693
22	\$51,120	\$42,405	\$33,325	\$24,069	\$14,901	\$5,733	\$171,552
Total Interest Payable	\$70,989	\$52,380	\$37,519	\$24,784	\$14,901	\$5,733	\$206,305

Principal to be paid:

Loan Number	2025/2026 Year	2026/2027 Year	2027/2028 Year	2028/2029 Year	2029/2030 Year	2030/2031 Year	Totals
18	\$58,819	-	-	-	-	-	\$58,819
19	\$55,499	\$39,384	-	-	-	-	\$94,883
20	\$53,696	\$56,609	\$53,978	-	-	-	\$164,283
21	\$52,678	\$54,406	\$56,184	\$43,684	-	-	\$206,952
22	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$1,140,000
Total Principal Payable	\$410,693	\$340,399	\$300,162	\$233,684	\$190,000	\$190,000	\$1,664,937

Rates and Charges Collections Report

As at 30 June 2025

	Rates	Interest	Legal	Total	Comments
Arrears as at 30/06/2025	\$1,227,057	\$57,865	\$14,882	\$1,299,804	Unpaid amounts up to and including the 2023/24 rating year.
Payments					
30/09/2024	-\$227,576	-\$13,270	-\$1,745	-\$242,591	
31/12/2024	-\$240,824	-\$12,113	-\$3,701	-\$256,638	
31/03/2025	-\$97,440	-\$5,893	\$0	-\$103,333	
30/06/2025	-\$98,080	-\$5,491	-\$100	-\$103,671	
Total	-\$663,920	-\$36,766	-\$5,546	-\$706,233	
Arrears Rates Balance	\$563,137	\$21,099	\$9,336	\$593,571	Arrears Unpaid as at 30/06/2025

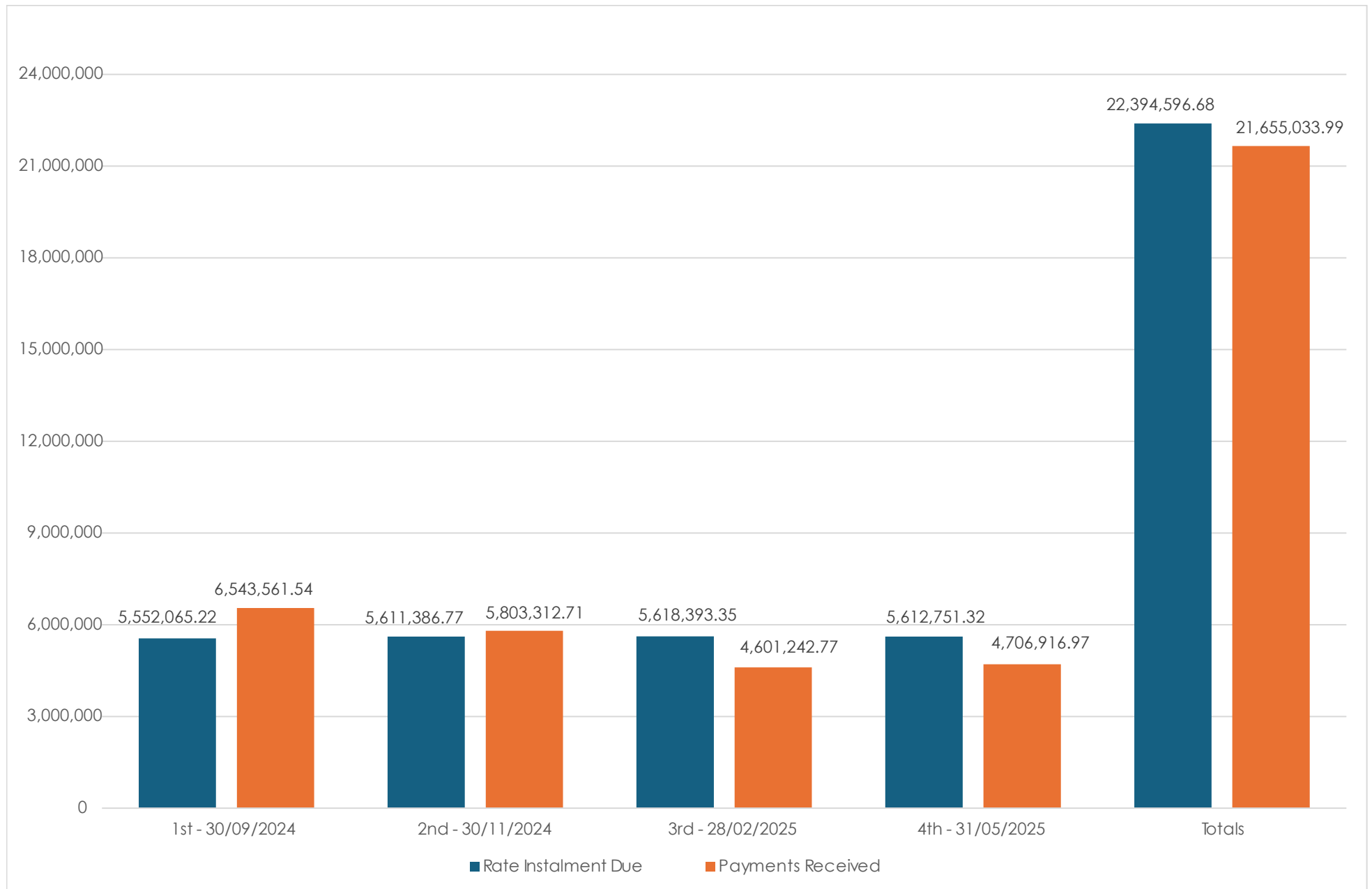
Current Rates/Charges	Rates	Interest	Legal	Total	Comments
Raised					2024/25 Rates including Municipal and Waste Management Charges (includes additional rates levied on new houses and subdivided lands)
30/09/2024	\$22,647,456	\$558	\$916	\$22,648,930	
31/12/2024	\$92,327	\$32,403	\$701	\$125,431	
31/03/2025	\$31,037	\$26,019	\$0	\$57,056	
30/06/2025	-\$147	\$32,250	\$432	\$32,536	
Total	\$22,770,673	\$91,230	\$2,049	\$22,863,952	

Pension Concessions	Rates	Interest	Legal	Total	Comments
					State Govt - reimbursed by DFFH
30/09/2024	-\$445,088	\$0	\$0	-\$445,088	
31/12/2024	-\$9,254	\$0	\$0	-\$9,254	
31/03/2025	-\$2,855	\$0	\$0	-\$2,855	
30/06/2025	-\$12,159	\$0	\$0	-\$12,159	
Total	-\$469,356	\$0	\$0	-\$469,356	

	Rates	Interest	Legal	Total	Comments
Net Rates for Collection	\$22,301,318	\$91,230	\$2,049	\$22,394,597	Payments received to date for current year rates
Payments					
30/09/2024	-\$6,542,524	-\$122	-\$916	-\$6,543,562	
31/12/2024	-\$5,790,711	-\$11,901	-\$701	-\$5,803,313	
31/03/2025	-\$4,592,501	-\$8,741	\$0	-\$4,601,243	
30/06/2025	-\$4,689,267	-\$17,615	-\$35	-\$4,706,917	
TOTAL	-\$21,615,003	-\$38,379	-\$1,652	-\$21,655,035	

	Rates	Interest	Legal	Total	Comments
Current Rates Balance	\$686,314	\$52,851	\$397	\$739,562	Current Unpaid as at 30/06/2025
Balance Remaining	\$1,249,452	\$73,949	\$9,733	\$1,333,133	Balance as at 30/06/2025

2024/25 Rates and Charges - Due and Collected to 30 June 2025



11. Urgent Business

Closure of Meeting