

Benalla Rural City Council

# Finance and Planning Committee

## Agenda

Date: Wednesday 18 February 2026

Time: 6pm

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

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# Agenda

<b>Chair</b>	Councillor David Blore	
<b>Councillors</b>	Councillor Bernie Hearn (Mayor)	
	Councillor Justin King (Deputy Mayor)	
	Councillor Vince Branigan	
	Councillor Peter Davis	
	Councillor Puna Hewa Gunaratne	
	Councillor Jillian Merkel	
<b>In attendance</b>	Peter Keane	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Jane Archbold	Manager Community
	Adrian Gasperoni	Manager Assets and Infrastructure
	Nilesh Singh	Manager Development
	Joel Ingham	Planning 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

It is noted that Councillor Vince Branigan is on an approved leave of absence.

### **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](mailto: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](http://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](http://www.benalla.vic.gov.au) pending confirmation at this meeting.

### **Recommendation:**

**That the Minutes of the Finance and Planning Committee meeting held on Wednesday 10 December 2025 be confirmed as a true and accurate record of the meeting.**

## Business

### 1. Planning Permit Application To Use And Develop Land For A Warehouse, Creation Of Access To A Transport Zone 2, Removal Of Native Vegetation And Installation Of Business Identification Signage At 331 Sydney Road, Benalla

Ref: 2066969903-80312

P055-25

Joel Ingham – Planning Coordinator  
Nilesh Singh – Manager Development

#### PURPOSE OF REPORT

#### PURPOSE OF REPORT

This report assesses a planning application received to use and develop land for a warehouse, creation of access to a Transport Zone 2, removal of native vegetation and installation of business identification signage at 331 Sydney Road, Benalla.

#### BACKGROUND

<b>Site Address</b>	331 Sydney Road, Benalla - Lot 1, TP 813128C, Parish of Benalla
<b>Existing Use</b>	Agriculture – grazing. Includes two dams and scattered trees.
<b>Proposal</b>	Use and development of part of the land for: <ul style="list-style-type: none"><li>▪ Stock and distribution warehouse</li><li>▪ Offices with staff amenities.</li></ul> Removal of native vegetation. Creation of an access to a Transport Zone 2. Installation of Business Identification Signage.
<b>Applicant</b>	Midland Freight Pty Ltd / Oxley and Company
<b>Zone</b>	Farming Zone (FZ) Transport Zone 2 (TRZ2)
<b>Overlays</b>	Nil
<b>Municipal Planning Strategy</b>	<ul style="list-style-type: none"><li>▪ Clause 02.03-3 Environmental risks and amenity</li><li>▪ Clause 02.03-4 Natural resource management</li><li>▪ Clause 02.03-7 Economic Development</li><li>▪ Clause 02.03-8 Transport</li><li>▪ Clause 02.03-9 Infrastructure</li></ul>
<b>Planning Policy Framework</b>	<ul style="list-style-type: none"><li>▪ Clause 12 Environmental and Landscape Values</li><li>▪ Clause 13 Environmental risks and amenity</li><li>▪ Clause 14 Natural resource management</li><li>▪ Clause 15 Built Environment</li><li>▪ Clause 17 Economic development</li><li>▪ Clause 18 Transport</li></ul>
<b>Particular Provisions</b>	<ul style="list-style-type: none"><li>▪ Clause 52.06 – Car parking</li><li>▪ Clause 52.17 – Removal of native vegetation</li><li>▪ Clause 52.29 – Creation of access to a Principal Road Network</li><li>▪ Clause 65.01 – Decision Guidelines</li></ul>
<b>Referrals</b>	<ul style="list-style-type: none"><li>▪ Head, Transport of Victoria (Head TfV)</li><li>▪ Goulburn Broken Catchment Management Authority (GBCMA)</li><li>▪ Engineering</li><li>▪ Environmental Health</li></ul>

The planning application was presented to the Council at its meeting on 4 February 2026, where it resolved:

*That item 1.1 Planning Application To Use And Develop Land For A Warehouse, Creation Of Access To A Transport Zone 2, Removal Of Native Vegetation And Installation Of Business Identification Signage At 331 Sydney Road, Benalla be deferred until the Finance and Planning Committee meeting on 18 February 2026 to allow for further information to be provided to Councillors regarding the planning application.*

## **PROPOSAL**

The proposal seeks a permit to use part of the land at 331 Sydney Road, Benalla for the construction and use of a stock and distribution warehouse, associated workshop, refuelling bay, wash bay, staff and truck parking, and loading dock.

The subject site has a total area of 13.5 hectares. The application applies to the front of the site for a depth of 206 metres, with frontage to Sydney Road, Benalla.

The part of the site to be used and developed in accordance with this application has a total area of approximately 4 hectares, or 40,375 square metres. Earthworks will also be used round the existing dam, including enlarging of that dam.

The site has a northeast-southwest orientation. For the purpose of this report, it is assumed that the long boundary to 355 Sydney Road, Benalla is north.

The site is to be accessed from Sydney Road, Benalla setback 10 metres from the northern boundary. The Traffic Impact Assessment prepared by TrafficWorks recommends a typical rural property crossover that can accommodate a B-double crossover from Sydney Road, Benalla. An internal accessway with a width of 10 metres extends through to the rear paddock and provides internal connection to the warehouse development.

A 1.8 metres PVC coated chain mesh fence with barbed wire runs to its top will define the development area. No gate is required across the accessway and the site will remain open at all times. Gates are provided internally to the warehouse internal roads.

The proposal includes:

- One business sign located on the front of the warehouse to a length of 5 metres and height varying from 500 millimeters and 730 millimeters The sign has a total area of 2.98 square metres.
- Removal of three native trees.
- Front (east) setback of 35 metres, landscaped with trees across the front boundary and including retention of a patch of native regrowth vegetation.
- Southern boundary setback to the warehouse of 43 metres including retention of four trees and the construction of an earth acoustic and screening berm.
- Northern boundary setback to the workshop of 37.4 metres, including 10 metres of landscaping area and evapotranspiration beds/absorption fields plus 10 metres wide road and 700 millimeters landscaping/kerb.
- Total parking spaces for 33 heavy vehicles to the western boundary of the development area.
- 69 car parking spaces for staff and visitors to the east and south of the warehouse, including two disabled visitor spaces at the entrance of the warehouse.

The built form is to be developed as two separate structures including:

*Warehouse:*

- Loading dock with loading dock reversing area to the southern side of the building; truck loading awning.
- Stock and distribution warehouse with ability to drive through the building south to north. The warehouse includes five roller doors to the southern elevation and six roller doors to the northern elevation.
- Administration area to the front (east) consists of two levels including ground floor reception, offices, meeting room and amenities, with first floor including a large meeting room, storage and amenities.
- In total, the warehouse has an area of 64.65 metres x 30 metres (1939.5 square metres).

A hard stand area for courier van loading and truck trailer parking is provided between the warehouse and workshop.

*Workshop:*

- Truck repair bay with a total area of 32.58 metres x 13 metres (423.5 square metres). four car spaces for the workshop are located to the west of that area.
- Refueling and wash bays are located to the north of the workshop beneath a canopy.

The development includes two x 100,000L water storage tanks, two x fire tanks and generator/switchboard between the main accessway and the development area.

The acoustic report has provided assessment based on the hours of operation:

- 2am to 6pm
- Loading activity 7am to 6pm.

The traffic assessment provided information:

- Office and associated training room operates 7.30am to 4pm.

No complete information is provided as to operating hours, days of the week the site will operate, or the vehicle fleet information. Reports provide conflicting information on the number of fleet vehicles and the need for parking of trucks vs storage of trucks.

Included with the planning permit application is:

- Planning report prepared by Oxley and Co, plus addendum dated 8 August 2025.
- Town planning drawings prepared by Robert Rowland, Freedom of Design, Revision 16, dated 8 August 2025.
- Midland Freight History including a map of the delivery areas.
- Traffic Impact Assessment prepared by Trafficworks, dated 25 September 2025.
- Functional Road and Drainage Plans, prepared by Fisher Development Solutions, dated July 2025.
- Acoustic Report by Waveform Acoustics, dated 2 July 2025.
- Land Capability Report, prepared by Porta Environmental Pty Ltd, dated February 2025.
- Aboriginal cultural heritage desktop due diligence assessment by Jo Bell Heritage Services, dated 24 November 2024.
- Native Vegetation – NVRP and Offset quote.

The plan, as submitted with the application was updated following a request for further information.

A copy of the plans for the proposal is attached at **Appendix 1**.

### **Cultural heritage**

The development of land as a warehouse is identified as a high impact activity.

A due diligence assessment was undertaken for the site by Jo Bell Heritage Services. It was found that *no Aboriginal cultural heritage places or objects have previously been identified on the property and there is a low probability that Aboriginal heritage places or objects will be found in the area.*

The land is identified as heavily modified for the creation of a channel, and as such a CHMP is not required to be prepared.

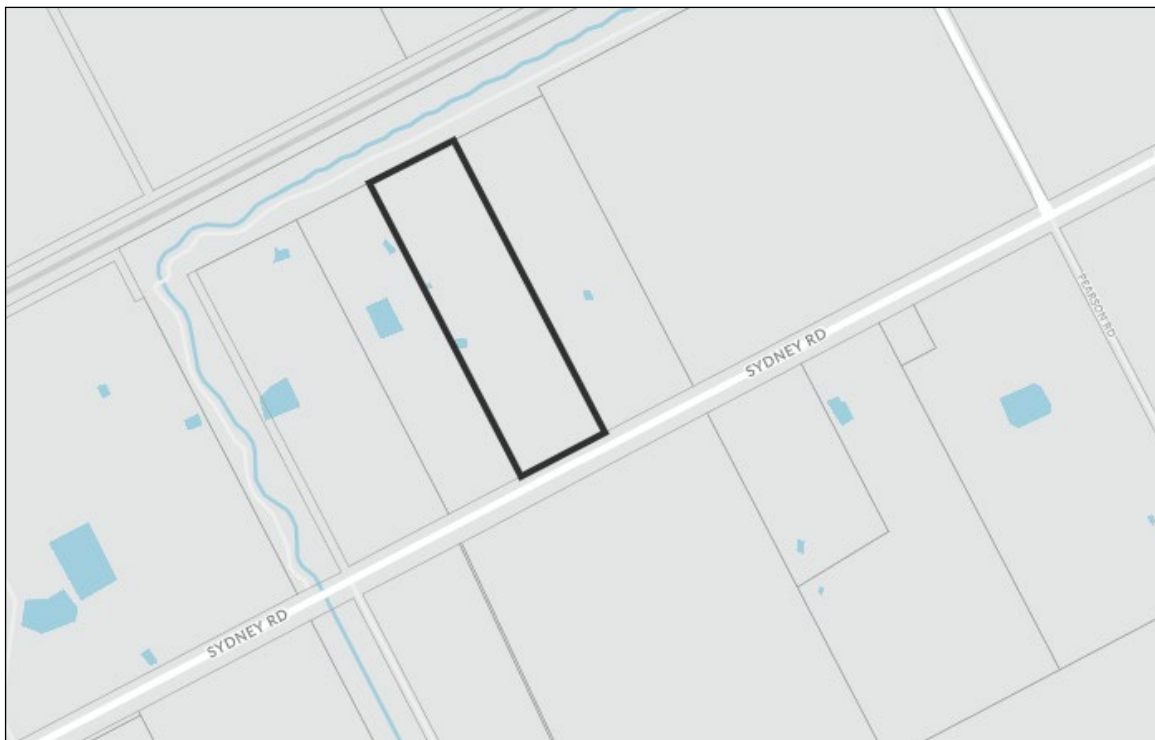
### **Site and Surrounds**

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

The site is located on the northern side of Sydney Road, Benalla which itself forms part of the Principal Road network and is maintained by the Head, Transport of Victoria.

The site is regular in shape including:

- Frontage of approximately 196 metres Sydney Road, Benalla (south)
- Boundary length of approximately 680 metres (west)
- Total area of approximately 13.5 hectares, as shown below.



**Figure 1 - Subject site**

The site is accessed via an informal crossing via a farm gate from the southwest boundary. A constructed open drain can be seen on the western side of the site, directing stormwater from a roadside culver under Sydney Road, Benalla to the main dam.

Scattered trees are located toward the southwest boundary, with a small patch of native regrowth along the southern boundary.

The land is otherwise undeveloped and has been previously used for agricultural purposes, grazing.

The site has access to reticulated water and electricity. No access is available to reticulated sewage.

The land to the north of the site abuts the Benalla Mokoan Discovery Trail and the North-Eastern Railway line beyond. Kennedys Creek runs north-south through the abutting property to the west of the subject site.

To the west 321 Sydney Road, Benalla is improved with a dwelling and outbuildings, located approximately 17 metres from the common boundary. This dwelling is situated opposite the area proposed for development.

To the east 355 Sydney Road, Benalla is improved with an outbuilding, located on its eastern boundary and approximately 175 metres from the common boundary.

To the south of the site, Sydney Road, Benalla is a sealed road providing direct access to the Hume Highway (east) and Benalla township (west). Opposite the subject site 350 Sydney Road, Benalla operates as a farm and includes a dwelling setback approximately 150 metres from the front boundary. An informal crossover provides access to this property from the front of 355 Sydney Road, Benalla.

The site is located approximately 2 kilometers east of the entrance to Benalla. The immediate area is included within the Farming Zone and includes a mix of agriculture activities, treed land, landscaping business and manufacturing.

The subject site is located on farming zone land and is located close to industrial land to the north, east and west.

To the north of the railway corridor and 1 kilometer east of the subject site Benalla-Yarrowonga Road, Benalla are manufacturing industries including Precast Concrete Factory and Forest One manufacturing.

## **Site History**

Planning Permit No. P0011/14 was issued on 21 May 2014 for the use and development of land for a dwelling and group accommodation (two cabins).

Planning Permit No. PA1900707 was issued on 14 July 2020 for the use and development of land for a solar energy facility, utility installation and associated buildings and works and creation of access to a road in a Road Zone, Category 1.

## LOCALITY AND ZONE 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 notice on Sydney Road, Benalla to the front of the site; and
- sending notices to all adjoining and opposite landowners and occupiers.

A total of five objections were received and are summarised later in the report.

## Planning Scheme Provisions

### Municipal Planning Strategy (MPS)

Clause 02.03-2 Environmental and landscape values provide 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 include 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 02.03-8 Transport seeks to protect key transport routes from sensitive development that would compromise safety or function.

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 objective is 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 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 Agriculture seeks to protect the state's agricultural base by preserving productive farmland. In considering a proposal to use and develop agricultural land, it is policy to consider:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

Clause 15 – Design for rural areas seeks to ensure development respects valued areas of rural character. The use of muted colours for building materials is encouraged, with siting and design that reduces the visual impact of the building on the landscape.

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.

Clause 18 Transport system plans for the protection of the Hume Freeway and North Eastern Railway from sensitive uses

## **Zone**

### **Clause 35.07 Farming Zone (FZ)**

Pursuant to the Benalla Planning Scheme the subject site 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 and develop the site for 'Warehouse' under Clause 35.07-1 of the FZ and for the associated works under Clause 35.07-4 of the FZ.

The decision guidelines of the FZ are considered in the assessment of this application.

## Overlays

The subject site is not included in any planning overlay.

## 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.

Clause 52.06-5 provides a car parking requirement calculation. The subject site is within a Category 1 area where the land uses require the following calculation:

Use	Calculation Requirement	Area	Total
Warehouse	2 spaces to each 100sqm of net area	1423.8sqm	28 spaces
Office	3.5 spaces to each 100sqm of net floor area	515.7	18 spaces
Industry – other than specified (workshop)	2.9 spaces to each 100sqm of leasable floor area	423.5sqm	12 spaces

A total of 58 car spaces is required on the site.

A total of 61 car spaces is provided, meeting the requirements for the site.

### Transitional provisions

Amendment VC277 which came into operation 18 December 2025 amends car parking requirements to align car parking rates with demand and reduce the number of car parks required in locations well-serviced by public transport.

The amendment (in part) made changes to the VPP and all planning schemes by:

- Inserting the Car Parking Requirement Maps (Department of Transport and Planning, December 2025) (CPR maps) as a policy document to the Planning Policy Framework and an incorporated document to Clause 72.04.
- Updating Clause 52.06 (Car Parking) by inserting modified car parking requirements in Table 1 based on the four categories specified in the CPR maps. This includes the introduction of 'maximum car parking rates' for land uses in Category 3 and 4 areas and creating a permit requirement for proposals to provide more than a specified maximum car parking rate.

A six-month transitional provision has been inserted at Clause 52.06-12. Relevantly, this provision specifies (inter alia):

- 'Current clause' means clause 52.06-5 as currently in force.
- 'Former clause' means clause 52.06-5 as in force immediately before the day Amendment VC277 came into operation.
- 'Transition date' means the day that is 180 days after the day Amendment VC277 came into operation.
- 'Transitional proposal' means an application to use or develop land made before the transition date, including an application amended under section 50, 50A or 57A of the Act if the original application was made before the transition date.

The subject site is within a Category 1 area.

*Transitional provision A:*

A reference to 'clause 52.06-5' in the current clause is taken to be a reference to 'clause 52.06-5' in the former clause in respect of a transition proposal (except in relation to a maximum car parking requirement) if both of the following apply:

- The transition proposal is for a use specified in Table 1 to the current clause.
- The number of car parking spaces that would be required for the transition proposal under the former clause is less than the minimum number of car parking spaces required under the current clause.

Application P055/25 is a transitional proposal, having been received prior to the transition date.

The application benefits from transitional provision A, as the number of car parking spaces that would be required for the proposal under the former clause (45 car spaces) is less than the number of car spaces required under the current clause (58 car spaces).

Regardless, a total of 61 car spaces satisfies the car parking requirement.

*Clause 52.17 – Removal of native vegetation*

The purpose of Clause 52.17 is:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025) (the Guidelines):
  1. Avoid the removal, destruction or lopping of native vegetation.
  2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

The biodiversity impacts must be offset and conditioned on any permit issued. Permit expiry conditions must also be applied to any permit issued regarding the removal of vegetation.

It is proposed to remove 3 scattered native trees with an offset requirement of 0.023 general habitat units to be provided in the vicinity of the Goulburn Broken CMA or Benalla Rural City area.

### Clause 52.29 – Creation of access to a Principal Road Network

The purpose of Clause 52.29 is:

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Any alteration of access to a principal road network requires approval from the Head, Transport for Victoria. This has been provided, subject to conditions.

### 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
Head, Transport for Victoria	No objection subject to conditions
GBCMA	No objection subject to conditions

Internal referrals:

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

### CONSIDERATION OF OBJECTIONS

Five objections were received to the proposed development. The applicant has provided a response to the objector concerns.

Summary of Objections	Response to Objection
Contrary to the Purpose of the Farming Zone	<p>The purpose of the Farming Zone is detailed earlier in this report. It is proposed to only use part of the subject site, with the remaining area retained for agricultural purposes. The land size and establishment of dwellings on surrounding lots suggests the land is no longer able to be used for high quality agriculture.</p> <p>The proposed use supports the purpose of providing employment to support rural communities and will not affect the ability to use the abutting properties for agricultural purposes.</p>

<b>Summary of Objections</b>	<b>Response to Objection</b>
<p>The warehouse is a Retail Premises and is prohibited as a Section 3 use</p>	<p>The proposed use is warehouse with associated workshop and offices. The warehouse will store items for delivery and the workshop services those vans and trucks as necessary.</p> <p>The use is correctly defined and is a Section 2 – Permit Required Use under the provisions of the Farming Zone.</p>
<p>Not respectful of the rural and farming character</p>	<p>The development is located in an area that has an evolving character, including residential properties on small farming lots, a pine plantation and nearby industrial and manufacturing industry.</p> <p>Sydney Road, Benalla is treed and the properties of the surrounding area include well landscaped front setbacks. The proposed development will include retention of all street trees. All existing trees on the subject site, with the exception of 3 smaller trees toward the centre of the site, will be retained including the strand of regrowth along the front boundary. Additional landscaping is to be planted to the front and side boundaries, adding to the treed rural character of the area.</p> <p>The warehouse is setback 35m from the road and will not dominate that landscape. The built form is broken into two separate areas, ensuring the visual bulk is kept to a minimum.</p> <p>The warehouse is setback 78m from the southern boundary with a soil berm established between it and the abutting property, including landscaping to the top of the mound. This will provide a treed outlook for the properties to the south.</p> <p>The properties to the north are well setback from the proposed development, although additional landscaping along the northern boundary would soften any impact of the development to those properties. This could be conditioned on any permit issued.</p>
<p>Flooding – Kennedy Creek has frequently flooded onto the subject site. The creation of earthworks, including the noise berm, will impact the flow of water onto the neighbouring properties and onto Sydney Road, Benalla.</p>	<p>A Functional Road and Drainage plan has been provided with the application. The GBCMA supports this plan subject to condition.</p> <p>The drainage of the site as proposed will reduce the impact of flooding of the property and abutting areas.</p>
<p>Traffic – Sydney Road, Benalla is a narrow highway and cannot accommodate multiple, large trucks turning into and out of the property. Turning right into the property will be problematic on Sydney Road, Benalla.</p>	<p>A traffic assessment has been prepared by Trafficworks which demonstrates that the volume of proposed traffic can be accommodated by Sydney Road, Benalla.</p> <p>The Head, Transport for Victoria is satisfied that the application can be supported subject to condition.</p>
<p>Safety – the site is not appropriate for the egress of large trucks with heavy loads moving onto Sydney Road, Benalla. A bus stop is located near to the site, where trucks will present a danger. Numerous kangaroos cross the road from the pine plantation.</p>	<p>This business is currently located in the Benalla industrial area and currently turn into and traverse Sydney Road, Benalla to access the Hume Freeway.</p> <p>The drivers are responsible for complying with all traffic rules in the usual way. The location of the access to the property has good sightlines and will limit the distance needed to the Hume Freeway.</p>

<b>Summary of Objections</b>	<b>Response to Objection</b>
<p>Amenity impacts to the neighbouring dwellings from noise, dust and light generated from the facility, including breaking on Sydney Road, Benalla and vehicle movement within the site from 2am to 6pm.</p> <p>Noise is measured as above EPA limits. Proposed acoustic barrier will not assist those to the north of the site.</p>	<p>The proposed operating hours are only detailed in the acoustic report, where it is noted that trucks are expected to arrive at 2am in a staggered manner and operate until 6pm. The planning report mentions that most vehicles utilizing the site will be courier vans. This will be discussed further in the assessment of this application.</p> <p>Dust and vehicle movement will be managed through the sealing of the site with a surface appropriate for B-double trucks.</p> <p>The acoustic barrier will assist those to the south of the site. Whilst the dwellings to the north of the site are situated more than 100m from the warehouse, it is considered reasonable, should a permit issue, to require a row of trees to be planted along the north of the truck parking area. This will assist with light and noise reduction to all properties in the surrounding area.</p>
<p>The site is near 5 private residences and as such is not an appropriate location for an industrial use. The new Enterprise Park Industrial Estate is more appropriate.</p>	<p>The business, Midland Freight, currently operates from an industrial zone area. The applicant advises Council that a grant has been provided by the State government to allow the facility to upgrade, providing additional employment opportunities in the township.</p> <p>The operator has chosen to apply for the use and development of the land at 331 Sydney Road, Benalla and Council must consider the application that is before it.</p>

## **ASSESSMENT**

### **Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)**

The proposed use and development of the land, including signage and removal of native vegetation, is assessed to comply with the MPS and the PPF.

The removal of native vegetation is minimal, including two eucalyptus trees and one dead tree. An offset has been calculated and can be provided within the catchment area. All other trees, including those on the street verge and the row of young trees to the front will be retained. The minimum removal of vegetation supports the environmental and landscape values of Council and will retain the treed outlook of the farming area around the subject site.

The proposed use, being a warehouse with ancillary office and workshop, will not impact on the agricultural use of the abutting properties. The future use of the warehouse will enable the increased employment of locals in the Benalla district, providing justification in terms of the broader community benefit.

The use will not compromise any existing assets and uses. An earth acoustic and screening berm will provide adequate separation from the dwelling to the south of the site. Additional vegetation is recommended to the northern boundary to provide additional screening to the north and eastern properties.

Sydney Road, Benalla being a principal road, is appropriate for the use of trucks and other vehicles and the use is supported by the Head, TfV subject to conditions. The safety and function of Sydney Road, Benalla is not compromised by the proposed development.

Stormwater drainage has been considered as a part of the application, with Council engineering and GBCMA satisfied that the drainage outcome will improve the flooding conditions of this site and surrounds.

### **Definition of Use**

Warehouse - Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail.

The applicant proposed to use and develop a warehouse on the site, including ancillary uses of offices and workshop. There are to be no sales directly from the site and it is operated as a logistics centre only.

This use can be considered in the Farming Zone.

There is no application for use of the land to store vehicles.

### **Farming Zone (FZ)**

Before deciding on an application, Council must consider the as appropriate, the Decision Guidelines of the FZ. These are assessed as follows:

#### **General issues**

*The Municipal Planning Strategy and the Planning Policy Framework.*

- An assessment is provided earlier in this report.

*The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*

- The proposed use and development will be able to accommodate a sewage treatment area in accordance with the Land Capability Assessment and is able to connect to reticulated water and electricity.
- The area of land to accommodate the warehouse and its ancillary uses does not include the rear of the site, providing an agricultural area against the trail environs.

*How the use or development relates to sustainable land management.*

- Improved drainage will be provided around the site, with the existing dam to be enlarged to detail 10 per cent AEP storm event to predeveloped rates. This will improve any flooding impacts of the site and surrounds.
- The accessways and truck parking areas will have a crushed rock surface, allowing for heavier vehicles to adequately use the site and provide a semi-permeable area.
- The loading areas to the south of the warehouse and workshop, as well as the car parking area to the front of the warehouse, will be sealed with a concrete surface. These areas are where reversing activity will occur and the movement of vehicles on this surface will reduce the occurrence of dust. The surface areas are not objected to by any referral authority.
- The setbacks will be planted with additional canopy trees, supportive to the sustainable management of the site.

*Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

- Amenity concerns have been raised in objections where it is considered that the proposed use is not compatible with adjoining and nearby uses.
- Industrial zoned land is located nearby, with a precast concrete industry across the railway line to the west and a manufacturing industry located on Sydney Road, Benalla to the north. An excavation and landscaping supply business operates approx. 200 metres south of the subject site within the FZ.
- The area is located approximately 1.4 kilometers from Enterprise Drive, Benalla where a road verge separates Irwin Road, Benalla from Sydney Road, Benalla. A similar verge is proposed as a part of this development with additional trees providing more green space around the development.
- The surrounding properties are:
  - 321 Sydney Road, Benalla:* The property to the south includes a dwelling located close to the shared boundary. This dwelling is located to the western end of the proposed development and is measured 107 metres from the warehouse. No measurement has been provided to the truck parking area or loading dock.
  - 355 Sydney Road, Benalla:* The property is to the north of the site with the dwelling located to the rear of the lot and on the eastern boundary. It is measured on the plans as 378 metres from the proposed refueling and wash bay, or approximately 255 metres from the accessway.
- The site is located in a farming area that provides a mix of rural living and commercial outcomes and is surrounded by land in an industrial zone. The use of the land as a warehouse for distribution of goods is compatible with the general area.
- The amenity of the area should be further considered. Truck parking has not been adequately considered in the material accompanying the application. Noise from the proposed development have been considered, although the impact to the property to the east of Sydney Road, Benalla has not been documented. This is now further discussed.

### **Truck parking**

- It is proposed to provide 33 truck parking spaces. The planning report notes that the business operates a fleet of 34 vehicles but does not discuss the type of vehicles within the fleet nor how the parking is to be used on the site. Additionally, the planning report refers to the truck parking bays as being used for truck/courier parking.
- The traffic assessment notes that the development has a fleet of 31 vehicles and notes the largest is a B-Double. The traffic report states (pg13) that Most heavy vehicles (29) will be kept on-site overnight, except for a B-double (1 of 2) and a semi-trailer. No other break down of vehicles is provided.
- No swept plan or dimensions of truck parking bays is provided.
- A condition of any permit issued can require swept path movements to be shown for truck movements into the truck parking spaces.

### **Noise**

An acoustic report has reviewed the application against the following conditions:

- B-Doubles will arrive to site at 2am.
- Preloaded courier vans and rigid trucks will exit the site from 3.30am onward. Vehicles will enter and exit the site throughout the day, evening and night periods. Rigid trucks activities will mainly occur 7am to 6pm.

- The acoustic report recommends that the berm be 2.5 metres high with a width of 2 metres at the top and slope 1:2. This is shown on the plans and extends past the dwelling at 321 Sydney Road, Benalla as required. The berm will taper to 1.5 metres from the carparking area.
- The acoustic modelling considers the effect on the dwelling of abutting properties but does not consider any other dwelling in the scenario radius. A condition may be included on any permit issued to demonstrate that the modelling limits apply to all dwellings in the radius area, including to the east of Sydney Road, Benalla.
- The acoustics report provided data that shows 4 of 6 scenarios can meet the required EPA dBa. The two scenarios where this cannot be met are:
  - Scenario 1 – B Double Trucks can operate within the required limit, with the noise exceeding the limit at night by 0.4dB. The number of B Double trucks utilizing the site from 2am is limited and the variation is acceptable.
  - Scenario 2 – Truck Door Slamming exceeds the limit of dBa.
- Signage could be installed to remind drivers to be mindful of their neighbours when closing doors and operating vehicles. This could be included as a condition on any permit issued.
- To improve the impact to the surrounding properties the acoustic report recommends that the earth berm could be increased in height at its northern end. In this scenario, anything taller than 2.5 metres berm may result in a visual bulk to the residents of the abutting property. A height of 2.5 metres, plus landscaping, is sufficient for the purpose of providing acoustic protection and a permit condition should be included that requires the landscaping at the top of the berm to be consistently maintained.

All other recommended conditions included in part 5 of the acoustic report should be included in any permit issued.

The hours of operation from 2am – 10pm can be supported in accordance with the conditions outlined in the acoustic report.

*How the use and development makes use of existing infrastructure and services.*

- The new drain will connect into the existing drain that extends under Sydney Road, Benalla.
- Existing trees will be retained on site with connection to reticulated water and electricity.

*Whether the use or development will support and enhance agricultural production.*

- The site is located opposite an industrial area to the west and is not considered high quality agricultural land. The development is not relevant to agricultural production.
- The rear of the land will remain undeveloped and can continue to be used for grazing.

*Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*

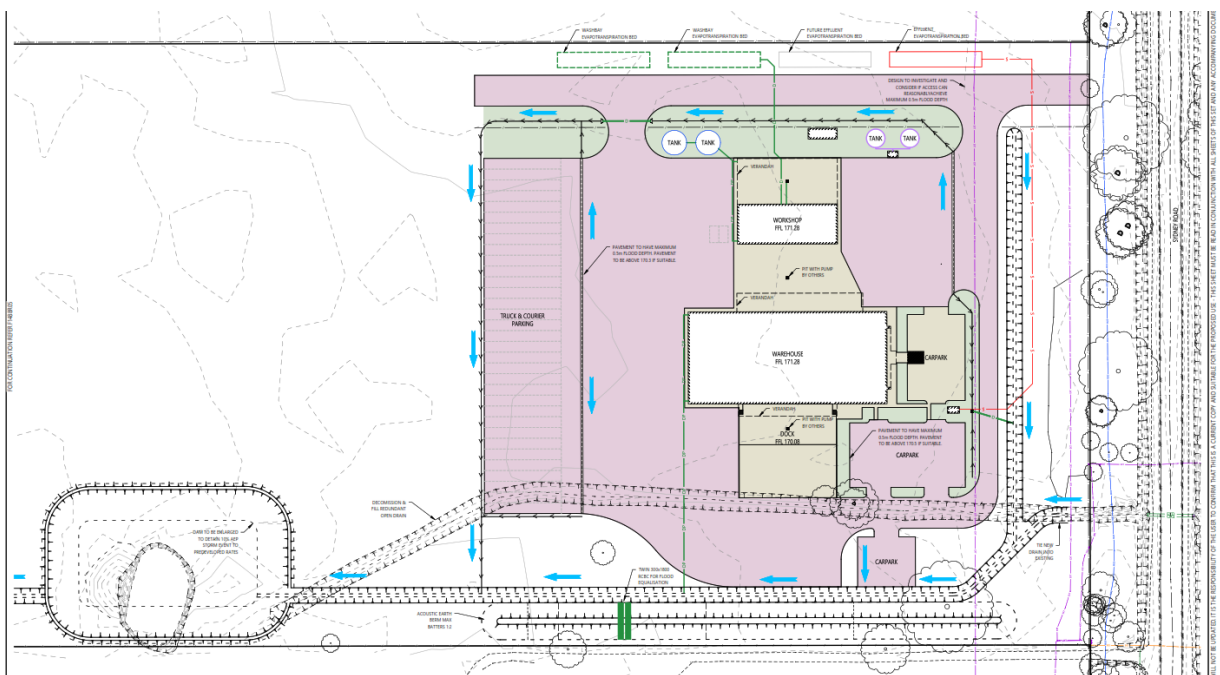
- The use and development will permanently remove that part of the site from agricultural production.
- The site is located in an area where non-agricultural uses already exist, and the land is used for limited agriculture (grazing). The site is rated as having poor quality soil (LCA report). The loss of this site from agricultural production is not significant and can be supported.

*The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

- The proposed used and development is wholly contained within the subject site and will not limit the way the surrounding properties are used.

**Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The crushed rock will provide some permeability to the site.
- A new drainage system is provided for the whole property which will improve the existing flood conditions on the site and its surrounds.
- GBCMA requires drainage through the earth berm, that is to be included as a condition on any permit issued. A copy of the drainage plan is shown below:



*The impact of the use or development on the flora and fauna on the site and its surrounds.*

- The existing trees within the road reserve and on the site are generally to be retained. Three trees are to be removed and can be offset within the catchment area. The rear of the site is to be retained as a grass paddock. The retention of trees and paddock spaces minimises any impact on flora and fauna.

*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.*

- All trees will be protected with the exception of 3 trees that can be offset within the catchment.
- Drainage will be improved to the site and surrounds. Two washbay evapotranspiration beds and an effluent evapotranspiration bed are provided to the north of the site, ensuring that contaminants are removed prior to entering the waterways. An additional effluent bed is marked for future use if necessary.
- The biodiversity of the area will be protected through the proposed use and development, including removal of native vegetation.

*The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

- A LCA report has been prepared where it is recommended that the site is best suited to secondary treated effluent with disposal via 1 Conventional bed onsite.
- The LCA should be endorsed with any permit issued and the recommendations be carried out.

### ***Design and siting issues***

*The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimize the loss of productive agricultural land.*

- All buildings and associated infrastructure have been consolidated to occupy part of the site. This will allow the western portion of the site to be retained as agriculture and minimise any impact on the surrounding uses.

*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 building has a total height of 7.54 metres to the peak, with wall ends of 6 metres high. The loading dock will be screened to 2 metres.
- The mechanical workshop has a total height of 6.6 metres and includes a canopy over the wash bay and refueling area.
- The switchboard and generator and to be contained within a 3 metres height shed.
- The materials proposed include colorbond cladding or Lysaght Enseam cladding in dover white, shale grey and basalt. The roof is to be clad in cottage green.
- The materials and colours are muted and will allow the warehouse to be recessive in its form. A render of the proposed main warehouse building is shown below.



*The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

- The subject site is able to connect to available infrastructure including reticulated water and electricity. The existing drain will be utilised in the upgrade of drainage across the site.

*Whether the use and development will require traffic management measures.*

- The Head, TfV is satisfied that the traffic movements within the use of the site are acceptable subject to condition.
- Council engineering unit are also satisfied that the site can efficiently operate subject to conditions.
- An 8km/hour limit should be required within the site to ensure limited amenity impacts on surrounding properties.

## ***COUNCIL PLAN 2025-2029 IMPLICATIONS***

### **Community**

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

### **Livability**

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

### **Economy**

- Flourishing visitor economy
- Sustainable growth.

### **Environment**

- *Healthy and protected natural environment.*
- Sustainable waste management.

## **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 the 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 the Finance and Planning Committee, acting under is delegated authority of the Council, having caused notice of Planning Application No. P055/25 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 331 Sydney Road, Benalla, Lot 1, TP813128, Parish of Benalla to use and develop land for a warehouse, creation of access to a Transport Zone 2, removal of native vegetation**

and installation of business identification in accordance with the plans as lodged with the application dated 8 August 2025 and subject to the following conditions:

#### **Compliance with documents approved under this permit**

- 1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.**

#### **Amended plans**

- 2. 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 plans as prepared by Robert Rowland, Freedom of Design, Revision 16, dated 08/08/25 forming part of the application, but amended to show the following details:**
    - i. An amended landscape plan in accordance with Condition 14.**
    - ii. Submission of a Structural Root Plan to accord with Condition 34.**
    - iii. Annotation that no gate will be fixed to the Sydney Road, Benalla entrance/exit.**
    - iv. Numbering of all car parking bays.**
    - v. Swept path movements for trucks entering and existing the Truck Parking Bays.**
    - vi. Annotation that no more than 4 rigid trucks will be at the loading dock at any one time.**
    - vii. Updated acoustic report in accordance with Condition 8.**
    - viii. An amended site plan showing access and egress provision for vehicles from Sydney Road in accordance with Condition No. 46 of the permit**

#### **Layout not altered**

- 3. 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.**

#### **General Amenity**

- 4. 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, steam, soot, ash, dust, waste water, waste products, grit or oil**
  - d. presence of vermin****to the satisfaction of the responsible authority.**

### Hours of operation

5. Training activities associated with the use must only operate between the following times:
  - a. 7am to 6pm Monday to Saturday.
6. All loading activity use must only operate between the following times:
  - a. 5.30am to 6pm Monday to Saturday.
7. All truck arrival times must only occur between the following times:
  - a. 2am – 6pm Monday to Sunday with the exception of one truck arrival at 9.30pm.
  - b. Only two truck movements can occur between the hours of 9.30pm and 5.00am. The one truck arriving at 2.00am must access the site via Gate 2, park in the loading bay located between the shed and the workshop and shut down. No loading or unloading is to occur from this truck until 6.00pm.

No vehicle movement is to occur on the site between 10pm and 2am on any day.

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

### Acoustic Report

8. Before the development starts, an Acoustic Report must be approved and endorsed by the responsible authority. The Acoustic Report must be the same as that prepared by Waveform Acoustics dated 02.07.2025 but modified to include all dwellings within the immediate area, including those located opposite the subject site on Sydney Road, Benalla.

### Noise control

9. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

*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.

10. The permit holder must arrange and pay for noise testing within three months after the use begins, and then a further test must be undertaken within twelve months of the use commencing. The testing must measure actual operating noise levels to check compliance with the relevant noise protocols.

If the testing shows that the noise protocols are not being met, the permit holder must promptly implement additional noise reduction measures to the satisfaction of the Responsible Authority.

### Security alarms

11. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.

## **Loudspeakers**

- 12. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**

## **Soundproofing of plant and equipment**

- 13. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority.**

## **Landscaping**

- 14. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:**
- a. be prepared to the satisfaction of the responsible authority.**
  - b. be prepared by a suitably qualified person.**
  - c. have plans drawn to scale with dimensions.**
  - d. be submitted to the responsible authority in electronic form.**
  - e. include the following:**
    - i. layout of landscaping and planting within all open areas of the subject land.**
    - ii. a survey (including botanical names) of all existing vegetation to be retained and/or removed.**
    - iii. details of surface finishes of pathways and driveways.**
    - iv. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
    - v. vegetation to screen the development from abutting properties on Sydney Road, Benalla.**
    - vi. canopy trees which grow to a minimum height of 2m in the following areas:**
      - Top of the acoustic earth mound.**
      - Along the length of the rear chain fence dividing the warehouse area from the paddocks. Trees must be provided in a continuous form to provide a visual barrier to the warehouse site.**
    - vii. details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.**

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

## **Completion of landscaping**

- 15. Before the use starts, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.**

**The responsible authority may consent in writing to vary this requirement.**

### **Landscaping maintenance**

- 16. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.**

### **Acoustic mounding**

- 17. Before the use and development starts, acoustic earth mounding must be put in place along the boundary abutting 321 Sydney Road, Benalla as shown on the endorsed plans, to a height of 1.5 metres and 2.5 metres above natural ground level and a width of 2 metres, to the satisfaction of the responsible authority.**
- 18. The mound must be designed by a suitably qualified acoustic engineer to the satisfaction of the responsible authority.**

### **Concealed service pipes and equipment**

- 19. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the site (excluding storm water down pipes, guttering and rainheads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.**

### **Plant/equipment or features on roof**

- 20. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building(s).**

### **Waste storage**

- 21. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.**

### **Regular waste removal**

- 22. All waste material not required for further on- site processing must be regularly removed from the site to the satisfaction of the responsible authority. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the responsible authority.**

### **Control of light spill**

- 23. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.**

### **No sales to the public**

- 24. Direct sales of goods or other materials must not be made to the public on the land.**

### **Waste management plan**

- 25. Before the use starts, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must:**
  - a. be prepared to the satisfaction of the responsible authority.**
  - b. be submitted in electronic form.**

- c. include the following:
  - i. anticipated volumes of waste and recycling that will be generated and how they are determined.
  - ii. the type and number of waste bins.
  - iii. the type and size of trucks required for waste collection.
  - iv. a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins.
  - v. frequency of waste collection.
  - vi. hours for waste collection.

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

#### **Waste management and collection**

- 26. Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed waste management plan to the satisfaction of the responsible authority.
- 27. The storage of goods or materials in conjunction with the use or development hereby permitted shall:
  - a. be carried out in a manner so as to prevent the exposure to view from any adjacent premises or from any public place of any unsightly matter.
  - b. be stored to the satisfaction of the Responsible Authority so as to not become visually obtrusive on the site.

#### **Parking signs**

- 28. Before the use starts, signs must be provided directing drivers to the areas set aside for car parking to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.

At all times, the sign/signs must be located and maintained to the satisfaction of the responsible authority.

#### **Signs not to be altered**

- 29. The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

#### **No illumination**

- 30. The sign(s) must not be animated or contain any flashing or intermittent light.
  - 31. The sign(s) must not be illuminated by external or internal light.
- The responsible authority may consent in writing to vary this requirement.

#### **Sign maintenance**

- 32. The sign(s), including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

#### **Stormwater management system – implementation and management**

- 33. The stormwater management system approved by the responsible authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of the responsible authority.

The details of the stormwater management system must not be altered from the details in the endorsed stormwater management plan without the written consent of the responsible authority.

#### **Native vegetation – notification of permit conditions**

34. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

#### **Native vegetation - Construction management**

35. Before any works and native vegetation removal starts, plans must be submitted to and approved by the responsible authority. The plans must:
- a. be prepared to the satisfaction of the responsible authority.
  - b. be submitted in electronic form.
  - c. include the following:
    - i. a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the Responsible Authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
    - ii. an amended site plan, drawn to scale with dimensions and georeferenced (such as VicGrid94 co-ordinates), that clearly shows:
      - the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land.
      - the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit.

#### **Protection of vegetation to be retained**

36. Before works start, a plan identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be approved and endorsed by the responsible authority.

#### **Native vegetation offsets**

37. To offset the removal of 0.08 hectares of native vegetation, as identified in Native Vegetation Removal Report *NVRR ID: 381\_20250422\_4J5*, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* as specified below:
- A general offset of 0.023 general habitat units:
    - a. located within the Goulburn Broken *Catchment Management Authority* boundary or Benalla Rural City LGA.
    - b. with a minimum strategic biodiversity score of at least 0.752.
  - The offset secured must provide protection of at least 1 large tree.

## Engineering

38. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the Responsible Authority.
39. Before the construction works start the provision of vehicle parking and access, construction plans must be provided showing a detailed layout, demonstrating compliance with Austroads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking' to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions. Before the use starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
- all weather sealed surface,
  - constructed and completed to the satisfaction of the Responsible Authority,
  - drained in accordance with an approved drainage plan,
  - line-marked to indicate each car space and all access,

The areas must be constructed and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

40. No additional vehicle crossing may be constructed apart from that endorsed on the approved plan.
41. Before the use begins all stormwater and surface water discharging from the relevant portion of the site, proposed buildings and works must be conveyed to the legal point of discharge to the satisfaction of the responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
42. Before any of the development starts a properly prepared drainage discharge plan with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The information submitted must show the details listed in the Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- details of how the works on the land are to be drained and retarded,
- measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements,
- a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council,

- d. the details of the incorporation of water sensitive urban design designed in accordance either “Urban Stormwater Best Practice Environmental Management Guidelines” 1999,
- e. discharge from the site to be retarded on site to the satisfaction of the Responsible Authority, to ensure a maximum discharge rate off-site as specified in the Infrastructure Design Manual unless otherwise approved by the Responsible Authority.

Before the use begins all works must be constructed in accordance with those plans to the satisfaction of the Responsible Authority

#### Environmental Health

- 43. All sewage and sullage wastewater from the proposed development must be discharged into a new onsite wastewater management system which is approved under the Australian Standards, retains all wastes within the boundaries of the land, in accordance with the Land Capability Assessment prepared by *Porta Environmental Pty Ltd for 331 Sydney Road Benalla for Emma Cavalot (Midland Freight) with Report number EC05082024-1A dated February 2025* and is located to the satisfaction of the Responsible Authority.

#### Head, Transport for Victoria

- 44. There must be only one vehicle access point from Sydney Road, Benalla to the subject land as shown on the plans appended to the application.
- 45. Prior to commencement of the buildings and/or works, a functional layout plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit.
- 46. Unless otherwise agreed in writing, the functional layout plan must include:
  - a. The access constructed generally in accordance with DTP Guideline Drawing GD4010A for 26 metre B-Double truck.
  - b. A Rural Basic Right Turn (BAR) to current Austroads standards on Sydney Road, Benalla.
  - c. A Rural Basic Left Turn (BAL) to current Austroads standards on Sydney Road, Benalla.
  - d. All existing, removed and relocated vegetation, services - bus stops, road signage etc.
  - e. Removal of all disused and redundant accesses.
- 47. Prior to commencement of the buildings and/or works, a functional layout plan stage road safety audit must be submitted to and approved by the Head, Transport for Victoria. The road safety audit must be undertaken by a suitably qualified road safety auditor.
- 48. Prior to the occupation of the development, unless otherwise agreed in writing by the Head, Transport for Victoria, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority:
  - a. All road works identified in the approved Functional Layout Plan.

b. Any works identified in the Road Safety Audit.

c. Any other works required.

49. Driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

#### **Goulburn Broken Catchment Management Authority**

50. The finished floor level of the proposed warehouse and workshop building must be set at least 300 millimetres above the 1 in 100 AEP flood level of 170.78 metre AHD i.e., 171.18 metres AHD.
51. Twin 300mm x 1800mm box culverts be installed in the acoustic barrier with the culvert inverts set at the general ground elevation as shown on the submitted plan (Authority Ref: P055-25, Rev P2, Nov 2025).

#### **Commencement of Permit**

52. This permit will operate from the issued date of this permit.

#### **Expiry - Signage**

53. This permit as it relates to a sign will expire 15 years from the issued date of this permit.

On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

#### **Native vegetation permit expiry**

54. This permit will expire if one of the following circumstances applies:
- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
  - The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.

#### **Development and use permit expiry**

55. This permit will expire if one of the following circumstances applies:
- The development is not started within 2 years of the issued date of this permit.
  - The development is not completed within 4 years of the issued date of this permit.
  - The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

**General notes:**

**The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**

**An asset protection permit is required prior to the commencement of any works on site.**

**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.**

**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.**

**Head, TfV notes:**

**Separate consent for works within the road reserve and the specifications of these works is required under the *Road Management Act 2004*. For the purposes of this application the works will include provision of:**

- a. Access constructed to GD4010A for a 26 metre B-Double truck.**
- b. Rural Basic Right Turn (BAR)**
- c. Rural Basic Left Turn (BAL)**
- d. Any other works required.**

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## 2. Planning Permit Application For Use And Development Of Accommodation (Host Farm), Rural Industry, Primary Produce Sales, Food And Drink Premises (Restaurant), Place Of Assembly (Petting Zoo), Reduction Of Car Parking And Business Signage At 58 Centre Road, Molyullah

Ref: 683252461-154

P016-25

Joel Ingham – Planning Coordinator  
Nilesh Singh – Manager Development

### PURPOSE OF REPORT

This report assesses a planning application received to use and develop the subject site for a tourism operation including a host farm, rural industry, primary produce sales, 60 seat restaurant, place of assembly, signage and reduction of car parking.

### BACKGROUND

<b>Site Address</b>	58 Centre Road, Molyullah
<b>Existing Use</b>	Vacant
<b>Proposal</b>	Use and development of Accommodation (Host Farm), Rural Industry, Primary Produce Sales, Food and Drink Premises (restaurant), Place of Assembly (Petting Zoo), reduction of car parking and business signage
<b>Applicant</b>	Planography Pty Ltd
<b>Zone</b>	Farming Zone (FZ) Permit trigger: <ul style="list-style-type: none"> <li>▪ Clause 35.07 (use in a FZ)</li> <li>▪ Clause 35.07-4 (buildings and works in a FZ)</li> <li>▪ Clause 52.05 (signage)</li> <li>▪ Clause 52.06-3 (reduction of car parking)</li> </ul>
<b>Overlays</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Particular Provisions</b>	Clause 52.05 - Signage Clause 52.06 – Car Parking
<b>Referrals</b>	<ul style="list-style-type: none"> <li>▪ Goulburn Broken Catchment Management Authority</li> <li>▪ Goulburn Murray Water</li> <li>▪ Environmental Protection Authority Victoria (Section 52)</li> <li>▪ Engineering</li> <li>▪ Environmental Health</li> </ul>

### PROPOSAL

The applicant is seeking to use and develop the site for a tourism enterprise including onsite boutique cheese, milk and cream production with a 60 seat café and display workshop building, animal petting zoo, farm accommodation (four x two bedroom cabins), two agricultural sheds, a reduction in car parking and signage. These are in association with an established dairy farm. The development comprises:

- Four x two bedroom cabins for accommodation (host farm). These will allow for on-farm experiences and to watch the daily farm activities such as milking cattle, feeding calves, carting hay and similar, all observed from a safe distance.
- Shed 1 with dimensions of 30m by 15m (450m<sup>2</sup>), with a verandah of 3m by 15m adding a further 45m<sup>2</sup> to the overall floor area.

- Shed 1 includes a milk bottling plant, cheese and cream making area, a café with 60 seats that will sell farm grown produce, milkshakes, ice cream and hot beverages.
- Shed 2 with dimensions of 36m by 15m (540m<sup>2</sup>) which provides for a museum including displays, photographs, equipment, machinery and story boards that represent dairy family line within the Molyullah district and the township history.
- A workshop to provide the business for a place to repair and service equipment and machinery used in the day-to-day operations of the proposal. This building will not be accessible to visitors to the site and will be provided with separate access from Molyullah Road, Molyullah.
- An animal petting zoo (place of assembly) will consist of three fenced yards to provide a close-up experience for people to interact with farm animals. These will include calves, alpacas, goats, rabbits, ducks and chickens.
- Signage (no details provided)
- Reduction of 27 car parking spaces
- Hours of operation are proposed as:
  - Monday to Wednesday, 7am to 6pm
  - Thursday to Sunday, 7am to 10pm
  - Public Holidays, 7am to 6pm, excluding Christmas Day.
- No music or entertainment noise is proposed.

The advertised plans are attached as **Appendix 1**.

### **Site and Surrounds**

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

The subject site is an irregular (trapezoid) shaped parcel of land comprising an area of approximately 4.5ha and includes five separate parcels. Each parcel is vacant. There is little vegetation on the site, with trees generally located along the north and east boundaries, although there are established native trees in the adjoining road reserves. A dam is located approximately at the mid-point of the Centre Road, Molyullah frontage.

Both Molyullah and Centre Roads, Molyullah are sealed with unsealed shoulders. When vehicles are passing at least one vehicle is required to pull into the unsealed verge.

There are five residential properties to the south of the subject site on Centre Road, Molyullah (81, 85, 89, 97 and 101 Centre Road, Molyullah). There is another residential property at 167 Molyullah Road, Molyullah to the east of the subject site.

The Centre Road, Molyullah residential properties vary in size between 5,000m<sup>2</sup> and 7,000m<sup>2</sup> and the residential property on Molyullah Road, Molyullah has an area of 1.68ha.

An existing dairy, owned by the proponent, is located on Centre Road, Molyullah to the east of Molyullah Road, Molyullah.



Figure 1 Subject site and surrounds.

### Background Documents

Various supporting background reports were submitted with the application material including:

- Planning report prepared by Planography dated 24 October 2025.
- Acoustic report prepared by Waveform Acoustics dated 14 July 2025.
- Traffic Impact Assessment Report prepared by one mile grid dated 21 July 2025.
- Land Capability Assessment prepared by Land Capability Assessment Victoria dated April 2025.

- Drainage Plan prepared by T&C Development Services Pty Ltd dated 13 June 2025.
- Integrated Land Management Plan prepared by Planography dated January 2025.
- Plans including a site layout plan, floor plans and elevations.

### *Acoustic Report*

This report addressed all the proposed uses including a caretakers house which is no longer proposed. It notes that as accommodation is proposed (cabins), compliance with the Environmental Protection Authority Victoria (EPA) 1826.4 (*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*) limits for plant and equipment will need to be maintained in the Day, Evening and Night Period.

The nearest Noise Sensitive Receptors (NSR) were identified at:

- 167 Molyullah Road Molyullah
- 89 Centre Road Molyullah
- 101 Centre Road Molyullah.

Testing was undertaken from 5 June 2025 to 11 June 2025 to collect background level noise data.

The EPA 1826.4 determines the following limits for mechanical services:

- Day: 46dB
- Evening: 41dB
- Night: 36dB.

The Acoustic report provides various recommendations that should be included in permit conditions including:

- Once specifics of plant and equipment are known an acoustic consultant should provide a review to recommend acoustic barriers or other acoustic solutions as required.
- Once plant/equipment is installed additional site testing may be required.
- If amplified music is played it should not be played at levels greater than 'background music levels' to reduce risk to NSR.
- There should be no amplified music in outdoor areas.
- Waste collection should not occur after 10pm or before 7am weekdays or 9am all other days.
- Consider post occupancy testing over a 48 hour period, within three months of occupancy.

The Acoustic report advises that compliance with the EPA 1826.4 at the NSR can be achieved.

### *Traffic Impact Assessment*

This report addressed the impact on the local road networks, access to the site, car parking requirements, buses, loading and bicycle parking.

Centre Road and Molyullah Road, Molyullah both provide a 4m wide sealed carriageway with vegetated verges either side. The default 100 km/h rural road speed limit applies to both roads.

Traffic volumes for Centre Road, Molyullah were measured over a two week period with the first week showing a daily volume of 26 vehicles per day and the second week showing a daily volume of 44 vehicles per day. The second week included the Friday night Fish and Chip night at the Molyullah Memorial Hall.

Access is provided from three crossovers including one newly created crossover in Centre Road, Molyullah. At the time the report was written 16 car parking spaces were proposed.

Based on the proposed uses, including the caretakers house which is no longer proposed, the traffic report identified that the statutory car parking requirement for the proposed uses was 61.

The report also notes that it is expected that some visitors to the site will attend in a 22-seater bus, particularly with school groups.

Based on buses and the nexus between some of the uses on the site the traffic report was satisfied with the proposed 16 car spaces.

Since then, the plan has been amended to provide 36 car parking spaces.

### *Land Capability Assessment*

The Land Capability Assessment (LCA) incorrectly notes the site has an area of 46.52ha instead of approximately 4.5ha which is assumed to be a typographical error. It is not in a Special Water Supply Catchment. It also considers the earlier proposed caretakers dwelling, which no longer forms part of the proposal.

The LCA recommends a secondary treatment system and pressurized subsurface irrigation for the café and the cheese milk and cream production plant and a primary treatment system and absorption trenches for all other proposed uses.

The LCA also includes a management plan which should be referenced in permit conditions should a planning permit be granted.

### *Integrated Land Management Plan*

The Integrated Land Management Plan discusses existing and proposed conditions, agricultural capability/terrain analysis, land class classification, management of pest plants and animals, planting corridors of native vegetation to increase habitat, water supply via the existing dam, biodiversity and climate.

It also includes a site plan showing the location of the uses and proposed screen planting and a Management Action Plan including timings.

### *Drainage Plan*

The drainage plan shows:

- An existing drain running from Molyullah Road, Molyullah to an existing dam located adjacent to Centre Road, Molyullah.
- Stormwater pipes adjacent to proposed buildings.
- Culverts under gravel driveways.
- Open swale drains connecting to the existing drainage line.
- A stormwater detention/re-use tank next to the proposed workshop.

## Public Notification

Advertising was carried out in accordance with the requirements of the Planning and Environment Act by way of the following:

- placing a sign towards the Molyullah Road and Centre Road frontages of the site.
- sending notices to all adjoining and opposite landowners and occupiers.

Six objections have been received to the planning application to date.

Some of the objections did not have an issue with the proposed uses and development per say, however, were of the view it should be located away from the existing nearby dwellings, on a different area of the proponent's landholdings. The Council must assess the application as submitted, including the proposed site.

Objections raised various issues including:

- The proposal fails to take account of the existing nearby residential properties.
- Impact on the local roads with increased traffic including large vehicles and buses as the roads are narrow and already in poor condition.
- Noise, including noise that will continue beyond the hours of operation eg from plant and equipment.
- Dust.
- Odour.
- Light spill.
- Invasion of privacy from cabins facing Centre Road.
- Operating until 10pm does not fit well with the rural lifestyle of surrounding and nearby properties.
- Undesirable behaviour is possible with the later hours of operation.
- The proposal is dividing the community and causing a lot of unrest.
- It will impact the quality of life of residents living nearby.
- It's an industrial/commercial use and not appropriate in a Farming Zone.
- Where is the water supply coming from.
- Impact on groundwater.
- Structural impact on an existing dwelling from works at the subject site.
- Flaws or discrepancies in application material.
- With the existing 100kph speed limits there will be increased risk of accidents from the increased traffic volumes.
- Carpark should be sealed.
- It will impact the peaceful country lifestyle of the area.
- No benefit to the local community.
- Questions relating the commercial viability of the project.
- Effluent runoff into waterways.
- No First Nations report.

## Planning Scheme Provisions

### Municipal Planning Strategy (MPS)

Clause 02.03-1 (Settlement) of the Municipal Planning Strategy relates to settlement and recognizes Benalla as the major urban centre of the municipality, providing focus for residential, commercial, retail and industrial development. In planning for orderly development the Council will:

- *Retain and grow population by enhancing the provision of services and infrastructure.*
- *Direct the majority of urban growth to Benalla and encourage growth in smaller towns. Provide serviced land to accommodate urban development.*
- *Provide a diversity of housing options, including infill housing.*
- *Strongly discourage new housing development outside established urban areas as defined by the settlement boundaries.*

Clause 02.03-2 (Environmental and landscape values) recognises the scenic values of the foothills, valleys and cleared grazing country is a valued characteristic of the municipality. In managing and protecting landscape character, the Council seeks to:

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

Clause 02.03-3 (Environmental risks and amenity) recognizes the potential for land use conflicts. In minimising the potential for land use conflicts, the 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) recognizes that the rural areas of the municipality comprise high quality and versatile agricultural land. This asset can be threatened by inappropriate subdivision and housing development.

Rural activities produce off-site effects that can be incompatible with residential uses.

Farming practices in rural areas should not be diminished by encroachment of incompatible development in rural zones. Fragmentation of high-quality agricultural land is discouraged, and farm consolidation is a fundamental long-term objective.

In protecting agricultural areas, the Council seeks to:

- *Limit subdivision and new dwellings on high quality and versatile agricultural land.*
- *Maintain the sustainable use and productive potential of rural land.*
- *Discourage non-agricultural uses where they will impact agriculture.*
- *Avoid the fragmentation of productive agricultural land by subdivision, particularly lots for housing.*
- *Encourage alternative agricultural pursuits.*
- *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.*
- *Encourage agricultural practices that are not detrimental to the environment.*
- *Encourage the consolidation of farm lots.*
- *Locate intensive animal industries in areas that minimise land use conflict.*

Clause 02.03-7 (Economic development) recognises tourism as a key economic influence in Benalla but one this is relatively underdeveloped with great potential. In supporting tourism, the Council seeks to:

- *Support event based and lifestyle tourism opportunities.*
- *Encourage use and development that maximises tourism opportunities.*

Clause 02.03-9 of the Municipal Planning Strategy (Infrastructure) recognises the importance of planning for infrastructure and seeks to:

- *Improve infrastructure to small towns to promote sustainability and development.*
- *Ensure domestic wastewater treatment facilities are maintained and monitored.*
- *Encourage development on lots that are capable of retaining treated wastewater onsite.*

### **Planning Policy Framework (PPF)**

Clause 12 (Environmental and Landscape Values) seeks to protect and conserve areas with identified landscape values.

Clause 13 (Environmental Risks and Amenity) recognises the need to identify, prevent and minimise the risk of harm to the environment, human health and amenity through:

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

Clause 14.01 (Agriculture) has the objective to protect the state's agricultural base by preserving productive farmland.

Clause 14.01-2S (Sustainable agricultural land use) seeks to encourage sustainable land use. Relevant strategies include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*
- *Facilitate ongoing productivity and investment in high value agriculture.*

Clause 17.04 (Tourism) seeks to encourage tourism development that maximises the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Strategies include:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*

- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Clause 17.04-1L (Facilitating tourism) provides the following relevant strategies:

- *Encourage new tourism use and development and expansion of existing activities, including wineries.*
- *Support new and upgraded infrastructure, such as roads and trails, to service tourist developments.*
- *Support proposals that encourage outdoor education and adventure type activities.*

The *Economic Development and Tourism Strategy (Benalla Rural City, 2014)* is a reference document in the planning scheme at Clause 17.04-1L.

Although a relatively dated document it does recognise the benefit that tourism can provide to the local economy. It also recognises the focus on events based tourism such as the Winton Motor Raceway, Winton Wetlands and the Gliding Club of Victoria.

The strategy notes there is an opportunity to highlight local produce and identifies a lack of accommodation opportunities which encourage visitors to stay overnight and therefore contribute positively to the local economy.

### **Other relevant documents**

The *Molyullah Township Plan 2021* remains a draft document and states it was a community led action plan intended to “*enhance the future prosperity of the township through ongoing planning and development of the town and its community members including infrastructure, maintenance community inclusion and promotion and events to increase tourism*”.

One of the objectives of the *Molyullah Township Plan* is to aspire to promote Molyullah as a tourism destination and a great place to live.

Regular attractions and community activities include the Molyullah Easter Sports, Australia Day breakfast and celebrations and Friday Fish and Chip nights.

## **Zone**

### **Clause 35.07 Farming Zone (FZ)**

Pursuant to the Benalla Planning Scheme the subject site is included in a 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.*

Clause 35.07-1 of the FZ requires a planning permit to use the site for the following proposed uses:

- Host Farm
- Rural Industry
- Place of Assembly
- Primary Produce Sales
- Restaurant.

Clause 35.07-4 of the FZ requires a planning permit for the associated buildings and works.

Relevant decision guidelines include:

#### *General*

- 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.

#### *Agricultural issues and the impacts from non-agricultural uses*

- 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 capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

#### **Accommodation issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

## Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

## Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- 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.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Clause 35.07-7 of the FZ notes that sign requirements are at Clause 52.05, Category 4 which apply to sensitive areas and applies the maximum limitation to signs.

## Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Goulburn Broken Catchment Authority	Consent subject to conditions
EPA (Section 52)	Notation recommended
Goulburn Murray Water	Consent subject to conditions

Internal referrals:

Referrals	Advice/Response/Conditions
Engineering	Consent subject to conditions
Environmental Health	Consent subject to conditions

## Particular Provisions

### Clause 52.05 Signs

Category 4 – Sensitive areas applies the maximum limitation to signs in the Farming Zone. 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.*

Clause 52.05-2 states that if a sign can be interpreted in more than one way, the most restrictive requirement must be met.

The purpose of Category 4 is to provide for unobtrusive signs in areas requiring strong amenity control.

A home-based business sign not exceeding 0.2m, and direction signs do not require a planning permit.

A business identification sign does require a planning permit, however the total display area to each premises is 3m<sup>2</sup>.

### **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.*

Clause 52.06-3 requires a planning permit to reduce the minimum number of car parking spaces required under Clause 52.06-5.

### **ASSESSMENT**

Officers support the proposed use and development as it meets relevant policy provisions in the planning scheme, particularly as it relates to tourism and economic development.

### **Municipal Planning Strategy and Planning Policy Framework**

Policy pertaining to agriculture discourages fragmentation of land and encourages consolidation. As the subject site comprises five parcels, should a planning permit be granted, a condition should be included requiring a consolidation prior to commencement of development. This will also ensure that proposed uses cannot operate separately on different parcels. If approved the enterprise should be operated as an integrated development.

Tourism is also encouraged as it provides employment opportunities and will contribute to the local economy.

### **Farming Zone**

The purpose of the Farming Zone generally relates to providing for and encouraging the retention of land for agricultural purposes. Use of the land for agriculture therefore does not require a planning permit. However, most other uses are discretionary in the Farming Zone, including all of those proposed. The production of milk is a 'rural industry' and it is reasonable that this occur in a Farming Zone due to access to the raw product. It is also considered reasonable for 'primary produce sales' to occur within a Farming Zone, which is not uncommon.

The keeping of animals falls within the definition of 'agriculture' so does not need a planning permit, however the petting zoo element falls within the definition of a 'place of assembly' and does require a planning permit. Again, having a petting zoo located within a Farming Zone is not uncommon.

The 'host farm' by way of its definition needs to be associated with an agricultural property to provide accommodation for persons away from their normal place of residence to experience living on land used for agricultural purposes.

The café (restaurant) component adds to the tourism experience of the proposed enterprise and is also discretionary in the Farming Zone. It should however remain an ancillary component and not operate outside the hours of operation of the other components, which would typically expect to be reasonably operated between 7am and 6pm. It is therefore recommended that hours of operation be limited to no later than 6pm.

### **Land Use Compatibility**

Measures to mitigate off site amenity impacts can be implemented via the planning permit to improve land use compatibility.

It should also be considered that the extent of residential properties along Centre Road, Molyullah is not typical of a Farming Zone, and they introduce a land use incompatibility that would not typically be expected in a Farming Zone. Although those dwellings are existing, they should not prevent nearby sites from being used for typical uses in a Farming Zone such as the rural industry, primary produce sales and host farm.

An appropriately conditioned planning permit can provide a balance allowing the different uses to satisfactorily co-exist.

### **Car Parking**

The traffic report identified a need for 61 car spaces but assumed three bedroom caretakers dwelling and did not allow for the four cabins. Based on that, the proposed uses the proposal generates a demand for 63 car parking spaces and revised plans show the provision of 36 car parking spaces, therefore seeking a reduction of 27 car parking spaces. The submitted plan also shows an overflow parking area.

The traffic report submitted with the application advises that:

- The proposed car parking and access can be appropriately designed
- The proposed supply of car parking is appropriate for the proposed development
- Traffic generated by the proposed development is expected to be easily accommodated by the surrounding road network.

Given the shared uses and potential for visitors to attend by buses and the overflow area available the reduction of car parking is considered reasonable.

### **Hours of Operation**

Proposed hours of operation are:

- Monday to Wednesday, 7am to 6pm
- Thursday to Sunday, 7am to 10pm
- Public Holidays, 7am to 6pm, excluding Christmas Day

The extended hours until 10pm provides a risk of the restaurant operating as an independent use and has the potential to result in off-site amenity impacts. It is therefore considered reasonable to reduce all hours of operation to no later than 6pm.

## **Amenity Impacts**

Amenity impacts have been raised by objectors and as a result the proposal has been referred to the EPA for comment. EPA have provided guidance regarding noise, liquid spills and on-site wastewater management. Noise and wastewater requirements will be included into the planning permit conditions, whilst the applicant will be required to comply with EPA requirements with regards to liquid spillage.

### *Dust*

To minimise dust, it is reasonable to require the internal driveways and carparking areas to be sealed which also allows for line marking to ensure efficient car parking and for accessibility. In addition, a construction management plan will be required to prevent unreasonable dust emissions leaving the site during construction.

### *Noise*

Should a permit be granted conditions can be included to mitigate the risk of off-site amenity impacts such as no external amplified music and compliance with recommendations of the Acoustic Report. The reduction of hours of operation will also reduce the risk of noise to nearby properties.

### *Light spill*

External lighting can be baffled to avoid off-site impacts.

## **Objections**

Of the six objections the concerns were generally common and related largely to off-site amenity impacts.

As discussed elsewhere in this report the issue raised by several objectors about the proposed use and development being more suitably located on another site further away from their properties is not a relevant planning consideration, as the Council must consider the merits of the application as proposed.

Concerns raised relating to structural impact to a dwelling alleged to be associated with works on the subject site is also not a relevant planning consideration.

Several planning permit conditions are proposed to reduce the risk of off-site impacts from the proposed uses.

Concerns have also been raised regarding the site being subject to water inundation. As a result the proposal was referred to both Goulburn Murray Water and the Goulburn Broken Catchment Management Authority who advise of no objection to the proposal subject to conditions. As a result it is considered that the proposal can be developed without unreasonably impacting on overland water flows subject to these conditions.

The reduction of hours of operation and sealing of internal accessways and carparking spaces will mitigate the risk of noise and dust.

## ***COUNCIL PLAN 2025-2029 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 58 Centre Road, Molyullah for the use and development of land for use and development of Accommodation (Host Farm), Rural Industry, Primary Produce Sales, Food and Drink Premises (restaurant), Place of Assembly (Petting Zoo), reduction of car parking and business signage 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 plans 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 a spray seal.**
    - iii. Amend cabin elevations to show the correct property address.**
    - iv. Amend the floor plan of Shed 1 to show the restaurant seating.**
    - v. Show the location of bus parking on the site plan.**
    - vi. Show colours of external cladding.**
    - vii. Provide details of proposed signage including location, dimensions, elevations, colouring and wording.**
    - viii. Shrubs and trees planted to screen the activity on the land.**
    - ix. Location of drainage channels and swales.**
- 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. At any time no more than 60 seats may be made available to patrons on the land. The responsible authority may consent in writing to vary this requirement.**
- 4. Shrubs and trees must be planted and maintained to screen activity on the land.**
- 5. The use and development must comply with the Integrated Land Management Plan dated January 2025 and prepared by Planography.**
- 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, steam, soot, ash, dust, wastewater, 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. Noise generated from the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.**
- 10. Before the use starts, a noise and amenity plan/patron management plan must be approved and endorsed by the responsible authority. The noise and amenity plan/patron management plan must:**
  - a. Be prepared to the satisfaction of the responsible authority.**
  - b. Be submitted to the responsible authority in electronic form.**
  - c. Include the following details:**
    - i. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.**
    - ii. Signage to be used to encourage responsible off-site patron behaviour.**
    - iii. The training of staff in the management of patron behaviour.**
    - iv. Staff communication arrangements.**
    - v. Measures to control noise emissions from the premises.**
    - vi. Complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which records details of the complaint received any action taken and the response provided to the complainant.**
- 11. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.**
- 12. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 13. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority**
- 14. Waste collection must be conducted in EPA Publication 1254 'Noise Control Guidelines and shall not occur after 10pm and before 7am weekdays or 9am on all other days.**
- 15. Deliveries must be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm and before 7am weekdays or 9am all other days.**
- 16. Acoustic testing must be conducted over a 48hr period, during a representative time of the operation, within three months of occupancy to determine compliance or otherwise to the satisfaction of the responsible authority.**

- a. The testing should include, but be limited to, testing of plant and equipment and music noise emissions, measured at the Noise Sensitive areas of the NSR.
- b. If non-compliance is detected, additional measures may be required to ensure compliance with the TRPA 1826.4 limits.

17. The use must only operate between the following times:

- a. 7am and 6pm Monday to Sunday
- b. Closed Christmas Day.

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

18. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.

19. All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the responsible authority. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the responsible authority.

20. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

21. No fewer than thirty-six (36) car parking spaces must be provided on the land.

22. Before the use starts, the areas set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:

- a. Constructed.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced with a spray seal.
- d. Drained.
- e. Line marked to indicate each space and all access lanes.
- f. Clearly marked to show direction of traffic along access lanes and driveways.

To the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed these areas must be maintained to the satisfaction of the responsible authority.

23. No native vegetation may be removed from the land unless with the further written consent of the responsible authority.

24. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:

- a. Be prepared to the satisfaction of the responsible authority.

- b. Be prepared by a suitably qualified person.
- c. Have plans drawn to scale with dimensions.
- d. Be submitted to the responsible authority in electronic form.
- e. Include the following:
  - i. Layout of landscaping and planting with all open spaces of the subject land and include the buffer planting along the boundaries.
  - ii. A survey (including botanical names) of all existing vegetation to be retained.
  - iii. Details of surface finishes of pathways and driveways.
  - iv. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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

- 25. Before the use starts the landscaping shown on the approved landscape plan must be carried and completed to the satisfaction of the responsible authority.  
The responsible authority may consent in writing to vary this requirement.
- 26. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

#### **Engineering Conditions**

- 27. Prior to buildings and works commencing on the land, an updated Traffic Impact Assessment Report (TIAR) must be submitted to and approved by the Responsible Authority. The TIAR must consider the impact of the use and development to the Molyullah Road and Centre Road intersection. Any recommendations from the updated report regarding intersection works must be implemented prior to the use commencing on the land.
- 28. The proposed works must not cut off natural drainage from adjacent properties.
- 29. 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.
- 30. No additional vehicle accesses may be constructed apart from those endorsed on the approved plan.
- 31. The applicant shall provide drawings prepared by a Registered Engineer to demonstrate the dimensions of the vehicle parking and manoeuvring areas and including the method of how the bays will be marked on the gravel surface. Details of the vehicle parking shall be submitted to Council for endorsement prior to the commencement of works.
- 32. The internal access road shall be designed to ensure that vehicles exiting the road fronting cabins, circulate behind the proposed sheds in the same direction of traffic flow detailed on the submitted drawings. The drawing prepared by the Registered Engineer will need to dimension the road widths that will accommodate the largest vehicle that will use the road and including any signage to assist drivers with the traffic flow direction. Details of the road infrastructure shall be submitted to Council for endorsement prior to the commencement of works.

- 33. Drainage infrastructure required for the proposed development shall be designed by a Registered Engineer. The drainage infrastructure shall conform to the requirements of the Infrastructure Design Manual. Details of the drainage infrastructure shall be submitted to Council for endorsement prior to the commencement of works.**
- 34. Prior to the commencement of use, the proposed vehicle access from Molyullah Road must be constructed in accordance with the Infrastructure Design Manual standard drawing SD255 for a rural entrance and include setback to the gate as detailed on the IDM standard drawing.**
- 35. Prior to the commencement of buildings and works a Construction Management Plan must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:**
  - a. Implement effective traffic management and environmental controls;**
  - b. Establish and maintain safe construction vehicle access to the site;**
  - c. Maintain vehicle and machinery hygiene;**
  - d. Avoid the spread of soil-borne pathogens and weeds;**
  - e. Minimise erosion, sedimentation and contamination;**
  - f. Reduce the impact of noise, dust and other emissions during construction;**
  - g. Prevent mud, dirt, sand, soil, clay or stones from entering the drainage system;**
  - h. Avoid having such materials deposited on public land by construction vehicles;**
  - i. Establish and maintain all recommended Tree Protection Zones.**

#### **Environmental Health Conditions**

- 36. All sewage and sullage wastewater from the proposed development site must be discharged into a new on site wastewater management system which is approved under the Australian Standards, retains all wastes within the boundaries of the land, in accordance with the Land Capability Assessment prepared by *Land Capability Assessments Victoria Pty Ltd for 58 Centre Road Molyullah VIC 3673 with Report Number LCA15032025 dated April 2025* and is located to the satisfaction of the Responsible Authority.**

#### **Goulburn Murray Catchment Management Authority Conditions**

- 37. The finished floor level of all proposed buildings must be constructed at least 450 millimetres above the highest existing ground level underneath the building footprint. This requirement excludes areas associated with a garage, carport, pergola, verandah, decking and the like.**

#### **Goulburn Murray Water Conditions**

- 38. All construction and ongoing activities must be in accordance with the EPA Publication 1834.1 Civil Construction Building and Demolition Guide (September 2023).**

39. All wastewater from the site must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the relevant body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced, to the satisfaction of Council's Environmental Health Department.
40. The wastewater management system(s) must be appropriately designed to manage the potential volume of wastewater generated from the site, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced, to the satisfaction of Council's Environmental Health Department.
41. The wastewater disposal area(s) must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field(s) of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
42. Prior to the commencement of any works, the five parcels described as Crown Allotments 30, 31, 32, 33 and 35 Parish of Tatong must be consolidated to create one parcel of land.

#### **Expiry**

42. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within two (2) years of the date of this permit.
  - b. The development is not completed within four (4) years of the date of this permit.
  - c. The use is not commenced within four (4) years of the date of this permit.

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

#### **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. A subdivision approved under a planning permit does not constitute the certification of a Plan of Subdivision. A separate application should be made by a licensed land surveyor.

5. **Prior to any works being carried out in relation to any part of the onsite wastewater system a permit for the works must be obtained from the Benalla Rural City Council.**
6. **Business identification signage for the subject site cannot exceed 3m<sup>2</sup> in area.**
7. **Please note the 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.**
8. **The *Environment Protection Act 2017* imposes duties on individuals and-or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable. *For further information on what the laws mean for Victorian businesses and community go to <https://www.epa.vic.gov.au/general-environmental-duty>.***

### 3. Planning Permit Application For Use And Development Of A Place Of Assembly (Wedding And Events Venue) And Accommodation At 140 Darktown Road, Lurg

Ref:683252461-156  
P091-25

Joel Ingham – Planning Coordinator  
Nilesh Singh – Manager Development

#### PURPOSE OF REPORT

This report assesses a planning application received to use and develop the subject site for a place of assembly (wedding and events venue) and accommodation.

#### BACKGROUND

<b>Site Address</b>	140 Darktown Road Lurg
<b>Existing Use</b>	Existing dwelling and agriculture
<b>Proposal</b>	Use and development of a place of assembly (wedding and events venue) and accommodation.
<b>Applicant</b>	Leanne Maxwell (Regional Planning Services)
<b>Zone</b>	Farming Zone (FZ) Permit trigger: <ul style="list-style-type: none"><li>▪ Clause 35.07 (use in a FZ)</li><li>▪ Clause 35.07-4 (buildings and works in a FZ)</li></ul>
<b>Overlays</b>	<ul style="list-style-type: none"><li>▪ Vegetation Protection Overlay Schedule 3 (VPO3)</li></ul>
<b>Particular Provisions</b>	<ul style="list-style-type: none"><li>▪ Clause 52.06 – Car Parking</li><li>▪ Clause 53.06 – Music Entertainment Venues</li></ul>
<b>Referrals</b>	<ul style="list-style-type: none"><li>▪ Engineering</li><li>▪ Environmental Health</li></ul>

#### PROPOSAL

The applicant is seeking to use and develop the site for a place of assembly to provide for weddings and events and accommodation. The proposal is generally described as follows:

- The wedding venue is proposed to operate no more than 15 times a year with an average of 100 guests but allowing for a maximum of 200 guests.
- The accommodation is proposed to be provided in the existing dwelling, and it is expected the accommodation will be used by wedding guests.
- Operationally the following is anticipated:
  - Accommodation to be provided to the bride and groom and immediate family.
  - Catering and alcohol is to be self-catered and provided by the wedding organiser. This could include food vans.
  - It is intended that hired staff will be required to have the appropriate RSA licence to serve wedding guests.
  - Music is to be provided in accordance with the wedding organiser and to be either a small live band/group or pre-recorded. A noise limiter will be applied to equipment.

- Weddings are anticipated to be generally on Friday-Sunday, however, it will be dependent on the user and operate seven days a week, with weddings to cease functioning at 11.30pm with music and serving of alcohol ceasing at 11pm.
- All guests apart from guests staying at the accommodation will be made to leave the premises by midnight.
- All noise will be managed in accordance with the Environment Protection Authority Victoria (EPA) regulations.
- A booking diary, Bushfire Emergency Management Plan and Event Management Plan will be maintained.
- The wedding venue, in the existing shed, and accommodation in the existing dwelling are setback 214m from Darktown Road, Lurg.
- An existing corrugated galvanized shed will be converted into a wedding venue/barn type building. The overall footprint is 17.25m by 13.9m with a total area of 239.775m<sup>2</sup>.
- Alterations to the shed include:
  - East elevation – double barn style sliding doors each with dimensions of 2.4m wide by 2.5m high. An awning over the proposed sliding doors.
  - North elevation – one barn style sliding door with dimensions of 2.4m wide and 2.4m high. A small awning with an overall width of 1.4m is proposed to be constructed from 100mm x 100mm hardwood posts and galvanised roof cladding.
  - West elevation – one window constructed of poly carbonate with a total width of 7.4m.
  - South elevation – one louvre window with dimensions of 800mm by 1000mm to be constructed from poly carbonate, and double barn style sliding doors each with dimensions of 2.4m wide by 2.5m high.
- Weddings will only be held in the converted shed, with the wedding party being escorted in 1-2 cars by the event manager to the hilltop for photo opportunities. Weddings will not be held on the hilltop.
- Three portable toilet facilities will be located adjacent to the venue/shed.
- A gravel driveway will provide access to the venue and dwelling and will also provide access to a gravel carpark of 60 car spaces, including two disabled spaces.
- Hours of operation are proposed as:
  - 7 days a week
  - 10am to 12am
  - no alcoholic drinks served after 11pm
  - music ceases by 11pm
  - all guests to leave site by 12am.

Plans prepared by Taylor Design Group are attached as **Appendix 1**.

## **Site and Surrounds**

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

The subject site is an irregular shaped parcel of land on the south side of Darktown Road, Lurg and comprises three parcels. The proposed use and development is for Crown Allotment 20, shown as Parcel A in the extract below.

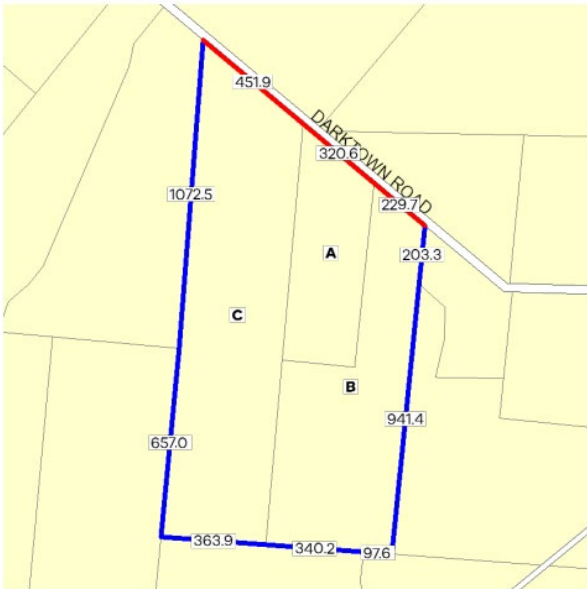


Figure 2 - Subject site property parcels (Source: [www.dtp.vic.gov.au](http://www.dtp.vic.gov.au))

Winton Creek runs to the north of Darktown Road, Lurg and a tributary of this, with an online dam that is in the north of the subject site, transects the property.

Surrounding and nearby properties are generally used for agricultural purposes, and some have dwellings. The nearest dwelling is to the north of Darktown Road, Lurg approximately 400m from the activity.

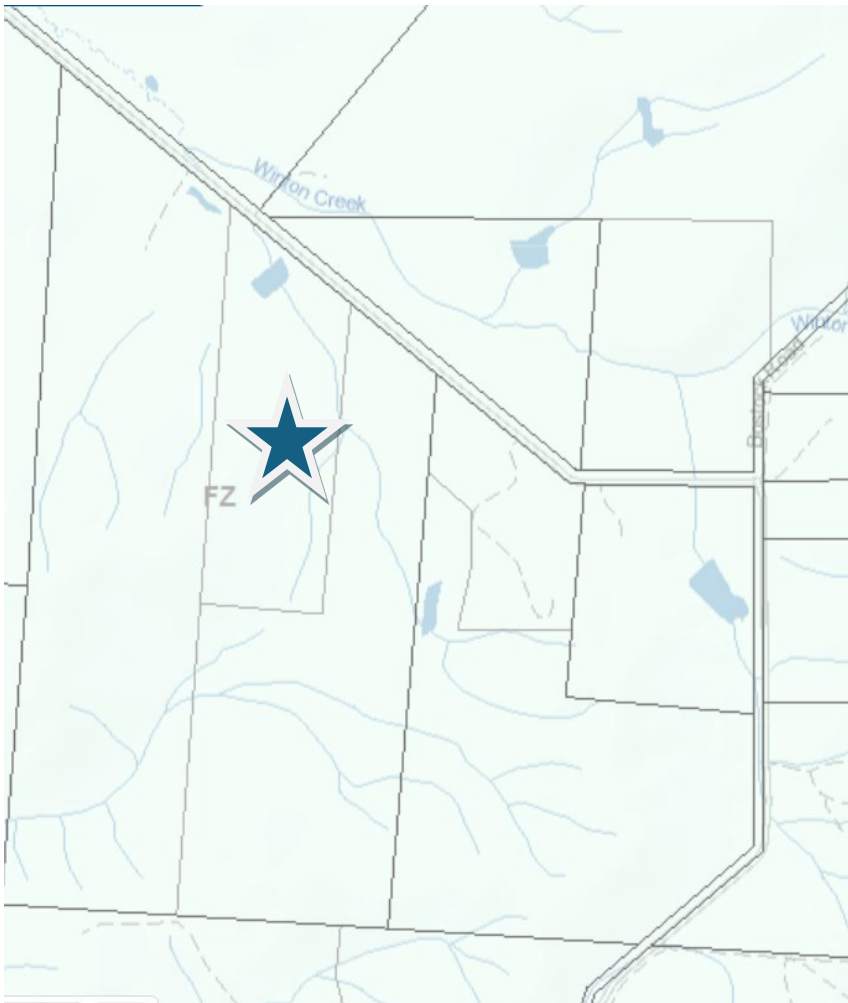


Figure 3 - Subject site with the star and location of Winton Creek (Source: [www.dtp.vic.gov.au](http://www.dtp.vic.gov.au))

## Background Documents

Various supporting background reports were submitted with the application material including:

- Planning Report prepared by Regional Planning Services.
- Acoustic Engineering Report prepared by DDEG dated 1 October 2025.
- Traffic Impact Assessment prepared by Infrastructure Support Services dated 11 August 2025.
- Cultural Heritage Management Plan prepared by Bligh Gilding Consulting approved on 17 June 2025.
- Bushfire Emergency Management Plan.
- Event Management Plan.

## Acoustic Report

The Acoustic report identified the nearest Noise Sensitive Areas (NSAs) as:

1. 155 Darktown Road Lurg - 400m distance from proposed venue.
2. 181 Darktown Road Lurg - 400m distance from proposed venue.
3. 228 Darktown Road Lurg - 1km distance from proposed venue.
4. 147 Bostock Road Lurg - 1.4km distance from proposed venue.
5. 72 Darktown Road Lurg - 650m distance from proposed venue.

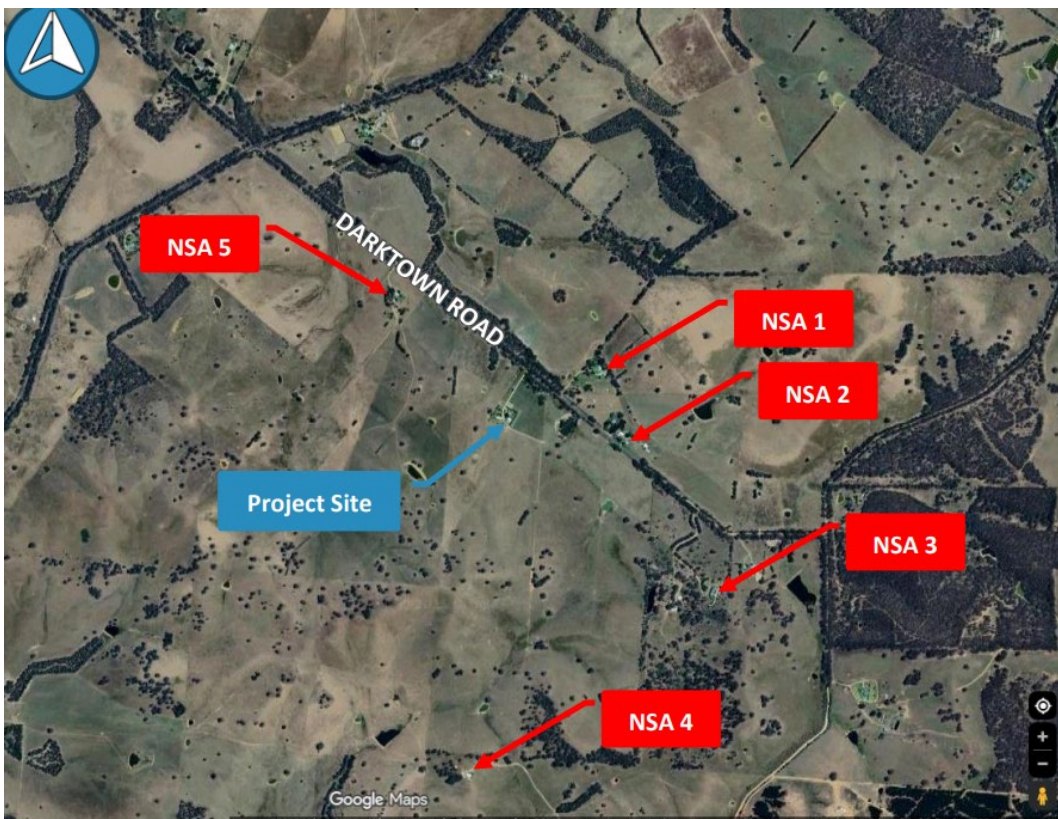


Figure 4 - Locations of potentially affect Noise Sensitive Areas (Source: Acoustic Engineering Report prepared by DDEG and dated 1 October 2025)

Noise measurements were taken to establish existing background noise. Noise limits were then modelled for day, evening and night.

The Acoustic Report provides a series of recommendations to manage noise and more particularly to control noise from music including not playing during the 'night' period which in accordance with the EPA Regulations (Regulation 123) is after 11pm Monday-Saturday and after 10pm Sundays and public holidays.

It also recommends installing an electronic music noise limiter to set appropriate levels. This should be installed by a suitably qualified person and be installed so it cannot be easily tampered with and includes a 'traffic light' style monitor display to provide visual prompts if noise is becoming close to the permissible limit or exceeds it.

The Acoustic Report also recommends deliveries should only be permitted:

- 7am to 10pm Monday to Saturday
- 9am to 10pm Sundays and Public Holidays.

Private waste collections should only be permitted:

- 7am to 8pm Monday to Saturday
- 9am to 8pm Sundays and Public Holidays

The Acoustic Report concludes that subject to the implementation of advice in the report, the proposed use will satisfy the applicable acoustic legislation and guidelines.

### **Traffic Impact Assessment**

This report addressed the impact on the local road networks, access to the site, car parking requirements, buses, loading and bicycle parking.

The report notes that the existing road network to site is sealed and the pavement varies from 6m plus in width to approximately 5m in width from Brock Road, Lurg to the site entry.

Approximately 650m east of the site the road becomes unsealed and appears to service four properties.

Expected usage of the site includes:

- venue management and staff
- commercial waste collection
- commercial deliveries
- guest bus access and parking
- guest passenger vehicle access and car parking.

The venue will cater for up to 200 guests, but it is expected that events will generally cater for 100 to 120 guests. Fifteen events per annum are expected.

It is expected that traffic generated for site will consist of:

- 75 per cent of guest arriving by bus – three buses maximum.
- 25 per cent of guests arriving by passenger vehicle.
- management and staff will arrive by passenger vehicle.
- commercial waste collection and deliveries will be via single unit trucks.

The report identifies expected maximum number of traffic movements per event day:

- passenger car – 60
- 40+ seater bus – 10
- waste collection – 4
- deliveries – 16.

The plans submitted with the application show 60 car spaces, including two disabled spaces and one bus park, although the traffic report notes that four bus parking spaces will be provided.

### **Bushfire Emergency Management Plan**

The Bushfire Emergency Management Plan outlines the procedures for evacuation and shelter-in-place to protect guests in the event of a fire. It includes important contact details, actions to be undertaken at the beginning of the bushfire danger period, cancellation policy, actions during a bushfire, evacuation procedures, shelter in place procedures, emergency assembly area and procedures after a bushfire.

### **Event Management Plan**

The Event Management Plan addresses hours of operation, management of music, management of alcohol consumption, traffic management, requirements for noise control, bookings, security and crowd management, incident management procedures and toilet facilities.

### **Public Notification**

The planning application was advertised by letters to adjoining property owners and occupiers and a sign on site.

Eight objections were received.

Objections relate to the following matters:

- Bushfire risk
- Impacts on privacy
- Venue is promoted as using parts of the site (hilltop) not included in the planning application.
- Lack of bushfire management plan
- Uncertainty about compliance with permit conditions
- Negative impact from amplified music
- Night time noise limits are exceeded
- Measures in Acoustic Report to manage noise are unrealistic and unenforceable
- No clear accountability if noise management measures fail
- No assessment of loud music on livestock. Lambing sheep are closer to the venue than five noise sensitive areas (NSA)
- Conflict with the rural zoning purpose
- The use is incompatible with the purpose and operations of the zone
- Impacts viability of existing agricultural enterprises and lifestyle of the residents
- Loss of residential amenity
- Some potentially sensitive noise areas have not been included in the acoustic report
- Negative impact to nearby stock including behaviour, milk yield and fertility
- Artificial lighting will disturb wildlife such as the regent honeyeater
- Risk of ongoing noise breaches

- Negative agricultural impacts
- No net benefit to the community
- Noise impact
- Stress to working dogs who have increased hearing
- Impact of increased traffic to Darktown Road, Lurg
- Increased road maintenance required
- Poor sight lines at the crossroad at the end of Darktown Road, Lurg
- Increased traffic will cause a risk to bike riders
- Devaluation of property
- Application doesn't state the availability of water supply in the event of a fire
- Light spill/disturbance from carpark and exiting vehicles
- Guests may inadvertently enter private property and introduce a biosecurity risk.

## **Planning Scheme Provisions**

### **Municipal Planning Strategy (MPS)**

Clause 02.03-2 (Environmental and landscape values) recognises the scenic values of the foothills, valleys and cleared grazing country is a valued characteristic of the municipality. In managing and protecting landscape character, Council seeks to:

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

Clause 02.03-3 (Environmental risks and amenity) recognizes the potential for 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) recognizes that the rural areas of the municipality comprise high quality and versatile agricultural land. This asset can be threatened by inappropriate subdivision and housing development.

Rural activities produce off-site effects that can be incompatible with residential uses.

Farming practices in rural areas should not be diminished by encroachment of incompatible development in rural zones. Fragmentation of high-quality agricultural land is discouraged, and farm consolidation is a fundamental long-term objective.

In protecting agricultural areas, Council seeks to:

- *Limit subdivision and new dwellings on high quality and versatile agricultural land.*
- *Maintain the sustainable use and productive potential of rural land.*
- *Discourage non-agricultural uses where they will impact agriculture.*
- *Avoid the fragmentation of productive agricultural land by subdivision, particularly lots for housing.*

- *Encourage alternative agricultural pursuits.*
- *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.*
- *Encourage agricultural practices that are not detrimental to the environment.*
- *Encourage the consolidation of farm lots.*
- *Locate intensive animal industries in areas that minimise land use conflict.*

Clause 02.03-7 (Economic development) recognises tourism as a key economic influence in Benalla but one this is relatively underdeveloped with great potential. In supporting tourism, Council seeks to:

- *Support event based and lifestyle tourism opportunities.*
- *Encourage use and development that maximises tourism opportunities.*

Clause 02.03-9 of the Municipal Planning Strategy (Infrastructure) recognises the importance of planning for infrastructure and seeks to:

- *Improve infrastructure to small towns to promote sustainability and development.*
- *Ensure domestic wastewater treatment facilities are maintained and monitored.*
- *Encourage development on lots that are capable of retaining treated wastewater onsite.*

### **Planning Policy Framework (PPF)**

Clause 12 (Environmental and Landscape Values) seeks to protect and conserve areas with identified landscape values.

Clause 13 (Environmental Risks and Amenity) recognises the need to identify, prevent and minimise the risk of harm to the environment, human health and amenity through:

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

Clause 13.02-1S (Bushfire Planning) applies to land that is:

- *Within a designated bushfire prone area.*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

The objective is “to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life” and strategies give priority to the protection of human life.

Clause 13.05-1S (Noise Management) has the objective “to assist the management of noise effects on sensitive land uses”. Relevant policies to consider are:

- *Environment Protection Regulations under the Environment Protection Act 2017.*
- *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021).*

Clause 14.01 (Agriculture) has the objective to protect the state's agricultural base by preserving productive farmland. In considering a proposal to use or develop agricultural land consider the:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*

Clause 14.02-1S (Catchment Planning and Management) seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. Relevant strategies include:

- *Retain natural drainage corridors with vegetated buffer zones at least 50 metres wide along each side of a waterway to:*
  - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
  - *Minimise erosion of stream banks and verges, and*
  - *Reduce polluted surface runoff from adjacent land uses.*
- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

Clause 14.02-2S (Water Quality) seeks to protect water quality. Relevant strategies include:

- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*
- *Avoid detrimental impacts on groundwater resources and minimise risk of harm to human health and the environment from proposed land use or development.*

Clause 14.01-2S (Sustainable agricultural land use) seeks to encourage sustainable land use. Relevant strategies include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*
- *Facilitate ongoing productivity and investment in high value agriculture.*

Clause 15.01-6S (Design for Rural Areas) seeks to ensure development respects valued areas of rural character. Relevant strategies include:

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

Clause 15.-1-6L (Rural design) applies to the construction of a building a rural zones. Strategies include:

- *Encourage the use of muted colours for building materials.*
- *Encourage siting and design that reduces the visual impact of the building on the landscape.*

Clause 17.04 (Tourism) seeks to encourage tourism development that maximises the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Strategies include:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Clause 17.04-1L (Facilitating tourism) provides the following relevant strategies.

- *Encourage new tourism use and development and expansion of existing activities, including wineries.*
- *Support new and upgraded infrastructure, such as roads and trails, to service tourist developments.*
- *Support proposals that encourage outdoor education and adventure type activities.*

The *Economic Development and Tourism Strategy (Benalla Rural City, 2014)* is a reference document in the planning scheme at Clause 17.04-1L.

Although a relatively dated document it does recognise the benefit that tourism can provide to the local economy.

The strategy notes there is an opportunity to highlight local produce and identifies a lack of accommodation opportunities which encourage visitors to stay overnight and therefore contribute positively to the local economy.

Clause 19.03-03S Integrated Water Management seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. Strategies include protecting and improving the health of water bodies including creeks and rivers.

## Zone

### Clause 35.07 Farming Zone (FZ)

Pursuant to the Benalla Planning Scheme the subject site is included in a 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.*

Clause 35.07-1 of the FZ requires a planning permit to use the site for the following proposed uses:

- *accommodation*
- *place of assembly.*

Clause 35.07-4 of the FZ requires a planning permit for the associated buildings and works.

Relevant decision guidelines include:

#### *General*

- 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.

#### *Agricultural issues and the impacts from non-agricultural uses*

- 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 capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

### *Accommodation issues*

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

### *Environmental issues*

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

### *Design and siting issues*

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- 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.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Clause 35.07-7 of the FZ notes that sign requirements are at Clause 52.05, Category 4 which apply to sensitive areas and applies the maximum limitation to signs.

### *Overlays*

Pursuant to the Benalla Planning Scheme the subject site is included in the Vegetation Protection Overlay Schedule 3 (VPO3). The purpose of the VPO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

Clause 42.02-2 of the VPO requires a planning permit to remove, destroy or lop any vegetation specified in a schedule to this overlay unless it is exempt under the table in Clause 42.02-3 or in accordance with a native vegetation precinct plan specified in Clause 52.16.

Schedule 3 relates to the Regent Honeyeater Habitat/Lurg Ironbark Vegetation Protection Area. The objective is to protect and stop the removal of native vegetation in areas that support the Regent honeyeater.

It is noted that the proposed development does not require the removal of native vegetation.

## Referrals

No external referrals were required. The application was referred to relevant internal departments.

Referrals	Advice/Response/Conditions
Engineering	Consent subject to conditions
Environmental Health	Consent subject to conditions

## Particular Provisions

Clause 53.06 Live Music Entertainment Venues has the purpose:

- *To recognise that live music is an important part of the State’s culture and economy.*
- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

In this clause:

*live music entertainment venue* means:

- *a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment*
- *a rehearsal studio*
- *any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.*

*noise sensitive residential use* means:

- *a community care accommodation, dwelling, residential aged care facility, residential village, retirement village, rooming house or small second dwelling.*

A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50m of the venue.

## General Provisions

Clause 65.01 Decision Guidelines – Approval of an Application or Plan. Before deciding on an application the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *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.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

## CONSIDERATION OF OBJECTIONS

Some of the matters raised in the objections are not relevant planning considerations including property devaluation and behaviour concerns of patrons leaving the site.

## Noise

The Acoustic Report has measured existing noise and modelled noise from the proposed use and provides recommendations to be implemented to meet the relevant EPA requirements (EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial Industrial and Trade Premises and Entertainment Venues).

It's important to note that the EPA Regulation 116 defines operating time periods as follows:

- Day period means Monday to Saturday (except public holidays), from 7am to 6pm.
- Evening period means Monday to Saturday, from 6pm to 1pm and Sundays and public holidays from 7am to 10pm.
- Night period refers to 10pm to 7am the following day.

The Acoustic Report did identify some non-compliances for four of the five noise sensitive areas (NSA) but goes on to state that minor noise management measures can be implemented to ensure compliance with the EPA Noise Protocol Part II.

If a planning permit is granted, given the night period commences at 10pm it is reasonable for music to cease at 10pm and allow for guests to exit the site by 11pm.

## **Bushfire Risk**

The subject site is not included in a Bushfire Management Overlay under the Benalla Planning Scheme but is included in a designated bushfire prone area. The application did not require referral to the CFA, under Clause 13.02-1S of the Benalla Planning Scheme it does require bushfire risk to be assessed.

A Bushfire Emergency Management Plan (BEMP) has been submitted with the application material and can form part of a planning permit if one is granted. It addresses both evacuation and shelter-in-place requirements and actions.

A copy of the BEMP will be kept at both the Wedding Venue and the Lodge Cottage. The BEMP includes:

- contact details and responsibilities of the two fire wardens
- emergency contact list
- actions to be undertaken before the bushfire danger period has commenced
- actions to be undertaken at the beginning of the bushfire danger period
- events will be cancelled on extreme and Code Red days
- actions during a bushfire
- evacuation procedure including the location of an emergency assembly point
- Shelter-in-place procedures in the event the site cannot be evacuated including an emergency assembly point and shelter in place location
- actions after a bushfire.

It is considered that the BEMP has addressed the risk of bushfire and implements appropriate bushfire protection measures to address the identified bushfire risk. No new buildings are proposed that would introduce another element of risk.

## **Traffic Impacts**

Brock Road, Lurg has a seal of 6m plus and Darktown Road, Lurg has a seal of approximately 5m in width. Traffic movements would typically be spread out across a couple of days allowing for preparation including delivery and removal of portable toilets, food vans, the event itself and removal of waste.

Traffic movements will be limited by using buses to minimise car movements for guests.

If a permit is granted, a reduction in the number of events per year will reduce any negative impact on the local road network. A permit condition can also require the entry from Darktown Road, Lurg to the cattle grid at the entry to be sealed to reduce the tracking of mud onto the local road.

The Traffic report notes that the existing road network can cater for the additional traffic generated by the proposed development. It does advise that at the entry, sight distances to the west need to be considered due to a number of sapling trees to the west of the entry. It also notes that all parking and deliveries need to occur on-site.

The Traffic Impact Assessment can be endorsed under the planning permit if one is granted.

## **Location of wedding events**

The landowner has confirmed that wedding events will only take place in the shed identified as the venue. The only activity that will occur on the hilltop is photo opportunities for the wedding party, who will be transported there by the operator in 1-2 cars and supervised.

There will be no wedding ceremonies taking place on the hilltop.

## **Impact on rural lifestyle**

The subject site will continue to operate as a cattle farm and agriculture remains the primary activity on the site. The proposed place of assembly does introduce a new use to the area, but if a permit is granted it will only be permitted to have up to twelve events per year, so an average of one per month. It also takes advantage of an existing shed, so there is no increase in built form.

This is considered to provide a balanced outcome for what is a discretionary use within the Farming Zone and is not expected to adversely affect either the subject site or nearby land for agricultural use.

## **ASSESSMENT**

Officers support the proposed use and development as it meets relevant policy provisions in the planning scheme, particularly as it relates to tourism and economic development.

### **Municipal Planning Strategy and Planning Policy Framework**

Planning policy encourages the retention and protection of agricultural land. The proposed place of assembly is repurposing existing buildings on site, with the only loss of land being for the car park and some additional access to the car park.

Given the overall area of the site is 116ha this is considered a minor and acceptable impact.

The proposal will also provide some additional, albeit minor, employment opportunities and will contribute positively to the local economy.

Destination weddings create opportunities for guests to stay in the local area/towns, thereby adding to the local economy and tourist potential.

The site is not included within a Bushfire Management Overlay. The submitted Bushfire Management Emergency Plan is considered adequate to address the proposed use.

### **Farming Zone**

The purpose of the Farming Zone generally relates to providing for and encouraging the retention of land for agricultural purposes. The subject site is currently used for farming purposes, largely for cattle and will continue to be used as a cattle farm. The landowners also have an established farm in NSW and understand the operations of a farm.

The proposed place of assembly is largely taking place in existing buildings such as the dwelling and shed. The existing accessway is to be used, although the carparking will slightly reduce the area available for agriculture. This area for car parking is in an area already associated with the more domestic/residential part of the site.

The subject site forms part of three parcels that total 116ha in area, so the area set aside for carparking will have a negligible effect on the agricultural production of the site.

### **Land Use Compatibility**

Measures to mitigate off site amenity impacts can be implemented via the planning permit to improve land use compatibility.

It is therefore recommended that music cease by 10pm and guests vacate the site by 11pm.

The subject site's primary use is for agriculture and is used for cattle. The application proposes using the site for wedding venues up to fifteen times per year.

To achieve a balanced outcome, it is reasonable to restrict events to no more than twelve times per year.

An appropriately conditioned planning permit can provide a balance allowing the different uses to satisfactorily co-exist.

### **Car Parking**

The Benalla Planning Scheme requires 0.3 car spaces per patron. At a maximum of 200 patrons the car parking demand therefore is 60 car spaces. Plans submitted with the application show this amount of car parking, plus an additional area for bus parking.

It is assumed that if more than one bus attends the site, then car parking spaces will be available to accommodate an additional bus/es.

### **Hours of Operation**

Proposed hours of operation are:

- Monday to Sunday 10am to 12am as follows:
  - No alcoholic drinks served after 11pm
  - Music to cease by 11pm
  - All guests to be off-site by 12am.

Given the EPA classifications of day, evening and night, with evening ceasing and night commencing at 10pm, it is considered reasonable to apply the following hours of operation:

- 9am to 11pm Monday to Sunday
- Music must cease by 10pm Monday to Sunday
- Closed Christmas Day.

### **Amenity Impacts**

#### *Noise*

Should a permit be granted conditions can be included to mitigate the risk of off-site amenity impacts such as compliance with the recommendations in the acoustic report, reduced hours of operation and a reduced number of events.

#### *Light spill*

External lighting can be baffled to avoid off-site impacts. With respect to lights from vehicles exiting the site, there are no dwellings immediately opposite the access to Darktown Road, Lurg.

## **Objections**

The eight objections received raised concerns that were generally common and related largely to off-site amenity impacts, bushfire risk and compatibility of land uses.

Several planning permit conditions are proposed to reduce the risk of off-site impacts from the proposed uses.

The reduction of hours of operation will mitigate the risk of noise during night hours and a reduction in the number of permitted events will reduce the overall impact.

### ***COUNCIL PLAN 2025-2029 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. P091-25 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 140 Darktown Road Lurg for the use and development of land for Accommodation and a Place of Assembly (Wedding Events) 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 plans submitted with the application, but amended to show the following details:**
    - i. Provide details of proposed signage including location, dimensions, elevations, colouring and wording.**
    - ii. Location of drainage channels and swales.**
- 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. At any time no more than 200 patrons may be permitted on the land.  
The responsible authority may consent in writing to vary this requirement.**
- 4. The use and development must comply with the recommendations of the Acoustic Engineering Report, prepared by DDEG, dated 01/10/2025, to the satisfaction of the responsible authority.**
- 5. The use and development must comply with the Bushfire Emergency Management Plan to the satisfaction of the responsible authority.**
- 6. Prior to the commencement of the use an updated Event Management Plan must be submitted to and endorsed by the responsible authority. The Event Management Plan must be amended as follows:**
  - a. The plan must be updated to comply with all conditions of this permit.**
  - b. Measures to ensure that all guests leave the site by 11pm.**
  - c. Measures to ensure that there will be no short term accommodation or camping on the site other than that approved within the existing dwelling.**
  - d. Measures to ensure that all guests are restricted to the event area during the course of an event. Only wedding photos may be taken outside of the event area.**
- 7. 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, wastewater, waste products, grit or oil.**

**to the satisfaction of the responsible authority.**

- 8. 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.**
- 9. 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.**
- 10. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.**
- 11. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority**
- 12. Waste collection must be conducted in EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm and before 7am weekdays or before 9am on all other days.**
- 13. Deliveries must be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm and before 7am weekdays or 9am all other days.**
- 14. The use must only operate between the following times:**
  - a. 9am to 11pm Monday to Sunday**
  - b. Music must cease by 10pm Monday to Sunday**
  - c. Closed Christmas Day.**
  - d. No more than twelve (12) weddings/events may occur on the land in any calendar year.**

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

- 15. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.**
- 16. All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the responsible authority. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the responsible authority.**
- 17. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.**
- 18. No fewer than sixty (60) car parking spaces must be provided on the land.**

19. Before the use starts, the areas set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
  - a. Constructed of compacted crushed rock.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Drained.
  - d. Line marked to indicate each space and all access lanes.
  - e. Clearly marked to show direction of traffic along access lanes and driveways.

To the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed these areas must be maintained to the satisfaction of the responsible authority.

20. No native vegetation may be removed from the land unless with the further written consent of the responsible authority.

#### **Engineering Conditions**

21. The proposed works must not cut off natural drainage from adjacent properties.
22. Any damage to Council assets (i.e. roads, table drains etc) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.
23. No additional vehicle accesses may be constructed apart from those endorsed on the approved plan.
24. The applicant shall provide drawings prepared by a Registered Engineer to demonstrate the dimensions of the vehicle parking and manoeuvring areas and including the method of how the bays will be marked on the gravel surface. Details of the vehicle parking shall be submitted to Council for endorsement prior to the commencement of works.
25. The vehicle parking drawings shall also demonstrate how the surface will be drained to minimise erosion and including proposed sediment control.
26. Prior to the commencement of use, the vehicle access must be upgraded to include a pipe and headwalls at the applicant's expense. The Access must be in accordance with the Infrastructure Design Manual (IDM) standard drawing SD255 for a rural entrance and include setback to the gate as detailed on the IDM standard drawing. The applicant shall provide a drawing prepared by a Registered Engineer that will demonstrate that the width of the crossing will accommodate the design vehicle (bus) and to provide two-way vehicle access to Darktown Road.
27. All stormwater generated from proposed impervious areas shall be retained on site and discharged such that it does not cause nuisance to adjoining properties.

## Environmental Health Conditions

28. Prior to the commencement of use the developer/applicant must provide a plan that shows that the wastewater system of the existing dwelling is wholly contained within Crown Allotment 20, Section B, Parish of Tatong. In the event it is not located within Crown Allotment 20, Section B, Parish of Tatong, the boundary must be realigned to accommodate the wastewater or the wastewater system must be relocated within the confines of Crown Allotment 20, Section B, Parish of Tatong under a separate wastewater permit prior to the commencement of use.
29. All sewage and sullage wastewater from the proposed development site must be discharged into a new on site wastewater management system which is approved under the Australian Standards, retains all wastes within the boundaries of the land, and is located to the satisfaction of the Responsible Authority.

## Expiry

30. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within two (2) years of the date of this permit.
  - b. The development is not completed within four (4) years of the date of this permit.
  - c. The use is not commenced within four (4) years of the date of this permit.

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

## 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. Prior to any works being carried out in relation to any part of the onsite wastewater system a permit for the works must be obtained from the Benalla Rural City Council.
5. Business identification signage for the subject site cannot exceed 3m<sup>2</sup> in area.
6. The *Environment Protection Act 2017* imposes duties on individuals and-or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable. *For further information on what the laws mean for Victorian businesses and community go to <https://www.epa.vic.gov.au/general-environmental-duty>.*

#### 4. Building and Planning Approvals – November and December 2025

Ref: 2005329054-544  
 Sarah Ford - Building Coordinator  
 Joel Ingham – Planning Coordinator  
 Nilesch Singh – Manager Development

#### PURPOSE OF REPORT

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

#### Planning Permit Applications Determined under Officer Delegation

##### November 2025

Permit No.	Description	Property Address	Decision	
1	P127-25	Installation of solar panels to the existing building	24 Carrier Street, Benalla	Approved
2	P138-25	Construction of a pergola	7 Cook Street, Benalla	Approved
3	P114-25	Two lot subdivision	613 Wattle Creek Road, Lurg	Approved
4	P135-25	Construction of a carport	9 Walker Street, Benalla	Approved
5	P041-25	Removal of native vegetation	52 Gould Road, Glenrowan West	Approved
6	P124-25	Construction of an alfresco and carport	90 Mackellar Street, Benalla	Approved
7	P129-25	Construction of a swimming pool	70 Racecourse Road, Benalla	Approved
8	P128-25	Construction of a carport	32 Kilfeera Road, Benalla	Approved
9	P082-25	Construction of a carport	7 and 7A-9 Carrier Street, Benalla	Approved
10	P126-25	Construction of an outbuilding	26 Mayfair Drive, Benalla	Approved

##### December 2025

Permit No.	Description	Property Address	Decision	
1	P133-25	Construction of a covered area over existing yards	5809 Midland Highway, Benalla	Approved
2	P132-25	Construction of a shed	120 Lakeside Drive, Chesney Vale	Approved
3	P142-25	Construction of a verandah	1/14 Charles Street, Benalla	Approved
4	P140-25	Construction of a shed extension	13 Hall Drive, Benalla	Approved
5	P123-25	Construction of an outbuilding	33 Barkly Street, Benalla	Approved
6	P119-25	Two lot subdivision	139 Grant Drive, Benalla	Approved
7	P139-25	Construction of a dwelling	99 Inglis Road, Benalla	Approved
8	P131-25	Construction of a dwelling	12 Kookaburra Street, Benalla	Approved

### **Planning Permit Amendments Determined Under Officer Delegation**

There were no planning permit amendments determined under officer delegation during the months of November and December 2025.

### **Planning Permits Issued Under VicSmart**

There were no VicSmart planning permits issued during the months of November and December 2025.

### **Planning Permit Applications Determined by the Council**

There were no planning permit applications determined by the Council during the months of November and December 2025.

### **Planning Permit Amendments Determined by the Council**

There were no planning permit amendments determined by the Council during the months of November and December 2025.

### **Planning Permit Applications Withdrawn or Lapsed**

There were no planning permit applications withdrawn or lapsed during the months of November and December 2025.

### **Notices of Decision**

There were no Notice of Decisions issued during the months of November and December 2025.

*A Notice of Decision (NOD) is issued when Council has decided to grant a planning permit when an 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**

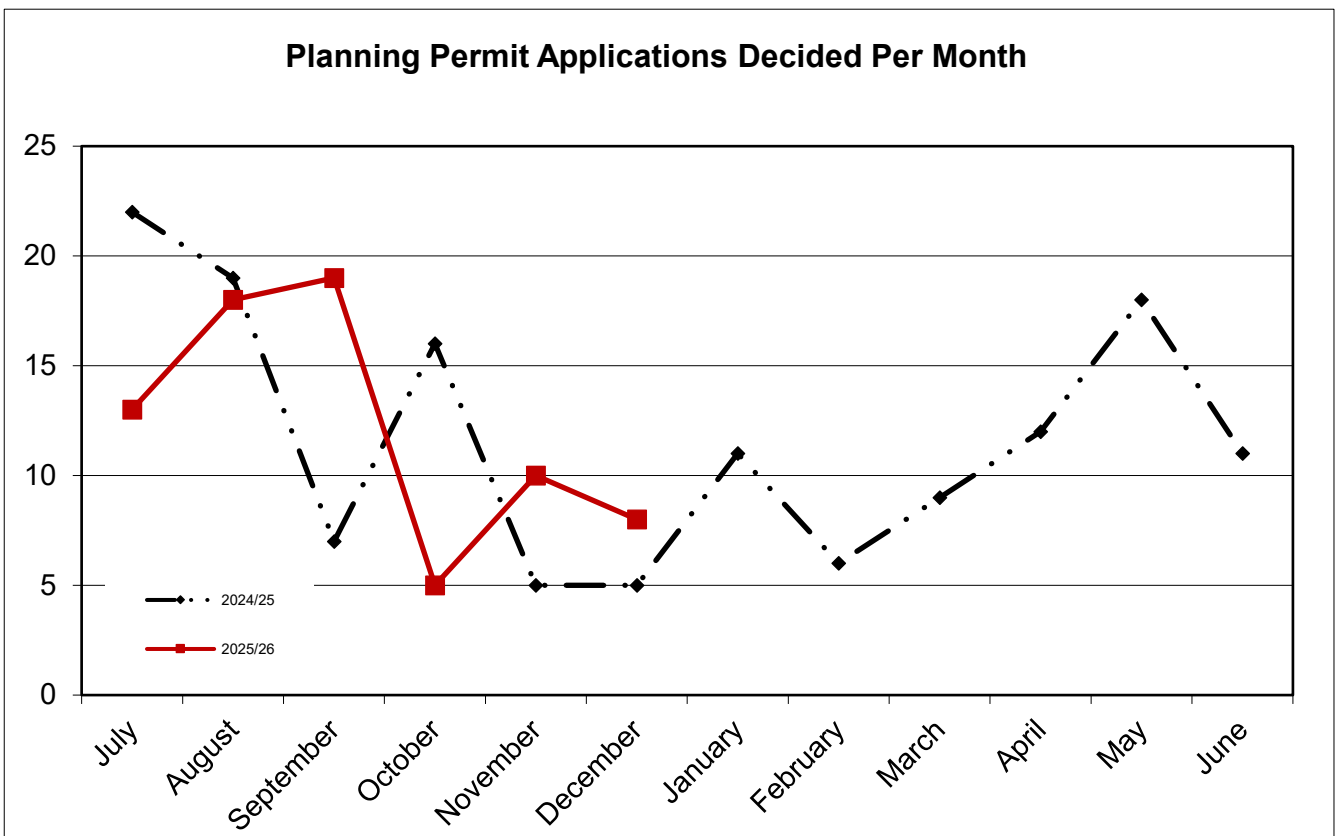
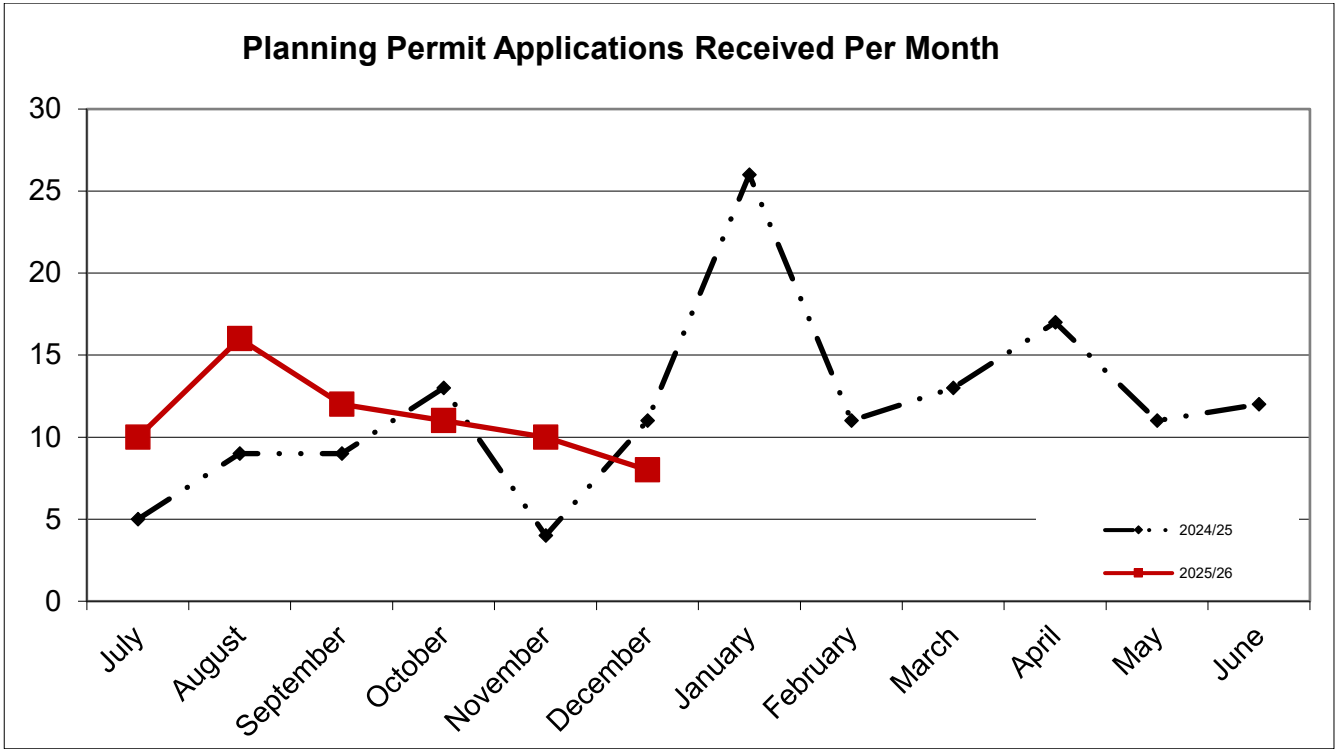
There were no planning permit applications determined by VCAT during the months of November and December 2025.

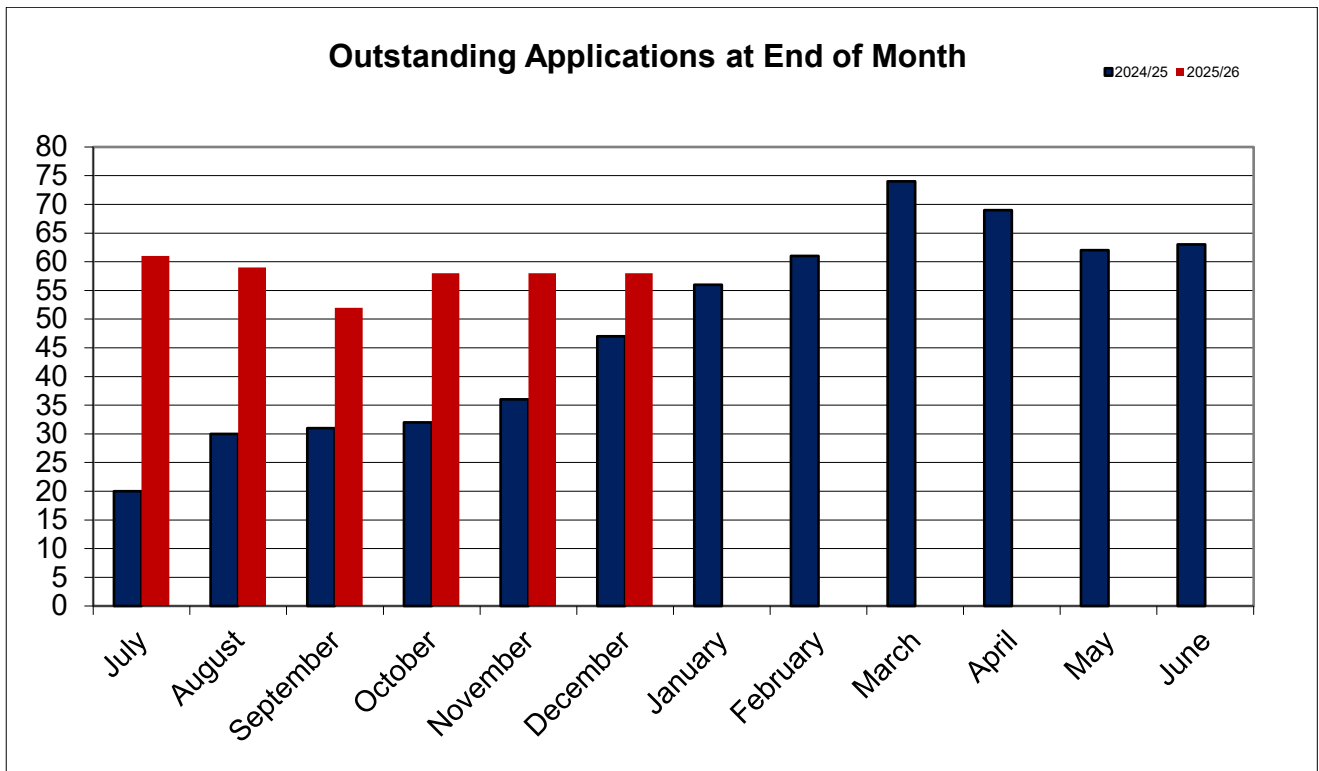
### **Matters Before VCAT**

<b>P012-25</b>	<b>26 Bridge Street East, Benalla</b>
<b>Status</b>	<p>Planning Permit No. P012-25 was refused by Council on 10 September 2025 to construct and display an electronic promotion sign at 26 Bridge Street East, Benalla. The applicant has appealed this decision to the Tribunal. On the 24 September 2025 the Tribunal ordered that a compulsory conference (mediation) would be conducted on 12 December 2025 with the main hearing date to be heard on 6 March 2026. At the compulsory conference on 12 December 2025 the parties to the proceeding could not come to a resolution.</p> <p>The applicant has submitted amended plans to the Tribunal showing a reduction in the size of the sign to remove the skirting board at the bottom of the sign. The reduction is still considered to be unacceptable to the site and surrounds. The main hearing will be heard on 6 March 2026.</p>

<b>P064-25</b>	<b>223 Cooper Road and 1726 Dookie Devenish Road, Devenish</b>
<b>Status</b>	<p>Planning Permit No. P064-25 was refused by Council on 10 September 2025 to use and develop the land for an extractive industry (Sand Quarry). The applicant has appealed this decision to the Tribunal. On the 3 November 2025 the Tribunal ordered that a compulsory conference (mediation) would be conducted on 16 January 2026 with the main hearing date to be heard on 20, 21 and 22 April 2026.</p> <p>An adjournment has since been agreed to between the parties involved for the compulsory conference to be held on 11 February 2026. The main hearing dates have not been altered.</p>

**Planning Permit Applications**





## Building Approvals Issued by Council and Private Practitioners

### November 2025

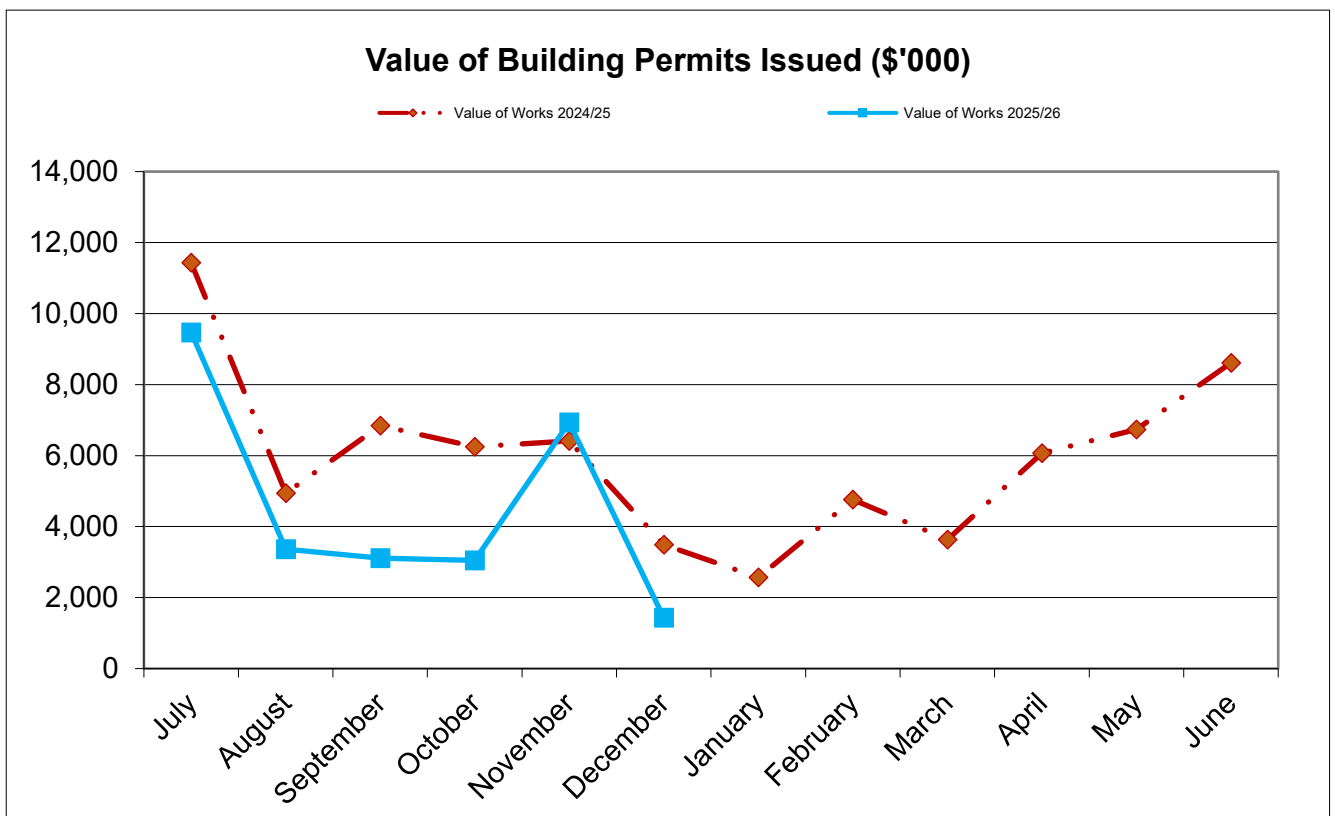
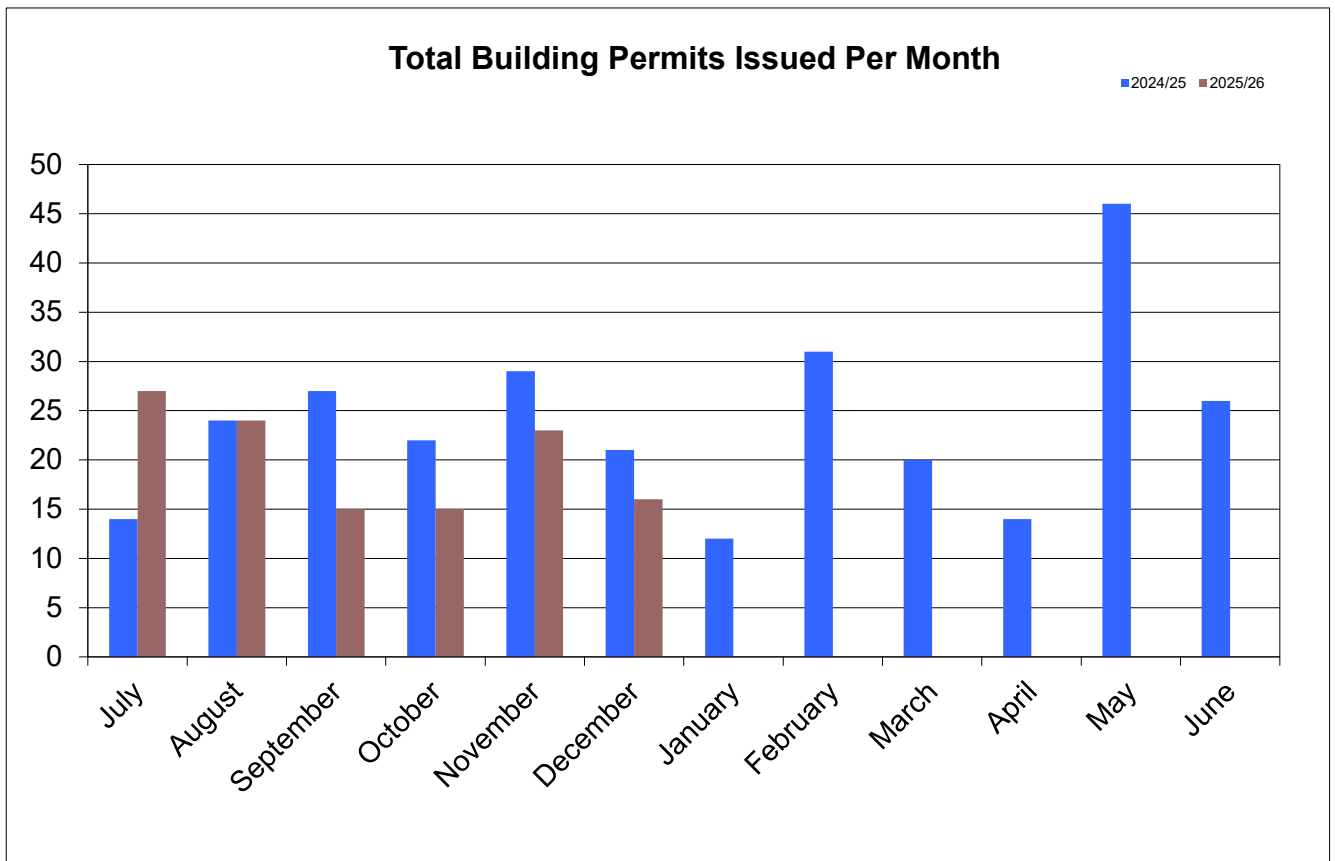
Permit No.	Description	Property Address	Value	
1	1142004585742	Construction of a carport	9 Walker Street, Benalla	\$21,500
2	4607824152673	Construction of a dwelling, carport and pool	158 Booth Road, Taminick	\$1,000,000
3	5824139912430	Additions to dwelling	2325 Benalla-Tatong Road, Tatong	\$186,692
4	4889146717258	Construction of a single storey dwelling	11 Kelly Court, Benalla	\$302,900
5	1499549519855	Swimming pool and barrier	70 Racecourse Road, Benalla	\$81,335
6	5599189147664	Construction of six new dwellings	3-5 Senator Drive, Benalla	\$1,599,880
7	8786222880296	Dwelling, Garage and Shed	32 Senator Drive, Benalla	\$531,000
8	9946201634720	Construction of dwelling and garage	13 Thoroughbred Lane, Benalla	\$532,542
9	5529691148628	Construction of a shed	26 Mayfair Drive, Benalla	\$109,846
10	8819307076941	Alterations to an existing building	26 Church Street, Benalla	\$71,000
11	7627411199075	Construction of a shed	178 Winton-Glenrowan Road, Winton	\$65,000
12	9307858561990	Construction of a new shed	5 Reidy Street, Benalla	\$32,888
13	8558844965164	Dwelling and garage	33 Roynic Parade, Benalla	\$399,300
14	2606577072651	Single storey dwelling and garage	1 Croft Court, Benalla	\$340,253
15	2954544306151	Construction of a swimming pool	25 Roynic Parade, Benalla	\$54,690
16	6775554753174	Construction of a shed	17 Glenfern Court, Benalla	\$33,380
17	1290550498454	Construction of a dwelling	29 Aquila Rise, Samaria	\$260,000

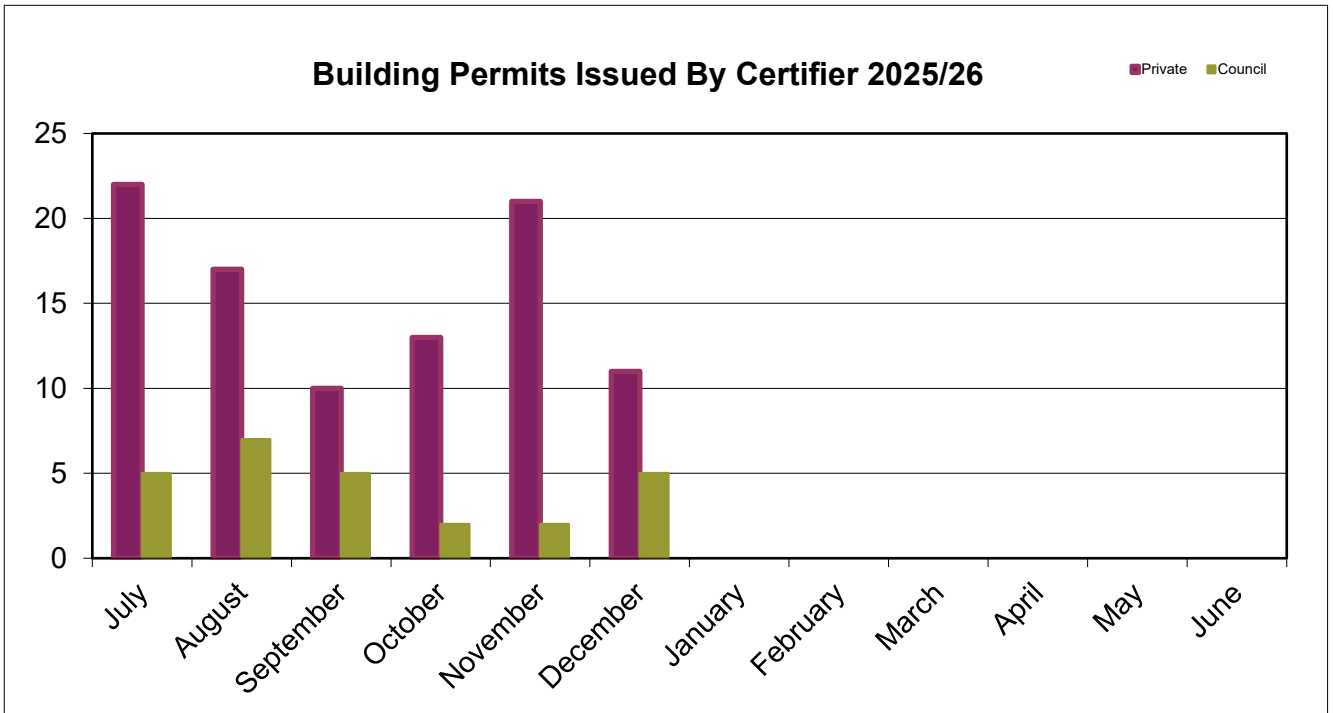
Permit No.		Description	Property Address	Value
18	2111261983931	Completion of dwelling and new deck	1230 Tatong-Tolmie Road, Tatong	\$8,000
19	7806119493638	Construction of a shed	3233 Midland Highway, Lima South	\$150,000
20	4487001915353	Construction of a single storey dwelling	8 Gaskin Street, Benalla	\$285,576
21	3177689220015	Construction of a new dwelling and garage	37 Roynic Parade, Benalla	\$402,719
22	2315437052568	Renovation and extension of existing dwelling	6 Mitchell Street, Benalla	\$450,820
23	9618952814395	Construction of a shed	35 Inglis Road, Benalla	\$15,900
<b>Total</b>				<b>\$6,935,221</b>

### December 2025

Permit No.		Description	Property Address	Value
1	7348379583495	Construction of a swimming pool/spa and alterations to the existing building	213 Baddaginnie Benalla Road, Benalla	\$46,000
2	2091559677125	Construction of a shed	161 Baddaginnie-Benalla Road, Benalla	\$150,000
3	4450905120013	Construction of a shed	19 Mertz Ave, Benalla	\$10,685
4	2386819689021	Construction of a shed and verandah/ pergola	3 Levy Court, Benalla	\$51,653
5	7754556362992	Construction of a shed	69 Lakeside Drive, Chesney Vale	\$50,000
6	2436245130295	Construction of a shed	28 Barrs Lane, Benalla	\$29,656
7	9086696496078	Swimming pool and barrier	13 Braeside Lane, Tarnook	\$40,000
8	1625006606287	Construction of storage shed	24 Diplomat Court, Benalla	\$26,500
9	9778000399572	Construction of a swimming pool and barrier	64 Bridge Street West, Benalla	\$94,890
10	2407228922537	Construction of a carport	7 Carrier Street, Benalla	\$22,000
11	5666685935502	Construction of a shed	31 Inglis Road, Benalla	\$31,754
12	8195714625369	Construction of a dwelling and garage	83 Inglis Road, Benalla	\$418,367
13	7794371599247	Construction of a dwelling and garage	12 Kookaburra Street, Benalla	\$445,600
14	6394717656668	Construction of a shed	206 Tulley Road, Lima East	\$15,500
15	6743081768974/0	Demolition of dwelling and outbuilding	26 Melrose Street, Benalla	\$0
16	7736556940902/0	Demolition of dwelling	11 Dunn Street, Benalla	\$0
<b>Total</b>				<b>\$1,432,605</b>

## Building Permits Issued by Certifier by Month





**COUNCIL PLAN 2025-2029 IMPLICATIONS**

**Community**

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

**Liveability**

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

**Economy**

- *Sustainable 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.**

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## 5. 2025/26 Quick Response Grants Program

Ref: 1536132109-1077

Tom Arnold – Community Development 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
U3A Benalla Inc	<p>U3A Benalla is seeking \$600 to cover the hire of the 'Hub at Cooinda' for its weekly <i>Singing for Fun and Community Singing Sessions</i>, held every Thursday morning throughout 2026.</p> <p>The group attracts over 20 members each week, with additional Cooinda residents and carers joining monthly. The program supports social connection, wellbeing and enjoyment through music, and also includes performances for local aged care centres and community events.</p> <p>The Hub is fully accessible, with a flat entrance and space suitable for people using walkers and wheelchairs. Funding will ensure this popular and inclusive activity can continue in a safe and appropriate venue.</p>	\$600	\$600
Swanpool & District Community Development Association	<p><i>Community Spirit BBQ 2026</i></p> <p>Free community barbecue to bring the community together, with entertainment and activities for children. Locals can enjoy each others company in relaxed, informal surroundings and welcome newcomers to the district.</p> <p>Community Spirit awards are presented to nominees for outstanding services rendered in the previous calendar year.</p> <p>The BBQ is scheduled for 13 March 2026.</p>	\$750	\$750
<b>Total</b>		<b>\$1,350</b>	<b>\$1,350</b>

## **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.

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

### **FINANCIAL IMPLICATIONS**

The *2025/26 Budget* allocates \$15,000 to the Quick Response Grant program. To date \$9,200 in Quick Response Grant funds have been awarded, leaving \$5,800 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:**

- 1. That a \$600 grant from the *2025/2026 Quick Response Grant program* be awarded to U3A Benalla.**
- 2. That a \$750 grant from the *2025/2026 Quick Response Grant program* be awarded to Swanpool and District Community Development Association.**



The reserve was formed during a large residential subdivision when a condition of the planning permit required that an area of land be set aside for public open space. The Council had been managing the larger section of the reserve to some degree for many years.

In 2012 Council officers agreed to allow volunteers to register and carry out simple manual tasks within the reserve. Since that time, there have been ongoing requests from members of this group for Council to supply materials, carry out additional weed and vermin control, to develop a formal management plan, to support funding applications for further conservation works and to get property fences surveyed and located on the correct alignments.

The Council at the time significantly increased the management regime within the reserve to try to alleviate these concerns and satisfy the requests of the supporters group including.

Despite these increased efforts, some adjoining residents continue to make requests and complaints about the management of the area.

Again, in July 2014 a safety issue was raised by a registered volunteer of the reserve at the time. A risk assessment was subsequently conducted which highlighted many risks present and as a result in 2015 the Council declared the Willis Little Drive Reserve a public exclusion zone until appropriate risk measures are in place. Since that time the reserve has been closed to the public. The Council has continued undertaking regular maintenance activities such as slashing and weed and vermin control.

In 2020 a risk assessment was conducted. The assessment revisited the risks to public that were previously identified in 2015 and control measures that should be considered if the reserve was opened to the public again.

Following the assessment, the following advice was provided to the Council:

*The involvement of any future urban landcare group or similar would need to be re-assessed at the time and appropriate measures taken. This may include requiring site induction for all members, provision of their own insurance and risk management procedures etc.*

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

#### **Community**

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

#### **COMMUNITY ENGAGEMENT**

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

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

## **FINANCIAL IMPLICATIONS**

There are no material financial implications with accepting the petition. Measures to address the issues raised in the petition may have cost implications.

## **LEGISLATIVE AND STATUTORY IMPLICATIONS**

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

## **OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

## **CONCLUSION**

Currently Council is maintaining the reserve as a non-accessible reserve, undertaking slashing as required together with weed and vermin control. There are no plans or budget for the Council to increase its maintenance regime to open the reserve to the public.

A possible solution is the establishment of an urban Landcare group to provide the local community with an accessible nature reserve, while enhancing the environmental quality and character of the area.

If the reserve was to reopen under the auspice of a Landcare Group, it would be expected that the group:

- is an incorporated body
- has its own public liability insurance
- is self-funded with the capacity to meet establishment costs and expenses associated with maintaining an 'open to the public' reserve
- indemnifies the Council against any claims resulting from activities undertaken by the group at the reserve.

### **Recommendation:**

- 1. That the petitioners be encouraged to form a Willis Little Drive Reserve Landcare Group.**
- 2. That on establishment of the Willis Little Drive Reserve Landcare Group, the Council and the Group negotiate conditions for the Reserve to be reopened to the public.**

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**7. Urgent Business**

**Closure of Meeting**