

Benalla Rural City Council

Finance and Planning Committee

Minutes

Date: Wednesday 6 May 2026

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

Contents

Opening and Acknowledgement of Country	3
Apologies.....	3
Disclosures of Conflict of Interest.....	4
Confirmation of the Minutes of the Previous Meeting	4
Business	5
1. <i>Planning Permit Application For Use And Development Of A Childcare Centre At 1 Salsbury Street North, Benalla.....</i>	<i>5</i>
2. <i>Building and Planning Approvals – March 2026</i>	<i>7</i>
3. <i>Proposed Tesla Carpark Licence at Barkly Street, Benalla – Hearing of Submissions</i>	<i>7</i>
4. <i>2025/26 Quick Response Grants Program.....</i>	<i>7</i>
5. <i>Urgent Business</i>	<i>8</i>
Closure of Meeting.....	8

Minutes

Chair	Councillor David Blore	
Councillors	Councillor Bernie Hearn (Mayor)	
	Councillor Justin King (Deputy Mayor)	
	Councillor Vince Branigan	
	Councillor Peter Davis	
	Councillor Puna Hewa Gunaratne	
	Councillor Jillian Merkel	
In attendance	Peter Keane	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Courtney Naughton	Manager Economic Development and Sustainability
	Nilesh Singh	Manager Development
	Nathan Gasperoni	Environment and Sustainability Coordinator
	Joel Ingham	Planning Coordinator
	Tessa Petrides	Governance Coordinator

Opening and Acknowledgement of Country

The Chair opened the meeting at 6pm and recited the following Acknowledgement of Country.

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

Apologies

No apologies were submitted to the meeting.

Governance Matters

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

Recording of Council Meetings

In accordance with Rule 6.4 of the *Governance Rules 2020* the Committee Meeting was livestreamed via the Council's website. An audio recording was 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 recorded broadcast of the meeting at www.benalla.vic.gov.au

Disclosures of Conflict of Interest

See Item 3.

Confirmation of the Minutes of the Previous Meeting

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

Cr Davis / Cr Gunaratne:

That the Minutes of the Finance and Planning Committee meeting held on Wednesday 25 March 2026 be confirmed as a true and accurate record of the meeting.

Carried

Business

1. Planning Permit Application For Use And Development Of A Childcare Centre At 1 Salisbury Street North, Benalla

The report assesses a planning application received to use and develop the subject site at 1 Salisbury Street North, Benalla (Lot 1, PS815910) for a childcare centre. This land comprises an area of 1.14ha, is located on the north side of Duffy Street, Benalla west of Salisbury Street, Benalla east of the rail line and is irregular in shape.

It is noted that the following person made a submission:

- Hadrian Phillip made a submission in support of the planning application. The Chief Executive Officer read the submission aloud.

Cr Davis / Cr Gunaratne:

That an extension of three minutes be granted to the Chief Executive Officer to continue reading aloud the written submission received from Hadrian Phillip.

Carried

Cr King / Cr Hearn:

That Council having caused notice of Planning Application No. P008-25 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as 1 Salisbury Street N, Benalla for the use and development of a childcare centre in accordance with the plans as lodged with the application dated 20/01/2026, Revision B) and subject to the following grounds:

- 1. The proposal is contrary to purposes of the General Residential Zone (Clause 32.08) of the Benalla Planning Scheme, including:**
 - a. The proposed development does not respond to the neighbourhood character of the area due to the bulk and scale of the built form.**
 - b. The subject site is not an appropriate location for the proposed use and development due to site constraints including flood and site contamination.**
- 2. The proposal is inconsistent with the purpose of the Land Subject to Inundation Overlay (Clause 44.04) of the Benalla Planning Scheme due to the potential flood risk to life, health and safety associated with the proposed use and development.**
- 3. The proposal is inconsistent with Clause 60 of the Planning and Environment Act 1987 as does not meet the objectives of various clauses in the Municipal Planning Strategy and Planning Policy Framework of the Benalla Planning Scheme including:**
 - a. Clause 02.03-3 (Environmental Risk and Amenity) due to the flooding characteristics of the subject site and the application has not address bushfire risk.**
 - b. Clause 02.03-5 (Built Environment and Heritage) as the proposed development does not adequately respond to the prevailing neighbourhood character due to the scale and height of built form.**

- c. **Clause 02.03-9 (Infrastructure)** due to the lack of a connected footpath network for pedestrian and cyclists.
 - d. **Clause 13.01-1S (Bushfire Planning)** as proposal has not addressed the bushfire risk and the subject site is included in a designated bushfire prone area.
 - e. **Clause 13.03-1S (Floodplain Management)** as the 1 in AEP flood level will exceed the finished floor levels of the development and the development will potentially increase the flood impact.
 - f. **Clause 13.04-1S (Contaminated Land)** as the subject site is known to be contaminated and the proposed use is a sensitive use. The submitted material does not satisfactorily address the contamination risk and whether the proposed use as a childcare centre is an acceptable outcome.
 - g. **Clause 13.07-1S (Land Use Compatibility)** as the proposed use and development does not protect community amenity, human health and safety due to the site constraints of flooding and site contamination.
 - h. **Clause 15.01-1S (Urban Design)** as there is a lack of pedestrian and cyclist connectivity to support a safe, healthy and functional place.
 - i. **Clause 15.01-2S (Building Design)** as the proposed built form will result in bulk and height.
 - j. **Clause 15.01-5S and Clause 15.01-5L** as the proposal is inconsistent with the prevailing neighbourhood character due to the bulk and height of the proposed built form
 - k. **Clause 19 (Infrastructure)** as the proposed development is not easily accessible for pedestrians and cyclists.
4. **The proposal is inconsistent with Clause 60 of the *Planning and Environment Act 1987* as the environment may have significant effects on the use and development due to the risk of flooding and site contamination.**
5. **The proposal is inconsistent with Clause 65.01 of the Benalla Planning Scheme due to:**
- a. **significant effects the environment, including contamination of land may have on the use and development.**
 - b. **It does not represent orderly planning of the area.**
 - c. **The effect on the environment, human health and amenity of the area due to flood risk, site contamination and being an incompatible land use with the surrounding residential development.**
 - d. **The unknown impact on native vegetation on the subject site.**
 - e. **The degree of flood associated with the location of the land and the proposed use and development.**
6. **The proposal is inconsistent with Planning Practice Note 30: Potentially Contaminated Land as it is not supported by either a Preliminary Risk Screen Assessment or Environmental Audit.**

Carried

2. Building and Planning Approvals – March 2026

The report detailed planning permit applications and building approvals for March 2026.

Cr Davis / Cr Merkel:

That the report be noted.

Carried

3. Proposed Tesla Carpark Licence at Barkly Street, Benalla – Hearing of Submissions

It is noted that Cr Justin King declared a general conflict of interest with Item 3. A community member who is known to Cr King through his place of employment made a submission on the proposal. Cr King left the meeting at 6.23pm.

The report presented submissions received on the proposed *Tesla Carpark Licence* at Barkly Street, Benalla.

It is noted that the following persons addressed the meeting in relation to their submissions:

- Claire Grellman spoke in support of the proposal.
- Natalie O'Brien spoke in support of the proposal.
- Michael Hedderman spoke in support of the proposal.
- Andrew Bartram provided a written submission in support of the proposal that was read aloud by the Chief Executive Officer.

Cr Gunaratne / Cr Hearn:

That submissions be received.

Carried

Cr King returned to the meeting at 6.52pm.

4. 2025/26 Quick Response Grants Program

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

Cr Hearn / Cr Merkel:

That the Finance and Planning Committee, acting under its delegated authority of the Council:

Award \$750 grants from the 2025/2026 Quick Response Grant program to the Benalla Swimming Club Inc and the Moorngag Public Hall Committee Inc.

Carried

5. Urgent Business

No urgent business was submitted.

Closure of Meeting

The meeting closed at 6.54pm.

The minutes were confirmed on the tenth day of June 2026.

Signed: _____
Cr David Blore – Chair