

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:
5835 Midland Highway, Benalla
Crown Allotment 33A, Section S, Parish of Benalla

The application is for a permit to:
Construct a canopy above the existing view deck and grandstand

The applicant for the permit is:
Mr Frank Darke
North East Planning Plus

The application reference number is:
DA4524
P0111/24

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must:

- * be made to the responsible authority in writing;
- * include the reasons for the objection; and
- * state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:

11 December 2024

If you object, the Responsible Authority will tell you its decision.


Clear Form


Office Use Only


Application No.: _____ Date Lodged: / /


Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

 Questions marked with an asterisk (*) must be completed.

 If the space provided on the form is insufficient, attach a separate sheet.

 Click for further information.

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.


 This information can be found on the certificate of title.


If this application relates to more than one address, attach a separate sheet setting out any additional property details.


A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					


The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

 For what use, development or other matter do you require a permit? *

 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.


 Estimated cost of any development for which the permit is required *

Cost \$	 You may be required to verify this estimate. Insert '0' if no development is proposed.
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Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.


 Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email:
Mobile phone:	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Owner *


The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Owner *		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:
Owner's Signature (Optional):		Date:
day / month / year		

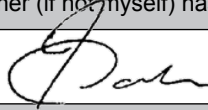
Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:



Date:

day / month / year

Privacy consent

I give consent to my personal information disclosed in the application to be made available for public inspection, including on Council's public website, whilst the application is being determined, in accordance with Section 51 of the Planning and Environment Act 1987.

Yes No

Signature:



Date:

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No Yes

If 'Yes', with whom?:

Date:


day / month / year


Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

Completed the relevant council planning permit checklist?

Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Benalla Rural City Council
PO Box 227
Benalla VIC 3671

Customer Service Centre
1 Bridge Street East
Benalla VIC 3671

Contact information:

Phone (03) 5760 2600
Email: council@benalla.vic.gov.au
DX: 32230

Deliver application in person, by post or by electronic lodgement.

MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description – the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting the Planning Schemes Online section of the department's website <http://planning-schemes.delwp.vic.gov.au>

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

 Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others. (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?


A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

 You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between Council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist

What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

▲ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

EXAMPLES

Example 1

The Land i

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: 4	St. No.: 26	St. Name: Planmore Avenue
Suburb/Locality: HAWTHORN		Postcode: 3122

Formal Land Description *
Complete either A or B.

A Lot No.: **2** Lodged Plan Title Plan Plan of Subdivision No.: **LP93562**

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

⚠ This information can be found on the certificate of title.
If this application relates to more than one address, attach a separate sheet setting out any additional property details.

Example 2

i For what use, development or other matter do you require a permit? *

Construction of two, double-storey dwellings and construction of two new crossovers.

⚠ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Example 3

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

⚠ Provide a plan of the existing conditions. Photos are also helpful.

Example 4

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title: Mr	First Name: Len	Surname: Browning
Organisation (if applicable): Responsible Developers P/L		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.: 4	St. No.: 12	St. Name: Ardour Lane
Suburb/Locality: Wycheproof	State: Vic	Postcode: 3527
Contact information for applicant OR contact person below		
Business phone: 9123 4567	Email: tcpl@bigpond.net.au	
Mobile phone: 0412 345 678	Fax: 9123 4567	
Contact person's details* Same as applicant <input type="checkbox"/>		
Name:		
Title: Mr	First Name: Andrew	Surname: Hodge
Organisation (if applicable): Town Planning Consultants		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name: PO Box 111
Suburb/Locality: Parkdale	State: Vic	Postcode: 3194
Owner * Same as applicant <input checked="" type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):	Date:	
	<small>day / month / year</small>	

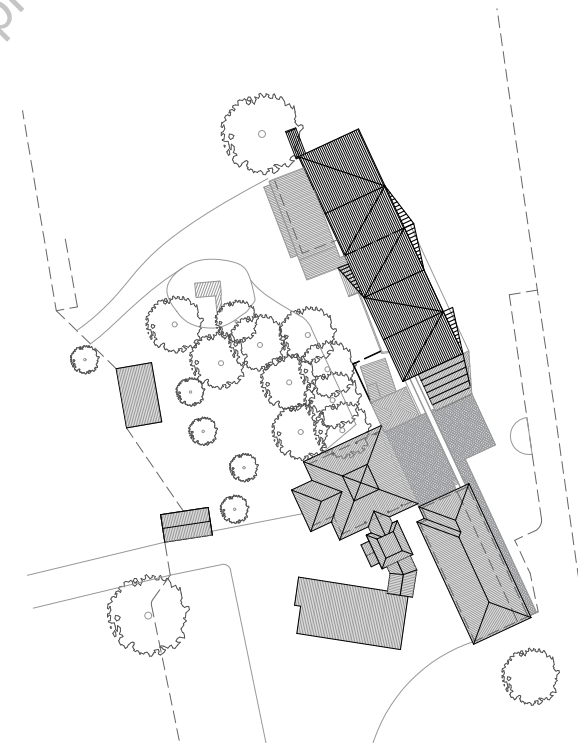
BENALLA RACING CLUB

5809 Midland Highway, Benalla 3672

ISSUE: PLANNING (P0)
DATE: 24/6/2024
 BENALLA RACING CLUB

SCHEDULE OF DRAWINGS: ARCHITECTURAL

Sheet Number	Drawing Title	Revision	Sheet Issue Date
0.00	Drawing Register & Lot Plan	T0	24/6/2024
1.00	Existing & Demolition Site Plan		
1.01	Proposed Site Plan		
2.00	Existing Floor & Demolition Plan		
2.01	Proposed Floor Plan		
2.02	Proposed Roof Plan		
3.00	Existing Elevations		
3.01	Proposed Elevations		



01 LOT PLAN
1:1500

AUTHORITIES/CONSULTANTS

MUNICIPALITY: Benalla Rural City
 ARCHITECT: Edwina Thompson REG# 20017 PH: 0409 394 260
 BUILDING SURVEYOR: TBC
 STRUCTURAL ENGINEER: TBC
 GEOTECHNICAL ENGINEER: TBC

Rev.	Description	Date
P0	Planning Issue	24/6/24

Scale	1:1500 @ A3
Date	24/6/24
Drawn	TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

Use figured dimensions in preference to scale. Refer any discrepancies to this office for clarification prior to commencement of works. All dimensions to be verified on site prior to shop fabrication. Read drawings in conjunction with specification and consultant drawings.

FOR PLANNING

Notes:

about/Architecture

Project
 BENALLA RACING CLUB
 Drawing
 DRAWING REGISTER & LOT PLAN
 Drawing Number
 0.00

Rev.	Description	Date
P0	Planning Issue	24/6/24

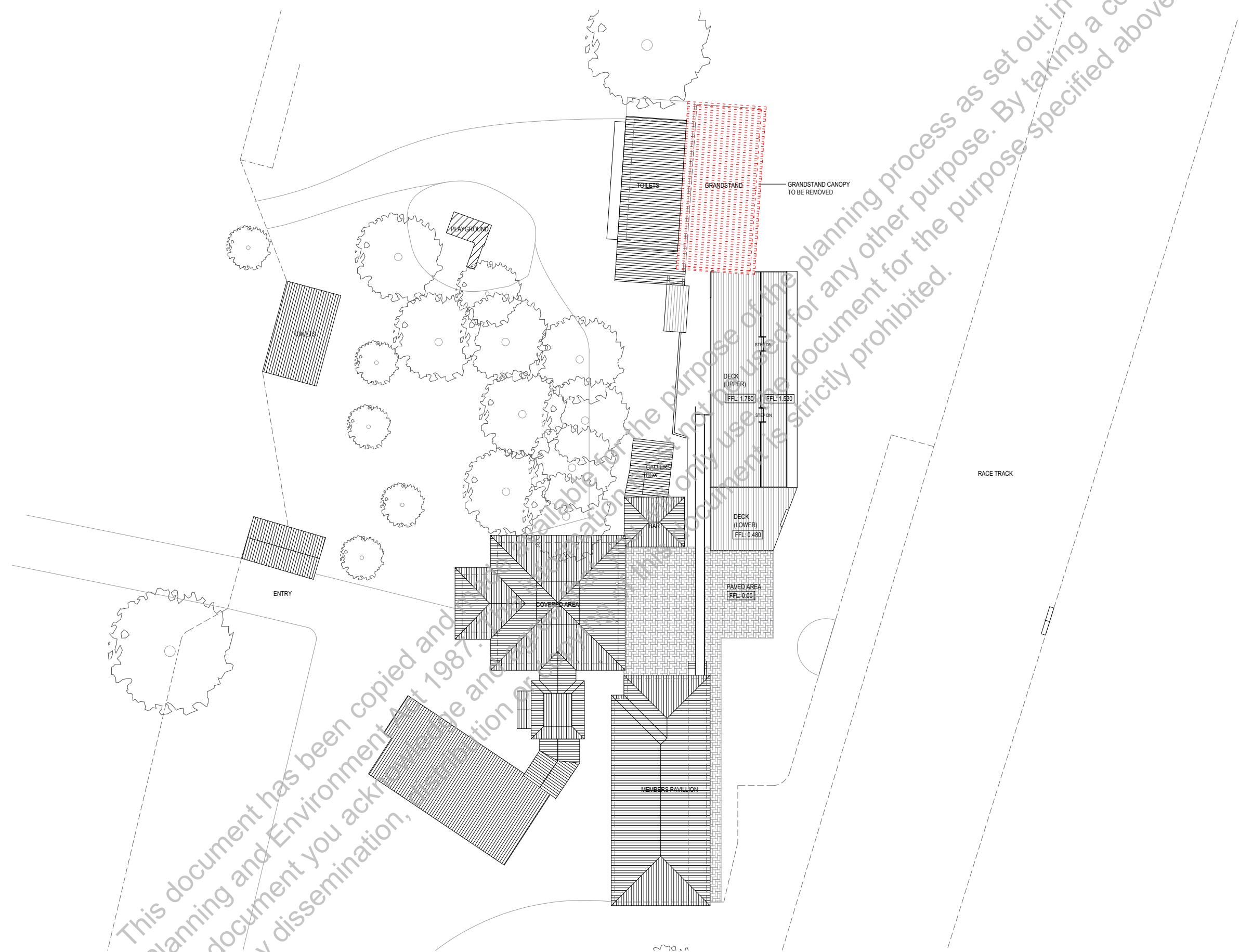
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Date	24/6/24
Drawn	TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

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FOR PLANNING

Notes:



Rev.	Description	Date
P0	Planning Issue	24/6/24

Scale	1:500 @ A3
Date	24/6/24
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FOR PLANNING

Notes:

about/Architecture

Project

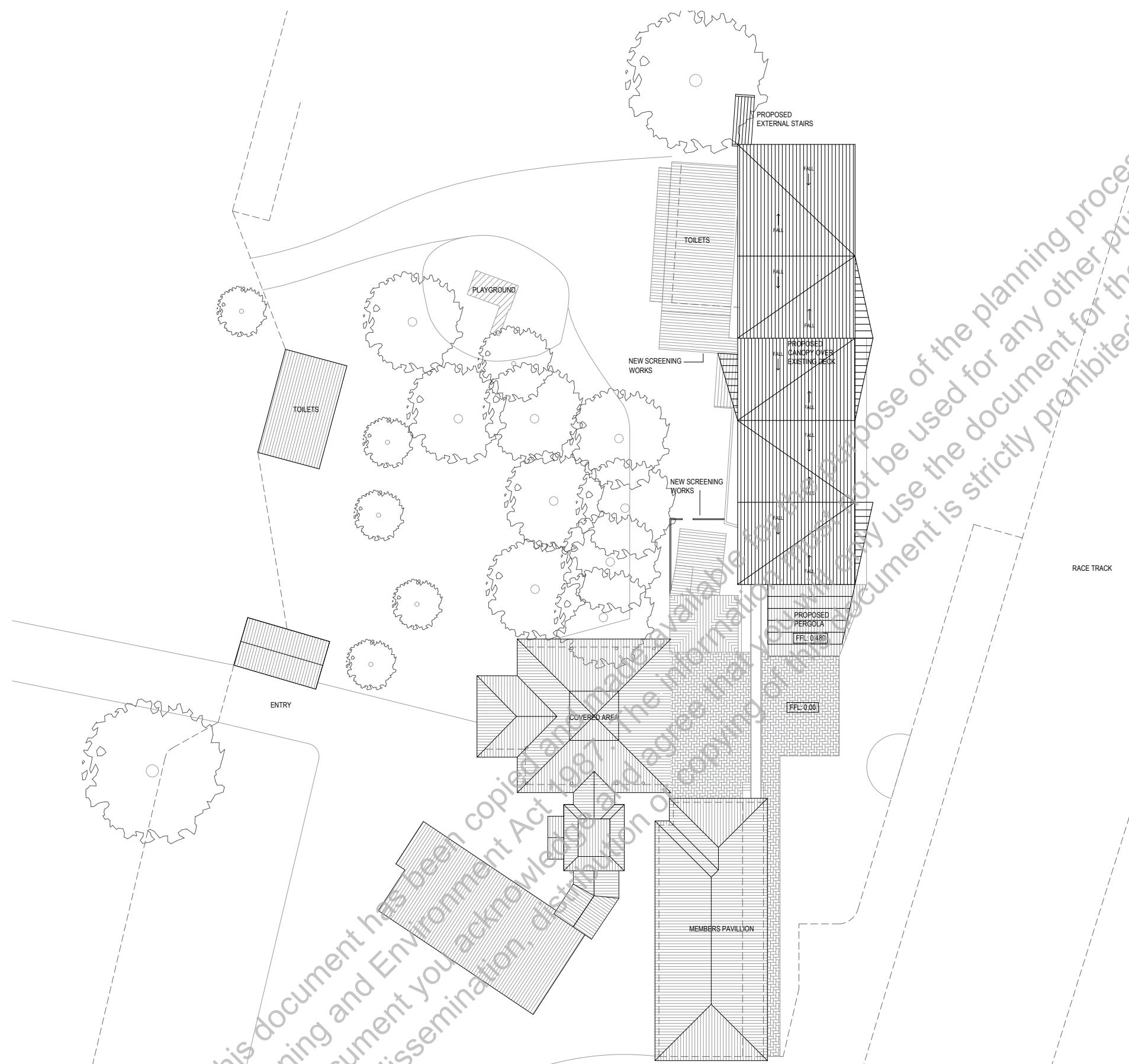
BENALLA RACING CLUB

Drawing

PROPOSED SITE PLAN

Drawing Number

1.01



01 PROPOSED SITE PLAN
 1:500

This document has been copied and made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information contained in this document should not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Rev.	Description	Date
P0	Planning Issue	24/6/24

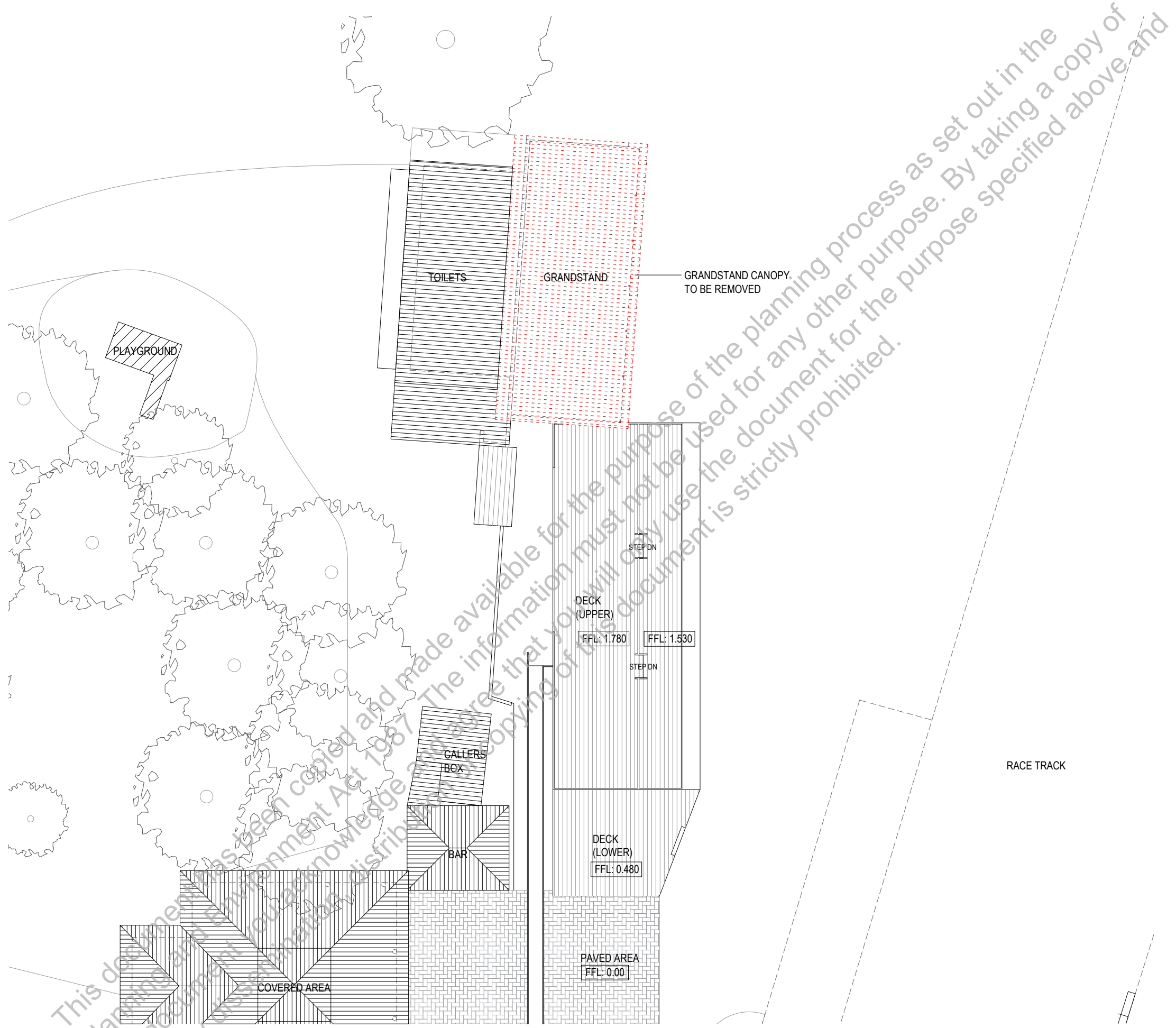
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Date	24/6/24
Drawn	TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

Use figured dimensions in preference to scale. Refer any discrepancies to this office for clarification prior to commencement of works. All dimensions to be verified on site prior to shop fabrication. Read drawings in conjunction with specification and consultant drawings.

FOR PLANNING

Notes:



01 EXISTING & DEMOLITION FLOOR PLAN
 1:300

about/Architecture

Project
 BENALLA RACING CLUB
 Drawing
 EXISTING FLOOR & DEMOLITION PLAN
 Drawing Number
 2.00

Rev.	Description	Date
P0	Planning Issue	24/6/24

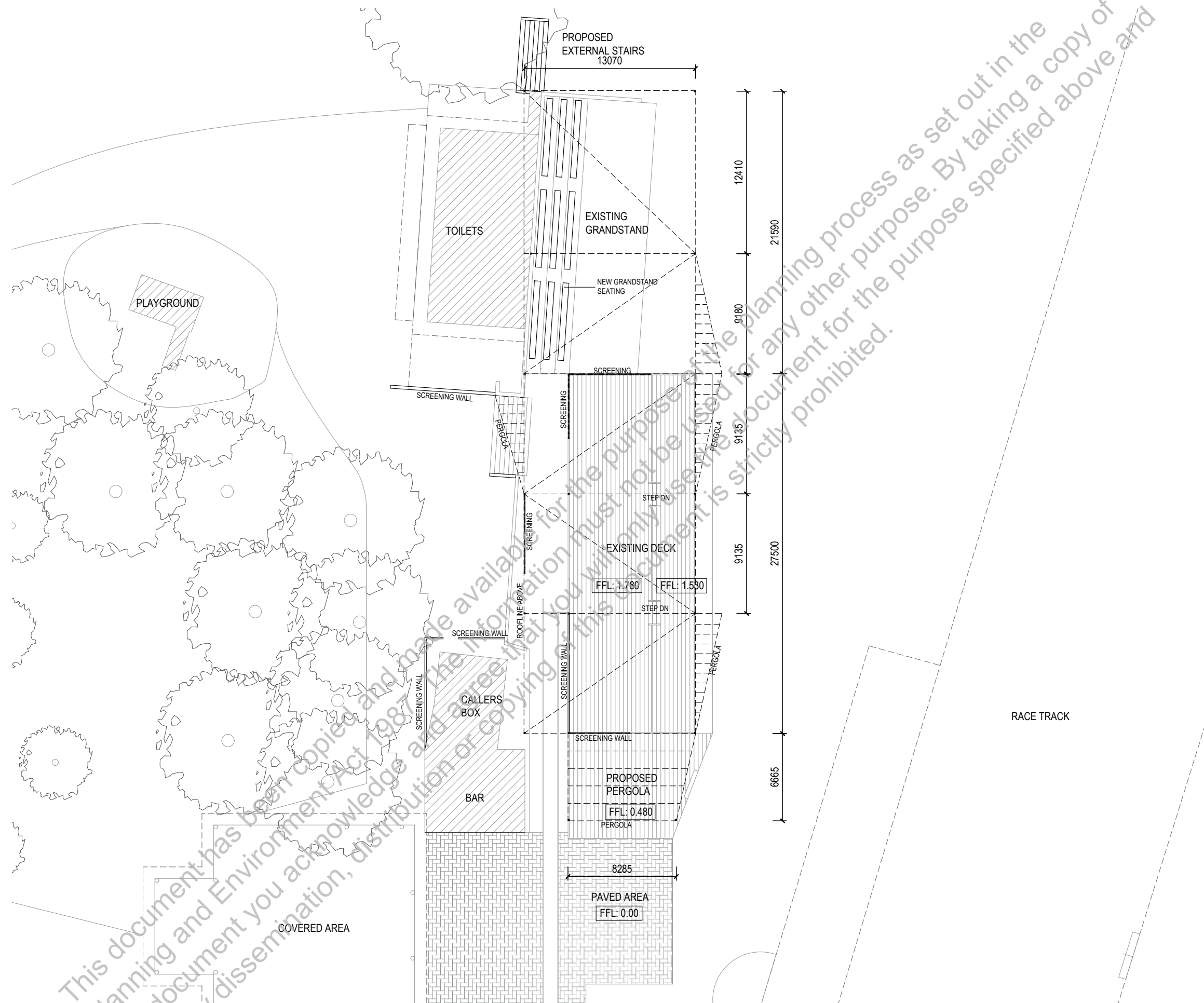
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Date	24/6/24
Drawn	TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

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FOR PLANNING

Notes:



Rev.	Description	Date
P0	Planning Issue	24/6/24

Scale	1:300 @ A3
Date	24/6/24
Drawn	TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

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FOR PLANNING

Notes:

about/Architecture

Project

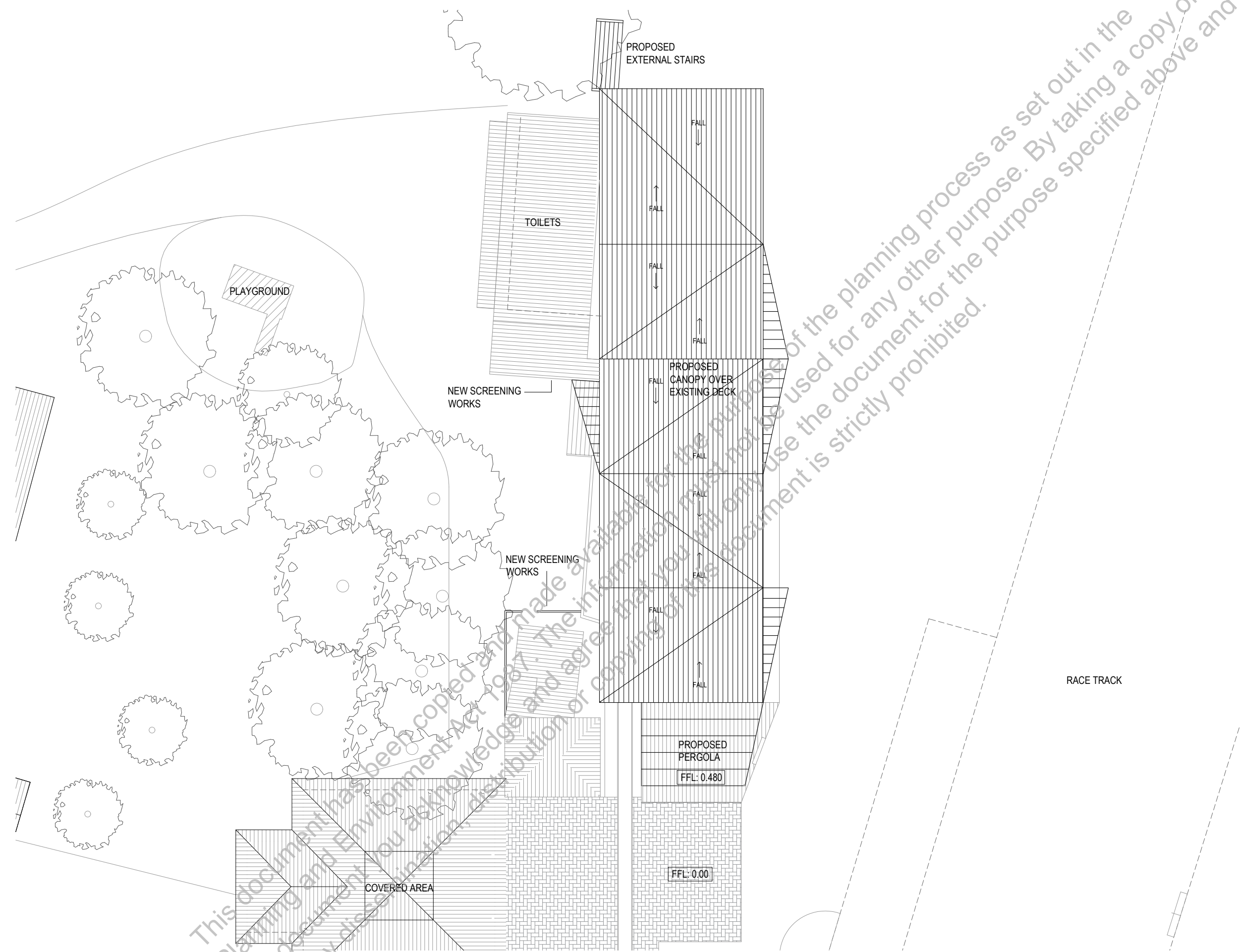
BENALLA RACING CLUB

Drawing

PROPOSED ROOF PLAN

Drawing Number

2.02



01 PROPOSED ROOF PLAN
 1:300

Rev.	Description	Date
P0	Planning Issue	24/6/24

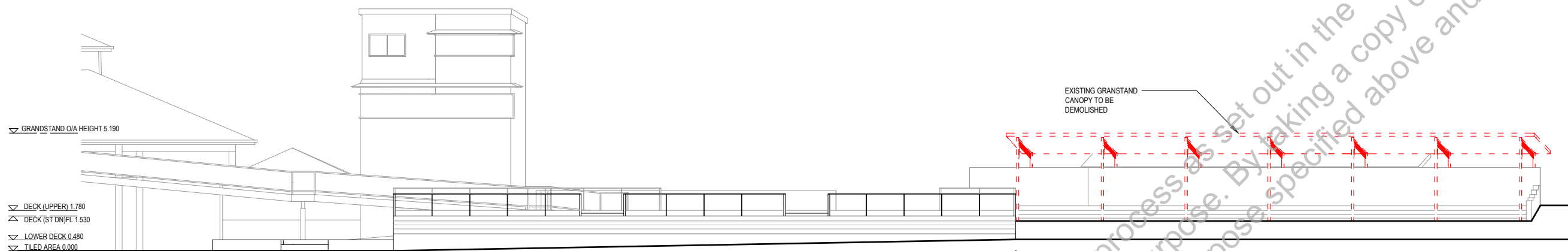
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 Drawn TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

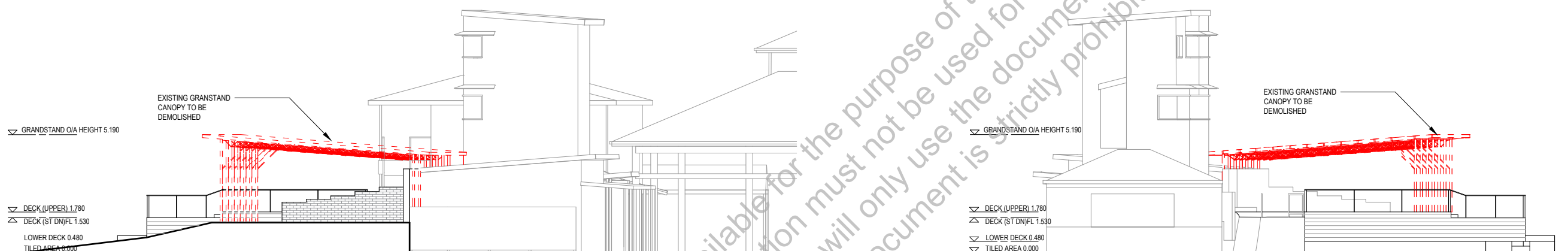
Use figured dimensions in preference to scale. Refer any discrepancies to this office for clarification prior to commencement of works. All dimensions to be verified on site prior to shop fabrication. Read drawings in conjunction with specification and consultant drawings.

FOR PLANNING

Notes:

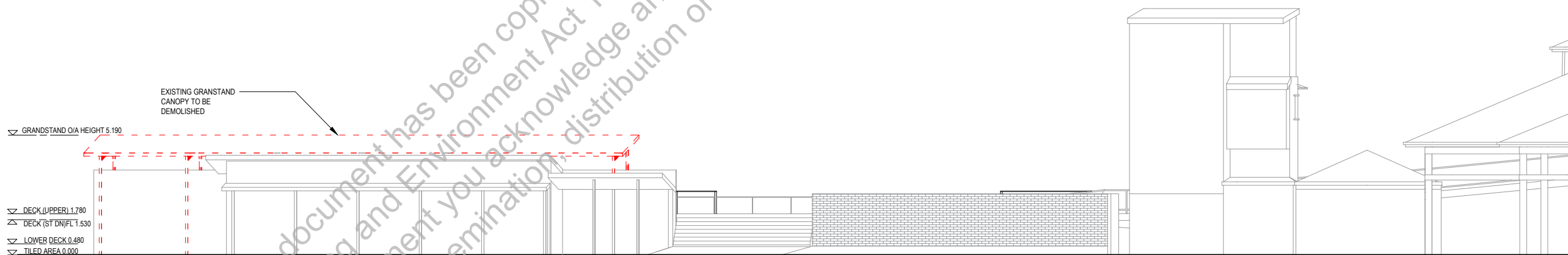


01 EXISTING EAST ELEVATION
1:200



02 EXISTING NORTH ELEVATION
1:200

03 EXISTING SOUTH ELEVATION
1:200



04 EXISTING WEST ELEVATION
1:200

Rev.	Description	Date
P0	Planning Issue	24/6/24

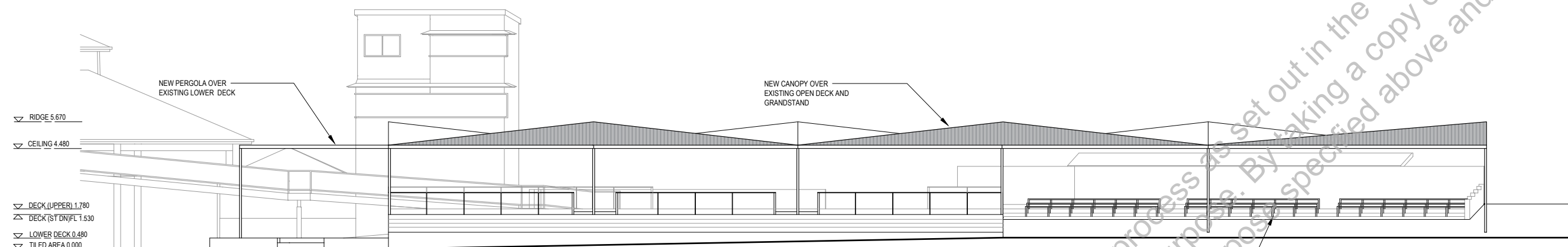
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 Date 24/6/24
 Drawn TF

CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

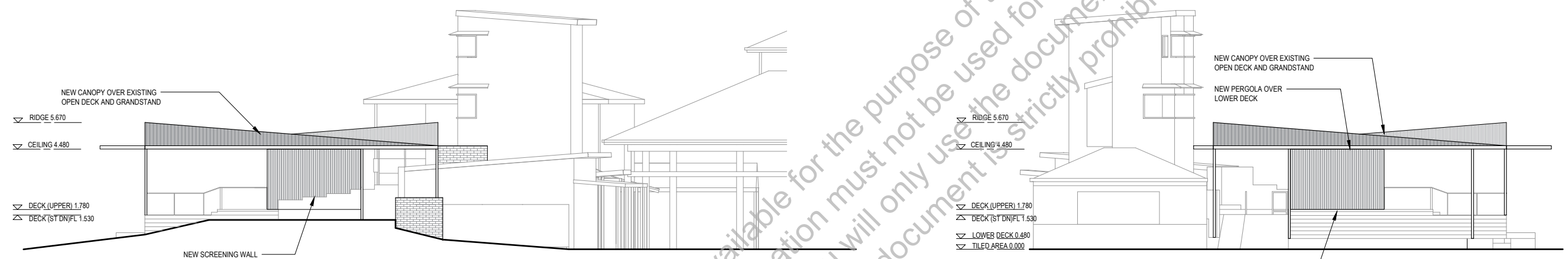
Use figured dimensions in preference to scale. Refer any discrepancies to this office for clarification prior to commencement of works. All dimensions to be verified on site prior to shop fabrication. Read drawings in conjunction with specification and consultant drawings.

FOR PLANNING

Notes:

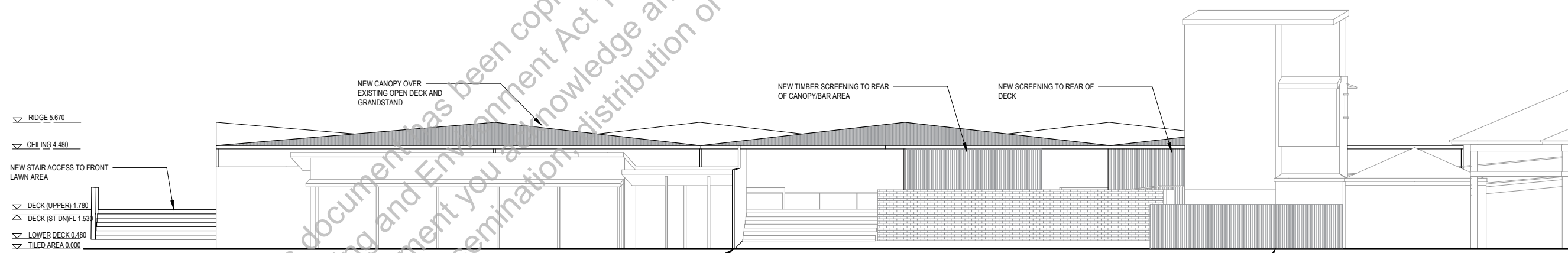


01 PROPOSED EAST ELEVATION
1:200



02 PROPOSED NORTH ELEVATION
1:200

03 PROPOSED SOUTH ELEVATION
1:200



04 PROPOSED WEST ELEVATION
1:200

about/Architecture

Project
BENALLA RACING CLUB

Drawing
PROPOSED ELEVATIONS

Drawing Number
3.01

CROWN FOLIO STATEMENT

VOLUME 11716 FOLIO 450
No Coft exists

Security no : 124117209291A
Produced 06/08/2024 12:08 PM

CROWN FOLIO

LAND DESCRIPTION

Crown Allotment 33A Section S Parish of Benalla.
Created by instrument MI045178V 06/08/2016

CROWN LAND ADMINISTRATOR

SECRETARY TO THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING of 8
NICHOLSON STREET EAST MELBOURNE VIC 3002
MI045178V 06/08/2016

STATUS, ENCUMBRANCES AND NOTICES

RESERVATION MI045180K 06/08/2016
PERMANENT
RACECOURSE AND OTHER PURPOSES OF PUBLIC RECREATION

DIAGRAM LOCATION

SEE CD020586L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	STATUS	DATE
AX937234C (B)	CREATION OF EASEMENT Registered	09/05/2024

DOCUMENT END



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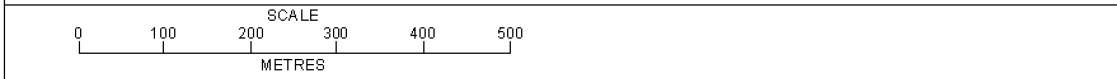
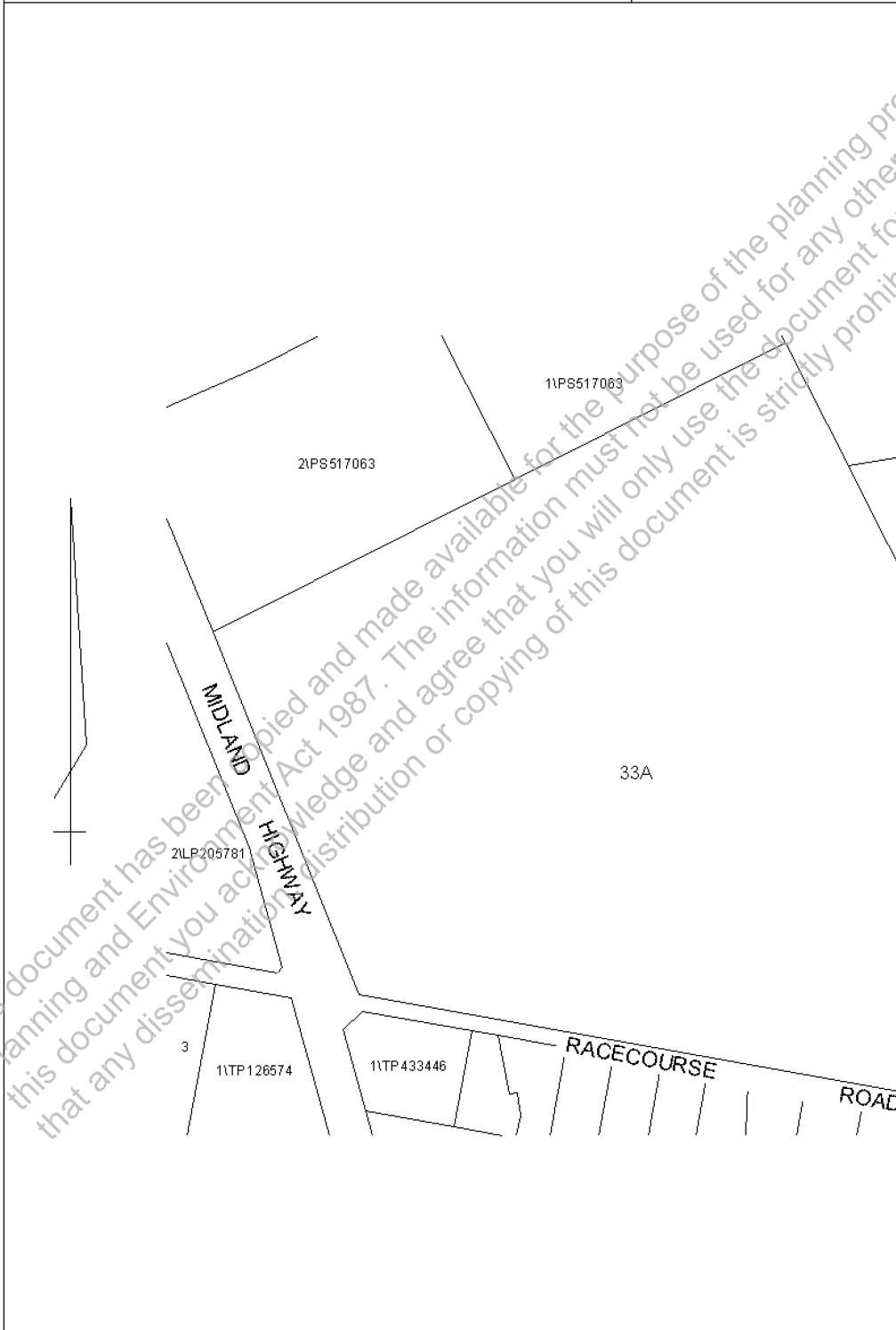
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<h2 style="text-align: center;">CROWN DIAGRAM</h2>	<h2 style="text-align: center;">EDITION 2</h2>	<h2 style="text-align: center;">CD020586L</h2>
<p>Location of Land</p> <p>Parish : BENALLA Section : S Allotment : 33A</p>	<p style="text-align: center;">NOTATIONS</p> <p>This plan has been created to assist in locating a Crown land parcel</p> <p>Warning: No warranty is given as to the accuracy or completeness of this plan</p> <p>Any derived dimensions are approximate</p> <p>APPURTENANT EASEMENT FOR SUPPLY OF WATER (THROUGH UNDERGROUND PIPES) AS SET OUT IN MCP AA10032 IN FAVOUR OF LAND HEREIN CREATED IN AX937234C.</p>	
<p>Standard Parcel Identifier (SPI) : 33A~SPP2113 Vicmap Parcel PFI : 45328333</p>		
<p>Coordinate Position</p> <p>MGA : 408950, 5957300 (55) Vicroads Directory Reference : 47 H2 (ed. 6)</p>		

Compiled from VICMAP cadastral mapping data
 Date: 22/05/2009





Department of Energy, Environment and Climate Action

189-229 Lyttleton Terrace Bendigo
Box 3100, Bendigo DC, VIC 3554
Telephone: 035430 4444
pe.assessment@deeca.vic.gov.au

Ref:00005930
20240918 ac

Mr Cameron Symes
General Manager
Benalla Racing Club Inc.
E: c.symes@countryracing.com.au

Dear Mr Symes

**PUBLIC LAND MANAGER CONSENT AND LAND OWNER CONSENT APPLICATION
BENALLA RACING CLUB INC.: REDEVELOPMENT OF GRANDSTAND AND INSTALLATION OF A
NEW ROOF
CROWN ALLOTMENT 33A, SECTION S, PARISH OF BENALLA; 5809 MIDLAND HIGHWAY,
BENALLA 3672**

Thank you for your letter dated and received on 16 August 2024, about your request for public land manager consent to make a planning application and consent to use/develop Crown land for the redevelopment of a grandstand and installation of a new roof.

The application is for the redevelopment of a grandstand and installation of a new roof. The subject land is zoned Public Park and Recreation and is affected by the Rural Floodway and Floodway Overlays under the Benalla Planning Scheme.

I provide this response under delegation from the Minister for Environment, as the Minister responsible for administering the Act under which the land is controlled or managed.

Comments

This letter was prepared in anticipation of it being forwarded to the responsible authority together with a planning permit application, within three months of the date of this letter. The following commentary may assist both the applicant and the responsible authority:

Native Title

As the Benalla Racecourse and Recreation Reserve falls under Yorta Yorta jurisdiction and is not located along the Murray or Goulburn Rivers, Native title considerations do not apply. There are no further requirements for Native title.

Aboriginal Heritage Act 2006

This legislation provides protection for all Aboriginal places, objects and human remains regardless of their inclusion on the Victorian Aboriginal Heritage Register or whether they are located on public or private land. It also provides clear guidance to planners and developers about when, and how, Aboriginal cultural heritage needs to be considered, and in some situations, work cannot proceed until compliance is met.

Please note that the proposed works are within a landform considered to have potential for the identification and possible disturbance of Aboriginal Cultural Heritage values. It is the responsibility of all persons or bodies proposing to undertake an activity on private or public land to determine the requirements of the Act in relation to Aboriginal cultural heritage.

Before you commence works on the Crown land you are required to provide proof that you have assessed the impacts (i.e. undertaken due diligence required by this Act). More information and a link to the tool to assist you undertake the required due diligence can be found at <https://www.aboriginalvictoria.vic.gov.au/cultural-heritage-management-plans>.

Please provide a copy of your assessment to the department at pe.assessment@deeca.vic.gov.au.

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Change, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

Landowner's Consent

For the purposes of Section 48 of the *Planning and Environment Act 1987*, this letter also acknowledges that the applicant has notified the about the proposed development. Consent to the use and development of the land is given.

Public Land Manager's Consent to Making a Planning Permit Application

The Department of Energy, Environment and Climate Action, as Public Land Manager for Crown land described as Crown Allotment 33A, Section S, Parish of Benalla hereby consents to a planning permit application being made for redevelopment of a grandstand and the installation of a new roof subject to the following conditions being included on any permit granted:

Protection of native vegetation to be retained

1. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
 - a. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.

2. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or pedestrian access;
 - b. trenching or soil excavation;
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d. construction of entry and exit pits for underground services; or
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

A copy of this letter will be forwarded to the Benalla Planning Department.

If you have any questions regarding this matter, please contact myself on telephone 0436 937 492 or via email pe.assessment@deeca.vic.gov.au.

Yours sincerely



Anya Cardilini
Senior Planning Officer
DEECA Planning Services (North)
Planning and Environment Assessment

18 September 2024

cc: Benalla Planning Department